

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.

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 2.

ITEM: 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
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- 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

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Regular Council Meeting - June 14, 2023
2.	Special Council Meeting - June 28, 2023
3.	Special Council Meeting - July 27, 2023
4.	Regular Council Meeting - August 8, 2023
5.	Special Council Meeting - August 21, 2023
6.	First Budget Public Hearing - September 13, 2023
7.	Regular Council Meeting - September 13, 2023

8.	Special Council Meeting - September 27, 2023
9.	Final Budget Public Hearing - September 27, 2023-
10.	Regular Council Meeting - October 11, 2023

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING**

A Regular Meeting of the Town Council was held on Wednesday, June 14, 2023, at 7:02 p.m. Upon roll call the following members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Isaac Salver
Council Member Robert Yaffe	

Council Member Molly Diallo was absent.

1. Oath of Office - Chief Noel Lindsley

Council Members Stephanie Bruder and Isaac Salver administered the Law Enforcement Oath of Office to Police Chief Lindsley Noel.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS: TOWN

MANAGER'S REPORT:

Town Manager Lasday informed the Council that Council Member Diallo was absent due to attendance at a family graduation.

The Town Manager reported on the following:

- The Honorable Senator Shevrin Jones to attend the August 9, 2023 Town Council Meeting.
- Request to place an item on the August Town Council Meeting agenda to clarify if padel courts and pickle ball courts are included in the definition of recreational game court facilities.
- Clarification as to whether the ordinance adopted at the last Council Meeting regarding regulations and setbacks for the west island could also be applied to multifamily units in the east island.

Discussion followed on the matter as to whether there was ambiguity in the language. It was the consensus of the Town Council for the Town Attorney to discuss the matter with the Town Manager, and if there is a problem, he will bring back the ordinance for review. The Town Manager will provide an answer in her Manager's Report to the Council.

The Town Manager continued to report on the following items:

- The \$800,000 in grant funding appropriated by the legislature for an emergency backup generator and \$250,000 for ejector pumps.
- A consensus to use Option B for the walkway structure for the 1177 Kane Concourse project. Council Member D'Amico asked about the location of the walkway on the property. Town Manager Lasday explained that the property owner is required to build at the lot line. Therefore, a safety structure will be installed, since pedestrians must be able to use the sidewalk.

- Budget Workshop scheduled for June 28, 2023 at 6:30 p.m., and a possible Special Council Meeting after to address budget amendments and carryforwards.
- Juneteenth holiday on Monday, June 19, 2023.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Salver stated that he attended the Florida League of Cities' executive committee meeting as well as other Children's Trust meetings last week. He encouraged the town's senior citizens to take the Parks and Recreation Committee's suggested trip to St. Augustine.

Council Member D'Amico reported that she attended the PBA Gala, where Officer Ortega was honored with the Rookie of the Year Award. She informed the Council that she will be visiting the Miami Shores Community Center to find out what the residency fee covers and how much swimming lessons cost. She continued to emphasize the importance of swimming lessons, suggesting that the town provide shuttle transportation for children during the summer. She explained that BHI residents have the same benefits as Miami Shores residents; the pool and splash pad cost \$5-\$7 to use. Mayor Tricoche asked the Town Manager to investigate if the town has the authority to increase the geo footprint so that Freebee could be used as a shuttle to the Miami Shores Country Club. Council Member Bruder suggested investigating the minimum age at which a child is permitted to use the Freebee on their own, so that the Town is not held liable for any incidents. Vice Mayor Fuller supported children taking swimming lessons; however, aside from the legal aspect, he opposed expanding freebee services to the country club because the Town only has one Freebee, resulting in a significant wait time for residents. Town Manager Lasday explained that the Town is soliciting bids for the shuttle bus, which could be used to transport residents to the Miami Shores Country Club. Council Member D'Amico suggested that the Town publicize this benefit to residents because she believes they are unaware of it. Council Member Bruder stated that she spoke with the Mayor of Surfside regarding swimming classes for small children, and he will contact her with more information, if it is possible to use their facility. Mayor Tricoche explained that the Town purchased residency for use of the pool, but she wanted to know if the Council is interested in purchasing residencies for all the programs they offer. Town Manager Lasday responded that she will contact the Village Manager for additional information.

Council Member Yaffe reported that several Councilmembers attended the Miami-Dade County League of Cities Meeting last month, where the Board of Directors was sworn in; their Annual Gala will be held at Hard Rock Stadium on June 24th. He encouraged Council Members to participate in Policy Committees as the Florida League of Cities is currently accepting applications. He explained that in February, he conducted a workshop with Chief Building Official Mesa regarding the new condominium laws. He felt that HB154 was a glitch bill, and he would be updating the board members and condo owners on these regulations either through another workshop or in the town's newsletter. He mentioned attending a City of Miami Commission Meeting last week, and felt the town gives residents more information and the opportunity to speak on every agenda item; he was much more appreciative of how the town's meetings are conducted compared to other municipalities' meetings.

Council Member Bruder thanked the Town Manager for the excellent Town Manager's Report but felt that providing it once a month would suffice, unless there was special meeting. She reported that she visited the School Board with the Town Attorney and had meetings with the Town's representative and higher-ups. She also mentioned that Jose Bueno attended the meeting. She reminded the School Board personnel of the 1,200-student cap in the agreement and expressed the Council's displeasure at the lack of communication, the inability to visit the school, and the lack of information provided by the institution. The School Board stated that the issues raised will be addressed in the coming school year. She also mentioned that the Town Attorney and staff will be working on a communication compact, and that she will be meeting with the Regional Superintendent the following month. She added that the School Board had approved the Police using the facilities to train new officers for emergency evacuation drills.

Council Member Salver inquired about the status of the school's air conditioning. Council Member Bruder stated that she informed the School Board that the students were kept in heated classrooms and that portable air conditioning should have been provided. Mr. Bueno responded that they are working on the problem and that a/c parts are on backorder. She discussed the alarm system with them, and they agreed to investigate.

Vice Mayor Fuller inquired about the incident with the swastika. She responded that they were unaware of the incident and were very upset about it. She did inform the School Board that this was a missed opportunity, and that the Federation was willing to pay for a field trip to the Holocaust Museum for eighth-grade students. She went on to explain her conversation with Mr. Bueno about the swastika, the logistics of how it got there, and why anyone would think it was okay not to act quickly; Mr. Bueno admitted the school made a mistake.

Town Attorney Geller stated that the School Board was very helpful and over the top; they promised that the school would get back to its former glory and that all the issues would be resolved. Additionally, Mr. Geller reported that following the meetings, he and Council Member Bruder met with the district's school board representatives, who expressed her desire to address the Council, but preferred to be invited. He suggested an invitation be sent to her.

Mayor Tricoche congratulated Ivan Bobic, an eighth-grade student, on receiving the award for excellence.

Mayor Tricoche requested that the Town Clerk contact the school representative and invite her to the August or September Regular Council meeting.

Town Attorney Geller informed the Council that a compact is being created by staff and will be presented to them. Council Member Salver enquired as to how the school's 1,200 students are balanced and how many students are enrolled. Mayor Tricoche replied there are more than 1,400 students. Council Member Bruder explained that she informed them of the lack of student verifications, as well as the fact that the compact only allows for 1,200 students; they were surprised that this wasn't being done. The School Board informed her that the compact's language only takes students in kindergarten through eighth grade into account, and that Pre-K students are not included in the total number of students enrolled.

She believed that after the compact was finished, the problems ought to get better. Vice Mayor Fuller replied that the Town should hold them responsible for enforcing the rule because they are not doing so. Additionally, he reminded Council Member Bruder to bring up, at their upcoming meeting, the fact that maintaining a cap of 1,200 students was a condition of the school's extension agreement.

Council Member Bruder praised Town Manager Lasday and Vice Mayor Fuller for their excellent work in Washington, D.C. She said that because the bridge is more than 71 years old, it must be replaced because it is outdated. She reported that she, Vice Mayor Fuller, and Town Manager Lasday had worked with the state to secure funding for the bridge and that they will keep up their hard work to secure additional funding. She stated that since the tot lot was funded by the state, it would not be removed. She mentioned receiving calls about speed bumps and believed the town needs them. She requested that the Town Manager contact Surfside about their speed bump purchase procedure. Town Manager Lasday advised the Council that road improvements will be addressed after the manholes are fixed.

Vice Mayor Fuller congratulated Chief Noel on his promotion and expressed gratitude to former Chief Diaz for his commitment to the town and country. He reported that he and the town manager had traveled to Washington, D.C., and that the financing for the bridge appeared promising. The town has been patching up the bridge for years, and there is only so much they can do. Whenever they attempt patchwork, they discover that the structural flaws make it impossible to proceed. As a result, it has turned into a safety hazard and no one on the Council intends to create a safety hazard for the citizens or visitors to the town. He declared that since the bridge is beyond repair, a replacement is required. He clarified that the town has an opportunity to benefit from federal funding, and the Town has chosen to capitalize on the availability. The bridge affects the entire south Florida community, not just the town. He added they have met with congressional representatives, state representatives, and representatives from the US Department of Transportation, and he expects financial support from both the federal and state governments.

Mayor Tricoche thanked the staff, Council, and the office of House Representative Federica Wilson for advancing funding for the project. She commended staff for their efforts in obtaining grants and funding allocations for the bridge, as well as their ongoing search for funding for the new town hall.

Council Member Yaffe asked the Town Manager when staff will be moving to the 95th street parking lot. Public Works Director Jason Atkinson came forward and explained that the move was pending Fire inspection and electrical components from FPL. He anticipated staff working in the portable hubs within the next 30-40 days.

PUBLIC COMMENT

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Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and congratulated Chief Noel on his promotion and expressed gratitude to the Council for granting the promotion. She said she had discussed developer donations with Mayor Shlomo and that the town ought to demand something in return from developers. She asked why there were no weight restrictions posted on the bridge. As requested by the Book Club, she asked that a dance floor be made available during the Motown Concerts. She inquired as to why Zoom was not yet accessible.

Town Engineer Carrero-Santana came forward and stated that the bridge has a weight limit, which has been reduced due to the bridge's condition. He informed the Council that they will work to have the weight limit displayed on all bridge signs.

Anna Marie Kelly Stoppa, 1065 94 Street, came forward stated and that the building she moved into had a structural condition assessment, which indicated that, due to the building's age, there was no immediate threat, but that damage could worsen and increase if repairs were not made. She alleged the building's owners never told the occupants of this information. She stated that no one had ever inspected the property before April 23, 2023, and that her photos from 2021 and 2023 are noticeably different. She opined that the owner lacked the right to appoint someone to represent him in the Special Magistrate Hearing by signing an affidavit. She submitted the structural assessment report and building photos into the record.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that on July 19, 2016, the Church by the Sea site development plan was approved as mixed-use and does not have a Unity of Title; having three owned properties which destroys the BHI business tax base. She voiced disagreement with the Council on allowing Church by the Sea to be in the Business District, which she felt created a parking crisis.

Dave Sanchez, 1080 94 Street, came forward and said that the water overflow flooding the sidewalks is prevented from clearing out by the barricades by Church by the Sea. He requested that no building be allowed to prevent water access from being cleared out. In addition, he expressed concern for the school's students and asked the Council what would happen to the two vacant buildings in the town.

Vice Mayor Fuller responded that while the construction is progressing, the Council has been dissatisfied with how Church by the Sea is moving the construction along. Despite this, the town will continue to push for compliance because the water backing up is a code enforcement issue. He explained that the two properties are private properties, and he did not expect them to be there for long because there is such a strong demand for properties in Bay Harbor. Concerning the school, the Council has limitations; however, one of the issues they encountered was that the remedy for the incident in the restroom took too long. The issue was not only that it was there, but that it lingered for a while, which must be addressed; the Council may not be able to prevent it, but the school can address it, so that it does not reoccur.

Council Member D'Amico believed the circumstances on the street mentioned by Mr. Sanchez to be dangerous; she stated that the Church by the Sea ought to be able to resolve the issue.

Mayor Tricoche requested that the Town Manager give an update on the two buildings that Mr. Sanchez had mentioned, as well as arrange for Code Compliance to visit East Bay Harbor Drive and 95th Street, and promptly address the concerns raised.

COMMITTEE REPORTS:

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

Kathleen Kennedy, Chair of Parks and Recreation Committee, came forward and reported that the committee wants to hold a Dog Parade in October. She recommended employing a park ranger for the weekends between 3:00 and 8:00 p.m. She commended Joel Jacobi's efforts toward enhancing the school. She added that former Mayor Linda Zilber had recommended starting a dining club. She questioned why the Town of Surfside pool is off-limits to residents. In response, Mayor Tricoche stated that since the pool is privately funded, the town has discretion over who uses it. Vice Mayor Fuller clarified that despite their prior attempts, they have never been allowed entry to the Surfside pool. Ms. Kennedy added that Co-ed tennis was requested by a resident. Mayor Tricoche responded that the tennis program is co-ed. Ms. Kennedy also asked if the Council would be amenable to placing cross guards in parks on weekends. Mayor Tricoche stated that crossing guards are already on duty at the parks from 3:00 p.m. to 8:00 p.m. on weekdays and weekends. Mayor Tricoche inquired as to whether the Committee would reinstate Teen Nights. Ms. Kennedy responded that there are discussions about holding events at the skate park.

PUBLIC COMMENT

Ree Stoppa, 1065 94 Street, came forward and stated that everyone on the dais should be respectful and use proper language. She claimed that Ms. Kennedy was disrespectful to her via text, which she found unacceptable.

PUBLIC COMMENT CLOSED

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.
5. **Consideration and Approval** of a Resolution updating the list of authorized signers for the town's accounts with Bank of America.

**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.**

ACTION: Council Member Bruder made a motion to approve the Consent Agenda. Council Member D'Amico seconded the motion, and it passed unanimously on a 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).

Vice Mayor Fuller stated for the record that at first, he recused himself due to the appearance of a conflict. Town Attorney Geller stated for the record that he initially believed there was no conflict and believed the Vice Mayor does not need to recuse himself if there is no longer a conflict of interest.

Council Member Salver moved the item to the floor and Council Member D'Amico seconded the motion.

Town Attorney Geller swore in all witnesses who testified.

Graham Penn, 200 S. Biscayne Boulevard, Miami, Florida, came forward and introduced Steven Rosen and Luis Astores. Mr. Penn gave a presentation of the project outlining the changes. He clarified that the density was decreased in the first revision when the units were changed from 89 to 54. By bringing the ground floor up to date with the town's current flood regulations, the second revision addressed resilience. There were no alterations made to the office or retail space, and the main lobby was relocated to the second floor. They increased the project's parking space count. He addressed the Design Review Board's (DRB) comments regarding the size of the balcony on the northwest corner and the public's ability to use the parking lot on weekends and after hours. He stated that he supported the proposal during the DRB meeting and reiterated to the Council that they have no issues with allowing off-peak parking, if it would help the town's Business District.

Mr. Penn was asked by Council Member Bruder if parking would be permitted during the day or only at night. Mr. Penn replied that the analysis showed that 307 spaces were needed for office space and 25 spaces were needed for retail. They committed to making those spaces public during off-peak hours, including weekends and evenings, and to offer free parking for one hour in accordance with the development agreement. Council Member Bruder enquired as to whether workforce housing had been considered. Mr. Penn responded that workforce housing would be difficult to implement. Council Member Bruder explained the terms of the development agreement to dispel any misconceptions that the town received a generous donation when, in fact, there was a land trade-off. Mr. Penn also stated that, due to the reduction in density, they will no longer require the TDRs but are committed to keeping them.

Vice Mayor Fuller clarified that the developer and the town had exchanged properties; the land west of the project will be turned into a waterfront park reserved for Bay Harbor Islands residents only, complete with a kayak and paddle board launch. He stated that while he recognized that TDRs are a requirement of the agreement, he still wanted to restrict their sales. Council Member D'Amico stated that the TDRs should be returned if the applicant isn't using them. Vice Mayor Fuller clarified that there is a contract and a legal dispute regarding the Town's ability to reclaim the TDRs, but he did not wish to pursue the matter further or see them sold. Additionally, he demanded a ban on short-term rentals for this project, because the units are becoming condominiums instead of apartments. Mayor Tricoche stated that it would not be permitted according to the development agreement. Town Attorney Geller suggested that an amended development agreement be drafted to include both of Vice Mayor Fuller's conditions. Mr. Penn read out the section on short-term rentals and felt that the language was adequate; Vice Mayor disagreed.

Council Member D'Amico raised a concern over the excessive amount of glass and stucco on the project's east side. Mr. Astores responded that because of the proximity to the property line, they are limited, by the Fire Department, in the amount of glass that can be used; based on the setback, only a percentage is allowed to be glass. Council Member Yaffe questioned why a lower green wall that was included in the original rendering was later removed. Mr. Astores clarified that the vine would never have grown because it was only six inches long. Mr. Astores concurred with Council Member D'Amico's suggestion to place rendered stucco scoring.

Council Member Salver expressed his approval of the project and design and said the town should adhere to the original agreement with the developer. He gave them credit for lowering density as it will enhance traffic and quality of life.

Council Member Yaffe stated that the Business District will benefit from the one-hour free parking. He clarified that greenery was supposed to be on the wall in the alleyway facing the 1111 Kane Concourse garage, but it was taken out of the plans, so he proposed adding something to soften the façade instead. In response, Mr. Astores stated that research indicated the vines depicted in the original renderings were not able to grow in such a small area.

Council Member Yaffe asked for some changes to be made to the wall's façade. Council Member D'Amico recommended that the developer submit a revised proposal for the eastern wall to the DRB.

Mayor Tricoche voiced her worries about the TDRs, believing that the town would keep the money if the developer didn't use them. Vice Mayor Fuller clarified that while TDRs are transferred at the conclusion of a project, they are not transferred if it is not carried out. Since the developer in this instance has already paid for the TDRs, they contend that they already own them and that their only grievance is with them selling the TDRs. To balance the town, Mayor Tricoche stated that she would prefer that they sell their TDRs. Council Member Salver reminded the council that since the TDRs are in the business district, the developer's options are restricted and, if they are sold, they would need to remain there.

Town Planner Miller's Staff Report was entered into the record as evidence.

PUBLIC COMMENTS

Dave Sanchez, 1080 94 Street, came forward and expressed concern about the construction's progress and blockade issues.

Vice Mayor Fuller stated that plans have been made to have as little of an impact as possible on traffic on Kane Concourse. Council Member Salver stated that the Council negotiated with the developer and confirmed there will be no entry or exit on 96 Street or Kane Concourse, with the alleyway being the only area where traffic is expected, in order to mitigate traffic impact.

Frances Neuhut, 1060 Kane Concourse, came forward and requested that the Council look into the matter, stating that the elevation for this project was raised, affecting the 75-foot height restriction. She requested that the Council begin work on the Business District's parking and specify the number of mechanical lifts that will be included in this project.

PUBLIC COMMENT CLOSED

Council Member Salver moved to amend his motion to approve the project subject to review by the DRB for the design improvement on the east façade.

Vice Mayor Fuller requested the amended motion state that the Town Attorney should review the agreement before proceeding, to make sure the town is protected regarding short-term rentals. Extensive discussion continued on the matter. Mr. Penn believed that the town was protected since they entered a restrictive covenant rather than a Unity of Title, which encumbers itself with the short-term rental restriction. However, if Mr. Geller determines that they need to amend, they would be open to doing so.

Vice Mayor Fuller stated that they would be open to approving the project, subject to a review of the agreement, if they are certain there are no problems.

ACTION: Council Member Salver made a motion to approve the request and Council Member D'Amico seconded the motion. Council Member Salver amended his motion to approve the project subject to review by the DRB for the design improvement on the east façade. Council Member D'Amico seconded the motion, and it passed 4-2 on a poll vote with Vice Mayor Fuller and Council Member Bruder opposing.

Council Member Salver asked whether the developer intended to have short-term rentals, and Mr. Rosen confirmed that they will not have short-term rentals.

It was the consensus of the Council to choose option B for the walkway.

ORDINANCES ON SECOND READING:

There were no ordinances for 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.

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.

Council Member Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Town Attorney Geller clarified that two days of early voting should be stated in the ordinance. He clarified that early voting would be permitted on Saturdays and one day between Tuesday and Thursday before the election week. The exact day would be decided by the Council through a resolution 60 days before the election.

Vice Mayor Fuller stated the price for the election would be \$27,000 because the quote provided was only for one day. Council Member D'Amico asked if it's cheaper to hold the early voting on Friday and Saturday. Vice Mayor Fuller responded no, the quote specifically says \$13,500 for one day, one site. Town Attorney Geller responded that the amount attributable to the early voting portion is a smaller amount.

Vice Mayor Fuller reminded staff of the importance of adding the financial/budget impact on the agenda to ensure the public and the Council are aware of the financial impact on items.

Town Clerk Hamilton clarified that the estimate provided to them is for one day of early voting.

PUBLIC COMMENT

Dave Sanchez, 1080 94 Street, came forward and expressed his approval of the concept of early voting. He emphasized the significance of voting and thought that the turnout rate would rise. He proposed that the Town set up a page specifically for elections.

Council Member D'Amico thanked him for his concern and for encouraging people to cast their votes. Council Member Salver informed Mr. Sanchez that announcements regarding election qualification are accessible on the Town's website.

Frances Neuhut, 1060 Kane Concourse, came forward and said that it is awful to vote early in a short election. She also mentioned that the candidates don't take part in the forum called Meet the Candidates. She voiced her disapproval of the elections being held in April rather than November and to the Council's refusal to impose council office terms.

PUBLIC COMMENT CLOSED

ACTION: Council Member Salver made a motion to approve the ordinance on first reading. Council Member Yaffe seconded the motion, and it passed on 5-0 poll vote. Council Member Bruder was absent from the dais.

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.

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.

Council Member Yaffe moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member Yaffe explained that he sponsored this ordinance because the town's current ordinance does not allow for regulation of construction sites. He also mentioned that there are some vacant houses on the west island that are kept up while waiting for development. Other properties, on the other hand, are quickly demolished, leaving the site uncared for and unattended. He voiced displeasure with developers' disregard, believing that they ought to be held responsible for property maintenance if they demolish a site before obtaining a permit and moving forward with redevelopment. He also mentioned that during the most recent special magistrate hearing, a property was fined approximately \$3,500 and made good on the violation; however, he believed that Code Enforcement ought to revisit the site since the vegetation had grown above three feet in height once more. He felt that the town would help to uphold the standards with this ordinance.

Council Member D'Amico thought this ordinance was a really good idea. Vice Mayor Fuller expressed concern about the proposed language in the ordinance: "if for any reason construction activity ceased for a period of more than 90 days." He thought the term was too broad, and developers could hammer a nail on the property every three months and get around the ordinance. He requested advice from the Council to avoid any loopholes. He also expressed concern about the term "may" in the ordinance, saying it sounds arbitrary, and suggested changing it to "shall." The Council and the Town Attorney agreed to shorten the period from 90 to 60 days and to remove the word "may" and replace it with "shall."

Vice Mayor Fuller moved to amend the ordinance to shorten the period from 90 days to 60 days and to remove the word “may” and replace it with “shall”. Council Member Yaffe seconded the motion, and all voted in favor.

Council Member Salver inquired as to what will be done to prevent developers from abusing this ordinance. Vice Mayor Fuller explained that they will be unable to do so because the date requirements have changed. Town Manager Lasday asked if this ordinance could be scheduled for second reading at the Special Council Meeting on June 28th. Town Clerk Hamilton advised that the town must provide a ten-day notice. It was agreed the ordinance would be brought up for second reading at the August meeting, or in July if another meeting was scheduled.

PUBLIC COMMENT

Dave Sanchez, 1080 94 Street, came forward and stated that during Hurricane Ian last year, a neighboring property to his home had bulk trash, which he reported to the town; he observed that the neighboring property owner had ignored the notices. He explained that during hurricane season bulk trashing is extremely dangerous. He proposed that the town shorten the time given to property owners on "notices" to correct the violation.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve ordinance on first reading, and Council Member D’Amico seconded the motion. Vice Mayor Fuller amended the motion to pass the ordinance on first reading with changes to the ordinance to shorten the period from 90 days to 60 days and replacing the word “may” to “shall.” Council Member Yaffe seconded the amended motion, and it passed unanimously on a 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.

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.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Yaffe explained that this proposed ordinance is a companion to the previous ordinance. He wanted to make certain that if a violation occurs, a Stop Work Order would be issued until the violation is paid. He mentioned a property that had a permit to change the windows but instead did other work without following the proper procedures, and continued to work on the property, even after a Stop Work Order was issued. This ordinance forbids such an occurrence; if a stop work order is issued, the issuance of a permit will be suspended until the fine is paid.

Vice Mayor Fuller concurred with Council Member Yaffe and proposed eliminating the phrase "as determined by the building official" from Section E and substituting the word "must" for "shall." Council Member Yaffe questioned who would decide that if the sentence was commuted. The Town Attorney and Council agreed that "as determined by the building official" would remain, "may" would be replaced with "shall", and the comma after "achieved" will be removed.

Vice Mayor Fuller moved to amend the motion to replace the word "may" with "shall", to remove the comma after the word "achieved", and to keep the language "as determined by the building official". Council Member Bruder seconded the amended motion.

ACTION: Council Member Yaffe made a motion to approve the ordinance on first reading and Council Member Bruder seconded the motion. Vice Mayor Fuller made an amended motion to pass the ordinance on first reading with changes to Section E to replace the word "may" with "shall" and to remove the comma after the word "achieved" and keeping the language "as determined by the building official." Council Member Bruder seconded the motion, and it passed unanimously on a 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.

Council Member Bruder moved the item to the floor, and Council Member D'Amico seconded the motion.

Joe Ruiz, 320 Miracle Mile, Coral Gables, Florida representing applicant was accompanied by Alex Turnofsky who was present on behalf of ownership. Mr. Ruiz reported that on May 5, 2023, he had appeared before the Town Council to request permission to use the current sales center at 10301 East Bay Harbor Drive for the three projects—9955, 9781, and 10301 East Bay Harbor Drive—all of which are being overseen by the same development group. During the meeting, issues pertaining to the demolition costs and the responsibilities of the sales center's previous user were discussed. The Chief Building Official examined the three quotes his client had received; the average price was \$17,500. He offered to replace the demolition with a \$17,500 donation to the town.

Council Member D'Amico expressed appreciation for the town receiving something in return, as she had never heard of an applicant giving back to the community. Vice Mayor Fuller clarified that, as per the previous meeting, the Council had a contract with the previous owner that required them to demolish this sales center. While he recognizes the necessity of extending the agreement, he wanted to guarantee that the town would receive the same advantages as per the original agreement. He stated that having a removal date is his biggest worry.

Council Member Bruder asked the Applicant to contribute \$52,000, or \$17,500 times three, as there will be three projects promoted in the sales center. She stated that despite not having a permit, they put development signs on the property, and she would accept the request if they paid \$52,000; otherwise, she would demand \$17,500 for a single project. Mr. Ruiz responded that the \$17,500 was determined using a set of objective standards that were covered at the previous meeting.

Council Member Bruder replied that they were setting up a sales center for three projects and that the original developer was going to pay \$17,500 for one project. Mr. Turnofsky clarified there are two projects. Vice Mayor Fuller clarified that the sale center's agenda calls for two projects, with the potential for three. Mr. Ruiz clarified that although the Deign Review Board had since approved the project for 10301, the initial request was for two with the possibility of three. Council Member Bruder stated that the applicant was requesting a second exception and that the inconvenience to the town's citizens is valued at over \$17,500.

Council Member Salver stated that the previous meeting's comments were to approve or not approve; he felt the entire concept of the cash equivalent was correct. He inquired of the Town Manager whether she had received any complaints about the sales center and its impact on the surrounding properties. Town Manager Lasday responded that she had an encounter with trucks entering that area but was not aware of any complaints about the sales center. Mayor Tricoche stated that residents were upset, and she was questioned about who allowed sale centers in the Residential District. Council D'Amico stated that if the town requires other developers to have their sales centers on the second floors of the business district, then the town should be consistent.

Mayor Tricoche stated that she does not support this request and believes that sales centers do not belong in residential areas.

Mr. Ruiz proposed a one-year payment of \$17,500, with the option to renew annually at the same rate. Mayor Tricoche conveyed her displeasure and reminded the Council that they may be requesting permission to operate a sales center in a residential neighborhood for three years. Vice Mayor Fuller said that while he did not object to the contract being extended, it would not be for three years.

Council Member Bruder made a motion to approve the request subject to the requirements that the sales center be open for two years and that the applicant pay \$52,000 (\$17,500 multiplied by three) for each year that they use the sales center. There was no second to the motion.

Vice Mayor Fuller moved to amend the motion to approve the request with the conditions that the Applicant must pay \$17,500 to the town, pay the code violation first, and to allow the sales center for a year without an extension. Council Member Yaffe seconded the motion.

PUBLIC COMMENT

Dave Sanchez, 1080 94 Street, came forward and said that at a prior meeting, the Council had decided the sales center should be located on the second floor of the Business District. Council Member Yaffe clarified that the ordinance was approved on first reading, but not on second reading.

Mr. Sanchez requested that the Council deny the request, stating that residents do not want a sales center in the Business District, much less the Residential District.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the rejection of this request by the Council, in contrast to the approval of other requests for sales centers, was biased.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the request subject to the requirements that the sales center be open for two years and the Applicant pays \$52,000 (\$17,500 multiplied by three) for each year that they use the sales center. There was no second to the motion. Vice Mayor Fuller amended the motion to approve the request with the condition that the Applicant pay the code violation first, that the sales center be allowed for one year with no extension, and payment of \$17,500. Council Member Yaffe seconded the motion, and it failed 3-3 on a poll vote with Mayor Tricoche and Council Members Bruder and D'Amico opposing.

11. **Discussion** regarding the addition of a Mobile Command Post in the 2023/2024 Capital Improvement Plan. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder stated that she has been in discussions with Chief Noel and other Police Chiefs about establishing a command post; the surrounding cities do not have one, and BHI is the only town with a location for one. She explained that one is required during the hurricane season; especially if there is extensive damage to the island. She also stated that FEMA would reimburse the town for the cost in the event of an emergency and encouraged the Council to consider getting one.

Chief Noel stated that the command post is used not only for hurricanes but also for critical incidents such as the Champlain Towers. The mobile command post can be funded by the Florida Sheriff's bid, which is how most agencies fund it.

Council Member Salver inquired about the location to store the command post. Chief Noel suggested it be stored in North Miami or on one of the municipal lots. Vice Mayor Fuller stated that he had no issues negotiating with North Miami to store the command post at their facilities. Chief Noel advised that the command post should be moved slowly and out of the flood plain during a hurricane.

Town Manager Lasday asked which municipalities in the surrounding area have a command post. Chief Noel responded that the nearest municipalities with one are the City of Miami Beach and North Miami Beach. Town Manager Lasday informed the Council that when a command post is required the County provides it, if the municipality does not have one; she mentioned if the town had a command post, it would be asked to lend it out. Vice Mayor Fuller stated that this investment is an asset and that he would support it if the Town Manager could budget it through the Causeway Fund. Town Manager Lasday asked if she could provide an update within a week.

Mayor Tricoche asked if the Council agree to consider the command post as a potential budget item for August. Town Manager Lasday replied that since they are still working on the budget, she will have more details in a few days.

It was the consensus of the Council to defer the item to August.

12. **Discussion** regarding the requirements of the Design Review Board submittal package. Sponsored by Council Member Teri D'Amico.

Council Member D'Amico moved the item to the floor, and Vice Mayor Fuller seconded the motion.

Council Member D'Amico explained that when she was reviewing the items submitted to the Design Review Board ("DRB") for approval, she noticed that applicants did not include all the information required for the Board to make a decision. She researched regulations of several nearby cities and discovered that they all require section drawings and elevations of adjacent properties. She wished to include similar regulations as a requirement when submitting applications to the DRB.

The Council was informed by Town Attorney Geller that he is working on a proposed ordinance that would include the recommendations made by Council Member D'Amico and would be presented at the following regular council meeting.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and said that if the Town Planner's report on the 1270–1290 East Bay Harbor Drive project indicates that the design is within code, then the project as a whole ought to be within code. They had requested 73 lifts and 36 TDRs. She believed that the DRB should make clear what it is approving when projects are submitted to them.

PUBLIC COMMENT CLOSED

Council Member Bruder stated that the developer for the request in Item 10 requested a reconsideration and that the Council hear the reconsideration, so that they do not have to return. Town Attorney Geller advised that the Council must make a motion to reconsider, and someone on the prevailing side of the vote may move to have the item reconsidered by motion. If the Council approves the motion for reconsideration, it simply means that the matter will be brought back for discussion. Council Member Bruder moved to reconsider the motion.

Mayor Tricoche stated that it was 10:30 p.m. and the agenda might not be completed if the reconsideration was handled. Vice Mayor Fuller expressed concern that people who might have wanted to speak on the subject were no longer present. Council Member Bruder requested that the reconsideration be added to the next agenda. Council Member Yaffe stated that because it was not approved, they had to remove the structure. He asked if the structure will be allowed to remain, if the Council allowed them to return in August.

Chief Building Official Mike Mesa came forward and said that since the structure wasn't approved, code enforcement was put on hold while the Council decided whether to approve or reject it. He asked Mr. Ruiz to state their intentions for the structure. Council Member D'Amico questioned whether he would advise delaying enforcement until after the August meeting.

Mr. Mesa proposed giving the developer a two-month extension so they could occupy the space lawfully. Mayor Tricoche requested verification that the structure was there unlawfully. Mr. Mesa gave his confirmation. He explained that the building's approval for the Onda project came with an expiration date that was later changed to May 2023. Vice Mayor Fuller questioned the reason for the holdup in enforcement. Council Member Yaffe clarified that the developer did, in fact, arrive in May, just before the deadline. Mr. Mesa stated that the developers had been asked to return with some changes, which is why they were here. Mayor Tricoche added that the developers came back with something presumptive and were already using it without permission.

Council Member Yaffe stated that if anyone on the Council was interested in hearing the proposal, he will not request that the structure be demolished; he raised a threshold concern and suggested deferring the item until they could reconsider it.

Mr. Mesa confirmed that the property is being enforced; they have been cited for a violation and the Building Department may be required to issue a cease-and-desist order. Council Member Yaffe added that if the time limit has expired, they should not be using it as a sales center; however, he did not believe they should wait until August for a reconsideration. He suggested possibly hearing the matter at the June 28th Special Council meeting.

It was the consensus of the Council to allow the structure to stay in place until the reconsideration was heard, but the Applicant had to stop using it as a sales center. The Council will continue to hear the other items on the agenda and return to this item if time permits.

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.

Mayor Tricoche moved the item to the floor and Council Member Bruder seconded the motion.

Council Member D'Amico claimed that the Council was forced to rely solely on the study supplied by the developers when the Onda project requested four variances. She recommended that the Town have a study of the seawall done, rather than depending on developers. She asked the Council if it could be added to the budget. She further questioned the Chief Building Official about whether the Onda seagrass study applied to the entire island, and if so, she would like a uniform dock standard to be established. Both Council Member Bruder and Mayor Tricoche expressed agreement with the recommendation to include this study in the budget. Vice Mayor Fuller said he would like to know the cost before adding it to the budget.

Chief Building Official Mesa clarified that the study conducted in 2018–19 was limited to the seawall and did not consider the bay; DERM conducts environmental studies, not the Town. He clarified that Onda was required by DERM to conduct an environmental study at the time of their dock application. He asked Council Member D'Amico about the study she is attempting to complete, noting that the Town has limited resources. In response, Council Member D'Amico stated that she wants to conduct research on the seawall, sea grass, and water quality. Vice Mayor Fuller responded that some of the items she mentioned were county property. Council Member Yaffe inquired whether they could provide a determination of what the Town is permitted to do. Mr. Mesa responded that he read in the town charter that the town owns submerged land surrounding the town, but the town may not have jurisdiction over the seagrass; those studies are costly because they necessitate divers surveying the seagrass. Council Member D'Amico explained that if the study reveals that a portion of the seagrass has decayed, the town can be proactive and rebuild it.

Mayor Tricoche clarified that knowledge of the surrounding area as well as the seawalls is necessary to develop a sustainable dock program. She requested that the Council think about searching for a price. Vice Mayor Fuller said the town is currently studying the seagrass near the Causeway bridge, and she would not have the results for that.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the seawall needs to be repaired and the town is not up to code. She recommended replacing the seawalls before replacing the seagrass.

PUBLIC COMMENT CLOSED

It was the consensus of the Council for the Town Manager to provide them with several quotes to have the studies completed and included in the budget.

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.

Item 10 was being discussed for purposes of reconsideration.

Mayor Tricoche requested advice from the Town Attorney regarding Council Member Bruder's move for reconsideration. Town Attorney Geller informed the Council that the motion would be to reconsider the matter at a later meeting, to forbid the developer from using the property as a sales center, and to give staff instructions not to order the sales center's demolition until the Council heard the reconsideration.

ACTION: Council Member Bruder made a motion to reconsider the motion. Council Member Yaffe seconded the motion, and it failed 2-4 on a poll vote with Council Members D'Amico and Salver, Vice Mayor Fuller and Mayor Tricoche opposing. Council Members Bruder and Yaffe voted in favor.

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.

ACTION: Council Member Yaffe made a motion to nominate Council Member Isaac Salver as the voting delegate. Vice Mayor Fuller seconded the motion, and it passed unanimously.

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.

Council Member Yaffe moved the item to the floor and was seconded by Council Member Bruder.

Mayor Tricoche questioned whether the cost of the lease should be determined by fair market value. Town Attorney Geller responded that while the Council could extend the lease, a long-term extension was being discussed. The Town has until the end of the fiscal year to work out the terms of the proposed lease with the tenant. Additionally, Council Member Yaffe stated that he wanted to keep the gas station and assumed this was being done to give them more time to turn the bridge placement. Vice Mayor Fuller clarified that since the town requires flexibility for the bridge, this will be a special agreement and that a fair market value will not provide it. Thus, the town gave less than market value in return for that flexibility.

Council Member Bruder clarified that the extension is only being done while the town decides how to move forward. Vice Mayor Fuller clarified that because this is a unique property and the circumstances are highly unusual, it will be nearly impossible to ascertain fair market value. Council Member Salver stated that he does not think the same as the other Council Members. He clarified that the property could be used for something other than a gas station, because it has 360-degree views of the intracoastal waterway.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked if the bridge is going to be an extension.

Council Member Yaffe explained that they are not discussing the bridge's design or the bridge itself, but rather an extension for the gas station.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the extension of the lease agreement. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

DISCUSSION ITEMS:

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

Council Member Bruder explained that the town has hurricane preparedness, but that developers do not follow the Town's requirements. She proposed raising the fines so that they could comply during hurricane preparations. She requested that staff investigate the matter and return the item in August with their findings.

There being no further business the meeting adjourned at 11:58 p.m.

MAYOR

ATTEST

TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A SPECIAL COUNCIL MEETING**

A Special Meeting of the Town Council was held on Wednesday, June 28, 2023, at 6:06 p.m.
Upon roll call the following members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Isaac Salver	Council Member Robert Yaffe

1. **Consideration and Approval** of a Resolution regarding Amendment No. 2 to the FY 2022-2023 Budget.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, APPROVING
BUDGET AMENDMENT NO. 2 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.**

Mayor Tricoche moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Bruder requested that remaining monies for a 2023 project/item be rolled over on top of what is already allocated for the following year. Finance Consultant Gerrie Lazarre, Tri-Merge explained the process and advised that the carryforwards can be done moving forward.

Council Member Bruder asked if the Town is over budget, if the money allocated for this year that hasn't been spent can be rolled over to the next fiscal year. Ms. Lazarre explained that she did not have an answer as the audit was just received yesterday. They will reconcile the numbers that have been posted for this fiscal year thus far, which will be taken into consideration to see whether or not the town was over or under budget. Mayor Tricoche asked if an answer could be expected by August. Council Member Bruder raised a concern that because the budget was prepared based on spending money for next year, based on having money this year, if there is overspending and in the negative, the money is not going to be accurate. Ms. Lazarre advised that they will look at the numbers, finalize them, and submit the final numbers for review.

Council Member Salver asked Ms. Lazarre if anything delayed the issuance of the Audit Report, since the Council typically receives a draft by the end of the third quarter. Ms. Lazarre responded that the Town went through a transition with the resignation of the former Finance Director in April. When Tri-Merge took over, they also had to take over a few projects that he was working on. The Auditors were working with multiple agencies, but because of the transition, they are now having to accommodate time to meet with them to perform and conclude the audit. She continued explaining that she met with the auditors regarding the stage of the budget; they also worked on some of the pending items while at the same time working on the budget. Council Member Salver asked the Town Manager to provide additional information for the delay. Town Manager Lasday explained that the previous consultant failed to prepare reports that were needed for the audit. Tri-Merge had to prepare those reports in order to proceed with the audit.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated the Council was amending the budget missing plus/minus \$6 Million. She inquired as to the location of the TDR monies received. She raised a concern regarding removal of municipal parking spaces. She asked if the Council would continue to approve non-profit organizations in the Business District as opposed to restaurants or stores.

PUBLIC COMMENT CLOSED

ACTION: Mayor Tricoche made a motion to approve the resolution. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

2. **Consideration and Approval** to purchase electrical materials from Graybar in the amount of \$100,857.04 in connection with the installation of a new FPL electrical pole and transformer on the southwestern portion of the parking lot, to accommodate the temporary Town Hall in the 95th Street Parking Lot. This purchase will be made under the emergency procurement provisions, pursuant to Section 2-1.3 of the Town Code.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Salver asked if this expense was part of the originally approved projection. Public Works Director Jason Atkinson came forward and stated that the amount is to purchase only the supplies for the installation of a new FPL electrical pole and transformer on the southwestern portion of the parking lot. He explained that Graybar is one of the best suppliers, and that their competitors couldn't outbid their quote. The original electrical plans did not include an alternate sheet that dealt with the generator; this alternate plan will add an additional cost of about \$120,000 for the purchase of a transfer switch, to be approved by the Town Council in the near future.

Council Member Bruder asked if this item was budgeted and whether he anticipated the cost of the parts to be over \$100,000. Mr. Atkinson explained that the grant money that will be received for the generator can be used towards this expense, and that he anticipated the cost of the materials to be about \$40,000 not over \$100,000. He explained that they will be installing a mobile generator, and the installation will be done in-house by the Town's electrician.

Mayor Tricoche asked how much the grant is covering. Town Manager Lasday explained that the grant can be used towards electrical and a generator to service Town Hall and the Police Department. Mayor Tricoche clarified that the Town is fronting the money, which will be reimbursed once the grant funds are received. Town Manager Lasday explained that the grant has not been signed yet, it will go into effect after July 1st; she expects to have the grant agreement for the August Regular Council Meeting.

Vice Mayor Fuller raised concern that the warranty could be voided due to some of the work being performed in-house; he asked if procedures were in place to prevent any invalidation. Mr. Atkinson responded that the work will be performed by the Town's licensed electrician; the work will still need to pass inspection; and he was confident the electrician can handle the installation. He added that an outside electrician may be needed to assist with the generator and the transfer switch. Vice Mayor Fuller reiterated his concern to Mr. Atkinson to ensure the warranty is secured to prevent its invalidation.

Council Member Bruder requested a timeline report for this portion of the project, more specifically a step-by step to ensure that every step is being inspected as an extra layer of caution.

Building Official Mike Mesa came forward and stated that every work performed will be inspected. He further added that as per Florida Statute 49 the Town may act as its own contractor with a limited expenditure of up to \$200,000.

There was extensive discussion about the concern of surpassing the threshold amount, and whether the Town should perform the work in-house; the cost of the materials and the unanticipated cost for the transfer switch for the generator would result over \$200,000. Council Member Bruder said that she was not comfortable with having the work performed in-house given the proposed expenditure limit; she wanted to ensure that the project was done correctly, because the staff will be in the modulars for a while. Town Attorney Geller suggested that the Town hire a contractor to perform the work; Town Manager Lasday requested approval from the Council to issue an RFP.

Council Member D'Amico thanked Mr. Atkinson for doing the research.

It was the consensus of the Council for the Town Manager to issue an RFP for the project.

Council Member Salver asked about the oversight of the additional page that precipitated the need for additional funds for the project. Mr. Atkinson explained that Chen Moore provided 90% of the plans so it could come back to the building department for comments and review; the plans included a mark on the line diagram of where the generator would be. However, upon reviewing the plans, they realized the work entailed more than what the plans showed, which resulted in the need for additional funds to cover the generator. Council Member Salver was concerned about this oversight and that other projects not our own might have omitted information, and that a \$250,000 omission on a project doubles the budget on the temporary town hall. Town Manager Lasday advised that \$300,000 was budgeted for the modulares which remains within budget. Council Member Yaffe stated there was a mistake and the item cannot move forward as it is, because it exceeds the limit and will need to be handled differently. He understood things happen, but wanted to make sure there were no future mistakes; he suggested moving on.

Council Member Bruder suggested handling the matter under an emergency basis, rather than issuing an RFP, and request three quotes to avoid delays on this project. Town Attorney Geller disagreed with classifying a temporary town hall as an emergency. Council Member Bruder responded that the matter was an emergency because the staff were displaced. Vice Mayor Fuller stated that he did not oppose classifying this project as an emergency. Council Member Bruder asked Public Works Director Atkinson to maintain open communication with Building Official Mesa to avoid any delays.

Council Member Yaffe amended his motion for the Town Manager to proceed with the purchase on an emergency basis rather than an putting out an RFP and to obtain a minimum of three bids. Council Member Bruder seconded the motion, and all voted in favor.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and expressed disagreement with the Town adding an FPL pole in the Business District. She felt that FPL poles were aesthetically unappealing.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion authorizing the Town Manager to proceed with the purchase on an emergency basis and obtaining a minimum of three Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

3. **Consideration and Approval** of a proposal in the amount of \$99,895.00 from Kimley-Horn and Associates, Inc. for drainage improvements south of Kane Concourse on West Bay Harbor Drive.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Yaffe stated that he had conversations with residents who have significant issues and are frustrated. He acknowledged that this project would take some time, but the sooner they start, it would alleviate a lot of the flooding issues.

Council Member Salver explained that he rides his bike along West Bay Harbor Drive and felt that there are small sink holes around the Altair. Town Manager Lasday responded she will have the area inspected.

Town Attorney Geller advised the Council that an amended motion is required because he needs to edit the contract before it is executed.

Council Member Yaffe made an amended motion to approve the proposal “substantially in the form attached hereto”. Council Member Bruder seconded the motion, and all voted in favor.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Council has requested flood gates on Kane Concourse. She explained that the flood gates are high and are not leveled with the sidewalk.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the proposal with the added language “substantially in the form attached hereto”. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

There being no further business the meeting adjourned at 6:48 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A SPECIAL COUNCIL MEETING

A Special Council Meeting was held on Thursday, July 27, 2023 at 6:30 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Vice Mayor Joshua Fuller

Council Member Stephanie Bruder (Zoom)	Council Member Teri D'Amico
Council Member Molly Diallo	Council Member Isaac Salver
Council Member Robert Yaffe	

Mayor Elizabeth Tricoche was absent.

1. Presentation of the Town's Comprehensive Annual Financial Report for the year ended September 30, 2022 by Town auditors Marcum LLP.

Moises Ariza reported that the Auditor's Report was released in June. He discussed highlights of the report as follows: Page 1, Independent Auditors Report-there was a change in the auditing standards that requires the Opinion's Paragraph to be first in the report. The Town received a "Clean Opinion". Page 5, Management Discussion and Analysis which compares FY 2022 activities versus FY 2021 activities. Page 18, Statement of Net Position (equity) of the town, Capital Assets is the largest followed by Cash on Hand. Cash on Hand as of September 30, 2022 was north of \$37 Million; the Fund Balance as of yearend was north of \$92.7 Million. From the Net Position Categories, a significant amount is unrestricted, \$14.1 Million in Governmental Activities and nearly \$28 Million in Business Type Activities-available resources for ongoing operations of the Town. Statement of Activities, inflows and outflows regarding the fiscal transactions for the year. Starting off with expenses, net of program revenues; the change in Net Position for the Town started off at \$82.5 Million Net Position, the change in Net Position was at positive \$10.1 Million, the ending position for both Governmental and Business type activities is \$92.7 Million. Modified Accrual Statements: the financials relate to the footnotes which highlight certain activities of the Town, Page 29; some of the key footnotes (Page 44) are the Investments of the Pension Plan, it dictates the composition of the Investment Portfolio, which includes US Treasuries, Government Obligations, some Equity Securities, and some investments that are valued at net asset value. Page 45, there are no Unfunded Commitments of the Investment Portfolio as of September 30, 2022; the investment portfolio is liquid as of yearend. Page 51, Long Term Debt Liabilities, Amortization Schedule for every debt/security the town has; the future payouts for the upcoming fiscal years are provided in following pages. Following the financial statement's footnotes, Page 70, the General Fund original budget as compared to the final budget net of any budget amendments is reflected. There was a variance to reflect if there was any overspending or any unapproved transaction above the approved budget; no amounts were determined to be above what was approved under the budget document (Page 71). Compliance Section, Pages 98 has the Yellow Book Report (Government Auditing Standards Report). Internal Control Deficiency is defined, there are two sets known as material weakness or significant deficiencies; no deficiencies were identified. Page 99, Compliance Paragraph.

Mr. Moise explained that they performed a financial audit to ensure the amounts throughout the document are complete and accurate and that the uses of the financial statements can rely on those numbers. The auditors are also required to perform a Compliance Audit; there are certain Florida Statute regulations, rules, and law that the town must follow, so they looked at both financial and compliance aspects. As outlined on Page 99, the results of their test did not disclose any instances of noncompliance.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked why the audit report was being presented by the same auditor; she read information from the Town Charter and the Florida Statutes regarding the process for providing financial statements, and read information from a FY 2022 Financial Report Letter.

PUBLIC COMMENT CLOSED

Consideration and Approval of a Resolution adopting the proposed Millage Rate for FY 2023-2024 and setting the dates and times for the Tentative Budget Public Hearing and the Final Budget Public Hearing, pursuant to FS 200.065. It is suggested the Tentative Budget Hearing be held on September 13th at 6:30 p.m. and the Final Budget Hearing on September 27th at 6:30 p.m.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DETERMINING THE TOWN'S PROPOSED MILLAGE RATES AS REQUIRED BY SECTION 200.065, FLORIDA STATUTES, AND SETTING THE DATE, TIME, AND PLACE OF PUBLIC HEARINGS TO ADOPT THE TENTATIVE AND FINAL MILLAGE AND BUDGET FOR FISCAL YEAR 2023-2024; DIRECTING THE TOWN CLERK AND THE TOWN MANAGER TO FILE THIS RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AUTHORIZING THE TOWN MANAGER TO CHANGE THE BUDGET HEARING DATES IF NECESSARY; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Diallo moved the item to the floor for approval of the 3.1728 proposed millage rate, and Council Member D'Amico seconded the motion.

Council Member Bruder requested that the Town Manager and the Assistant Town Manager review the Budget to see where expenses could be cut from all departments. Town Manager Lasday responded that at the last Council meeting a couple of items were added to the Budget, as requested by the Council. The Department Heads met with the Financial Consultants and worked on reducing the Budget. Council Member Bruder stated that there might be an impact on the Budget, and as such, the Town needs to look not just at equipment, but across the board without cutting services to the residents. The Town Manager advised she will review the budget once again to see if any expenses can be removed.

Vice Mayor Fuller stated that he would like the Budget to be reviewed once again to see if expenses can be reduced, because the Council can foresee “unforeseen expenses” in the next fiscal year.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and commented that it was confusing to the town’s residents when the agendas don’t include a section for public comment, the Council was setting a millage rate without the Town Planner’s presence, the Council previously approving underground parking and municipal parking prices and was giving away easements and rights-of-way to developers and to the tax-exempt church. She complained about dangerous cracks on the bridges and flooding. She asked where the TDR monies were, and what happened to donor properties bringing the properties up to code with the TDR monies.

Kathleen Kennedy, 9180 W Bay Harbor Drive, came forward and stated that the Council should cut expenses by reducing travel. She mentioned that she doesn’t oppose Council Member Yaffe travelling to Tallahassee to advocate for the Town. She suggested salaries of staff should be reduced. She complained about the Police Department working in modulars and Town Hall being closed.

PUBLIC COMMENT CLOSED

Gerri Lazarre, Tri-Merge, Finance Consultant, read the proposed millage rate of 3.1728 mills, which is 3.1728 one thousandth of the assessed property value within the town. She announced the current year roll back rate of 2.730559 as computed, which is 2.7306 per one thousandth assessed property value within the town. The percentage of the rollback rate is 2.730559, and the percentage increase between the rollback rate is .1620275. Deputy Town Attorney Skip Miller asked Ms. Lazarre to provide the percentage rate increase between the millage rate and the rollback rate. Ms. Lazarre entered on record the percentage rate as 16.202%.

ACTION: Council Member Diallo made a motion to set the proposed millage rate at 3.1728 mills. Council Member D’Amico seconded the motion, and it passed unanimously on a poll vote.

2. **Consideration and Approval** of an ordinance on Second Reading amending Sections 5-5 of the Town Code entitled “Construction Site Operations” to create 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.

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 INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor and Council Member Yaffe seconded the motion.

Council Member Yaffe informed the Council that some minor changes were made to the ordinance after the first reading. He explained the purpose of the ordinance to ensure that property owners maintain their properties, if they make the decision to demolish the property prior to obtaining a Building Permit to do so.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about Church by the Sea. She read a 2017 letter from the Representative of Church by the Sea regarding their intention to move from Bal Harbour to Bay Harbor Islands.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

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

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 INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Salver moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Yaffe stated that the ordinance is related to the one previously adopted. He explained that the ordinance would not allow an applicant to proceed with permitting, with an application before the Design Review Board, with meetings, and/or with site developments, if there were any outstanding fees owed to the Town.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked why Council Member Bruder was allowed to attend the meeting via Zoom, and not the public. She complained about Church by the Sea and its effect on tax increase for business owners.

PUBLIC COMMENT CLOSED

ACTION: Council Member Salver made a motion to approve the ordinance on Second Reading. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ADJOURNMENT

There being no further business the meeting adjourned at 7:12 p.m.

MAYOR

ATTEST

TOWN CLERK

DRAFT

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING**

A Regular Meeting of the Town Council was held on Tuesday, August 8, 2023, at 7:20 p.m.
Upon roll call the following members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Isaac Salver	Council Member Robert Yaffe

SPECIAL PRESENTATION:

3. Introduction of New Police Officer Jesse Whitt

Lieutenant Locke introduced Officer Whitt and Chief Noel administered the Law Enforcement Oath of Office.

2. Ruth K. Broad Student of the Year - Lara Schamy

Mayor Tricoche and Council Member Diallo gave a brief introduction and presented Ms. Schamy, (who was accompanied by her parents) with an award.

1. The Honorable Senator Shevrin D. Jones

The Honorable State Senator Shevrin D. Jones thanked the Council for traveling to Tallahassee to advocate for the town's needs and concerns. He explained that the district had a \$21 million dollar surplus. He reported that Bay Harbor Islands requested a \$250,000 grant for ejector pumps and manhole replacement, which the Governor approved. He announced that Committee week will begin on October 9th, kicking off the legislative funding request as they prepare for the legislative session in January. He suggested the Council look for items that require funding as they prepare to hold their Legislative Agenda, because he is aware of the dollars that are readily available and do not require appropriation and those that do. He suggested that if the Town is dealing with water pumps or sea level rise, for example, they collaborate to help get funding through the resiliency program so that there is no need to go through the appropriation process and risk the Governor vetoing the request. He discussed Senate Bill 196, which requires district school boards to notify students and parents of certain acceleration, academic, and career planning options and requires certain information to be included in such notification; Senate Bill 290, which requires comprehensive plans for student progression to provide for specified students with disabilities; Senate Bill 490, also known as the "Curtis Law," which requires law enforcement agencies to provide certain information and the "Condo Bill" which imposes duties upon the Associations in older condominiums. He mentioned he will hold meetings in the Surfside chambers with Senators Bradley and Pizzo to discuss the condo bill and property insurance on September 26, 2023; a Gun Violence Town Hall on August 29, 2023, at 6:30 p.m. at the Betty T. Ferguson Recreational Complex to educate residents about gun safety; and a legislative update/listening session to present the bills he plans to push forward as the Legislature prepares to go to the next legislative session, budget items the Town Council is pushing for, and to listen to residents' concerns. He urged the public to submit any bills or ideas they may have for Tallahassee.

Council Member Salver asked Senator Jones about the importance of the Council going to Tallahassee to lobby for the town. Senator Jones stressed the importance of Council Members lobbying in Tallahassee on behalf of their constituents; he recommended they go during Committee Workshops or at the start of the sessions.

Town Attorney Geller questioned Senator Jones about the surplus in Tallahassee this year. Senator Jones explained that the surplus came from the federal government's American Rescue Plan. The state still has funds left over from the plan, but no additional funds are expected for the next fiscal year; the state will have to manage the budget without additional funds from Washington DC. The state had about \$109 billion in Fiscal Year 2021-2022 and about \$112 billion in Fiscal Year 2022-2023 but won't have much going into the next fiscal year. He also mentioned that both parties pressed the Governor's office to extend transportation funding. The state has approximately \$47 Billion in unutilized federal funds, which cannot be held and there is a time limit for using them, before the federal government takes them back. He believes a certain amount will be used in South Florida, but he was unsure where the funds would be allocated. He suggested that the town and his office approach Secretary Miller about the bridge issues to receive funding.

Council Member Yaffe inquired about the deadline for using the funds before returning them. Senator Jones stated that he wasn't certain, but he believed the funds had to be spent before the next election; he would double-check and respond.

Vice Mayor Fuller thanked Senator Jones for his efforts; the Vice Mayor mentioned the 15% rule for bridge funding and stated that he would like to discuss the matter further with him. Senator Jones suggested that, even if the meeting must be publicized, they should schedule a meeting with Council Members and Secretary Miller to discuss the bridge. Town Manager Lasday stated that she met with Secretary Miller, who has been fantastic.

The Council thanked Senator Jones for his presence and assistance with the grants for the Town.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Mayor Tricoche moved up Items #14 and #17.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following items:

- Clean Up Day scheduled for Sunday, August 13, 2023, at 7 a.m.
- Bridge Meetings scheduled, an in-person workshop on September 26, 2023, and a virtual workshop on September 28, 2023.
- Budget Meeting scheduled for September 27, 2023

Town Manager Lasday reported that the Freebee program has been a success. Council Member Bruder stated that the Town may need to add another Freebee car because the wait time has increased. Mayor Tricoche requested that the Town Manager review the geo-footprint to assess the Town's options.

Vice Mayor Fuller suggested a clause be included to allow for an additional car. The Town Manager responded that the agreement already allows the additional vehicle, and the geo-footprint was approved by the State and the County, which has strict guidelines. The town already has two freebee vehicles, one of which is ADA compliant; if the town council wants to add a third vehicle, she will double-check the contract and remind them to ensure funds are allocated in the budget for an additional Freebee. The Town Manager informed the Council that staff will be issuing an RFP for the Shuttle Bus, and asked if they should continue or rather allocate the funds to add an additional Freebee. Council Member Bruder suggested speaking with developers to support transportation and to participate in this endeavor.

Council Member Salver asked Council Member Bruder if she was recommending that the Council enact a transportation impact fee, which would specify what the developers are responsible for. Council Member Bruder concurred. He then asked if they could send out a code red with a link to the app. Town Manager Lasday stated that she was working on an impact study and was gathering data to present to the Council for approval, before imposing any impact fees.

Town Manager Lasday thanked Council Member Salver and the Children's Trust. She stated that the Children's Trust afterschool program will begin on August 16, 2023; the community center shifted gears and established a robust sports program, which includes basketball, soccer, kung-fu, cheerleader, flag football, volleyball, and football. They are hoping for a smooth transition with the Community Center over the next two weeks, which would require a collaborative effort. She also informed the Council that when the Children's Trust inquired about the town's contribution to the program, she responded that the town is investing \$197,000. Her primary goal is to assist residents by improving the Children's Trust and community center programs. She thanked Joel Jacobi for organizing the summer tutoring program, which drew 48 students.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Yaffe reported that he and a few other council members attended the Miami-Dade County League of Cities meeting last week. He also mentioned serving at jury duty.

Council Member Salver reported he attended the Miami-Dade County League of Cities Board of Directors Meeting last week. He stated that Vice Mayor Fuller and Council Members Salver and Yaffe were presented with the Home Rule Hero Award by Jeff Branch, Legislative Executive for the Florida League of Cities. He reported that Mayor Tricoche, Vice Mayor Fuller, and himself attended the Miami Realtor meetings, which were held at the St. Regis in Bal Harbour; Mayor Tricoche represented by providing an update on what's going on in the Town; it was a very elaborate event, and he was glad he attended. He also stated that he will be going to Orlando for the Florida League of Cities Annual Conference.

Council Member Yaffe reported he and Chief Building Official Mesa held a workshop in February on the newly implemented condominium laws. And he plans to hold a workshop in October to discuss the amendment to the law that Senator Jones mentioned.

Council Member D'Amico reported she plans to attend the Florida League of Cities annual conference. She inquired about the Council's willingness to host a charette, which would involve presenting various building designs to the community and allowing them to provide feedback and have their needs and desires heard. Town Manager Lasday explained that an RFQ item to select an Architect for the Town Hall project was on the agenda and she was unsure how it would affect Council Member's D'Amico's request. Council Member D'Amico explained that the charette has nothing to do with the RFQ; she believed it would allow the Council and, if present, the Design Review Board, to see the new concepts that are happening within buildings outside of town. Council Member Bruder stated that she was not opposed to the charette; however, members of the Design Review Board should not be allowed on the panel; they should only participate as residents.

Council Member Diallo reminded the public that the new school year will begin on August 17th. She congratulated Officer Whitt and Student of the Year Lara Schamy.

Council Member Bruder reminded drivers to be extra cautious next week due to increased foot traffic from children walking to school. She noted that the Town will be adding more speed bumps to the road and, in a few months, will enact a Resolution that will allow for the issuance of tickets for exceeding the speed limit on specific speed bumps. She urged residents to enroll their children in an after-school program, whether the Town's Children's Trust program or another after-care program, because it is unsafe for children to be out on the streets after school. She promoted the Children's Trust program, which is free and focuses on education.

Vice Mayor Fuller reminded the public to be cautious not only of children, but also of their parents. He stated that he attended meetings of the Miami-Dade County League of Cities and the Miami Realtors. He also attended a meeting regarding the North Miami development to ensure that it does not have an impact on the Town, which it does not appear to have yet. He will be attending the Florida League of Cities Annual Conference. He also went to the "Cones with the Police" event and thanked them for their efforts. He mentioned the town's potential reef, and snorkeling at another municipality's reef to see what was potentially out there.

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.

Gene DeSouza, 1050 93 Street, came forward and expressed support for the Portuguese and French foreign language classes offered as part of the after-care school program. He acknowledged that there had been some restructuring, and that the Children's Trust Program does not apply to the foreign language classes. He clarified that he already had the program, that it was reorganized following the pandemic, that students were enrolled in it, and that they had a successful year with it. He questioned the Council about continuance of the foreign language instruction for kids through the Community Center.

Mr. DeSouza was advised by Council Member Bruder that the foreign language classes may not be available through the Children's Trust Program, but that he should meet with Parks & Recreation Director Watson to discuss the program. Mr. DeSouza responded that he is in constant communication with Ms. Watson, and that since they already have the space in the school, the teacher, and the accreditation, he just wanted to confirm that the program is still going on. Council Member Bruder stated that the Parks and Recreation Director would be delighted to assist with the program.

Former Mayor Linda Zilber, 1231 95 Street, came forward and stated that she has been involved in the Town for 70 years and it has been extremely difficult for her to attend meetings. Zoom meant everything to her, and the town's decision to limit Zoom to Council Members and staff is both unfair to the public and to her.

Council Member Bruder stated that they tried Zoom for the first-time last month; it worked for one meeting but failed for the second; the reason it hasn't been made public is because it is still in trial mode. Former Mayor Zilber expressed her disappointment that the Town could not provide Zoom. Vice Mayor Fuller stated that the Town is attempting to have meetings via Zoom again.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and reminded the public of Clean Up day on Sunday, and volunteers were needed to clean up the bay.

Former Mayor Irene Wallace, 10350 West Bay Harbor Drive, came forward and expressed gratitude to the Public Works Department and Council Member Yaffe for having the dead iguana removed from the 103rd Street pavement. She expressed her gratitude to Senator Jones for attending the Council Meeting, noting that it is crucial for the constituents to interact with the town's representatives. She stated that she collaborated with the School Board Rudy Crew, Committees, and Board Members, during construction of the Community Center, to provide the school with parking in the parking garage, a community center, and green space for the kids to play in. She further expressed gratitude to Council Member D'Amico for suggesting the charette. She also stated that she was invited to the Aventura Marketing Council, where Mayors from surrounding municipalities attend and discuss all the various projects in their respective municipalities, and questioned why the Town is not a part of this network, as she was very involved when she was mayor.

Council Member Bruder directed the Town Manager to inquire about the cost of membership of the Aventura Marketing Council and the benefits it will provide to the Town. Vice Mayor Fuller stated that it is a fantastic organization, and that the Council was a member for many years.

Council Member D'Amico inquired as to why the Town is not listed in the Biscayne Bay Times.

Frances Neuhut, 1060 Kane Concourse, came forward and commented about the Church by the Sea, the Bal Harbour Shops, the new town hall, and the town using the parking lot temporarily.

COMMITTEE REPORTS:

There were no 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.
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.
7. **Consideration and Approval** of a Resolution regarding Amendment No. 3 to the FY 2022-2023 Budget.

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.

Council Member Salver pulled Item 5 from the consent agenda for discussion.

ACTION: Council Member Bruder made a motion to approve the Consent Agenda. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

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.

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.

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Salver inquired about the total budget for the modulars. She recalled that at a previous meeting, a page of the plans was not considered, resulting in this unaccounted expense. He was curious about the budget and whether there was anything else planned. He believed that when they self-condemned the town hall and began adding the modulars' expenses, they could have spent the funds on repairing the town hall, rather than moving the staff to modulars.

Town Manager Lasday informed the Council that a \$300,000 budget amendment was made about a year ago for this purpose. She explained the Town Hall has numerous problems, as previously discussed; with the opinions of the consultants and staff, it was the consensus of the Council to demolish the building, because the problems were severe.

Town Engineer Carrero-Santana came forward and stated that the budget for the electrical portion of the modulars will not exceed \$165,846.20 and grants for the generator will be incorporated into this project and carried to the new town hall once built. The missing sheet was an oversight of not including it in the final permit documents; they bid out the electrical portion first so that the temporary modulars could be installed.

Council Member Salver asked if there is a cost estimate for the temporary modulars and where the grant is coming from. Mr. Carrero-Santana explained that the town was awarded \$800,000 in grants for a generator. Town Manager Lasday stated the grants will be used for the generator and electrical work. Mayor Tricoche asked the Town Manager to provide an update on expenditure and future projections.

Council Member Bruder explained that they underbudgeted for this specific item because the amount was approximately \$400,000. In terms of Town Hall, the Council has discussed how dangerous it is for the employees.

Council Member D'Amico stated that if the Council can request building closures due to code compliance, the town should be able to do the same. She believed that the Council was afraid of losing its employees or being sued, and that they should not waste money, if Town Hall could be fixed.

Town Engineer Carrero-Santana stated that asbestos, structural, and mold consultants examined Town Hall, and their reports were used to make an educated decision.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the trailers will be located in the parking lot across from one of her businesses. She complained that the town took away the parking and commented there is a parking crisis in the Business District. The businesses are allotted two parking spots, one in Block 11 which will be closed to build the new town hall, and the parking lot where the modulars will be.

Council Member Yaffe asked if the modulars will take up the entire parking lot on 95th Street. Town Manager Lasday responded that only half the parking lot will be used for the modulars, and when Town Hall is demolished, there will be an opportunity to add some type of surface to that area for parking temporarily, while the new Town Hall is being built.

ACTION: Council Member Bruder made a motion to approve the resolution. Council Member Yaffe seconded the motion, and it passed unanimously on a 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.

Council Member Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Virginia Praschnik, 1090 Kane Concourse, came forward and stated that she was presenting the artwork as a symbol of their profound connection and gratitude. The town has been the best place to raise and nurture a family which inspired her to create a piece that encapsulates its captivating beauty and enduring spirit. From the very beginning of her family Bay Harbor Islands has been nurturing heaven, not only where her daughter received an education but also thrived as her role of as an educator. Twelve years ago, they opened their jewelry store, an establishment that became more than just a business; it evolved into a haven of trust and comradery. Bay Harbor Islands is not a place to conduct business but a canvas on which strokes of friendship and community are beautifully painted. The artwork rendered in oil and canvas with palette knife aims to capture the essence of the island.

The stroke not only offers a realistic portrait but also infused the figurative and futuristic reminding the town that within the embrace of tradition lies the boundless promise of tomorrow. This artwork serves as a testament of the endurance of belonging that envelope when stepping foot on the town. It is attributed to the impact the town has had on her family and the gesture for the love of support bestowed upon them. She humbly presents this artwork to the town; she hopes that it serves as a visual reminder of the interconnectedness of the lives and the power of art to transcend time and the indomitable spirit that defines this remarkable community, a beacon of shared memories and dreams that are yet to be realized.

PUBLIC COMMENT

Former Mayor Ileene Wallace, 10350 West Bay Harbor Drive, came forward and thanked and honored the artist for the artwork.

Frances Neuhut, 1060 Kane Concourse, came forward and stated she is happy that Ms. Praschnik donated her artwork. She stated that the Love Statue donated to the town is worth millions of dollars; she asked that it be removed from in front of the Police Station and that it be insured.

Council Member Salver reminded the Town Manager not only to prepare a letter of thanks, but also to provide a charitable contribution receipt. The Town Manager stated that they have a form with the value on it that will be used to prepare the donation receipt.

David Praschnik, 1090 Kane Concourse, came forward and expressed gratitude to the town for accepting the painting. He stated that he was once a resident of the town, and his daughter attended the school and later became a teacher there. He liked Vice Mayor Fuller's suggestion to build an artificial reef that can withstand warmer waters.

PUBLIC COMMENTS CLOSED

ACTION: Council Member Salver made a motion to accept the artwork donation. Council Member Yaffe seconded the motion, and it passed unanimously on a 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.

Council Member Bruder moved the item to the floor, and Mayor Tricoche seconded the motion.

Maritza Haro, 200 South Biscayne Boulevard, Miami, Florida, representing the Applicant came forward to present the request.

Council Member Yaffe inquired about the Council receiving revised plans that did not go before the Design Review Board (DRB) and whether the plans were a subsequent version after the Board's denial.

Mrs. Haro confirmed and explained that they are appealing the DRB's decision of June 6, 2023; they had respectfully requested denial so that they could appear before the Council. Prior to the appeal, they attended three (3) DRB meetings; they met with nearby residents to hear their concerns; they revised the breezeway to address the main concern of the neighbors; and they resubmitted plans, which were reviewed by the Town's staff, who determined they met the requirements for site plan approval. She requested that the Council reverse the DRB's decision subject to the revised plans, which significantly improve the breezeway and address the main concerns of the neighbors.

Council Member D'Amico inquired as to whether the TDR request would be handled jointly with the appeal or independently. Mrs. Haro stated that they are listed on the agenda as distinct items. Town Attorney Geller made it clear that the Council's decision to support the TDR will be unaffected by the appeal's acceptance or rejection. Council Member D'Amico inquired as to whether the applicant would be precluded from filing an appeal, if the request for a deferment was granted.

It was noted that the applicant requested a denial from the DRB.

Town Attorney Geller swore in those individuals who testified.

Mrs. Haro explained that they were appealing a DRB denial of a proposed site plan development located south on 103rd Street and west of East Bay Harbor Drive. James Curnin, owner, is proposing a luxury rental community; the first project is already under construction, and the second was approved by the DRB and will be submitted for permitting in the coming months. The six-story, 77-unit luxury building that the DRB rejected includes 158 parking spaces with mechanical lifts; only 154 of which are necessary, and nearly 30% of landscaping, of which only 20% is necessary. The application was filed in August 2022; they met with staff on August 30, 2022. On October 13, 2022, the project was presented to the Development & Review Committee (DRC), which then decided that a second DRC meeting was necessary in light of the staff's feedback. The second DRC meeting was held on November 15, 2022, and staff approved the plans for code compliance. The first DRB hearing took place on December 6, 2022, and the DRB provided design-related comments while deferring the application. At second DRB meeting on March 7, 2023, the Applicant was requested to revise all windows to be floor to ceiling, provide details on valet operation, provide additional renderings of neighbors' view, and meet with The Palms neighbors. The applicant revised the plans on March 26, 2023 to address neighbor operational concerns, provided additional renderings, and met with The Palms neighbors. In order to address DRB and neighbors' operational concerns, the applicant updated their plans on June 6, 2023. However, the DRB expressed further concerns about the proposed breezeway, so the Applicant kindly requested a denial in order to file this appeal for a final decision.

Mrs. Haro further explained that since August 2022, the owner has incurred significant expenses in the form of requested revisions, consultant fees, and holding costs. Her team has been working on plans to address the DRB and neighbors' concerns about the breezeway since June 6, 2023. She requested a reconsideration of the revised version of the plans, which significantly opens up the breezeway and addresses both the DRB and the neighbors' concerns. She stated that they submitted the revised plans on July 25th and received confirmation from Town Planner Michael Miller and Chief Building Official Mike Mesa that the revised plans are in accordance with the Town's code; they worked diligently to address all of the comments received, holding several meetings, and maintaining contact with The Palms.

Mrs. Haro further explained that the neighbors were concerned about the assemblage of multiple lots, which is permitted by Code and is also a common occurrence in the Town. They were also concerned about the impact of the project to their views. She advised that case law in Florida does not recognize interest from an obstructed view over adjoining land; even if the site is not developed as a single project as proposed, but as multiple projects, someone's view may be blocked. She stated that the revised plans significantly opens up the breezeway to essentially create the appearance of two (2) separate buildings. Another concern raised by the neighbors were the setbacks; The Palms current setback is nine (9) feet, but the proposed project is setback 22 feet 6 inches, which will include a dense landscape buffer. During the meetings with the neighbors of The Palms, they were asked to relocate the mechanical equipment to the northwest of the floor plan and eliminate the trash access from the southwest corner; they were able to accommodate the request and relocated the mechanical equipment. To address the DRB's comment for the alternative breezeway, they revised the plans and opened up the breezeway with only corridors connecting the two structures at each level; the code required breezeway is not intended to preserve or provide neighboring views, it is intended to part be of the design to break up the massing. Mrs. Haro presented the landscape plan for the ground floor and explained that they are significantly providing a lot of landscaping, buffering, and vegetation to ensure that it is a beautiful building; she then presented the landscape plan for the roof and explained that vegetation and landscaping create buffering to ensure privacy for future residents and neighbors. She requested that the Council approve the appeal with the proposed alternative breezeway.

James Curnin, 10200 West Bay Harbor Drive, came forward and stated that they have been seeking approval for a while; the properties are owned by him and hopefully one day by his children. He explained that he listened to the neighbors' concerns, and he has done the best he can to accommodate them. He informed the Council that they took 6,000 square feet of net rentable square footage which adds up to \$8 Million of value to show good faith that he wants to be here in the long haul; and that he has been stalled for a year. He respectfully requested the Council's approval.

Council Member Bruder stated that she attended the last DRB meeting, and there were a lot of residents from The Palms. She thanked the developers for opening up the breezeway to allow air and view. She asked Mrs. Haro if they had met with the Condominium Association of The Palms and if they were satisfied overall with the changes made.

Mrs. Haro responded that they shared the revised renderings with The Palms; they expressed they were appreciative of the work they've done by relocating the mechanical equipment. Some specific owners raised concerns about what their unit views would be; she explained they've done everything they can to make this project code compliant and to address all the comments and concerns that were raised. Council Member Bruder asked how many times they went in front of the DRB. Mrs. Haro responded three (3) times. Council Member Bruder asked if each time the DRB raised a new concern, and if they incorporated the changes the DRB wanted each time. Mrs. Haro confirmed. Council Member Bruder acknowledged that all the changes requested were made, except for the views, since that cannot be controlled.

Mayor Tricoche stated that she looked at the three items associated with the appeal: the density, the mechanical lifts, and the breezeway design and felt that they were within Code. She thanked the developers for being collaborative with the community and trying to make the project work.

Council Member D'Amico complained that she couldn't determine how this development would look, because they did not include elevations for the street level. She asked if parking will be achieved in three (3) minutes as their traffic study states. Mrs. Haro confirmed. Council Member D'Amico disagreed and felt there was no room for a successful valet operation. She stated that the plans provided showed the valet criss crosses at one point causing traffic. She asked about the ratio for the lifts; Mrs. Haro responded it is about 75 lifts. Council Member D'Amico stated that the cars are subject to being under a lift or over a lift. Mrs. Haro stated that the development will be valet operated and no resident will have access to the lifts. Council Member D'Amico felt that it was not going to work. She continued stating the reason why people are not agreeing with the proposed development because the breezeway isn't located in the right place. Mr. Curnin responded that the breezeway is exactly where it's supposed to be based on the code. Council Member D'Amico commented that the breezeway is not successful where it's placed; people don't like it because it's not articulated; it's one sterile façade; and it's massive. She stated that their renderings are deceiving because they failed to include adjacent properties.

Council Member Salver asked how many units are in the old building combining all four lots. Mrs. Haro responded 36 units. She stated that they were providing greater setbacks than The Palms; the density is 60 units per acre as opposed to 81 units per acre; 29.1% landscaping as opposed to 20%, mechanical lifts as opposed to tandem parking, and everything they have requested is within code. She added Mr. Curnin lives in Bay Harbor Islands and will be a good neighbor through construction and process. Council Member Salver asked where the DRB was going with the project, when he asked them to reject it. Mr. Curnin responded that the DRB didn't want to reject the project, because they genuinely liked it, but because they kept adding more comments each time, they requested a denial.

Council Member Salver commented that the configuration of the four lots is definitely a challenge and that he agrees with Council Member D'Amico that the project is a little intense.

Council Member D'Amico asked if they have a Unity Title. Mrs. Haro responded that she would have to check if it was completed. Council Member D'Amico commented that they should have a Unity of Title before coming to the Board. Council Member Yaffe explained that the Unity of Title is part of the submittal package. Town Attorney Geller clarified that a Unity of Title is not recorded until the developer has site plan approval.

PUBLIC COMMENTS

Elena Tushime, 1133 102 Street, came forward and stated that her unit is one of the corner units, and the development will wrap around it. She complained that she asked the developers to provide her with a plan that showed how her apartment would look from their point of view, and that they couldn't, because it was difficult to provide. She stated that she is an international designer and that they could have complied easily with her request. She added that she understands new construction happens every day, and that if she lost the view from one side, she was fine with it, but in this case her views will be blocked from all sides causing her to lose value of her home.

Tena Zucker, 1133 102 Street, came forward and stated that the Council was being deceived. She stated that the new designs were never presented to the DRB. This breezeway presented is located from the side and doesn't allow air and sight. She felt that the breezeway as presented conforms to the rules and code which stipulate that it must respond to the existing context of the build environment, open spaces to be compatible with existing development, and provide sufficient buffering from adjacent properties. She continued explaining that the proposed development as revised would be too massive and extensive and would create unbearable traffic.

Cesar Martinez, 1133 102 Street, came forward and stated he has been a resident for 26 years and a part of the Board for The Palms. He commented that at the DRB meeting on June 6th, this project was rejected at the applicant's request. The applicant opted to request a denial so they could appeal to the Council and present a new entire project from what was originally presented to the DRB. According to Section 5-23-1(b) of the Town Code, the actions of the DRB may be appealed to the Town Council; if the Town Council approves the land development application after consideration by the DRB, then the actions of the Council take precedence of the Board. The Town may review and decide on projects that were examined by the DRB whereas the project that's being presented to the Council is not the one that was previously submitted. This is not an appeal of the decision; this is seeking the approval of a new revised plan specifically of an alternate breezeway that was never reviewed by the DRB. The DRB should have first say on the approvals of breezeways. He stated that if the applicant didn't want to fight this plan approval, which is the only scope for this appeal, then they should have accepted the deferral.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she agreed with Council Member D'Amico. She felt that this was a very deceiving project. She discussed the possibility of them buying into TDRs. She stated that the impact alone on the community will be more expensive than the \$3 Million of them buying TDRs from the Town.

With the approval of the Council, resident Adam Ziefer gave his time to Tena Zucker, so she could complete her presentation.

Tena Zucker, 1133 102 Street, came forward and stated she is on the Board for The Palms. She argued that the project would have a massive impact on the traffic, and the valet service was unrealistic. She explained that since it would be a rental unit, there would be constant delivery trucks wrapping The Palms condominium parking lot. And the proposed breezeways would still not leave enough passage for light and air because of the little openness. She requested the appeal not be approved.

Council Member D'Amico asked about loading zones for the proposed development. Ms. Haro responded that the code does not require loading zones for residential properties. Council Member D'Amico raised concerns about the lifts and their handling. Ms. Haro responded that the lifts will be operated by Klaus, the designated company by the Town. Generally, they comply with all the criteria with the new lift ordinance; the only thing that this project grandfather is the percentage of lifts it provides; all the safety criteria, 100% valet, and it will be staffed appropriately 24/7 to avoid any queuing on the right-of-way.

Mayor Tricoche stated that there will always be issues with a new development. She commented on The Palms having no loading zone either because they block her parking every day. She also knows when residents at The Palms don't want to wait for a parking spot, or when the residents also make a queue to wait for parking. She believes that the Town needs to come up with solutions with items that don't work for the Town. She felt the Town needs to pass an ordinance that addresses loading zones requirement because of the increased density.

Council Member Yaffe asked Town Attorney Geller if there is a requirement for the project to go back to the DRB because of the subsequent modification after the June 6th meeting. Town Attorney Geller opined that the request does not have to go back to the DRB; the Town Council's decision takes precedence over the DRB's decision. Plus, the modifications were made to meet objections from the DRB and address public comments, and he sees no reason why the request has to go back to the DRB as the matter is at the discretion of the Council.

Council Member Yaffe stated that he listened to all of the comments and to the presenters; and he appreciated that the developer had reached out to the community. He referred to the increase in developments on both islands, and stated there is nothing much the Council can do, so long as the development is within code.

Council Member Bruder asked if the breezeway was in the exact same place as it was when it was submitted to the DRB at the last meeting, if it wasn't shifted to the side. Mrs. Haro confirmed that it is the same.

Vice Mayor Fuller clarified that it is not the same exact design because they took 6,000 square feet of rentable space; it is a reduced space.

ACTION: Council Member Bruder made a motion to grant the appeal with the conditions outlined in the Town Planner's Staff Report, and to approve the project with the modified plans submitted on July 25, 2023. Mayor Tricoche seconded the motion, and it passed 6-1 on a poll vote, with Council Member D'Amico opposing.

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.

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.

Council Member Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe praised the idea of having early voting. He stated that other municipalities have the option, and it is good for the residents of the Town to have the option as well.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated she has read about early elections. She complained about no term limits for the incumbents, and the Council serving for more than 20 years. She felt that Bay Harbor Islands' elections are unfair and undemocratic, and until the town has term limits, the Council shouldn't be making any changes to the Town's elections.

Council Member Yaffe disagreed with Mrs. Neuhut's comments because he felt the ordinance was making it easier to vote.

PUBLIC COMMENT CLOSED

ACTION: Council Member Salver made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed 6-0 on a poll vote. (Council Member Bruder was absent from the dais.)

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.

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.

Council Member Yaffe moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member D'Amico suggested the ordinance mirror the one that was enacted by Surfside. She asked if the Town has setbacks for low grade.

Town Planner Michael Miller came forward and explained that the ordinance includes setbacks for above grade structures and for underground level parking. Council Member D'Amico raised a concern regarding the setbacks.

Mr. Miller advised that he has to review the setbacks to provide her with a response. She expressed concern to some of the verbiage in the ordinance and requested that "driving the piles" be removed.

Vice Mayor Fuller stated that this ordinance is a great start. He asked Council Member D'Amico where specifically she wants to remove "driving" from the ordinance because if it's removed without substituting the word elsewhere, all it will be doing is removing the regulation. The wording has to be where it's being restricted or find a way subject to further evaluations; he requested the be reworded.

Council Member D'Amico stated that she is comfortable moving forward with the ordinance but wanted to review it once more to ensure it fits the needs of the town.

Mayor Tricoche asked Council Member D'Amico if she was comfortable approving the ordinance on first reading pending the revisions for the second reading. Council Member D'Amico confirmed she was comfortable with proceeding. Mayor Tricoche asked Town Attorney Geller if the proposed changes Council Member D'Amico expressed would be of concern in the ordinance coming back for second reading.

Council Member D'Amico clarified her suggested amendment to change the methodology of drilling, and wanted to know if the town was referring to the correct code. Town Attorney Geller asked if her concern was whether or not the ordinance expressed the methodology that should be employed for certain things like "pile driving". If so, he does not have any concerns with amending the ordinance prior to second reading without having a new first reading, because it is well within the topic the ordinance is intended to address.

Council Member D'Amico suggested an Engineer should review the ordinance. Town Attorney Geller deferred this request to the Town Manager. Council Member D'Amico continued and stated that she would like to discuss the methodology with someone in Surfside. The Council encouraged her to do so.

Town Manager Lasday advised the ordinance had several blank spaces to be filled in before second reading.

Town Planner Miller stated that as to Council Member D'Amico's question regarding the setback, it is five (5) feet for above or below grade.

Council Member Yaffe asked for recommendations on how to fill in the blank portions of the ordinance. Town Planner Miller responded that he mentioned Surfside's criteria of 300 feet and gave an example. Council Member Yaffe asked if they can use the 300 feet for the first reading, and amend at second reading, if necessary. Mr. Miller confirmed.

PUBLIC COMMENT

Frances Neuht, 1060 Kane Concourse, came forward and suggested that the Council include in the ordinance: applicants requesting a demolition permit should pay all outstanding violation/lien fees prior to issuance of permit, single-family homes and town houses, and the Design Review Board's approval of site developments before the TDRs are approved.

ACTION: Council Member Yaffe made a motion to approve ordinance on first reading. Council Member Diallo seconded the motion, and it passed unanimously on a poll vote.

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.

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that as per Florida Statute, Section 200.065, the millage rate has to be reported to Miami-Dade County. She stated that at the July 27, 2023 Special Council Meeting, the Town failed to inform the residents of the appraisal value of their properties increased/decreased by 30%, and although the millage rate stayed the same, the real property taxes will increase. She stated that the Homestead properties are not affected much as opposed to the Business District. She asked why the millage rate isn't the same as Bal Harbour's and why the Town presented the tax rate remaining the same when the property values increased, which in turn increased tax revenue.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve ratifications to Resolution No. 2310. Council Member Yaffe seconded the motion, and it passed 6-1 on a poll vote with Council Member Salver opposing.

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.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODIFICATION AND 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.

Council Member Salver moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member Bruder raised a concern that there shouldn't be lights for night time games and asked for the ordinance to be modified.

Council Member Yaffe explained the difference between padel and pickel board game; padel board uses a tennis ball while pickel ball uses a plastic ball which is louder. He pointed out that although he has never played, he was concerned as to whether the sound of the plastic ball would disturb the neighbors.

Vice Mayor Fuller stated that he had no issue with the ordinance but wanted sound mitigation to be included.

Council Member Yaffe clarified that the house that has a tennis court is on a double lot, and unless the property owner doesn't have a second lot, the ordinance doesn't work.

Town Attorney Geller suggested some of the concerns to the ordinance be addressed and bring it back for second reading or passing it on first reading and making the changes before the second reading. He also suggested that the ordinance include a new section that would state "nothing in the ordinance shall relieve anyone of obligations to abide by existing Town noise ordinances."

Council Member Yaffe opposed adding a new section because he felt the sound of the pickle, or tennis ball do not rise to the decibel level enacted in the noise ordinance. Town Attorney Geller responded that they can always amend the ordinance to reduce the decibel level. Vice Mayor Fuller explained that the decibel level is audible, but it might not rise to the 70th level; he was concerned about the residents hearing the pounding of the ball all day.

Council Member Salver stated that when the Council approved the tennis court, he recalled the court having lights and the play time was limited to 10:00 p.m. He added that he has played both sports and felt the noise level between tennis and pickle ball is equivalent; however, he was not comfortable with the noise of the padel board.

Mayor Tricoche asked if it was the consensus of the Council to withdraw the motions and have the ordinance returned for first reading. Since the motion was made by Council Member Salver, he proceeded with the motion.

PUBLIC COMMENT

Matt Amster, 200 South Biscayne Boulevard, Miami, Florida, came forward and stated he represented Stuart and Stacey Schwadron who requested an amendment to the ordinance to allow padel ball. He explained the padel courts are one third the size of a tennis court, it's a game of finesse, and they were only looking to add padel; pickle ball uses a plastic ball that creates more noise, and if that were to be stricken in the revised ordinance, his clients wouldn't object to it. He stated that padel ball is not as loud as people expect it to be. He wanted to ensure that this would be there for the enjoyment of the neighbors. He stated that he does not oppose the light restriction; he added that the lights will be down directed.

Council Member D'Amico raised a concern about amending the ordinance to cater for one specific property. Vice Mayor Fuller explained that the enacted ordinance only discusses tennis ball courts, and residents are requesting that padel/pickle ball be included. Council Member D'Amico disagreed with amending the ordinance to include only padel ball and not pickle ball. Vice Mayor Fuller explained that the issue now is whether padel ball is louder than pickle ball.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the City of Aventura attempted to add a pickle ball court on municipal land, but was turned down by the residents. She disagreed with the ordinance and advocated for its rejection.

PUBLIC COMMENT CLOSED

Vice Mayor Fuller stated that he was not voting in favor of the ordinance, unless sound mitigation was included.

ACTION: Council Member Salver made a motion to approve the ordinance on first reading. Council Member D'Amico seconded the motion which failed 1-6 with Council Members Bruder, D'Amico, Diallo and Yaffe and Vice Mayor Fuller and Mayor Tricoche opposing. Council Member Salver voted in favor.

27. Discussion regarding BHI-229-9600 West Bay Harbor Drive - Florida International University Concept Design for the Town Park and Kayak Launch Rendering.

A brief discussion ensued as to whether to include a loop in front of the kayak launch, which will in turn remove parking on the site. It was the consensus of the Council to include the loop.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and reminded the Council that this property belonged to 1177 Kane Concourse which served as the site's parking lot for their project. She stated that it is becoming a park, and in their contract, there was \$500,000 donated from the developer. She raised a concern about the dock and seawall falling in and felt that the developer should be paying for the restoration and park design, as opposed to the Town.

PUBLIC COMMENT CLOSED

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.
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.

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.
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.
Items 20 through 23 were heard as one item.

ACTION: Council Member Yaffe made a motion to approve Items 20, 21, 22, and 23 simultaneously. Mayor Tricoche seconded the motion, and it passed unanimously on a 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.

Council Member Yaffe made a motion to hear Items 24 and 25 simultaneously and to move the items to the floor. Council Member Bruder seconded the motion.

Council Member D'Amico raised a concern as to why both were being heard together when the requests are for different properties.

Maritza Haro, 200 S. Biscayne Boulevard, Miami, Florida, came forward and explained that the request for Item 24, the site development approval was granted by the DRB in November 2022, and they are making an offer to purchase 15 TDRs; Item 25 relates to the project that was approved today.

Council Member Yaffe amended his motion to approve the request for Item 24 and for the funds received from this sale to be used towards the development of the new Town Hall. Council Member Bruder seconded the motion.

Council Member Salver asked how many TDRs the Town has. Town Manager Lasday responded the town has 106 TDRs. Council Member D'Amico objected to the sale of the TDRs. She stated that she could not make a proper decision without seeing a map of where all the TDRs are being disbursed to.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated her comments will apply to Items 24 and 25. She felt that the Design Review Board was not qualified to approve site developments because there are discrepancies between the number of TDRs being approved, and there are no Unity of Titles. She felt that the approval process is deceiving because even if appealed, the Town Council denies the appeal before it's even heard, plus the Council should be responsible for approving site developments, not the DRB.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve Item 24 for the Sale of 15 Town TDRs with the proceeds going towards the construction of the new Town Hall. Council Member Bruder seconded the motion, and passed unanimously on a 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.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

PUBLIC COMMENTS

Frances Neuhut, 1060 Kane Concourse, came forward and commented that she cannot see the improvements made to the town using the TDR funds. She complained that the deeds showing the sale of the TDRs are not being recorded with the County Recorder.

Cesar Martinez, Elena Tushime, and Tena Zucker, 1133 102 Street, all came forward and stated that they opposed the TDR transaction.

PUBLIC COMMENTS CLOSED

Council Member D'Amico stated that she opposed the TDR transaction.

ACTION: Council Member Yaffe made a motion to approve the transfer of 36 Town TDRs and that the proceeds of the sale be used for the construction of the new Town Hall. Council Member Bruder seconded the motion which passed 6-1 on a poll vote, with Council Member D'Amico opposing.

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.

ACTION: Council Member Yaffe made a motion to approve the private TDR transaction. Vice Mayor Fuller seconded the motion, and it passed 6-1 on a poll vote, with Council Member D'Amico opposing.

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.

Council Member Yaffe moved the item to the floor, and Mayor Tricoche seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that in the past, the Town has not discussed easements and dedication of easements. And if the town continues to have dedication of easements, it will not have safe sidewalks, streets, and roads for the community. She suggested the stopping of taking away dedication of easements and giving away of town land.

Council Member Yaffe responded that in this case an easement is being given to the Town instead of the town providing one.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the resolution. Mayor Tricoche seconded the motion, and it passed 6-0 on a poll vote. Vice Mayor Fuller was absent from the dais.

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.

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.

Council Member D'Amico moved the item to the floor and Mayor Tricoche seconded the motion.

Council Member D'Amico suggested that the elevations of the adjacent building should also be added as part of the ordinance, which forces the developer to place the building height next to the proposed building, when providing plans for site development. The Council Members agreed with Council Member D'Amico's request. Town Attorney Geller advised it will be added prior to second reading.

Council Member D'Amico continued reading Section i of the ordinance "the cross section through the building at the periodic locations depicting the proposed building exterior floors" and suggested adding a minimum of 2. She asked Town Planner Miller to explain Section m of the proposed ordinance. Town Planner Miller stated that they can add a minimum of 2 for the cross sections; that the ordinance already includes the preliminary elevations for the front, side, and rear, but will be expanded to include the properties on both sides.

The preliminary civil engineering plans and the FEMA information were added to the ordinance as a request from the Building Official and Town Engineer; language referenced on the application is also referenced in the ordinance, and Section 5-23 references that the submittal timeframes shall automatically be extended per the laws/orders of the State of Florida.

Council Member D'Amico agreed with the small changes made to the ordinance. Council Member Salver asked if this ordinance allows developers to speak with adjacent property owners to present their proposed projects. Town Planner Miller responded that a recent ordinance was passed that requires developers to hold Community Meetings prior to going in front of the Design Review Board.

Council Member Yaffe made a motion to extend the meeting to continue discussing the item. Council Member Bruder seconded the motion, and all voted in favor.

Council Member D'Amico asked Chief Building Official Mike Mesa if other towns require elevations as part of the application and would this increase the developer's cost to produce the elevations. Mr. Mesa responded that other towns do require elevations and it doesn't cost a lot of money for developers to provide this additional document; he didn't feel it was standard practice. He stated that the ordinance already includes documentation the Building Department requests, and the Town Engineer added additional requirements. He stated that sections and foundation might be getting ahead of what a site plan approval is. Council Member D'Amico responded that she was referring to the schematic design sections; no one knew there was an underground setback, which is needed to review the sections, and if not provided they'll never know how it would affect the town. Vice Mayor Fuller explained that he is not doubting her expertise, instead he is counting on it. He wanted to refine the ordinance so that it includes her requirements, but also doesn't handicap the developers to think that it's too expensive to even have a conversation of development in the town; he wanted them to be able to design a plan that works for the staff, her, and the developers. Council Member D'Amico requested that the ordinance include information that the developers provide two cross-sections and the elevation of the adjacent buildings.

Town Attorney Geller advised they can amend the motion to include Council Member D'Amico's requirements now or at the first/second reading to address other concerns.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Council is creating new ordinances into ordinances that the town hasn't followed. She complained about the ordinance not making sense, the Design Review Board approving easements and setbacks, and the lack of underground FPL wires.

PUBLIC COMMENT CLOSED

Council Member Yaffe commented that this ordinance applies to the Development Review Committee, and that he would be more inclined to approve the proposed ordinance, if it applied to the Design Review Board instead. Council Member D'Amico agreed.

Council Member D'Amico made a motion to amend the requirement from the Development Review Committee to the Design Review Board, to require elevation plans from adjacent properties, and two cross-sections. Mayor Tricoche seconded the motion, and all voted in favor.

ACTION: Council Member D'Amico made a motion approve the ordinance to move the requirement for submittal of elevation plans for adjacent properties and two cross-sections from the Development Review Committee to the Design Review Board. Mayor Tricoche seconded the motion, and it passed unanimously on a poll vote.

DEFERRED ITEMS: There were no deferred items.

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

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.

Council Member Yaffe moved the item to the floor and Council Member Bruder seconded the motion.

Joseph Ruiz, 320 Miracle Mile, on behalf the Regency Development Group, came forward and stated that as he's mentioned in prior meetings, his client is bringing three (3) multi-residential projects to the town, including a boutique nine-unit building on the site of the proposed sales center. The two other projects are located at 9955 East Bay Harbor Drive and 9781 East Bay Harbor Drive. He requested approval to allow for the use of the existing sales center for a period of one year to conduct sales for those three projects. In addition, in lieu of demolishing the sales center, they are offering a \$52,000 donation to Town.

Vice Mayor Fuller asked if the sales center will be demolished after one year. Mr. Ruiz confirmed. Vice Mayor Fuller then asked if they would demolish the sales center, even if they didn't sell out the properties. Mr. Ruiz confirmed.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she doesn't oppose the sales center in the residential district because the code allows it; she does oppose the Council approving three site developments on Kane Concourse. She stated that the approvals of the developments are destroying the Business District and creating a parking shortage.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the temporary sales center for a duration of one year and to accept a contribution of \$52,000. Council Member Bruder seconded the motion, and it passed 5-2 with Council Member D'Amico and Mayor Tricoche opposing.

ADJOURNMENT

There being no further business the meeting adjourned at 11:34 p.m.

MAYOR

ATTEST

TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A SPECIAL COUNCIL MEETING**

A Special Meeting of the Town Council was held on Monday, August 21, 2023, at 6:36 p.m. Upon roll call the following members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Robert Yaffe	

Council Member Isaac Salver was absent.

Special Counsel Scott D. Alexander from Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A., was present to respond to questions regarding the matter.

- 1. Consideration and Approval of a Resolution approving a Settlement Agreement between the Town and Lindsley Noel regarding a charge filed with the Equal Employment Opportunity Commission, and an Employment Agreement regarding his services as Police Chief. Enclosed are copies of the Settlement Agreement and Employment Agreement.**

Council Member Bruder moved the item to the floor, and Council Member Molly Diallo seconded the motion.

PUBLIC COMMENT

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and thanked Council Member Stephanie Bruder and the other Council Members for supporting the item; she also spoke in support of Chief Noel.

ACTION: The motion to approve the resolution passed unanimously on a poll vote.

There being no further business to address the meeting adjourned at 6:41 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A BUDGET PUBLIC MEETING

The First Budget Public Hearing was held on Wednesday, September 13, 2023 at 6:31 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Mayor Elizabeth Tricoche
Vice Mayor Joshua Fuller Council Member Molly Diallo
Council Member Robert Yaffe

Council Member Salver joined the meeting at 6:33 p.m.

Council Member Teri D'Amico joined the meeting at 6:34 p.m.

Council Member Stephanie Bruder was absent.

1. **Announcement** of the proposed FY 2024 property tax rate of 3.1728 mills per \$1,000 taxable value. The "rolled-back" millage rate is 2.7234 mills per \$1,000 taxable value. The proposed FY 2024 Millage Rate is 16.50% more than the rolled-back rate, needed to fund expenditures and expenses for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked why the Town's millage rate wasn't the same as Bal Harbour's. She stated that Real Estate taxes paid by property owners are rising because of the rising value of their properties; thus, non-homestead apartments and commercial buildings will be disproportionately affected by any tax increases. And tenants who might be compelled to vacate the community are bearing the cost of these things; owners of rental properties will be compelled to switch to Airbnb, further upending the community. She expressed her dissatisfaction with Church by the Sea and with the lack of parking.

PUBLIC COMMENT CLOSED

2. **Discussion** regarding the Tentative Budget and Tentative Millage Rate for the 2023-2024 Fiscal Year.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Home Rule power applies to everything except taxation. She inquired about the amount allocated in the budget for Business District promotion.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and asked how much was budgeted for the Art Festival, as she found the previous one disappointing.

The Town Manager responded that \$250,000 was budgeted for the Art Festival.

PUBLIC COMMENT CLOSED

3. **Consideration and Approval** of a resolution adopting a Tentative Millage Rate of 3.1728 mills for the 2023-2024 Fiscal Year, which is 16.50% more than the rolled back rate of 2.7234 mills per \$1,000 of taxable property value.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.1728 MILLS FOR THE FISCAL YEAR 2023-2024, WHICH IS GREATER THAN THE ROLLED BACK RATE OF 2.7234 MILLS, COMPUTED PURSUANT TO STATE LAW WITH A 16.50% INCREASE; CONFIRMING THE DATE OF THE SECOND BUDGET PUBLIC HEARING; PROVIDING FOR INCORPORATION OF RECITALS, AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Mayor Tricoche seconded the motion.

Council Member Salver stated that he supports the rollback rate, and that the town's goal should be to have a millage rate similar to Bal Harbour's; he stated his intention to vote against the proposed millage rate, as he was in support of the rollback rate.

ACTION: Council Member Yaffe made a motion to approve the resolution. Mayor Tricoche seconded the motion, and it passed 5-1 on a poll vote with Council Member Salver opposing.

4. **Consideration and Approval** of a resolution adopting a Tentative Budget for the Fiscal Year commencing October 1, 2023 and ending September 30, 2024.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; CONFIRMING THE DATE OF THE SECOND BUDGET PUBLIC HEARING; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Fuller moved the item to the floor, and Mayor Tricoche seconded the motion.

ACTION: Vice Mayor Fuller made a motion to approve the resolution. Mayor Tricoche seconded the motion, and it passed 5-1 on a poll vote, with Council Member Salver opposing.

5. **Announcement** of the Second Budget Public Hearing scheduled for Wednesday, September 27, 2023 at 6:30 p.m.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained that the Second Budget Public Hearing and the Bridge Workshop were set near a Jewish holiday.

Vice Mayor Fuller responded that the Council made certain the Second Budget Hearing did not coincide with a Jewish holiday. He explained that by law, the Town must hold these meetings within a specific time. He stated that the purpose of the bridge meeting is to inform the public and to solicit feedback from residents.

Council Member Salver clarified that the Second Budget Public Hearing was not in conflict with a Jewish holiday.

PUBLIC COMMENT CLOSED

ADJOURNMENT:

There being no further business the meeting adjourned at 6:48 p.m.

MAYOR

ATTEST:

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING

A Regular Council Meeting was held on Wednesday, September 13, 2023 at 7:00 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Teri D'Amico
Council Member Molly Diallo	Council Member Isaac Salver
Council Member Robert Yaffe	

Council Member Stephanie Bruder absent.

SPECIAL PRESENTATION: There were no special presentations.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Vice Mayor Fuller pulled Items #1-1 and #1-2 from the agenda. Mayor Tricoche pulled Item #7 for discussion.

Council Member Salver asked the mayor if Council Member Bruder's Item #17 should be deferred since she was not present. Council Member Yaffe replied that Council Member Bruder had asked the Town Manager to proceed with the item although she was not present.

TOWN MANAGER'S REPORT:

The Town Manager reported on the following:

- In-person and virtual presentation meetings by Atkins on September 26th and September 28th respectively.
- Special council meeting for Council Members to respond to questions from the public after the bridge meetings.
- Possible special council meeting in October to go over and assess all the public feedback that was received, following the bridge meetings in September.

Vice Mayor Fuller stated that Atkins was going to oversee the meetings and presentations. He said that Atkins won't be able to respond to all the residents' questions and comments, so he would like to make himself available and was assuming the Council would also like to be present to field any queries. In addition, since Atkins was hosting the live meeting on the 26th and the Zoom meeting on the 28th, the town would also need to record its own meetings if they were held, given that there will be more than two Council members present. He proposed having a brief workshop where people could ask questions and get answers; nothing would be decided; it would just be conversation.

Town Manager Lasday responded that the Atkins meetings will be held on September 26th and 28th respectively, and it would be up to the Council to decide when the workshops would be held. Vice Mayor Fuller suggested holding the workshops immediately following the Atkins meetings.

Mayor Tricoche proposed holding a special council meeting in October prior to the regular council meeting. The Town Manager responded that the meeting would need to be held on a different date in October, because the notice period might not have ended by then. Vice Mayor Fuller clarified that he would like to publicize the meeting and that its purpose is to address any questions that residents may have immediately following the Atkins meetings. The Town Attorney opined, since there will be no vote on the matter, the meeting will be treated as a workshop rather than a special council meeting.

- The Town Manager asked the Council about holding a separate event or including a community picnic for the residents at the Art Festival. Mayor Tricoche responded that it makes more sense to hold a different event. Council Member D'Amico stated that she preferred to expand the Children's area over the picnic for the residents. Vice Mayor Fuller enquired as to whether it was the Council's consensus to host a town picnic for the residents on a different day. It was the consensus of the Council that a town picnic or something similar be held at a different time.
- Town Manager Lasday asked the Litigation Committee – Mayor Tricoche, and Council Members Salver and Yaffe – to provide available dates for a meeting, as there are some matters that need to be brought before them for resolution. It was the consensus for the Town Clerk to provide a few date options.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Yaffe reported he attended the first meeting of the Florida League of Cities Policy Committee on Finance, Taxation, and Personnel Policy in Orlando. He clarified that to get ready for the legislative session, which begins in January, there are three meetings scheduled for September, October, and November, respectively. They formulate positions on policy that defend the rights of municipalities and Home Rule, which is important because council members will be visiting Tallahassee to represent the town in the near future.

Council Member Salver reported he attended the Miami-Dade County League of Cities meeting, which was also attended by Council Member Diallo. He presented a draft ordinance that the Board of County Commissioners had written and proposed, seeking to supersede the work being done locally by the constituents. He gave the example of how a single-family home wishing to add a driveway might need extra County approval. All the county's municipalities have backed the Miami-Dade County League of Cities' efforts to have the Board of County Commissioners rescind this ordinance. Council Member Salver further reported that he supported the rollback rate and opposed raising the millage rate, just as he did at the Town's Budget hearing. He also attended the Children's Trust Budget hearing. He mentioned that the Children's Trust budget will surpass \$2 Million for the first time, with 90% of the funds going toward funding children's programs in the County, of which Bay Harbor Islands is a beneficiary. He added he would be attending the Florida League of Cities' Trustees and Board of Directors meetings in Ft. Myers on September 20th at no expense to the town. He reminded the council members that Miami-Dade County League of Cities will be hosting a conference on best practices on October 11th.

Council Member D'Amico reported she attended a Florida League of Cities meeting in Orlando. She expressed her desire to join the Florida League of Cities' Transportation Committee. She informed the council that she would be going away for a short while.

Council Member Diallo reported that at the Miami-Dade County League of Cities event last week, she learned about a few issues that are happening in the County and how they affect the town. She expressed gratitude to everyone who contributed to the 9/11 event and pride in the town for participating in the Children's Trust Program, stressing its value to the local kids and the work the staff has already completed.

Mayor Tricoche encouraged the residents to send their questions or comments regarding the bridge to the Town Clerk, the Town Manager, or directly to Council Members.

Vice Mayor Fuller informed parents watching the budget hearing or the regular council meeting live, that they should know the meetings are well-planned and were not purposefully scheduled to coincide with the Miami Beach Senior High Open House; the town was left with no other choice. He expressed his gratitude to the Chief of Police and to the staff for the 9/11 event. He attended the Florida League of Cities meeting last week. He stated that he was honored to be named Vice-Chair of the Federal Advocacy Committee; he currently serves on the Land Use and Economic Development Committee and the Federal Advocacy Committee.

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.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and stated that she was proud of being a resident of the Town. She congratulated Town Manager Lasday, Assistant Town Manager Rosado, and the Police Chief for the 9/11 event. She suggested adding speed bumpers to mitigate speeding.

Council Member D'Amico explained to Ms. Kennedy FDOT oversees the road, and the town must adhere to the law in order to install the speedbumps. Mayor Tricoche informed the audience that the Police Chief is already developing a potential substitute for speed bumps that might still be equally successful. According to Town Manager Lasday, they had a conversation with a vendor that other towns use at the schools. This vendor installs cameras all around the school and issues tickets to anyone found speeding in a school zone. Additionally, the town and the County need to come to an agreement regarding new speed bump regulations. The Town Manager may put this item on the agenda for October.

Council Member Salver stated that he was not in support of any traffic ticketing system.

Frances Neuhut, 1060 Kane Concourse, came forward and complained about Church by the Sea and their dumping into the stormwater drains and the Council approving the project.

Gustavo Ortega, 10350 West Bay Harbor Drive, came forward and declared his candidacy for the Miami-Dade County Public Schools District 3 School Board; he spoke on his background.

COMMITTEE REPORTS:

Chair Kathleen Kennedy came forward and provided the Committee Report:

- She asked the Council about the procedures for removing a committee for failure to show up to three consecutive meetings.

Mayor Tricoche responded that during her tenure on the Committee, a member was not permitted to skip three meetings in a row. Town Clerk Hamilton informed the Council of a resolution which states the Committee Liaison is to notify the Town Clerk, who notifies the Town Council; the Council then determines whether to replace the member after they miss three straight meetings.

Vice Mayor Fuller asked that the item be placed on the next agenda for the Council to decide whether to keep the members on the Committee. He also informed Ms. Kennedy that new members must apply before being appointed, if they wish to serve.

- Ms. Kennedy reported that seniors cannot enroll in computer classes, but the Town Manager is attempting to get the matter back on track. The Town Manager clarified that the Children's Trust forbids use of the rooms when their program is in session (from 1:30 p.m. to 6:00 p.m.), but they are looking into other options. Mayor Tricoche suggested the senior programs be made available earlier in the day. She asked the Town Manager to provide an update on this matter to the Council.
- Ms. Kennedy gave an update on the outside programs; 20 people had a great time when they got together in the yellow taxi. The seniors would like to return to St. Augustine; they also want to visit the Caribbean on a Virgin Cruise.

Council Member Salver asked whether the person they are trying to remove had been contacted by the Committee Liaison, Chair Committee, or Town Manager.

Committee Liaison Regine Watson came forward and stated that the member to whom Ms. Kennedy is referring missed the meeting yesterday for the third time in a row. They brought this up to see if the Council would like the committee to investigate it further.

Council Member Salver stated that he is aware that people sometimes miss meetings. The committee members should be made aware that removal from the committee occurs after three consecutive missed meetings, and they should be given the option to resign or remain on the committee, instead of facing removal.

Vice Mayor Fuller recommended that they're informed once they miss the second meeting rather than the third.

Mayor Tricoche asked if a package can be prepared when new members join explaining the rules including missing meetings.

Town Clerk Hamilton explained that the application package includes the relative information.

Committee Liaison Watson also informed the Council that registration for the computer classes was already opened and the classes will start in October.

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.
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.
4. **Consideration and Approval** of annual premiums for health, life, disability, dental and vision insurance providers for the 2023-2024 Fiscal Year.
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.
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.
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.
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.

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.

ACTION: Mayor Tricoche made a motion to approve the Consent Agenda. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

7. **Consideration and Approval** of a contract with Round Star Southeast, LLC. for the Town's youth recreation soccer program.

Mayor Tricoche thanked everyone for their hard work in putting together the programs. She asked if the contract in front of the Council is for this year. Town Manager Lasday confirmed that some of the programs have begun while the contract is being finalized; this particular contract is ready for the Council's approval. Mayor Tricoche expressed concern that Round Star employees were helping the kids while their contract was still pending.

Parks & Recreation Director Watson came forward and informed the Council that Round Star was providing services in the aftercare program. Mayor Tricoche was concerned that these businesses were providing services to minors for an entire month while the contract was still being negotiated. Ms. Watson stated that most of their programs began late this year and that they are far behind schedule. The soccer company began coming out this week to meet the kids; they have not yet provided any services, and their staff has undergone a background check. Mayor Tricoche questioned the delay in providing programs to children and why they were providing services for a week without a contract. Ms. Watson informed the Council that parents paid and had been waiting for aftercare for a month. Contracts and negotiations prevented some programs from starting. Because the parents were upset, they agreed to let the coaches meet the kids while the contract was being negotiated. Mayor Tricoche inquired about the procurement process, as these programs always began in August, and parents rely on them to begin on time. Ms. Watson explained that the procurement process had changed.

Vice Mayor Fuller concurred with the mayor's comments. He raised a few concerns about the matter. He stated that no one else on behalf of the town should be interacting with the children until the contract process has been completed—not just negotiated but completed. Accepting parents' money for a program for which the town does not have a contract to provide that service is another problem. The town would have established a scenario and actual liability for collecting money for services that the town is unable to render, if the Council found a problem with the contract. He requested that no one, on behalf of the Town, speak with the kids again or accept any funds from a parent for a program, until the contract is fulfilled.

Ms. Watson agreed with the mayor. She clarified that although she usually begins her programs in August, she was unaware of changes in procurement procedures. Mayor Tricoche asked when the procurement process was initiated.

Fausto Vargas, Procurement Officer, came forward and clarified that the Request for Proposals, which is brand new, was started two months prior. Mayor Tricoche asked what was new, since this program has been part of the aftercare for several years. Mr. Vargas responded that the town must abide by rules and regulations when issuing the RFPs, and that the solicitation documents were new.

Vice Mayor Fuller replied that, in essence, it was too late because the town had missed the window. He clarified that rather than promising something the town cannot deliver or putting the kids in danger, he would prefer not to provide the service.

Mayor Tricoche stated that she found it unacceptable that the town was providing services to a contractor who did not have a contract with the town. Mr. Vargas outlined the RFP process.

Council Member Yaffe explained that the Council was attempting to convey that the program should not have begun because a contract was not in place. It makes no difference what the procedure is or why it took so long; the Council is making it clear that no program requiring a contract and payment of funds should begin until the contract has been entered into with the vendor and the town.

Mayor Tricoche stated that she would vote to move this item forward because it was necessary, but she was extremely worried that it occurred at all. She was also unsure if this goes against any of the town's established agreements.

Council Member D'Amico questioned whether the town was required to give back money. Vice Mayor Fuller clarified that if the Council votes against the agreement, the town will have to return the funds. If they vote in favor of the agreement, no funds will need to be returned.

Council Member Salver asked why the town was using a company based out of New York/Delaware instead of a local company. Mr. Vargas responded that an Evaluation Committee reviewed the solicitation and determined the company offered the best program for the town. Ms. Watson responded that she thought the winning bidder had a local branch. Council Member Salver stated that the town should support local companies.

Council Member Diallo asked if there was another aftercare program that was pending contracts. Town Manager Lasday responded that the town attorney is working on three more contracts for upcoming programs. Council Member Diallo asked if the soccer program was the only one currently in operation or if there were any other programs in operation with pending contracts.

Ms. Watson responded that flag football started without a contract. Vice Mayor Fuller expressed his dissatisfaction. He mandated that the town complete agreements for any programs it will use for the upcoming school year by June 1st. The Vice Mayor also asked that all flag football activities stop until the agreement was signed.

PUBLIC COMMENT

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and stated that the tennis instructor's contract was up, and she would like his contract to be reviewed, as he neglects the tennis courts.

PUBLIC COMMENT CLOSED

ACTION: Mayor Tricoche made a motion to approve the contract with Round Star Southeast, LLC. Council Member Yaffe seconded the motion, and it passed unanimously on a 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.

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.

Council Member Yaffe moved the item to the floor and Council Member Salver seconded the motion.

Council Member Yaffe explained that the ordinance offers seismic monitoring for multi-residential sites, increased monitoring on construction sites for nearby residents, and environmental regulations requiring the restoration of surrounding roadways to their original state.

Vice Mayor Fuller thanked Council Member Yaffe for sponsoring this item and said it was a very well written ordinance.

Council Member D'Amico offered feedback on the ordinance's provisions that replicate Surfside. She was worried about the costs the developers would have if passed. She stated that there are many standard terms that are not enforced and questioned if the ordinance was read thoroughly.

Council Member D'Amico asked Chief Building Official Mike Mesa if they would be able to enforce the ordinance, if it passed. Mr. Mesa responded that the town would be able to enforce seismic monitoring for all construction sites and demolitions around town. According to what he understands, comparable ordinances are being adopted by the nearby municipalities. Council Member D'Amico replied that the developer is required by the ordinance to have a complaint section on their website and wanted to know who will monitor this requirement.

Town Planner Miller came forward and stated the town has a lengthy ordinance concerning construction and demolition sites. He explained how he was asked to review the ordinance that the Town of Surfside recently adopted and draft a similar one for the town. Council Member Yaffe recalled that the square footage in Section 5 was to be 300, however, it was not included in the ordinance. Mr. Miller clarified the 300 square feet was included in the updated ordinance. The Council acknowledged there was a scrivener's error, and the ordinance would state 300 square feet.

Council Member D'Amico voiced concerns as to who would monitor the complaints made to the developers. Vice Mayor Fuller clarified that while the town is unable to keep an eye on complaints made on the developer's website, this ordinance encourages developers to report complaints to the town if they receive them, because failing to do so would expose them to potential problems.

Chief Building Official Mesa explained that many vibration complaints are received. While some sites monitor themselves for liability reasons, this ordinance would compel them to do so and enable the town to determine whether vibrations are within permissible limits, if a complaint were received.

Council Member D'Amico stated that she would like to amend the ordinance to include additional requirements, such as bracing over time. Mr. Mesa clarified that there might be several structures inside the 300 square feet, and that the neighboring properties have the choice to opt-in or out of receiving this monitoring; the developer is required to supply the monitoring system.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that nobody is monitoring the construction sites. She complained about Church by the Sea, reported they are dumping again on the main sewer lines, and stated that she placed a complaint with Code Enforcement.

PUBLIC COMMENT CLOSED

Council Member D'Amico asked that the Church by the Sea be monitored just like other developments.

ACTION: Council Member Yaffe made a motion to approve the ordinance on second reading. Council Member Salver seconded the motion, and it passed unanimously on a 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.

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.

Mayor Tricoche moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member Salver asked Town Planner Miller about the east island's rear setback on the waterway. Mr. Miller responded that the distance is 20 feet and the original deed restrictions applied. Council Member Salver asked if the ordinance permits extension of an awning or balcony into the first five feet of the 20-foot setback. Mr. Miller stated that balconies could be submerged up to six feet. Council Member Salver concluded that in theory, a 100-foot building can end up with a terrace with 14 feet to the water.

Town Planner Miller clarified that the code is composed of fundamental guidelines specific to each zoning district, in addition to a general set of zoning rules covering other topics like boat docks and awnings. He cited multiple examples from other municipalities. He stated that he was aware the Council believes that setbacks should not be significantly encroached upon, but rather that they should permit customers and residents to use their land; awnings and balconies are covered in sections of the proposed ordinance. He stated that the entire section on architectural features was removed when the Council approved the setback ordinance in May 2023; although the town has received permit applications, it is unable to proceed. He recommended that the Council reconsider their earlier decision to set the architectural features two feet back.

Council Member D'Amico stated she believed the town permits the two-foot setback. Mr. Miller clarified that the previous configuration was 4 feet for the front and rear and 3 feet for the side. He explained that the ordinance adopted in May eliminated planting bins, chimneys, and the general section on architectural features. The purpose was to ask the Council for clarification and to outline future implications. Council Member D'Amico discussed the reasoning for the ordinance's amendment back in May. Mr. Miller stated that the generic section for architectural features was removed city-wide.

Vice Mayor Fuller suggested the word "fixed" or "permanent" should be added after the word "no" in last line of Section 19, which states that "no awning or canopy shall extend more than five feet into the waterfront setback area or waterfront lots." He clarified that he didn't want to create conflict where individuals were unable to protect themselves from the sun.

Mayor Tricoche made a motion to amend the ordinance to include "fixed" after the word "no" which was seconded by Council Member D'Amico.

Town Planner Miller stated that he wrote this ordinance to make it applicable for the entire community, unless the Council felt there needed to be different standards for the east and west island. Council Member D'Amico asked if he wanted to add this section to the ordinance once more. He confirmed.

Council Member Salver raised a concern regarding Mr. Miller's comments about acting in the best interests of the developers, and he clarified that the Council is charged with acting in the best interests of the residents, not the developers.

Mr. Miller clarified that was not his intention, but rather having the ability for homeowners to make changes to their homes, like adding gutters. Council Member Salver disagreed, pointing out that a lot of new construction has been done; and although he supports property owners' rights, he also thinks that the Council has a duty to regulate. He believed that the Council ought to adopt a position which prohibits granting requests for architectural features that exceed permitted boundaries, as he believed enough is enough; the resident would only be permitted 20 feet if the required setback was 20 feet.

Council Member Yaffe disagreed with Council Member Salver's comment, saying that homeowners should be permitted to choose some architectural elements and that it would be excessively harsh to turn down a request for a potential 20-inch window trim.

Council Member D'Amico mentioned the owner is granted two feet under the current ordinance. Mr. Miller clarified that no architectural features are allowed; the two feet regulation is only for the roof eaves.

Mayor Tricoche agreed with Council Member Salver and rescinded her motion to approve.

Vice Mayor Fuller made a motion to approve the ordinance to include "fixed" after "no", and Council Member Yaffe seconded the motion.

Town Planner Miller outlined the various amendments he suggested to the code, including permitting chimneys and maintaining a two-foot setback for roof overhangs. It was the consensus of the Council to table the item as the suggested list of changes were too many.

Vice Mayor Fuller withdrew his motion, and Council Member Yaffe withdrew his second.

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. 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.

Town Attorney Geller informed the Council that the item was previously heard on first reading; and it was brought back on another first reading, because significant changes were made.

Council Member D'Amico moved the item to the floor, and Council Member Salver seconded the motion.

Council Member D'Amico explained that she requested extensive changes to the ordinance, nothing that the town hasn't requested from developers.

Council Member Yaffe enquired as to whether the underlined sentences in Section 5-21 and 5-23 represented significant changes. Town Planner Miller explained the updated Exhibit A. The Council raised concerns that the ordinance contained language that needed revision. Town Attorney Geller stated that he drafted the ordinance, however, Council Member D'Amico felt that it did not reflect her intent.

Vice Mayor Fuller expressed concern about Section J, which talked about asking developers for photos of nearby properties that are 500 feet or less; he thought the request was too general and asked for more details. Council Member D'Amico said she was interested in arials.

Council Member Yaffe informed the Council that he was unable to vote in favor of the proposed ordinance, since he could not distinguish between its new and old provisions.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Design Review Board will keep approving site developments as long as the Council delays this ordinance. She believed the Council should have the authority and the Design Review Board shouldn't. She expressed frustration about the telephone poles and the destruction of all the trees by the 1177 Kane Concourse development.

PUBLIC COMMENT CLOSED

Council Member Diallo informed Council Member D'Amico that she was unable to vote in favor of the ordinance at this time, because she did not understand its purpose.

ACTION: Council Member D'Amico made a motion to approve the ordinance on first reading. Council Member Salver seconded the motion and it failed 2-4 with Vice Mayor Fuller and Council Members Diallo, Salver, and Yaffe opposing. Council Members D'Amico and Mayor Tricoche voted in favor.

DEFERRED ITEMS: There were no 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.

Town Manager Lasday stated that she was asked to negotiate with Sunshine about a potential long-term lease. She was concerned with some of the terms and whether the procurement regulations were followed. Sunshine requested a five-year lease with three renewals which equates to 20 years. She asked the Council whether it was permissible as an amendment to an existing lease or if it was against procurement laws.

Vice Mayor Fuller stated that maintaining the gas station is something he supports. His main worry was that the lease would be extended despite all the unknowns surrounding the Bridge project. He suggested continuing to extend the leases until they have a better understanding of what's to come, adding that he does want a new lease once they know the plans and design.

Council Member Salver agreed with Vice Mayor Fuller, and stated he was not a big proponent of the gas station.

Council Member Yaffe expressed opposition to a long-term lease at this time, based on Vice Mayor Fuller's comments.

Mayor Tricoche asked the Council if they would be willing to do a month-to-month lease at market rate.

Vice Mayor Fuller responded he likes the sixty-day leases; the town needs more flexibility because of federal and state funding.

Council Member D'Amico expressed concern about the town losing the gas station, if a longer-term lease was not provided. Vice Mayor Fuller mentioned that the tenant is currently paying below market rent, and there was no indication of the gas station wanting to leave.

Council Member Salver added he would dislike incorporating the gas station into the bridge design at the town's expense.

Town Manager Lasday asked Town Attorney Geller if the town must follow procurement laws to issue RFPs and RFQs if it chooses to build a structure, be it a gas station or something else. Town Attorney Geller advised that if a completely new lease is needed, a new procurement procedure would be necessary, even in cases where significant changes are needed, a lease amendment requires a different procedure.

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.

Vice Mayor Fuller stated that the purpose of adding this item to the agenda is to make the procurement process more efficient. Procurement shouldn't have to wait two months to get Council's approval for an item that is already budgeted, needlessly prolonging the process.

Town Attorney Geller stated that the results of the RFPs will still come back to the Council.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she finds out about purchases for other municipalities through the *Biscayne Times*. She criticized the Council for lack of transparency and for failing to provide an explanation for the increase in procurement from \$10,000 to \$20,000.

Council Member Yaffe clarified that the resolution has no monetary value and that it grants the Town Manager specific authority over proposal requests.

PUBLIC COMMENT CLOSED

ACTION: Vice Mayor Fuller made a motion to approve the resolution. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

15. **Discussion** and **Possible** action regarding modification of the Town's Public Comment Procedure for Town Council Meetings. Sponsored by Council Member Robert Yaffe.

Councilman Yaffe stated that while he supports citizens making public comments, he wasn't happy with the way things were being done right now. He discussed various municipalities and how they restrict public remarks to the start of the meeting. For those who wish to speak, he suggested speaker cards be finished and submitted by the time the Good and Welfare part is finished.

Additionally, he had recommended to the Town Clerk Hamilton the possibility of people completing their speaker cards online before the meeting; a feature that can be added easily on the website. He commented that he believed the decorum process was broken. He felt that going forward, the presiding officer and all subsequent presiding officers should make sure the public act appropriately and remind them to keep their conversations on topic. He believed that the Council would be better served and more productive if they prevented the speaker from deviating from the subject at hand.

Council Member D'Amico agreed with Council Member Yaffe's comments.

Council Member Yaffe stated that he contacted Miami-Dade County Ethics Committee member Jose Arroyo prior to making this proposal. He was told by Mr. Arroyo that the Presiding Officer, the mayor, oversees the meeting and has the authority to impose rules. Councilman Yaffe said that if it were decided upon, he would not be against any member of the Council alerting the public when they are straying from the subject at hand. He talked about other municipalities setting uniform rules for all and keeping public comments to the opening of the meeting.

Council Member Salver commented that the insults, yelling, and heckling, had gone out of hand, and he believed it was time to start enforcing the decorum statement.

Vice Mayor Fuller stated that he was in favor of interrupting someone who was straying from the subject. He remembered being on the opposite side of the dais, and while he agreed with Council Member Yaffe's remarks, he felt that there were occasions when he wasn't going to speak but someone—a council member or a speaker—would make a statement, and he felt compelled to correct or address it. He commented that there have also been instances when speakers who are experts on the subject want to speak and felt they ought to be given the opportunity. He added the Council needs to stop this mad dash to turn in the speaker card. There should be a cutoff point; he proposed that it would be too late if the speaker card was not turned in to the Deputy Clerk by the time the final speaker concluded.

Council Member Yaffe acknowledged that there are exceptions and believed the Presiding Officer ought to have the authority to decide whether to let the speaker speak. He recommended that the person wishing to speak should go to the Deputy Clerk and let them know they would like to speak. He believed that the reason meetings go longer than they should is because the Council waits for people to sign up. The agenda is usually available to those who regularly attend meetings, and most of them have an idea of whether they would like to speak. He reiterated that the best course of action is to move the cutoff time to the start of the meeting.

Vice Mayor Fuller concurred but added that they must figure out how a speaker would ask for an exemption to speak. He would want people to be able to speak and be allowed to share any personal knowledge or expertise they may have.

Town Attorney Geller stated that most cities allow someone from the public to speak if the Council has a question from the public, regardless of what has come before. There may be instances where someone feels compelled to pass a note to the Town Clerk or Deputy Clerk, asking for the council member or presiding officer to recognize them for a few reasons.

One general way to accomplish this is for any member of the Council to say, "Mayor, I would like to recognize a speaker."

Council Member Diallo pointed out that the decorum statement reads that anyone who made a derogatory remark or became boisterous could be asked to leave the audience. She recalled that they had never done that in her three years on the Council. She was surprised to learn that some people had been singled out for attention, which shouldn't be happening. She was aware that protocol is crucial, but she also knows that decorum has frequently been transgressed.

Town Attorney Geller stated that in addition to the Town Charter, this also pertains to Miami-Dade County's Citizen's Bill of Rights and State law, which require the public to be given the opportunity to comment on matters that will be put to a vote. He commented that every member of the Council takes this matter very seriously given the volume of comments they receive. He explained that except for strictly Council procedural matters, it would be unlawful and improper to prevent public comment on matters that were scheduled for vote.

The presiding officer is entitled to ensure that the meeting proceeds smoothly and that the Council completes its tasks on behalf of the people. He thought it was right and proper to set reasonable regulations designed to complete town business, if it did not infringe upon the public's right to comment on matters being voted on, and that the new regulations had to be published beforehand.

Vice Mayor Fuller said it was a good idea to have the Police Chief or Police Representative stand at the front of the group and, should they sense any disruption from the audience, to escort that individual out without interfering with the meeting.

Police Chief Noel came forward and advised that a person would need to disturb the peace for a police officer to escort them out, and the presiding officer would have to give the order.

Town Attorney Geller concurred with Chief Noel's remarks. He questioned whether it would make more sense to warn someone that they might be removed if they continue to be disruptive, rather than escorting them out. He stated that the presiding officer should be the one to give the directive to remove someone from the audience, but only after warning them.

Mayor Tricoche expressed her preference for online comment submissions for items because it is user-friendly and allows individuals to voice their opinions. Council Member Yaffe concurred and said the comments could be read into the record. Mayor Tricoche continued promoting the online comment submission system for people who might be out of town and would like to voice their opinions on a specific item. Town Attorney Geller proposed imposing a three-minute time limit on online comments, identical to what would apply to comments made in person. Mayor Tricoche stated that a word count restriction would be sufficient, because anything beyond that would be subjective.

Council Member D'Amico commented that this is a smart idea, especially for people who are unable to attend the meetings.

Council Member Salver asked what the next steps were as a council member.

Mayor Tricoche asked Councilman Yaffe if he would like for a resolution to be drafted. It was the consensus of the Council to revisit the decorum matter by resolution at a subsequent meeting.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she doesn't understand some of the resolutions and the Council should make what they are discussing clearer. She mentioned the resolution on procurement that was heard today, which grants the Town Manager the authority to make procurement decisions without consulting the Council. Therefore, when someone is off topic, it's because they didn't understand the Council. She believed that two minutes should be allowed for any post-event comments from the public.

PUBLIC COMMENT CLOSED

16. **Discussion** regarding Town Council term limits. Sponsored by Mayor Elizabeth Tricoche.

Mayor Tricoche asked the Council to consider putting an eight-year term limit—a maximum of two terms for each Council member—up for public vote.

Council Member D'Amico believed that if the law were changed, the incumbent would have an additional eight years, and that the change would fall short of what the public is looking for. She thought the candidates should take part in "meet the candidates" if there were no term limits, and that they should encourage people to run by hosting "meet the candidates" events.

Vice Mayor Fuller stated that he has no problem trying to promote "meet the candidates" because he is a huge supporter. Term limits, however, are a distinct circumstance. With roughly 6,000 residents, the town is in a unique situation. The town has historically outperformed Tallahassee, Washington, DC, and now Miami-Dade County for the simple reason that they have built stronger and longer-lasting relationships than other municipalities with term limits. He added that Council Member Salver presided as President of the Florida League of Cities, which greatly benefited Bay Harbor Islands. He would not have been the Florida League of Cities president if he hadn't served for more than eight years. He explained that, in contrast to incumbents with term limits, the town council members who begin lobbying in Tallahassee, Washington, DC, or the County ensure that they develop the kind of relationships that allow the town to receive funding from the State, the Federal government, and the County through continued acquaintance with the Council.

Council Member Salver addressed Council Members D'Amico and Diallo, and said that, as the newest members of the Council, they would all agree that their first year is primarily spent learning. In his opinion, experience counts for Council members to be effective.

Council Member Diallo stated the town holds elections, which uphold the democratic process. And although she was open to receiving new ideas, she believed the Council's wisdom was valuable in its entirety, just like she values the residents coming to the meetings and expressing their opinions. She believes there is a good balance in the Council, and she does not support term limits. Elections are held so that people can cast ballots and make decisions. She stated that the town might lose incumbents and candidates due to the new financial disclosure form requirements. Based on that criterion, she was quite concerned about the Council's future. She doesn't disagree with diversity; rather, she believes that the public has made up its mind.

Mayor Tricoche stated that the people should make the final decision on the matter; they should have the right to vote on whether to impose eight-year term limits, just as they made it very evident that they did not want to see the building height limits extended.

Council Member Yaffe stated he has been a member of the Council for the longest, and he understands both sides of the arguments. He recalled that the citizens' petition to restrict the height limit was successful in gathering enough signatures to be included on the ballot. He stated that there has never been a time when a resident asked for term limits in the years he has served on the Council; and he does not oppose term limits. He thought it might be a good idea to include a question on the ballot asking the people if they supported term limits. He discussed term limits being pushed in other municipalities.

Vice Mayor Fuller added that institutional knowledge adds huge value to the Council.

Council Member Salver asked about the threshold for voters' initiative to get on the ballot.

Town Attorney Geller responded that, without consulting the Charter, he thought it was predicated on the proportion of voters who are registered, estimating between 7% and 10%.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that surrounding municipalities have term limits, yet the Town doesn't. She felt that the last election was an embarrassment, and they refused to participate in "meet the candidates." She felt that term limits should be decided by the people, and that she hired an attorney to assist with this matter. She was dissatisfied with how there was so much misinformation revolving the elections. She complained that the *Newswave* containing the candidate's information came out after the elections.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and stated that she agreed with Council Member Yaffe's comments, but she disagreed with the mistreatment of staff by some of the Council Members. She mentioned she was proud of the mayor for bringing this item forward.

Council Member Salver referred to Ms. Neuhut's comment that the *Newswave* was never published following the election. He recommended moving the qualifying deadline from one month before the elections to earlier dates, like January or February, to avoid these problems.

Council Member D'Amico agreed with moving up the qualifying deadlines.

Town Manager Lasday recommended that the qualifying dates be pushed forward in light of early voting.

17. **Discussion** regarding the possibility of the Town helping to facilitate residents who live in the Condominium Association who are being bombarded with high, high special assessments in obtaining grants that are available for them from the State. Sponsored by Council Member Stephanie Bruder.

Council Member Yaffe informed the Council that Miami-Dade County has a program that offers financial assistance to condominium owners to help them pay special assessments that may arise from building recertification. To receive assistance up to \$50,000 for addressing and paying special assessments arising from rehabilitation and repairs owing to the applicable building integrity certification requirements, he provided the various incomes per household can earn to qualify. He noted that the information is on the Miami-Dade County website. He explained the assistance of a long-term loan that must be paid back; to guarantee that the money is being used properly, the loan will also be paid to the condominium association, rather than the owner. He suggested that this information be made available on the Town's website.

Council Member D'Amico explained that her condominium received a loan for something similar and that they had to go through several stages to receive the funds.

Council Member Yaffe responded that it is a personal loan program. He explained that condominium loans are different because, particularly in older buildings, windstorm insurance may not be available or may be cancelled, and banks require insurance to secure the funds, putting the burden on the unit owner, who may then face a large assessment.

Mayor Tricoche explained that her four-unit building is ineligible for a condominium loan, if the association does not generate \$100,000 in revenue. Therefore, each unit owner must have cash on hand or obtain a loan.

Vice Mayor Fuller concurred that *Newswaves* should carry this information. He suggested caution be exercised with the terminology the town employs in relation to this program, as the town is merely informing of the loan's availability; and not endorsing or advocating for it.

PUBLIC COMMENT

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and thanked Council Members Bruder and Yaffe for bringing the item forward. She stated that the seniors benefit greatly from this program, because certain associations are taking advantage of their financial situation.

Council Member Yaffe mentioned that the program will give up to \$50,000 with a 40-year repayment schedule; the extremely low payments will be computed at 0% interest.

Frances Neuht, 1060 Kane Concourse, came forward and stated that while this was a very good program, it wouldn't be required if everything was done correctly and in accordance with the code. She urged the Council to act with greater kindness and transparency. She stated that people losing their homes because of not being informed of the seriousness of unpaid special assessments should never have occurred; the program is only a band-aid; it doesn't solve the problem.

PUBLIC COMMENT CLOSED

ADJOURNMENT:

There being no further business the meeting adjourned at 10:26 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A SPECIAL COUNCIL MEETING

A Special Council Meeting was held on Wednesday, September 27, 2023 at 7:23 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Molly Diallo	Council Member Isaac Salver
Council Member Robert Yaffe	

Council Member Teri D'Amico was absent.

1. **Discussion and Designation** of a Town Representative to the Clean Energy Coastal Corridor Board. Enclosed is the Membership Agreement between the Green Corridor Property Assessment Clean Energy (PACE) District and the Clean Energy Coastal Corridor.

Town Manager Lasday explained that a membership agreement between PACE and the Clean Energy Coastal Corridor was included in the agenda packet.

Vice Mayor Fuller stated that because Council Member Leonard is no longer on the council, they must appoint a new designee.

Mark Shuffle, YGreen Energy Funds, 6306 Blue Lagoon Drive, came forward and thanked the Council for bringing the item to their attention. He mentioned that Bay Harbor Islands was a founding member of the Coastal Corridor in 2013. He advised that the municipality must appoint a designee. There are several agreements that must be reviewed, which is why a representative is required. He would be delighted to meet with whomever the town selects to explain all the details, provide additional information, and coordinate upcoming meetings.

Mayor Tricoche suggested nominating Council Member D'Amico but wasn't sure as she was not present. Council Member Salver stated that they can appoint Council Member D'Amico today and re-appoint someone else if she rejects the nomination. Vice Mayor Fuller proposed nominating Council Member D'Amico and naming a back-up today, in case she declines the nomination.

Mr. Shuffle clarified that they could appoint, but one of the founding agreements requires the nominated candidate to be a Bay Harbor Islands homeowner. The Council stated that Council Member D'Amico is a homeowner in Bay Harbor Islands.

At this time, Council Member Bruder requested to be included in the preliminary meeting to discuss the new town hall, she requested that the Council take her designation into consideration. She emphasized her background in cost-effective building design and construction.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and said she sent a report regarding this program for clean energy. She explained that the public must understand that borrowed funds must be repaid through taxes, and a lien is placed on the property. This program's necessity stems from an unsuccessful TDR initiative. Originally, a private donor building needed to be updated with TDR funds. She enquired as to who changed this and who gained from it. She questioned why the older buildings with 40-year recertification violations wind up in Special Master Hearings; why developers are permitted to purchase up to 65 town TDRs; and complained about the Council's lack of accountability for this program, because if they place a lien on her property and she doesn't pay, they may take her home.

Kathleen Kennedy, 9180 West Bay Harbor Terrace, came forward and asked for permission to make a good and welfare comment. She didn't make a comment after being informed it had to be relevant to the topic being discussed.

PUBLIC COMMENT CLOSED

ACTION: Vice Mayor Fuller made a motion to appoint Council Member Teri D'Amico and Council Member Molly Diallo as an alternate. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

Council Member Salver requested Items 3 and 4 be heard out of order.

Council Member Bruder requested that she be nominated to the Board so that she could attend the preliminary meetings for the new town hall. Vice Mayor Fuller explained that if no action is taken, the Council does not need to place an item on the agenda to designate a council member. It was the consensus of the Council for Council Member Bruder to represent the council at the design meetings for the new town hall.

ORDINANCES FOR FIRST READING

3. **Consideration and Approval** of an ordinance on First Reading amending Sections 20-5 and 20-6 of the Town Code to increase the monthly rate for water service to pass through the increase charged by Miami- Dade County Water & Sewer Department.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$5.48 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$25.49; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tricoche moved the item to the floor, and Council Member Bruder seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the resolution expressly states the charge is to protect and preserve the public's health, safety, and welfare of Bay Harbor Islands' residents. She stated that there has been a lot of dumping, not only at Church by the Sea, but also at other locations. She was upset about the grease traps and people who dumped into the water. She mentioned her tenants dumping into the water and her involvement because the pipes were clogged.

Vice Mayor Fuller requested that the Town Manager arrange for Code Compliance to inspect Ms. Neuhut's tenant's business and issue citations for any violations.

PUBLIC COMMENT CLOSED

ACTION: Mayor Tricoche made a motion to approve the ordinance on first reading. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

4. **Consideration and Approval** of an ordinance on First Reading amending Sections 20-9 of the Town Code to increase the monthly base rate for sewer service to pass through the increase charged by Miami- Dade County Water & Sewer Department.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 20-9 OF THE TOWN CODE TO INCREASE THE MONTHLY BASE AND FLOW CHARGES FOR SEWER SERVICE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor and Mayor Tricoche seconded the motion.

ACTION: Council Member Bruder made a motion to approve the ordinance on first reading. Mayor Tricoche seconded the motion, and it passed unanimously on a poll vote.

2. **Consideration and Approval** of the Collective Bargaining Agreement between the Town and AFSCME (Florida Council 79 of The American Federation of State, County, and Municipal Employees, AFL-CIO) General Employees Union.

Council Member Bruder moved the item to the floor, and Mayor Tricoche seconded the motion.

Council Member Salver expressed surprise at the request to unionize the town's employees. He stated that he discovered the process was initiated by certain individuals who misled other employees into believing that not voting was a vote against.

Council Member Bruder stated that the employees she spoke with were very happy here. She believed that the idea of a union was not properly communicated to the employees, but unfortunately, once the union arrived the town was powerless to intervene, and it is up to the union and their representatives to represent the employees.

Council Member Salver stated that a 7% increase will take effect on October 1st. The way the agenda item was presented does not provide him with a clear indication of the financial implications. Town Manager Lasday responded that the COLA had been budgeted. Council Member Salver responded that, while he knew it was budgeted, he wanted to know how much it would cost the town.

Vice Mayor Fuller requested that a budget impact line showing any changes be added to the item report in the future.

PUBLIC COMMENT

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and stated that the town didn't need a union, and wanted to know how the town came to this. She said that even though every employee is amazing, it only takes one bad employee to cause problems.

Mayor Tricoche stated that the union was formed by the employees rather than by the Council. The associated costs were the attorneys' fees on top of what the town had previously negotiated for non-budgeted items.

Vice Mayor Fuller advised debating whether something should or should not exist was inappropriate. The employees have a right to, and the Council's only concern is negotiation. There is nothing else to it; the employees made the decision.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she was unaware of the purpose of this item. She enquired as to whether the residents would pay the union. She stated that she was glad there is a union because over the previous five years, she has witnessed council members harassing workers.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the Collective Bargaining Agreement. Mayor Tricoche seconded the motion, and it passed 4-2 on a poll vote with Council Members Bruder and Salver opposing.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:50 p.m.

MAYOR

ATTEST

TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF FINAL BUDGET PUBLIC HEARING**

A Final Budget Public Hearing was held on Wednesday, September 27, 2023 at 6:30 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Mayor Elizabeth Tricoche
Vice Mayor Joshua Fuller Council Member Stephanie Bruder
Council Member Molly Diallo Council Member Yaffe

Council Member Isaac Salver joined the meeting at 6:37 p.m.

Council Member Teri D'Amico was absent.

1. **Announcement** of the proposed FY 2024 property tax rate of 3.1728 mills per \$1,000 taxable value. The "rolled-back" millage rate is 2.7234 mills per \$1,000 taxable value.

Town Manager Lasday announced that the FY 2024 Millage Rate is 16.50% more than the rolled-back rate needed to fund expenditures and expenses for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024.

2. **Consideration and Approval** of a resolution adopting a final millage rate of 3.1728 mills for the Fiscal Year 2023/2024, which is 16.50% greater than the rolled back rate of 2.7234 mills.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, MIAMI-DADE COUNTY,
FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE
FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND
ENDING SEPTEMBER 30, 2024; ANNOUNCING THE
ADOPTED FINAL MILLAGE RATE OF 3.1728 MILLS,
WHICH IS GREATER THAN THE ROLLED BACK RATE OF
2.7234 MILLS, COMPUTED PURSUANT TO STATE LAW;
PROVIDING FOR INCORPORATION OF RECITALS; AND
PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Bruder moved the item to the floor, and Mayor Tricoche seconded the motion.

Council Member Bruder suggested the budget be discussed before setting the millage rate.

Town Attorney Geller explained that the millage rate must be approved before a vote is taken on the budget. He advised that the Council may discuss anything related to the rollback rate, but the law requires the millage rate be voted on before the budget, because the budget cannot exceed the amount of money that the millage rate will yield.

Council Member Bruder thanked the staff for working hard on the budget and making it simple for the Council and the public to understand. Due to recent events, she requested to

change some budget items to move money around to reflect the town's needs. She proposed moving \$100,000 from the funds designated for artificial reefs to fund an additional police officer and for transfer of \$30,000 to the Children's Trust to hire more teachers to facilitate and assist students. She explained that the more the teachers work with the children, the more they discover the deficiencies are greater than anticipated. They require additional funding because they want the program to be the greatest. She stated that she believes the Town doesn't need two reefs; she would prefer to have just one. She also suggested reducing some of the funding for the art festival. She believed reducing private security and hours would free up \$30,000 for the Town.

Mayor Tricoche clarified Council Member Bruder's request to reallocate \$160,000, with \$100,000 going to the police, \$30,000 going to the Children's Trust, and the remaining \$30,000 going to crossing guards and/or safety.

Vice Mayor Fuller stated that he discussed adding an officer to the budget with the Town Manager and Police Chief. He asked that the Causeway Fund be used to pay for the expenses. He supported the budget request for an officer and thought the Town should improve its reputation for having officers on the causeway to reduce crime and discourage speeding, by having police officers stationed at the entrance and exit of the town. The Town can use the Causeway Fund rather than the General Fund because of budgetary constraints, which are mitigated by having an officer on the causeway around-the-clock.

Town Manager Lasday reiterated that the Causeway Fund may be used to add the officer.

Council Member Bruder stated that the officer on the causeway is insufficient, and that the Town requires an additional officer. When the Causeway Fund is used, that Officer can only be on the Causeway, she explained. She stated that the timing of an incident that occurred makes the Town appear vulnerable due to a lack of officers. Council Member Yaffe inquired about the incident in question. Council Member Bruder explained that there were break-ins at 2:20 p.m.; she spoke with the Chief and concluded that the Officers have a lot going on and are used for other resources during that time, which she felt was a weakness. She continued to say that it was a very safe Town when she moved here. Many locals don't feel safe, and this isn't the town's fault or the Police Chief's fault; rather, it's a reflection of society, not the police force. As a result, the Town should take preventative measures, rather than responding to problems after the fact.

Police Chief Noel came forward and reported that they currently have 29 officers budgeted to them. He clarified that the event happened during the busiest time of the day when the police were at the school. The police personnel are assigned based on the volume of traffic. An officer is typically assigned to both the east and west islands. Depending on their location on the island, the officer tasked with policing in the west alone might not be able to apprehend the offender in under a minute. He thought that designating one officer to work on 96th Street and another to either the east or west island, depending on the need of the day, would help discourage criminal activity.

Mayor Tricoche asked how many of the 29 officers budgeted they currently have. Police Chief Noel responded that the department does not have a Deputy Chief. There is one vacancy, and they are processing a new officer; he explained that the hiring process is lengthy; there were two officers processing, but one did not make the cut. Mayor Tricoche

acknowledged that there are 27 police officers on the force, as well as a Deputy Chief and one Officer vacancy.

Vice Mayor Fuller stated that he was not opposed to adding two officers to the force, but one should remain on the causeway. He asked Council Member Bruder if she planned to get the money for the additional officer from the Art Festival security. He explained that using private security in conjunction with the Town's officers is significantly less expensive than using the officers for that purpose, and it also frees up the officers to patrol the other islands at the same time. They are attempting to prevent art theft. He prefers that the officers continue to patrol the islands. He would be opposed to removing security from the art festival because he believed it was one of the more important aspects of the festival and would prevent the Town's officers from being distracted from their duties.

Mayor Tricoche asked Vice Mayor Fuller if he would be amenable to having one artificial reef as opposed to two which would open \$130,000 from the budget. Vice Mayor Fuller disagreed because one of the reefs is ready to go, and the second one, the larger one, is part of the overall pitch, when dealing with trying to get funds for the bridge. As he's gone through the evaluations, when dealing with the federal government, the US Department of Transportation, they found that is a huge portion of the evaluation for the environment impact. Since it is being used in tandem with the Causeway, the town is gaining advantages over other communities across the nation. It accomplishes two goals: it improves the residents' quality of life and raises the likelihood of obtaining federal funding.

Council Member Bruder asked which reef was nearly finished. Vice Mayor Fuller responded that he could only say so much because they are in the Cone of Silence and the artificial reef is up for bid; he clarified that the second reef is for the kayak launch. Council Member Bruder stated that while she recognized the value of the reef on the causeway, she did not see the necessity for the reef for the kayak launch. She proposed canceling the art festival entirely if that doesn't work, because funding for more officers needs to be secured somehow. She went on to say that because of necessity and a tight budget, they are unable to take money from other departments. She stated that she is the biggest fan of art festivals, but when it comes to safety, the art festival must give way.

Council Member Yaffe stated that it was decided that funds from the Causeway Fund will go toward funding the officer who will be devoted to the Causeway. Regarding the tot lot, he thought that the Town assessed impact fees or TDR funds could be used to resolve any problems there. He didn't think it was appropriate to take funds out of the budget to deal with the tot lot.

Council Member Bruder inquired about the addition of the second police officer. Chief Noel explained that need to hire the two officers; one with Causeway Funds, but he was unsure where the funding for the other officer would come from. Mayor Tricoche inquired about the anticipated cost per officer. Chief Noel responded that he believed the officers' starting salary is \$69,000, which does not include insurance. Council Member Salver proposed multiplying the required amount by 1.5. Mayor Tricoche stated that the required amount is \$103,500 multiplied by a factor of 1.5.

Council Member Salver inquired about the number of officers in Bal Harbour. Chief Noel responded that he was unaware of the number of officers employed by Bal Harbour, but that Surfside has more officers than Bay Harbor Islands. Council Member Salver asked the Chief, aside from the incident, if he had observed a general increase in crime. Chief Noel said in surrounding cities, but not in Bay Harbor Islands.

Council Member Salver asked how many officers were on duty at any given time. Chief Noel said four to five officers were needed, with a minimum of three. Mayor Tricoche mentioned that the Town occasionally has three officers at the school and inquired if there were any other officers assigned to the islands. Chief Noel responded that the officers stationed at the school are always on call and listening to radios, and that if an incident occurred, those three officers would respond. Mayor Tricoche reiterated that the three officers on duty are the only ones working and that there are no other officers patrolling the Town. Chief Noel confirmed.

Mayor Tricoche questioned whether hiring people expressly for that shift was the intention and whether this was a staffing issue. Chief Noel affirmed that he would appoint one officer specifically for the east/west island and another for the causeway. Mayor Tricoche acknowledged that the other three officers might be at the school and those two might be working the shift.

Council Member Bruder stated that although the Town has license plate readers, there are situations when they are insufficient and that comparing Bal Harbour and Surfside to the Town does not compare favorably enough, because people travel across the causeway to get to these locations. She stated that in her opinion, some of the town's shortcomings are situational; being proactive over reactive is her preferred approach. She stated that the locals believe there isn't community policing and that the Town needs police officers to carry this out. The police have more technology than the Town has ever had, which is a huge help, but it won't always be the solution; the town has fewer police than before.

Council Member Yaffe applauded the police for distributing safety flyers to the community. He appreciated seeing the Police Department put forth such an effort. Chief Noel also stated that a full-time marine patrol officer has been hired.

Vice Mayor Fuller said he has stated his support for more police officers. He objected to the fact that it was the second budget meeting and that promises made to residents were being reconsidered. He felt this should have been discussed in advance, and he would have preferred more specifics, such as cutting specific items, such as the reef, which is a one-time expense rather than an annual cost. The town has held two meetings, and this should have been discussed at the prior meetings. He would rather add the officer and find a way to do so, even if it meant taking money from the reserves to cover the cost, because the Town isn't taking something from the residents while still providing the officers.

Mayor Tricoche asked if impact fees would apply to the reefs as they are intended to be used to give back to the town. Additionally, if impact fees could be allocated for the reef, it might be possible to provide for everyone's needs. Town Manager Lasday stated that they would need to draft and implement a policy regarding impact fees for Parks & Recreation. Mayor Tricoche asked the Town Attorney if that would work since they are technically resolving an issue that affects the Town. Town Attorney Geller stated that he wouldn't rule it out if done correctly; there is no justification for impact fees just because they are below the waterline; research and evidence of need are required. If done correctly and the data backs it up, it doesn't mean impact fees cannot be used.

Vice Mayor Fuller inquired as to whether a portion of the causeway funds could be used for the reef on the causeway; if so, those funds could then be used to cover the interior reef. Town Manager Lasday said that since there must be an environmental component, the one along the causeway aids the Town in receiving federal funding. Vice Mayor Fuller stated that the causeway reef could be moved from the regular budget to the causeway fund.

Mayor Tricoche asked how much money would be returned to the budget, if the Causeway Reef was relocated. Town Manager Lasday said \$250,000 has been set aside for artificial reefs under Parks & Recreation's Capital Improvement section. As it is required to apply for federal funds; she proposed taking half of that and using causeway funds to fund the causeway reef, which would make \$125,000 available to support the police officer from the general fund.

Council Member Salver stated that he has been trying to wrap his head around the fact that three of the officers are assigned to the school from 8:00 a.m. to 4:00 p.m. Chief Noel clarified that the officers are only assigned during drop-off and pick-up. Council Member Salver responded that sounded more reasonable.

Vice Mayor Fuller clarified that the Causeway Fund will provide \$125,000 of the \$250,000 allotted in the General Fund for the reef. Mayor Tricoche clarified that the funding for the police officers will come from reallocated funds, of which only \$100,000 will be used for the officer and another from the Causeway Funds, the tot lots funding will come from the impact fees. The Children's Trust will receive the remaining \$25,000 in reallocated funds.

PUBLIC COMMENTS

Frances Neuhut, 1060 Kane Concourse, came forward and asked if there were any new items in the 23/24 budget, why the millage rate was higher than in Bal Harbour, why property taxes had increased by 30%, and whether tenants in the Business District and apartment buildings were being unfairly affected, and why the operations and stormwater drains of the Causeway Island Bridge were increased in the 23/24 budget compared to the 22/23 budget. She asked for clarification on the terms propriety and enterprises as they were used frequently in the budget.

Vice Mayor Fuller asked if the security funds for the art festival were being trimmed. Town Manager Lasday asked if the art festival would begin at 6:30 p.m. on Friday and if they were taking \$30,000 out of its budget.

Council Member Bruder stated that residents have complained about the time of closure of the lanes and that she is opposed to closing early for set-up.

ACTION: Council Member Bruder made a motion to approve the resolution at 7:09 p.m. Mayor Tricoche seconded the motion, and it passed unanimously on a poll vote.

3. **Consideration and Approval** of a resolution adopting a final budget for the Fiscal Year commencing October 1, 2023 and ending September 30, 2024.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR BUDGETARY CONTROLS; PROVIDING FOR GRANTS AND GIFTS; PROVIDING FOR BUDGET AMENDMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tricoche moved the item to the floor, and Council Member Bruder seconded the motion.

PUBLIC COMMENTS

Harry Bruder, 1281 94 Street, came forward and thanked the Council for their excellent work and service. He mentioned that the town could use another police officer. He stated that the previously mentioned incident was not the only one. He stated that criminals are aware of the empty police cars strategically placed on the streets; expressed concerns about not being proactive, believing that incidents would continue to occur; stated his belief that nothing was more important than the residents' safety; his enjoyment of the picnics and art festivals because they bring people together, opposition to not adding another officer due to the lack of funds. He stated that Bay Harbor Islands is no longer as safe as it once was.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and stated that the Town requires an additional officer. She stated that she was upset with the people who stayed in the Airbnb's; the Council should not put a pricing on her security and the Police Department. She believed that the police department in town was the best. She praised an officer for his interactions with the Children's Trust program participants. She also stated that she would pay additional taxes for additional security.

PUBLIC COMMENTS CLOSED

Mayor Tricoche moved to amend the budget to add two police officers, one from the causeway funds and one from reallocated funds from the reef; the artificial reef will be paid from the causeway funds; the tot lot from impact fees and TDR funds, and the remaining balance will go to the Children's Trust. Council Member Bruder seconded the motion.

ACTION: Mayor Tricoche made a motion to approve the budget as amended at 7:19 p.m. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ADJOURNMENT:

There being no further business the meeting was adjourned at 7:20 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING

A Regular Council Meeting was held on Wednesday, October 11, 2023 at 7:09 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Molly Diallo	Council Member Isaac Salver
Council Member Robert Yaffe	

Council Member Teri D'Amico was absent.

Mayor Tricoche requested a moment of silence in observation of the horrible events that were occurring around the world.

SPECIAL PRESENTATION:

1. Proclamation - Red Ribbon Week – October 23-31, 2023

Mayor Tricoche read the proclamation into the record proclaiming October 23-31 as “Red Ribbon Week” in Bay Harbor Islands.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Vice Mayor Fuller deferred items 3A, 3B, and 3D.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Diallo stated that her thoughts are with everyone in light of what is going on in the world; the Council's top priority is the safety of the town's residents.

Council Member Bruder stated that her prayers are with everyone, especially the families of the Americans killed, and hostages taken. She mentioned the Governor's message to a group of citizens in support of Israel and specific steps he intends to take. She also thanked the officers for collaborating with other agencies to keep the Town safe.

Council Member Yaffe expressed condolences and prayers for the Israelis and Americans who have been killed or kidnapped and are still missing. He stated that many families in South Florida, Bay Harbor, and around the world have been deeply affected by the tragic events in Israel. He thanked the police for the increased security that made the community feel safe. He reported attending a meeting with State Representative Fabian Fasabe, who stated that he would work to obtain as much funding for the Town's projects as possible, and if the Council happened to be in Tallahassee through organized meetings, he would assist in setting up meetings with other agencies and officials.

Council Member Yaffe mentioned he was in Orlando last week for a Policy Committee meeting; the committee meets several times a year to emphasize Home Rule.

Council Member Salver shared the sentiments of the other Council Members. He reported attending the Florida League of Cities Executive Board meeting and the Florida Municipal Loan Council meeting in Ft. Myers last month at no cost to taxpayers. He was named Chairman of the Florida Loan Council. He noted that with interest rates rising, the Florida Municipal Loan Council is developing more appealing products for communities.

Vice Mayor Fuller stated that there are no words to describe the horrors occurring in Israel. His heart goes out to the victims of all forms of terrorism. There is no justification or excuse; they persecuted Israelis, Americans, and people of various nationalities. His heart goes out to the hostages and survivors.

Mayor Tricoche stated that the Town is working very hard, and that security is heightened. They are fully aware of what is going on. She urged people to report any potential threats. She reminded the public that mental health support is available during this difficult time and encouraged them to seek help, if they need it.

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.

Frances Neuhut, 1060 Kane Concourse, came forward and complained that people are beginning to avoid visiting BHI because of the Town's severe parking shortage in the Business District; the characteristics that set BHI apart are gradually disappearing. She stated that the municipal garage at 1165 95th Street, 1185 97th Street, and the monthly parking pass for Bay Harbor businesses are all sold out. She spoke about the Council relocating town hall and police department into modulars. She complained about giving away parking at a minimal cost and the Council increasing density and selling TDRs.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported that she researched the shuttle's advantages over Freebee. The Town only received one bid for the shuttle. The shuttle costs \$149,600 for an 18-person bus and \$158,000 for a 25-person bus. An additional Freebee car costs \$132,000 dollars. She informed the Council that she is working on the matter and will bring it up for discussion at the next meeting to determine whether they would prefer to pursue a Freebee vehicle or an 18 or 25 passenger bus. She stated that the Town can use the gas tax to pay for its share of the Freebee cars, which would balance the cost, because 50% comes from FDOT and the other 50% comes from the General Fund. The CITT funds are also available for Freebee. The town has several hundred thousand dollars in CITT funds and a couple hundred thousand dollars in gas tax revenue; the question is how the Council intends to spend those transportation dollars.

Council Member Bruder asked the Town Manager if her previous statement that the Freebee is heavily used, and the shuttle is rarely used was still accurate.

Town Manager Lasday responded that the Freebee is becoming more popular and is in high demand.

Mayor Tricoche asked how many vehicles the town expects to need for Freebee and whether it will be able to cover the cost by repurposing those funds. Town Manager Lasday responded that the town will be able to cover the costs because it has a large amount of CITT and gas tax funds. The only reason this is an issue is that the town only received one proposal, which is from the current user. She asked the council if they wanted to bring this item back in November or make it a discussion item, for which she could provide ridership statistics and possibly have a Freebee representative present.

The Council agreed that conducting the analysis and having the representative attend the meeting will be beneficial.

Council Member Salver inquired about the cost of the shuttle bus and/or Freebee. Town Manager Lasday responded both have been budgeted for, and the numbers are in the budget.

It was the consensus of the Council for this topic to be discussed on the November agenda and for a Freebee representative to be present at the meeting.

Town Manager Lasday continued her report, stating that at the November 8, 2023 Council Meeting, an item will be placed on the agenda for Atkins to come and review, with the Council, the public comments regarding the Bridge Workshop and try to get some direction.

COMMITTEE REPORTS:

2. Update on the Art Festival.

Vice Mayor Fuller stated that the festival is on budget or below. The goal is to have 60 to 80 artists. He wanted to put everyone's food ideas on the table; the way it will be set up is with the music stand on one side, the bar on the other, and food on both sides. The four main cuisines will be Mexican, American, Israeli, and Greek, with kosher options available. For budgetary reasons, they do not intend to have any musical headliners. He thought the high school band worked well the last time; people flocked to the event to see local children perform. The goal is to bring as many people as possible. There is work being done for the children's area. The event coordinators will contact the Police Chief about possibly moving the higher-end restrooms to a different location so that they could provide more space and expand the children's area.

Council Member Salver inquired as to whether they had spoken with the property owner of the 1108 building to see if they could use some of their parking lot. Vice Mayor Fuller responded that there have been discussions with various buildings and that they are working to see what they can do.

Mayor Tricoche suggested that the Bank of America building donate their parking lot to the town for the event. Vice Mayor Fuller replied that the event coordinator would contact Bank of America. Council Member Salver believed that the Council contacting the building owner would be more effective.

Mayor Tricoche believed that, despite its small size, the children's section was very popular at the previous art festival. She suggested that the children's section be relocated to the Bank of America parking lot. Vice Mayor Fuller explained that there must be continuity between the festival and the children's area, and the parking lot must be arranged for security purposes; he doesn't know which would work best, but as long as the town can use the parking lot, that would be great. Council Member Bruder proposed using both Bank of America parking lots and the drive-through area for the restrooms.

Vice Mayor Fuller also stated that they are working to expand the advertising beyond the 33154-zip code to attract more people to the festival. Council Member Bruder inquired about the types of artists who would be attending the festival. According to Vice Mayor Fuller's conversations with the event coordinator, the better artists are also encouraging other artists to participate. He added that the fact that they gave artists enough notice to sign up was a huge plus. Mayor Tricoche stated that some of the pricing on the artwork ranged from \$500 to \$50,000, and she asked if they could bring art in the lower cost range because it is not realistic for some of the residents. Vice Mayor Fuller explained that finding a middle ground is difficult because if the town wants to attract high-end artists, they charge more for their work. He is attempting to attract a diverse range of artists.

He stated that the Chief of Police has been rearranging and significantly improving the traffic flow. They have also contacted the surrounding communities for assistance with traffic flow. Council Member Salver inquired about the festival's schedule for that Friday. Vice Mayor Fuller explained that they will still hold it at the same time, but the difference will be improved traffic flow. He added that they would market the event, share the routes prior to the event, change the routes, add more officers to flag down directions, and make every effort to ensure the traffic flows as smoothly as possible.

Council Member Salver stated that assistance is needed from the Town of Surfside for it to work, perhaps to have them flash their signal lights and have someone control traffic from their end. Vice Mayor Fuller responded that the Chief and himself have had multiple conversations with the other municipalities and have considered potentially adding some of the town's officers to assist on those streets.

Chief of Police Lindsley Noel came forward and informed the Council that officers will be stationed all the way down to Harding and Collins Avenues. They only saw traffic in the school zone when the children were being released. They will collaborate with the school as to the traffic flow. Council Member Yaffe stated his observation that the waiting time at the traffic lights on Byron Avenue is much longer than it used to be, and that there should be a push to those municipalities to shorten the wait time for the weekend of the festival. Chief Noel suggested speaking with the Chiefs of Surfside and Bal Harbour to see if the traffic signals could be operated manually.

Council Member Bruder stated that another complaint from residents was that there were road closures, and they were unaware of them. She suggested that the street closures be announced in advance so that residents are not caught off guard.

Vice Mayor Fuller stated that they would work on improving the publication of the shuttle bus location—if the town has one left, or if they need to rent one—so that the residents can travel into town on that day. Mayor Tricoche suggested that the golf cart be used as a shuttle. Vice Mayor Fuller responded that the golf cart will be used for security.

Vice Mayor Fuller asked the Council if they agreed with the food choices. Council Member Salver explained that Israeli and Greek food are similar, and that kosher food is only required for Saturday, not Sunday; he expressed that although they are serving kosher food, people will be not forthcoming to buying it. Cuban food and Poke bowls were suggested.

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 meeting minutes:
 - A. ~~Regular Council Meeting—April 10, 2023~~
 - B. ~~Special Council Meeting—May 1, 2023~~
 - C. Special Council Meeting - May 4, 2023
 - D. ~~Regular Council Meeting—May 10, 2023~~
4. **Consideration and Approval** of a Resolution regarding Budget Amendment No. 4 to the FY 2022-2023 Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 4 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.

5. **Consideration and Approval** of a Resolution permitting Hatzalah of Miami-Dade County, Inc., d/b/a Hatzalah of South Florida, to park on town property while providing emergency medical service.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING HATZALAH OF MIAMI- DADE COUNTY, INC., D/B/A HATZALAH OF SOUTH FLORIDA, TO PARK THEIR EMERGENCY AMBULANCE ON TOWN PROPERTY; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

6. **Consideration and Approval** of a Resolution updating the list of authorized signers for the town's accounts with Bank of America.

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.

7. **Consideration and Approval** of a Resolution extending the contract with Marcum LLP, for auditing services for Fiscal Year ended September 30, 2023 and Fiscal Year ending September 30, 2024, pursuant to the September 9, 2022 Engagement Letter.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, EXTENDING THE AUDIT ENGAGEMENT LETTER WITH MARCUM LLP; PROVIDING INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Consideration and Approval** of Task Order #3 with Atkins North America, Inc. for the amount of \$2,847,254 for the Project Development and Environmental (PD&E) Study Services for the Broad Causeway Drawbridge Replacement Project.

ACTION: Council Member Bruder made a motion to approve Consent Agenda. Vice Mayor Fuller seconded the motion, and it passed unanimously on a poll vote.

Council Member Salver asked Mayor Tricoche if he could introduce a representative of Hatzalah, for which the Council had recently approved a resolution.

Abraham Rosenfeld, Hatzalah, 9725 Broadview Terrace, came forward and stated that he and his family had relocated from New York to Miami. In 2001, he established Hatzalah in Los Angeles. He is a senior member of the organization and an extremely active fundraiser and responder. Hatzalah has 250 volunteer responders and 16 operational ambulances that cover South Beach to West Palm Beach. He expressed his gratitude to the Council and expressed his humility at their willingness to be open, flexible, and willing to work with his organization. Several government agencies have been exceptionally responsive and proactive in meeting their needs and requests. The Council has expressed a strong desire to assist the organization. Collaborations are expanding, and they are fostering and engendering goodwill all around.

Council Member Bruder requested that Mr. Rosenfeld explain their service to the public and provide their contact information. She stated that the service is available to everyone and is not limited to a specific religion.

Mr. Rosenfeld stated that the first thing they do when they answer a call is to find out if the caller is experiencing an emergency. He clarified that the only reason Hatzalah's number isn't posted is because they're still relatively new in South Florida and that's why he carries stickers with the numbers on them. He said that 305-919-4900 is a number that anyone can call 24/7 for any reason. A patient will never be denied care by the organization because of their religion or the type of call they receive.

Council Member Salver asked the Town Attorney about publishing the number in the town newsletter. The Town Attorney responded that the Council could include the phone number in the newsletter. Council Member Bruder also suggested posting the phone number on the town's website.

Mr. Rosenfeld went on to say that Hatzalah is pleased to respond promptly, professionally, and efficiently while providing the best patient care possible. They cover the 33154-zip code, and their resources include two ambulances, 28 responders, six (6) in training, paramedics, EMTs, and doctors on call. One day, he hopes to work with the town to pursue mass casualty incident responses; other Hatzalah provide this service in other cities across the nation. All service from Hatzalah is free of charge; the workers are all volunteers. Donations to the organization go toward restocking supplies. They offer the most cutting-edge medical care, have the newest technology and equipment, and are always striving for expansion.

The Council thanked Mr. Rosenfeld for his service to the community.

Mayor Tricoche questioned Town Attorney Geller about whether they had to give someone permission to speak if they had submitted a public speaker card to address a previously voted item on the Consent Agenda. Town Attorney Geller said that it was the mayor's decision, but he doesn't think they have to. Mayor Tricoche decided against calling the speaker and continued with the meeting.

ORDINANCES ON SECOND READING:

9. **Consideration and Approval** of an ordinance on Second Reading amending Sections 20-5 and 20-6 of the Town Code to increase the monthly rate for water service to pass through the increase charged by Miami-Dade County Water & Sewer Department.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$5.48 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$25.49; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and said there were similarities between Items 9 and 10. The town's businesses and citizens pay a hefty price for the water. She questioned the Council's plans to address environmental issues as well as the reason for their antiquated infrastructure.

Town Manager Lasday explained that the recently passed budget includes significant funding for infrastructure and sewer projects.

Vice Mayor Fuller also stated that every resident in BHI receives an annual or semi-annual report delivered via mail on the quality of water that is tested.

Mayor Tricoche also mentioned a free water testing kit can be obtained from Home Depot.

PUBLIC COMMENT CLOSED

ACTION: Mayor Tricoche made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

10. **Consideration and Approval** of an ordinance on Second Reading amending Sections 20-9 of the Town Code to increase the monthly base and flow charges for sewer service to pass through the increase charged by Miami-Dade County Water & Sewer Department.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 20-9 OF THE TOWN CODE TO INCREASE THE MONTHLY BASE AND FLOW CHARGES FOR SEWER SERVICE TO \$24.19 AND \$9.25 RESPECTIVELY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that there were no regulations. Many of the newly opened restaurants in the town have grease traps, for which they must pay impact fees based on the quantity of seats they offer. After spotting one of her tenants abusing the system, she contacted DERM. She believed that certain eateries were not paying the impact fees. She added that although the Church is exempt from paying taxes, they shouldn't be spared from the consequences of their recently constructed second-floor restaurant and kitchen. She asked if the Church is paying the impact fees.

Town Manager Lasday stated that DERM oversees grease traps, which is not within the town's jurisdiction; they inspect and receive fees from them. The Town is spending funds for new sewer manhole covers and ejector pumps. This year's budget contains a tremendous amount of effort that covers many sewer projects.

Mayor Tricoche requested that Code Enforcement spend more time in the business district monitoring compliance. The Town Manager also stated that they would contact DERM.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING: There were no ordinances for first reading.

DEFERRED ITEMS: There were no deferred items.

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

11. **Discussion and Appointment** of a Council Member to the Board of Trustees of the Town's Retirement System.

ACTION: Council Member Yaffe made a motion to appoint Council Member Salver to the Board of Trustees of the Town's Retirement System. Vice Mayor Fuller seconded the motion, and it passed unanimously.

12. Discussion regarding demolition of Town Hall facilities. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder stated that it is time to discuss the demolition of the town hall. Council Member Yaffe asked about the timeline for removing all staff from town hall. Council Member Bruder responded that the staff will be moved into the modulars first. The town will need to obtain and approve a demolition contract, because it will take time to move everyone out and demolish the building before they can build a budget-friendly building. Town Manager Lasday informed the Council that the staff will be in modulars within 60 days and that they are working on all the details. She believed that the demolition could take place 90 days after they relocate all the servers; the staff will be relocated first, followed by the servers. Mayor Tricoche inquired about the demolition schedule. The Town Manager responded shortly after they completed the move and received council's approval of the contract; the contract is being reviewed by the town attorney. Mayor Tricoche asked how long the attorney review would take. The Town Attorney stated that he would have it done by the end of the week. The Council acknowledged the move would occur in about 120 days.

Council Member Yaffe inquired about the timetable for working with the FIU School of Architecture. Town Manager Lasday responded that Council Member Bruder and the team met with FIU, completed a needs assessment, inspected the site, and reviewed the survey. They are currently working on the rendering of the town hall and the parking garage.

Fausto Vargas, Procurement Officer, came forward and said that October 26, 2023, is the date that FIU should provide the first set of renderings. Town Manager Lasday reminded the Council that the staff's recommendations for engineers will be on the agenda for November 8th Council Meeting. An RFP/RFQ may be issued for the design of town hall, or the Council may choose to work with one of the engineers who was chosen to be the engineer in charge of the project. Council Member Yaffe asked when the project is expected to be finished. The Town Manager said two to three years.

Vice Mayor Fuller suggested that the demolition be well-coordinated to cause as little disruption to residents as possible. He is aware that it will be extremely inconvenient, but anything that can be done to reduce the inconvenience will be greatly appreciated.

The Council unanimously agreed for the demolition of town hall to proceed.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and expressed excitement that the Council is moving forward with the construction of a new garage. She stated that the parking lot in Block 11 is completely full. She urged the Council to consider how to accommodate parking for the Business District before proceeding with the demolition.

PUBLIC COMMENT CLOSED

DISCUSSION ITEMS: There were no discussion items.

ADJOURNMENT:

There being no further business the meeting adjourned at 10:44 p.m.

MAYOR

ATTEST

TOWN CLERK

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 3.

ITEM: 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.

DESCRIPTION:

Vendor will examine all current CRS activities credit and make suggestions on which activities and elements of credit within activities could be implemented for additional credit. Additionally, vendor will evaluate the new credits within the 2017 CRS Coordinator Manual and 2021 Addendum to determine the benefit to the Town.

Vendor will assist each Town department in the preparation of documentation to support credit for each CRS activity. This includes working with the CRS Coordinator and various department representatives. Cooperation must be required from each department that provides supporting documentation. Vendor will prepare a verification manual organized by CRS activity which provides every piece of documentation required to support credit, such as community statements, forms, pages from regulations, maps, etc.

Section 2-1.2(a) of the Town Code authorizes an exemption from competitive bidding for contracts for professional services.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

This is a budgeted expense for FY 23-24. \$50,000 was allocated for a Flood Consultant under Account Number 001.5240.400031.000.

BUDGET IMPACT:

Submitted By: Mike Mesa, Building Official

ATTACHMENTS

1.	WSP
2.	Town of Bay Harbor Islands, FL CRS Program Assistance Proposal

AGREEMENT FOR COMMUNITY RATING SYSTEM (CRS)

THIS AGREEMENT, made this _____ day of _____ 2024, is by and between the Town of Bay Harbor Islands, a Florida municipality, ("Town"), whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154, and WSP USA ENVIRONMENT & INFRASTRUCTURE INC, a Foreign corporation ("Contractor" or "Company"), whose address is 1075 Big Shanty Rd, Suite 100, Kennesaw, Georgia 30144 Email: david.stroud@wsp.com; Phone: (919) 325-6497, (collectively, "Parties").

NOW THEREFORE, for and in consideration of the mutual promises and covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Contractor shall provide to the Town employee benefits brokerage and consulting services (the "Work"), and the Town and the Contractor covenant and agree as follows:

WITNESSETH:

I. DOCUMENTS

The following documents (collectively referred to as the "Contract Documents") are integral parts of this Agreement:

Quote/Proposal by WSP USA: This document outlines WSP USA's commitment to evaluating all existing CRS activities, suggesting potential improvements for additional credit, and assessing new credits outlined in the 2017 CRS Coordinator Manual and 2021 Addendum for the benefit of the Town of Bay Harbor Islands.

Town's CRS Classification Status: The Town of Bay Harbor Islands is currently classified as a Class 9 in the CRS, accruing a total of 725 points. Notably, in 2021, the Town transitioned from a CRS Class 7 to a CRS Class 9 (refer to the table below for specific Class 9 credits earned by CRS activity).

The Contract Documents collectively encompass all referenced materials. In the instance of conflicts, ambiguities, or missing specifications or instructions within these Documents, the following prioritization is established:

- A. First Priority: This Agreement dated _____, 2024, and any corresponding attachments.
- B. Second Priority: Exhibit A.
- C. Third Priority: Exhibit B.

This prioritization scheme ensures clarity and provides a hierarchical order for resolving any conflicts or uncertainties within the Contract Documents

II. SCOPE

The Contractor shall perform the Work under the general direction of the Town as set forth in the Contract Documents.

Unless otherwise specified herein, the Contractor shall perform all Work identified in this Agreement. The Parties agree that the scope of services is a description of Contractor's obligations and responsibilities, and is deemed to include preliminary considerations and

prerequisites, and all labor, materials, equipment, and tasks which are such an inseparable part of the work described that exclusion would render performance by Contractor impractical, illogical, or unconscionable.

Contractor acknowledges and agrees that the Town's Contract Administrator has no authority to make changes that would increase, decrease, or otherwise modify the Scope of Services to be provided under this Agreement. Any change orders to the Scope of Services or amendments to the Contract Documents must be authorized by the Town Manager, or his designee, and approved by the Town Commission whenever required in compliance with the Charter and Code of Ordinances for the Town of Bay Harbor Islands.

By signing this Agreement, the Contractor represents that it has thoroughly reviewed the documents incorporated into this Agreement by reference and that it accepts the description of the work and the conditions under which the work is to be performed.

III. TERM OF AGREEMENT

The initial term of this Agreement shall commence on January __, 2024, and shall end on January __, 2025. The Town reserves the right to extend this Agreement for Two (2) additional one (1) year terms, provided all terms, conditions and specifications contained herein remain the same, and the extension is mutually agreed to in writing and signed by both Parties. In the event the term of this Agreement extends beyond the end of any fiscal year of Town, to wit, September 30th, the continuation of this Agreement beyond the end of the Town's fiscal year shall be subject to and conditioned upon both the appropriation and the availability of funds.

IV. COMPENSATION

Provider shall receive no other (than listed below) compensation or benefits from the Town. Provider shall pay all of its own expenses incurred in performing the Services except that the Town shall reimburse Provider for expenses pre- approved in writing by the Town Manager. Town shall pay a fix fee of **\$34,626.00** to Provider for Services as provided hereinabove. Provider shall submit an invoice once monthly to the Town as determined by the Services provided. Provider shall be responsible for the payment of all taxes and withholdings in connection with earnings. Town will report fees earned by Provider to the Internal Revenue Service on IRS Form 1099, as may be required.

V. METHOD OF BILLING AND PAYMENT

The Town will accept invoices no more frequently than once per month, but the Town also has the option to accept an invoice for a lump sum payment at the inception of each contract year. Each invoice shall fully detail the related costs and shall specify the status of the particular task or project as of the date of the invoice with regard to the accepted schedule for that task or project. Payment will be made within forty-five (45) days after the Town's receipt of the Contractor's proper invoice, as provided in the Florida Local Government Prompt Payment Act, as may be amended from time to time. To be deemed proper, all invoices must comply with the requirements set forth in this Agreement and must be submitted on the form and pursuant to instructions prescribed by the Town's Contract Administrator. Payment may be withheld for failure of Contractor to comply with a term, condition, or requirement of this Agreement. If, at any time during the contract, the Town shall not approve or accept the Contractor's work product, and agreement cannot be reached between the Town and the Contractor to resolve the problem to the Town's satisfaction, the Town shall negotiate with the Contractor on a payment for the work

completed and usable to the Town. If billed monthly, an original invoice plus one copy are due within fifteen (15) days of the end of the month except the final invoice which must be received no later than sixty (60) days after this Agreement expires. Invoices shall designate the nature of the services performed and/or the goods provided.

To be deemed proper, all invoices must comply with the requirements set forth in this Agreement and must be submitted on the form and pursuant to instructions prescribed by the Town's Contract Administrator. Payment may be withheld for failure of Contractor to comply with a term, condition, or requirement of this Agreement.

Notwithstanding any provision of this Agreement to the contrary, Town may withhold, in whole or in part, payment to the extent necessary to protect itself from loss on account of inadequate or defective work that has not been remedied or resolved in a manner satisfactory to the Town's Contract Administrator or failure to comply with this Agreement. The amount withheld shall not be subject to payment of interest by Town.

VI. GENERAL CONDITIONS

A. Indemnification

Contractor shall protect and defend at Contractor's expense, counsel being subject to the Town's approval, and indemnify and hold harmless the Town and the Town's officers, employees, volunteers, and agents from and against any and all losses, penalties, fines, damages, settlements, judgments, claims, costs, charges, expenses, or liabilities, including any award of attorney fees and any award of costs, in connection with or arising directly or indirectly out of any act or omission by the Contractor or by any officer, employee, agent, invitee, subcontractor, or sublicensee of the Contractor. The provisions and obligations of this section shall survive the expiration or earlier termination of this Agreement. To the extent considered necessary by the Town Manager, any sums due Contractor under this Agreement may be retained by Town until all of Town's claims for indemnification pursuant to this Agreement have been settled or otherwise resolved, and any amount withheld shall not be subject to payment of interest by Town.

B. Intellectual Property

Contractor shall protect and defend at Contractor's expense, counsel being subject to the Town's approval, and indemnify and hold harmless the Town from and against any and all losses, penalties, fines, damages, settlements, judgments, claims, costs, charges, royalties, expenses, or liabilities, including any award of attorney fees and any award of costs, in connection with or arising directly or indirectly out of any infringement or allegation of infringement of any patent, copyright, or other intellectual property right in connection with the Contractor's or the Town's use of any copyrighted, patented or unpatented invention, process, article, material, or device that is manufactured, provided, or used pursuant to this Agreement. If the Contractor uses any design, device, or materials covered by letters, patent or copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or costs arising from the use of such design, device, or materials in any way involved in the work.

C. Termination for Cause

The aggrieved party may terminate this Agreement for cause if the party in breach has not corrected the breach within ten (10) days after written notice from the aggrieved party

identifying the breach. The Town Manager may also terminate this Agreement upon such notice as the Town Manager deems appropriate under the circumstances in the event the Town Manager determines that termination is necessary to protect the public health or safety. The Parties agree that if the Town erroneously, improperly, or unjustifiably terminates for cause, such termination shall be deemed a termination for convenience, which shall be effective thirty (30) days after such notice of termination for cause is provided.

This Agreement may be terminated for cause for reasons including, but not limited to, Contractor's repeated (whether negligent or intentional) submission for payment of false or incorrect bills or invoices, failure to perform the work to the Town's satisfaction; or failure to continuously perform the work in a manner calculated to meet or accomplish the objectives as set forth in this Agreement.

D. Termination for Convenience

The Town reserves the right, in its best interest as determined by the Town, to cancel this Agreement for convenience by giving written notice to the Contractor at least thirty (30) days prior to the effective date of such cancellation. In the event this Agreement is terminated for convenience, Contractor shall be paid for any services performed to the Town's satisfaction pursuant to the Agreement through the termination date specified in the written notice of termination. Contractor acknowledges and agrees that he/she/it has received good, valuable, and sufficient consideration from Town, the receipt and adequacy of which are hereby acknowledged by Contractor, for Town's right to terminate this Agreement for convenience.

E. Cancellation for Unappropriated Funds

The Town reserves the right, in its best interest as determined by the Town, to cancel this Agreement for unappropriated funds or unavailability of funds by giving written notice to the Contractor at least thirty (30) days prior to the effective date of such cancellation. The obligation of the Town for payment to a Contractor is limited to the availability of funds appropriated in a current fiscal period, and continuation of the Agreement into a subsequent fiscal period is subject to appropriation of funds, unless otherwise provided by law.

F. Insurance

As a condition precedent to the effectiveness of this Agreement, during the term of this Agreement and during any renewal or extension term of this Agreement, the Contractor, at the Contractor's sole expense, shall provide insurance of such types and with such terms and limits as noted below. Providing proof of and maintaining adequate insurance coverage are material obligations of the Contractor. The Contractor shall provide the Town a certificate of insurance evidencing such coverage. The Contractor's insurance coverage shall be primary insurance for all applicable policies. The limits of coverage under each policy maintained by the Contractor shall not be interpreted as limiting the Contractor's liability and obligations under this Agreement. All insurance policies shall be from insurers authorized to write insurance policies in the State of Florida and that possess an A.M. Best rating of A-, VII or better. All insurance policies are subject to approval by the Town's Risk Manager.

The coverages, limits, and endorsements required herein protect the interests of the Town, and these coverages, limits, and endorsements may not be relied upon by the Contractor for assessing the extent or determining appropriate types and limits of coverage to protect the Contractor against any loss exposure, whether as a result of this Agreement or otherwise. The requirements contained herein, as well as the Town's review or acknowledgement, are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by the Contractor under this Agreement.

The following insurance policies and coverages are required:

Commercial General Liability

Coverage must be afforded under a Commercial General Liability policy with limits not less than:

- \$1,000,000 each occurrence and \$2,000,000 aggregate for Bodily Injury, Property Damage, and Personal and Advertising Injury
- \$1,000,000 each occurrence and \$2,000,000 aggregate for Products and Completed Operations

Policy must include coverage for Contractual Liability and Independent Contractors.

The Town and the Town's officers, employees, and volunteers are to be covered as additional insureds with a CG 20 26 04 13 Additional Insured – Designated Person or Organization Endorsement or similar endorsement providing equal or broader Additional Insured Coverage with respect to liability arising out of activities performed by or on behalf of the Contractor. The coverage shall contain no special limitation on the scope of protection afforded to the Town or the Town's officers, employees, and volunteers.

Workers' Compensation and Employer's Liability

Coverage must be afforded per Chapter 440, Florida Statutes. Any person or entity performing work for or on behalf of the Town must provide Workers' Compensation insurance. Exceptions and exemptions will be allowed by the Town's Risk Manager, if they are in accordance with Florida Statutes.

The Contractor waives, and the Contractor shall ensure that the Contractor's insurance carrier waives, all subrogation rights against the Town and the Town's officers, employees, and volunteers for all losses or damages. The Town requires the policy to be endorsed with WC 00 03 13 Waiver of our Right to Recover from Others or equivalent.

The Contractor must be in compliance with all applicable State and federal workers' compensation laws, including the U.S. Longshore Harbor Workers' Act and the Jones Act, if applicable.

Insurance Certificate Requirements

- a. The Contractor shall provide the Town with valid Certificates of Insurance (binders are unacceptable) no later than thirty (30) days prior to the start of work contemplated in this Agreement.
- b. The Contractor shall provide to the Town a Certificate of Insurance having a thirty (30) day notice of cancellation; ten (10) days' notice if cancellation is for nonpayment of premium.

- c. In the event that the insurer is unable to accommodate the cancellation notice requirement, it shall be the responsibility of the Contractor to provide the proper notice. Such notification will be in writing by registered mail, return receipt requested, and addressed to the certificate holder.
- d. In the event the Agreement term goes beyond the expiration date of the insurance policy, the Contractor shall provide the Town with an updated Certificate of Insurance no later than ten (10) days prior to the expiration of the insurance currently in effect. The Town reserves the right to suspend the Agreement until this requirement is met.
- e. The Certificate of Insurance shall indicate whether coverage is provided under a claims-made or occurrence form. If any coverage is provided on a claims-made form, the Certificate of Insurance must show a retroactive date, which shall be the effective date of the initial Agreement or prior.
- f. The Town shall be named as an Additional Insured on all liability policies, with the exception of Workers' Compensation.
- g. The Town shall be granted a Waiver of Subrogation on the Contractor's Workers' Compensation insurance policy.
- h. The title of the Agreement, Bid/Contract number, event dates, or other identifying reference must be listed on the Certificate of Insurance.

The Certificate Holder should read as follows:

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

The Contractor has the sole responsibility for the payment of all insurance premiums and shall be fully and solely responsible for any costs or expenses as a result of a coverage deductible, co-insurance penalty, or self-insured retention; including any loss not covered because of the operation of such deductible, co-insurance penalty, self-insured retention, or coverage exclusion or limitation. Any costs for adding the Town as an Additional Insured shall be at the Contractor's expense.

If the Contractor's primary insurance policy/policies do not meet the minimum requirements, as set forth in this Agreement, the Contractor may provide evidence of an Umbrella/Excess insurance policy to comply with this requirement.

The Contractor's insurance coverage shall be primary insurance as applied to the Town and the Town's officers, employees, and volunteers. Any insurance or self-insurance maintained by the Town covering the Town, the Town's officers, employees, or volunteers shall be non-contributory.

Any exclusion or provision in the insurance maintained by the Contractor that excludes coverage for work contemplated in this Agreement shall be unacceptable and shall be considered breach of contract.

All required insurance policies must be maintained until the contract work has been accepted by the Town, or until this Agreement is terminated, whichever is later. Any lapse in coverage shall be considered breach of contract. In addition, Contractor must provide to the Town confirmation of coverage renewal via an updated certificate should any policies expire prior to the expiration of this Agreement. The Town reserves the right to review, at any time, coverage forms and limits of Contractor's insurance policies.

The Contractor shall provide notice of any and all claims, accidents, and any other occurrences associated with this Agreement shall be provided to the Contractor's insurance company or companies and the Town's Risk Management office as soon as practical.

It is the Contractor's responsibility to ensure that any and all of the Contractor's independent contractors and subcontractors comply with these insurance requirements. All coverages for independent contractors and subcontractors shall be subject to all of the applicable requirements stated herein. Any and all deficiencies are the responsibility of the Contractor.

G. Environmental, Health and Safety

Contractor shall place the highest priority on health and safety and shall maintain a safe working environment during performance of the Work. Contractor shall comply, and shall secure compliance by its employees, agents, and subcontractors, with all applicable environmental, health, safety and security laws and regulations, and performance conditions in this Agreement. Compliance with such requirements shall represent the minimum standard required of Contractor. Contractor shall be responsible for examining all requirements and determine whether additional or more stringent environmental, health, safety and security provisions are required for the Work. Contractor agrees to utilize protective devices as required by applicable laws, regulations, and any industry or Contractor's health and safety plans and regulations, and to pay the costs and expenses thereof, and warrants that all such persons shall be fit and qualified to carry out the Work.

H. Standard of Care

Contractor represents that it is qualified to perform the work, that Contractor and his/her/its subcontractors possess current, valid state and/or local licenses to perform the work, and that their services shall be performed in a manner consistent with that level of care and skill ordinarily exercised by other qualified contractors under similar circumstances.

I. Rights in Documents and Work

Any and all reports, photographs, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of Town; and Contractor disclaims any copyright in such materials. In the event of and upon termination of this Agreement, any reports, photographs, surveys, and other data and documents prepared by Contractor, whether finished or unfinished, shall become the property of Town and shall be delivered by Contractor to the Town's Contract Administrator within seven (7) days of termination of this Agreement by either Party. Any compensation due to Contractor shall be withheld until Contractor delivers all documents to the Town as provided herein.

J. Audit Right and Retention of Records

Town shall have the right to audit the books, records, and accounts of Contractor and Contractor's subcontractors that are related to this Agreement. Contractor shall keep, and Contractor shall cause Contractor's subcontractors to keep, such books, records, and accounts as may be necessary in order to record complete and correct entries related to this Agreement. All books, records, and accounts of Contractor and Contractor's subcontractors shall be kept in written form, or in a form capable of conversion into written form within a reasonable time, and upon request to do so, Contractor or

Contractor's subcontractor, as applicable, shall make same available at no cost to Town in written form.

Contractor and Contractor's subcontractors shall preserve and make available, at reasonable times for examination and audit by Town in Dade County, Florida, all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for the required retention period of the Florida public records law, Chapter 119, Florida Statutes, as may be amended from time to time, if applicable, or, if the Florida Public Records Act is not applicable, for a minimum period of three (3) years after termination of this Agreement. If any audit has been initiated and audit findings have not been resolved at the end of the retention period or three (3) years, whichever is longer, the books, records, and accounts shall be retained until resolution of the audit findings. If the Florida public records law is determined by Town to be applicable to Contractor and Contractor's subcontractors' records, Contractor and Contractor's subcontractors shall comply with all requirements thereof; however, Contractor and Contractor's subcontractors shall violate no confidentiality or non-disclosure requirement of either federal or state law. Any incomplete or incorrect entry in such books, records, and accounts shall be a basis for Town's disallowance and recovery of any payment upon such entry.

Contractor shall, by written contract, require Contractor's subcontractors to agree to the requirements and obligations of this Section.

The Contractor shall maintain during the term of the Agreement all books of account, reports and records in accordance with generally accepted accounting practices and standards for records directly related to this Agreement.

K. Public Entity Crime Act

Contractor represents that the execution of this Agreement will not violate the Public Entity Crime Act, Section 287.133, Florida Statutes, as may be amended from time to time, which essentially provides that a person or affiliate who is a contractor, consultant, or other provider and who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to Town, may not submit a bid on a contract with Town for the construction or repair of a public building or public work, may not submit bids on leases of real property to Town, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under an Agreement with Town, and may not transact any business with Town in excess of the threshold amount provided in Section 287.017, Florida Statutes, as may be amended from time to time, for category two purchases for a period of 36 months from the date of being placed on the convicted vendor list. Violation of this section shall result in termination of this Agreement and recovery of all monies paid by Town pursuant to this Agreement and may result in debarment from Town's competitive procurement activities.

L. Independent Contractor

Contractor is an independent contractor under this Agreement. Services provided by Contractor pursuant to this Agreement shall be subject to the supervision of the Contractor. In providing such services, neither Contractor nor Contractor's agents shall act as officers, employees, or agents of Town. No partnership, joint venture, or other joint relationship is created hereby. Town does not extend to Contractor or Contractor's agents any authority of any kind to bind Town in any respect whatsoever.

M. Inspection and Non-Waiver

Contractor shall permit the representatives of TOWN to inspect and observe the Work at all times.

The failure of the Town to insist upon strict performance of any other terms of this Agreement or to exercise any rights conferred by this Agreement shall not be construed by Contractor as a waiver of the Town's right to assert or rely on any such terms or rights on any future occasion or as a waiver of any other terms or rights.

N. Assignment and Performance

Neither this Agreement nor any right or interest herein shall be assigned, transferred, or encumbered without the written consent of the other Party. In addition, Contractor shall not subcontract any portion of the work required by this Agreement, except as provided in the Schedule of Subcontractor Participation. Town may terminate this Agreement, effective immediately, if there is any assignment, or attempted assignment, transfer, or encumbrance, by Contractor of this Agreement or any right or interest herein without Town's prior written consent.

Contractor represents that each person who will render services pursuant to this Agreement is duly qualified to perform such services by all appropriate governmental authorities, where required, and that each such person is reasonably experienced and skilled in the area(s) for which he or she will render his or her services.

Contractor shall perform Contractor's duties, obligations, and services under this Agreement in a skillful and respectable manner. The quality of Contractor's performance and all interim and final product(s) provided to or on behalf of Town shall be comparable to the best local and national standards.

In the event Contractor engages any subcontractor in the performance of this Agreement, Contractor shall ensure that all of Contractor's subcontractors perform in accordance with the terms and conditions of this Agreement. Contractor shall be fully responsible for all of Contractor's subcontractors' performance, and liable for any of Contractor's subcontractors' non-performance and all of Contractor's subcontractors' acts and omissions. Contractor shall defend at Contractor's expense, counsel being subject to Town's approval or disapproval, and indemnify and hold Town and Town's officers, employees, and agents harmless from and against any claim, lawsuit, third party action, fine, penalty, settlement, or judgment, including any award of attorney fees and any award of costs, by or in favor of any of Contractor's subcontractors for payment for work performed for Town by any of such subcontractors, and from and against any claim, lawsuit, third party action, fine, penalty, settlement, or judgment, including any award of attorney fees and any award of costs, occasioned by or arising out of any act or omission by any of Contractor's subcontractors or by any of Contractor's subcontractors' officers,

agents, or employees. Contractor's use of subcontractors in connection with this Agreement shall be subject to Town's prior written approval, which approval Town may revoke at any time.

O. Conflicts

Neither Contractor nor any of Contractor's employees shall have or hold any continuing or frequently recurring employment or contractual relationship that is substantially antagonistic or incompatible with Contractor's loyal and conscientious exercise of judgment and care related to Contractor's performance under this Agreement.

Contractor further agrees that none of Contractor's officers or employees shall, during the term of this Agreement, serve as an expert witness against Town in any legal or administrative proceeding in which he, she, or Contractor is not a party, unless compelled by court process. Further, Contractor agrees that such persons shall not give sworn testimony or issue a report or writing, as an expression of his or her expert opinion, which is adverse or prejudicial to the interests of Town in connection with any such pending or threatened legal or administrative proceeding unless compelled by court process. The limitations of this section shall not preclude Contractor or any persons in any way from representing themselves, including giving expert testimony in support thereof, in any action or in any administrative or legal proceeding.

In the event Contractor is permitted pursuant to this Agreement to utilize subcontractors to perform any services required by this Agreement, Contractor agrees to require such subcontractors, by written contract, to comply with the provisions of this section to the same extent as Contractor.

P. Schedule and Delays

Time is of the essence in this Agreement. By signing, Contractor affirms that it believes the schedule to be reasonable; provided, however, the Parties acknowledge that the schedule might be modified as the Town directs.

Q. Materiality and Waiver of Breach

Town and Contractor agree that each requirement, duty, and obligation set forth herein was bargained for at arm's-length and is agreed to by the Parties in exchange for *quid pro quo*, that each is substantial and important to the formation of this Agreement and that each is, therefore, a material term hereof.

Town's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

R. Compliance With Laws

Contractor shall comply with all applicable federal, state, and local laws, codes, ordinances, rules, and regulations in performing Contractor's duties, responsibilities, and obligations pursuant to this Agreement.

S. Severance

In the event a portion of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, the provisions not having been found by a court of competent jurisdiction to be invalid or unenforceable shall continue to be effective.

T. Limitation of Liability

The Town desires to enter into this Agreement only if in so doing the Town can place a limit on the Town's liability for any cause of action for money damages due to an alleged breach by the Town of this Agreement, so that its liability for any such breach never exceeds the sum of \$1,000. Contractor hereby expresses its willingness to enter into this Agreement with Contractor's recovery from the Town for any damage action for breach of contract or for any action or claim arising from this Agreement to be limited to a maximum amount of \$1,000 less the amount of all funds actually paid by the Town to Contractor pursuant to this Agreement.

Accordingly, and notwithstanding any other term or condition of this Agreement, Contractor hereby agrees that the Town shall not be liable to Contractor for damages in an amount in excess of \$1,000 which amount shall be reduced by the amount actually paid by the Town to Contractor pursuant to this Agreement, for any action for breach of contract or for any action or claim arising out of this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon Town's liability as set forth in Section 768.28, Florida Statutes.

U. Governing Law, Venue, Waiver of Jury Trial

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Venue for any lawsuit by either party against the other party or otherwise arising out of this Agreement, and for any other legal proceeding, shall be in Dade County, Florida, or in the event of federal jurisdiction, in the Southern District of Florida. THE PARTIES EXPRESSLY AGREE TO WAIVE ALL RIGHTS TO A TRIAL BY JURY OF ANY AND ALL ISSUES SO TRIABLE UNDER THIS AGREEMENT.

In the event Contractor is a corporation organized under the laws of any province of Canada or is a Canadian federal corporation, the Town may enforce in the United States of America or in Canada or in both countries a judgment entered against the Contractor. The Contractor waives any and all defenses to the Town's enforcement in Canada of a judgment entered by a court in the United States of America.

V. Amendments

No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the Town's Mayor and/or Town Manager, as determined by the Charter and Ordinances of the Town of Bay Harbor Islands, Florida, and Contractor, or others delegated authority to or otherwise authorized to execute same on their behalf.

W. Prior Agreements

This document represents the final and complete understanding of the Parties and incorporates or supersedes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein. The Parties agree that there is no commitment, agreement, or understanding concerning the subject matter of this Agreement that is not contained in this written document. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representation or agreement, whether oral or written.

X. Payable Interest

Except as required and provided for by the Florida Local Government Prompt Payment Act, Town shall not be liable for interest for any reason, whether as prejudgment interest or for any other purpose, and in furtherance thereof Contractor waives, rejects, disclaims and surrenders any and all entitlement it has or may have to receive interest in connection with a dispute or claim based on or related to this Agreement.

Y. Representation of Authority

Each individual executing this Agreement on behalf of a party hereto hereby represents and warrants that he or she is, on the date he or she signs this Agreement, duly authorized by all necessary and appropriate action to execute this Agreement on behalf of such party and does so with full legal authority.

Z. Uncontrollable Circumstances ("Force Majeure")

The Town and Contractor will be excused from the performance of their respective obligations under this Agreement when and to the extent that their performance is delayed or prevented by any circumstances beyond their control including, fire, flood, explosion, strikes or other labor disputes, act of God or public emergency, war, riot, civil commotion, malicious damage, act or omission of any governmental authority, delay or failure or shortage of any transportation, equipment, or service from a public utility needed for their performance, provided that:

1. The non-performing party gives the other party prompt written notice describing the particulars of the Force Majeure including, but not limited to, the nature of the occurrence and its expected duration, and continues to furnish timely reports with respect thereto during the period of the Force Majeure;
2. The excuse of performance is of no greater scope and of no longer duration than is required by the Force Majeure;
3. No obligations of either party that arose before the Force Majeure causing the excuse of performance are excused as a result of the Force Majeure; and
4. The non-performing party uses its best efforts to remedy its inability to perform. Notwithstanding the above, performance shall not be excused under this Section for a period in excess of two (2) months, provided that in extenuating circumstances, the Town may excuse performance for a longer term. Economic hardship of the Contractor will not constitute Force Majeure. The term of the Agreement shall be extended by a period equal to that during which either Party's performance is suspended under this Section.

AA. Scrutinized Companies

The Contractor certifies that it is not on the Scrutinized Companies that Boycott Israel List created pursuant to Section 215.4725, Florida Statutes (2022), as may be amended or revised, and that it is not engaged in a boycott of Israel. The Town may terminate this Agreement at the Town's option if the Contractor is found to have submitted a false certification as provided under subsection (5) of Section 287.135, Florida Statutes (2022), as may be amended or revised, or been placed on the Scrutinized Companies that Boycott Israel List created pursuant to Section 215.4725, Florida Statutes (2022), as may be amended or revised, or is engaged in a boycott of Israel.

BB. Public Records

Contractor shall comply with public records laws, and Contractor shall:

1. Keep and maintain public records required by the Town to perform the service.
2. Upon request from the Town's custodian of public records, provide the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes (2022), as may be amended or revised, or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Agreement if the Contractor does not transfer the records to the Town.
4. Upon completion of the Agreement, transfer, at no cost, to the Town all public records in possession of the Contractor or keep and maintain public records required by the Town to perform the service. If the Contractor transfers all public records to the Town upon completion of the Agreement, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Town, upon request from the Town's custodian of public records, in a format that is compatible with the information technology systems of the Town.

CC. Non-Discrimination

The Contractor shall not discriminate against its employees based on the employee's race, color, religion, gender, gender identity, gender expression, marital status, sexual orientation, national origin, age, disability, or any other protected classification as defined by applicable law.

1. The Contractor certifies and represents that the Contractor offers the same health benefits to the domestic partners of its employees as are offered its employees' spouses or offers its employees the cash equivalent of such health benefits because it is unable to provide health benefits to its employees' domestic partners, and that the Contractor will comply with Section 2-187, Code of Ordinances of the Town of Bay Harbor Islands, Florida, (2022), as may be amended or revised, ("Section 2-187"), during the entire term of this Agreement.

2. The failure of the Contractor to comply with Section 2-187 shall be deemed to be a material breach of this Agreement, entitling the Town to pursue any remedy stated below or any remedy provided under applicable law.

3. The Town may terminate this Agreement if the Contractor fails to comply with Section 2-187.

4. The Town may retain all monies due or to become due until the Contractor complies with Section 2-187.

5. The Contractor may be subject to debarment or suspension proceedings. Such proceedings will be consistent with the procedures in section 2-183 of the Code of Ordinances of the Town of Bay Harbor Islands, Florida.

DD. E-Verify

As a condition precedent to the effectiveness of this Agreement, pursuant to Section 448.095, Florida Statutes (2022), as may be amended or revised, the Contractor and its subcontractors shall register with and use the E-Verify system to electronically verify the employment eligibility of newly hired employees.

1. The Contractor shall require each of its subcontractors, if any, to provide the Contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. The Contractor shall maintain a copy of the subcontractor's affidavit for the duration of this Agreement and in accordance with the public records requirements of this Agreement.

2. The Town, the Contractor, or any subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated Subsection 448.09(1), Florida Statutes (2022), as may be amended or revised, shall terminate the contract with the person or entity.

3. The Town, upon good faith belief that a subcontractor knowingly violated the provisions of Subsection 448.095(2), Florida Statutes (2022), as may be amended or revised, but that the Contractor otherwise complied with Subsection 448.095(2), as may be amended or revised, shall promptly notify Contractor and order the Contractor to immediately terminate the contract with the subcontractor, and the Contractor shall comply with such order.

4. A contract terminated under Subparagraph 448.095(2)(c)1. or 2., Florida Statutes (2022), as may be amended or revised, is not a breach of contract and may not be considered as such. If the Town terminates this contract under Paragraph 448.095(2)(c), Florida Statutes (2022), as may be amended or revised, the Contractor may not be awarded a public contract for at least one year after the date on which the contract was terminated. The Contractor is liable for any additional costs incurred by the Town as a result of termination of this Agreement.

5. Contractor shall include in each of its subcontracts, if any, the requirements set forth in this Section VI. DD., including this subparagraph, requiring any and all subcontractors, as defined in Subsection 448.095(1)(j), Florida Statutes (2022), as may be amended or revised, to include all of the requirements of this Section VI. DD. in their subcontracts. Contractor shall be responsible for compliance by any and all subcontractors, as defined in Subsection 448.095(1)(j), Florida Statutes (2022), as may be amended or revised, with the requirements of Section 448.095, Florida Statutes (2022), as may be amended or revised.

IN WITNESS WHEREOF, the Town and the Contractor execute this Agreement as follows:

TOWN OF BAY HARBOR ISLANDS,

By: _____
Yvonne Hamilton
Town Clerk

By: _____
Maria Lasday
Town Manager

Greenspoon Marder LLP
Town Attorney
By: Joseph S. Geller Esq

WITNESSES:

WSP USA ENVIRONMENT & INFRASTRUCTURE INC.

Signature

By: _____
Lytle C Troutt, President

Print Name

Signature

Print Name

(CORPORATE SEAL)

STATE OF _____ :
COUNTY OF _____ :

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this day of _____, WSP USA ENVIRONMENT & INFRASTRUCTURE INC 2023, by Lytle C Troutt as President for a Foreign corporation.

(SEAL)

Notary Public, State of _____
(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of
Notary Public)

Personally Known ____ OR Produced Identification _____
Type of Identification Produced _____

December 18, 2023

Mr. Mike Mesa, CBO, CFM
Chief Building Official/ Building Department Director
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154Department

RE: Community Rating System Program Assistance

Dear Mike:

The Community Rating System (CRS) is a program that helps to reduce damage to insurable buildings, saves lives, and reduces the cost of flood insurance for policy holders. WSP USA Environment & Infrastructure Inc. is pleased that the Town of Bay Harbor Islands recognizes the importance of this program to ensure residents are better protected and the cost of flood insurance is reduced even further. As such we have prepared a proposal to provide CRS Program Assistance in achieving a lower CRS classification.

WSP has unparalleled experience and a qualified staff to begin assisting the Town of Bay Harbor Islands. Our Project Manager, **David Stroud, CFM** has almost 30 years of CRS experience. For 18 years, he worked directly for FEMA's CRS Program as the Flood Training Coordinator and lead hazard mitigation planner and for the last eight years, Mr. Stroud has remained as a consultant to the CRS providing technical support and services. The strength of WSP includes:

- **Direct CRS experience.** For 16 years, our Project Manager, David Stroud, taught the CRS Class (E-278) at the FEMA's National Emergency Training Center (N.E.T.C) which means we are uniquely qualified to approach the work with a full understanding of the complete CRS Program. This experience is further supported by FEMA's CRS program who has tasked Mr. Stroud with developing the new guidance manual for Activity 510 – Repetitive Loss Area Analysis (RLAA).
- **Current involvement in CRS Program.** Mr. Stroud holds a current contract with FEMA and ISO for reviewing floodplain management and hazard mitigation plans under the CRS Program and providing other technical support to the program. In addition, Mr. Stroud recently conducted national CRS webinars on CRS Activity 510. He was also actively involved in changes to the new 2021 CRS Schedule and will join the upcoming committee to develop the 2023 CRS Coordinators Manual.
- **CRS experience with other local governments.** The WSP team has experience providing CRS Program assistance to other local governments to reach lower CRS classifications through a variety of activities and programs. Our assistance includes cities and counties with complex programs, large flood insurance policy bases and high CRS classifications. The table on the following page represents WSP's most recent floodplain management, NFIP and CRS program assistance to local governments across the U.S.

WSP has staff with direct experience working for FEMA's CRS Program which enables us to fully develop CRS Activities that will meet the intent of the CRS Schedule and all necessary submittal and documentation requirements.

Municipality	Years of Service	Client Contact	CRS Service & Implementation History
Doral, FL	2017-2021	Mark Hagerty; 305-593-6700 ext.3111	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
Oxford, MD	2018	Cheryl Lewis; 410-226-5122	CRS Application
Morehead City	2017-present	Sandi Watkins; 252-726-6848	Prepared Activity 510 FMP & RLAA. Currently providing Activity 450 Stormwater Management assistance
Monroe County, FL	2017-2021	Jeff Manning 305-289-6325	Prepared Activity 510 CRS LMS & RLAA; Improved to Class 3
Chatham County, GA	2017-2018	Michael Blakely; 912-652-7814	Prepared Activity 510 CRS FMP & RLAA; earned repeat contract to prepare a hazard mitigation plan
Beaufort, SC	2017	Martie Kay McTeer; 843-379-7051	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
South Miami, FL	2017	Marcus Lightfoot; 305-663-6331	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
Orange County, FL	2016-2018	Daniel Negron; 407-836-7743	Prepared Activity 510 CRS FMP & RLAA and Activity 330 PPI
Miami Lakes, FL	2016-2018	Lourdes Rodriguez; 305-827-4015	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
Folly Beach, SC	2016-2021	Eric Lutz; 843-708-9982	Improved from CRS Class 7 to Class 4 (\$1m+ in NFIP savings). Recently improved to Class 3.
Wilson, NC	2015, 2019	Janet Holland; 252-399-2215	Prepared and updated Activity 510 RLAA and Activity 330 PPI; Improved from CRS Class 6 to Class 5
Charleston, SC	2012-2014	Stephen Julka; 843 724-3760	Improved from CRS Class 7 to Class 6 (4.9 million in NFIP savings)
Collier County, FL	2014-2020	Rick Zyvoloski; 239-252-3606	CRS Activity 510 compliant HIRA and FMP
Savannah, GA	2014	Tom McDonald; 912-651-6510	Prepared Activity 510 CRS FMP & RLAA. Improved from CRS Class 6 to Class 5 (enough points for Class 4)
Cutler Bay, FL	2014 - 2021	Alfredo Quintero 305-234-4262	Prepared Activity 510 FMP, CRS Program Improvement. Prepared Stormwater Master Plan and Regulations for Activity 450 to meet Class 4.
Kershaw County, SC	2013	Ronda Darity; 803-425-7233	New Application CRS Class 9/Floodplain Management Assistance
Lexington County, SC	2012-present	Christopher Stone; 803-785-8121	Floodplain Management and CRS Program Assistance. Currently updating CRS compliant Flood Mitigation Plan

WSP prides itself with providing communities with the latest guidance, information, and tools to deliver sound recommendations in the CRS program. Our experience assisting other local governments in improving their CRS classifications will prove valuable to the Town of Bay Harbor Islands.

Sincerely,

WSP Environment & Infrastructure Inc.
Water Service Line Lead



Amy Crowley, P.E., PMP, CFM



David Stroud, CFM
Emergency & Hazard Mitigation Lead

Proposal for CRS Program Services

WSP is prepared to assist the Town of Bay Harbor Islands, FL in their desire to assist in lowering the Town's CRS classification to 7 or better under the guidance of the 2017 CRS Coordinator's Manual and the 2021 CRS Addendum to the 2017 Manual.

WSP is extremely familiar with the changes made in the 2017 CRS Coordinator's Manual and the impact these changes have on local programs. Additionally, WSP was involved in developing the 2017 standards and was also involved in some of the changes to the 2021 Addendum to the 2107 Manual. As such, WSP can help the Town of Bay Harbor Islands achieve the objective outlined above.

The following steps provide an overview of WSP's approach for the project to be performed for the Town of Bay Harbor Islands:

1. Assessment of Current Credit and Program Plan for Class Improvement

The WSP Team will examine all current CRS activities credit and make suggestions on which activities, and elements of credit within activities, could be implemented for additional credit. Additionally, WSP will evaluate the new credits within the 2017 CRS Coordinator Manual and 2021 Addendum to determine the benefit to the Town of Bay Harbor Islands.

The Town of Bay Harbor Islands is currently a classification 9; with 725 points. In 2022 the Town retrograded from a CRS Class 7 to a CRS Class 9 (see table below). The table below shows the Town's Class 9 credits by CRS activity.

Prior to the Cycle Verification Visit in 2021, the Town was receiving credit for 14 out of 19 CRS eligible activities. Under its classification 7 eligibility, Bay Harbor Islands had 1,533 credit points. The Town will be required to meet the classification point threshold of at least 1,500 points to regain its Class 7 eligibility.

The benefit to policy holders by regaining the Town's CRS classification 7 will increase the average premium reduction in the SFHA to \$96. The annual discount for all policies at a CRS classification 7 will be \$175,349.

Community:	BAY HARBOR ISLANDS, TOWN OF	State:	FLORIDA
County:	MIAMI-DADE COUNTY	CID:	120637
"c" stands for the calculated points after the impact adjustment(doubleclick to expand or contract the rows below)			
Community Total Points: 725		Printable Version	
Activity	Description	Year/Sub Activity	Total/Sub Total
⊕ c310	Elevation Certificates	Year 2022	Total 38
⊕ c320	Map Information	Year 2022	Total 50
⊕ c330	Outreach Projects	Year 2022	Total 55
⊕ c340	Hazard Disclosure	Year 2022	Total 0
⊕ c350	Flood Protection Information	Year 2022	Total 47
⊕ c360	Flood Protection Assistance	Year 2022	Total 55
⊕ c370	Flood Insurance Promotion	Year 2022	Total 0
⊕ c410	Floodplain Mapping	Year 2022	Total 0
⊕ c420	Open Space Preservation	Year 2022	Total 29
⊕ c430	Higher Regulatory Standards	Year 2022	Total 98
⊕ c440	Flood Data Maintenance	Year 2022	Total 71
⊕ c450	Stormwater Management	Year 2022	Total 30
⊕ c510	Floodplain Management Planning	Year 2022	Total 225
⊕ c520	Acquisition and Relocation	Year 2022	Total 9
⊕ c530	Flood Protection	Year 2022	Total 0
⊕ c540	Drainage System Maintenance	Year 2022	Total 0
⊕ c610	Flood Warning and Response	Year 2022	Total 0
⊕ c620	Levees	Year 2022	Total 0
⊕ c630	Dams	Year 2022	Total 0

Based on the Town's existing CRS credit and the potential for increased credit, the WSP Team will prepare a CRS Improvement Strategy Memo describing the approach to achieving an improvement or Class 7 or better.

Community: BAY HARBOR ISLANDS, TOWN OF

State: FLORIDA

County: MIAMI-DADE COUNTY

CID: 120637

Current CRS Class = 9

[\[Printable Version\]](#)

		TOTAL	SFHA *	X-STD/AR/A99 **	PRP ***
CRS Class	PIF	1,890	1,721	169	0
	PREMIUM	\$1,134,977	\$1,098,327	\$36,650	\$0
	AVERAGE PREMIUM	\$601	\$638	\$217	\$0
09	Per Policy	\$32	\$34	\$11	\$0
	Per Community	\$59,736	\$57,807	\$1,929	\$0
08	Per Policy	\$62	\$67	\$11	\$0
	Per Community	\$117,542	\$115,613	\$1,929	\$0
07	Per Policy	\$93	\$101	\$11	\$0
	Per Community	\$175,349	\$173,420	\$1,929	\$0
06	Per Policy	\$124	\$134	\$23	\$0
	Per Community	\$235,084	\$231,227	\$3,858	\$0
05	Per Policy	\$155	\$168	\$23	\$0
	Per Community	\$292,891	\$289,033	\$3,858	\$0
04	Per Policy	\$186	\$202	\$23	\$0
	Per Community	\$350,698	\$346,840	\$3,858	\$0
03	Per Policy	\$216	\$235	\$23	\$0
	Per Community	\$408,504	\$404,647	\$3,858	\$0
02	Per Policy	\$247	\$269	\$23	\$0
	Per Community	\$466,311	\$462,453	\$3,858	\$0
01	Per Policy	\$277	\$302	\$23	\$0
	Per Community	\$524,118	\$520,260	\$3,858	\$0

* SFHA (Zones A, AE, A1-A30, V, V1-V30, AO, and AH): Discount varies depending on class.

** SFHA (Zones A99, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO): 10% discount for Classes 1-6; 5% discount for Classes 7-9.

*** Preferred Risk Policies are not eligible for CRS Premium Discounts.

2. Assist with lowering the Town's CRS Classification to Classification 7 or Better

The WSP Team will work with the Town to prepare for an improvement from CRS Classification 9 to a CRS Classification 7 or better. The first step in this process is to assess the Town's current documentation that supports the CRS Class 9 credits. Once that information is confirmed, WSP will create a CRS strategy Improvement memo (described in Task 1) which will lay out the CRS activity credit and steps necessary to achieve a lower CRS classification. WSP will work with ISO to determine what the final documentation and activity credits were from the 2021 CRS Verification Visit. That information will be the benchmark for moving forward with a lower CRS classification.

To regain a CRS classification 7, a two-class modification will be necessary. A two-class modification or better will require documentation to be prepared for all CRS activities, those already verified in the 2021 Cycle Verification Visit plus any new activity documentation from additional activities. A two-class modification is the same as a complete five-year cycle verification visit.

WSP will assist Bay Harbor Islands in all aspects of the CRS Program from the annual recertification in 2022 to preparing the documentation to help support a minimum of a two-class improvement or lower CRS classification. Below are some highlights of CRS activity assistance:

Activity 310: Prepare new Construction Certificate Management Procedures (CCMP)

Activity 320: Document full credit of 90 points for Map Information Service

Activity 330: Maximize outreach credit through development of Program for Public Information (PPI)

Activity 370: Create a Flood Insurance Assessment as part of the PPI

Activity 430: Develop potential other higher standards credits

Activity 540: Reestablish credit for drainage maintenance working with Miami-Dade and the South Florida Water Management District

Activity 610: Reestablish credit for flood warning working with Miami-Dade County Emergency Management

WSP will assist each Town department in the preparation of documentation to support credit for each CRS activity. This includes working with the CRS Coordinator and various department representatives. Cooperation must be required from each department that is providing supporting documentation. WSP will prepare a verification manual "electronic file" organized by CRS activity which provides every piece of documentation required to support credit, such as community statements, forms, pages from regulations, maps, etc. WSP will mark up the documentation to show the element of credit that is being applied and provide the appropriate acronym in the margin as required by ISO.

WSP will provide cycle visit guidance in the following areas (even those credits already verified by ISO) so that we look comprehensively at all of the Towns potential credits under the CRS Program. The preparation for a modification visit will include the following:

- Review and examine Elevation Certificates to identify any deficiencies (Even those already reviewed by ISO)
- Review all current CRS documentation submitted under the 2021 Verification Visit
- Work with CRS Coordinator to select appropriate CRS Activities for implementation
- Completion of all forms and application requirements
- Assist CRS Coordinator to organize Visit files on each activity
- Assist departmental personnel to prepare key documents and to prepare Visit briefing points as necessary
- Assist CRS Coordinator on special map (FIRM) requirements
- Help prepare documentation in electronic format

WSP will assist Bay Harbor Islands during the (modification visit) CRS Cycle Verification Visit by attending the meeting and answering any questions that may arise from the documentation or questions with CRS forms or other programmatic requirements. WSP will be responsible for providing any missing documentation discovered during the verification visit. WSP will respond to the ISO 30-day and/or 15-day Letters. All documentation required either during or after the CRS Verification Visit will

be managed and developed by WSP. Some documentation may be required to be developed by Bay Harbor Islands; however, WSP will assist in creating that documentation. WSP will be available to assist Bay Harbor Islands until the verification process is completed, and a new CRS classification is published.

3. Annual Recertification

WSP will assist Bay Harbor Islands during annual recertification. For all communities in Miami-Dade County, the annual CRS Recertification is due on February 1st, 2024. WSP will review any Elevation Certificates from the previous 12-month period, assist with providing any publicity, logs and other necessary documentation to support the recertification process. WSP will help facilitate the preparation of the Program Data Table along with the CC-213 and other required forms. WSP will also assist in the delivery of the recertification package to the CRS Resource Specialists.

4. Florida Model Ordinance

WSP will assist the Town of Bay Harbor Islands, FL with the requirements from the state of Florida coordinating the Town's Flood Damage Prevention Ordinance with the Florida Building Code. This effort will require the model standards for Miami-Dade County which is different from other counties/cities throughout the state. The update flood damage prevention ordinance after approved by the state and its consultant will be adopted by the Town.

Lump Sum Cost per Task to get to Class 7 or Better & Other Associated Tasks

Task 1 – Assessment of Credit	\$2,646
Task 2 – Modification to Class 7 or better	\$22,271
Task 3 - Recertification	\$4,539
Task 4 – FL Model Ordinance	\$5,170
Total	\$34,626

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 4.

ITEM: 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.

DESCRIPTION:

On December 19, 2023, Staff encountered a sewer leak on the Town's 16-inch sewer force main in the Town Hall parking lot. Due to the emergency nature of the issue and federally-mandated regulations, the repair needed to be done as soon as possible. As a result, staff reached out to four separate contractors to obtain quotes for the emergency repair. Only Maestre Construction was available to do the emergency repair.

Maestre Construction submitted a very reasonable proposal (attached) to replace a section of pipe with 2 Hymax couplings. The quote to do the emergency repair was \$66,643.19. We were advised that the actual cost could be lower or higher. it would depend on the severity of the issue, which would be known once the pipe was exposed. The actual cost to complete the repairs was \$54,855.00.

As the emergency repair was contracted under the Town's Emergency Procurement Provision pursuant to Section 2-1.3 of the Town Code, a ratification of approval by the Town Council is needed of the 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.

RECOMMENDED ACTION:

Approval.

FINANCIAL ANALYSIS:

Repair & Maintenance expenditures are included in this current year's budget.

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
Emergency Sewer Repair		\$54,855.00	402.5350.400046.000		\$140,000.00

Submitted By:

Maythe Martin, Executive Asst. to Town Manager

ATTACHMENTS

1.	Maestre Construction - Emergency Main Point Repair Proposal
2.	Maestre Construction - Emergency Main Point Repair Invoice

Proposal

Date: 12/19/2023

Project: Bay Harbor Island FM Point Repair
RE:

Emergency Point Repair on the FM behind Town Hall. Dewatering is only included up to a 2" trash pump. This does not include any valve or other fittings. This is assuming that the flow can be stopped to the FM from both sides. Line stop is not included.

Estimated Construction Time: - Hours

Additional Cost

Description	Unit	Quantity	Unit Price	Extended Total
Force Main 8" Point Repair (5'-8' Depth)	LS	1	\$ 34,325.00	\$ 34,325.00
Labor and Equipment				
			Sub-Total:	\$ 34,325.00
			Tax:	\$ -
Total Cost:				\$ 34,325.00

Material Cost Breakdown

Description	Unit	Quantity	Unit Price	Extended Total
16" Solid Sleeve or 16" Hymax	EA	2	\$ 2,750.00	\$ 5,500.00
16" Megalugs	EA	4	\$ 220.00	\$ 880.00
16" Pipe	LF	20	\$ 120.00	\$ 2,400.00
			Sub-Total:	\$ 8,780.00
			Tax:	\$ 614.60
			Total:	\$ 9,394.60
Total Material Cost:				\$ 9,394.60

Other Costs

Description	Unit	Quantity	Unit Price	Extended Total
Vacuum Truck	HR	8	\$ 400.00	\$ 3,200.00
Shrubs (10)	LS	1	\$ 1,500.00	\$ 1,500.00
Limerock	SY	50	\$ 30.00	\$ 1,500.00
Suitable Fill	SY	75	\$ 30.00	\$ 2,250.00
Unsuitable Fill Disposal	LS	1	\$ 600.00	\$ 600.00
Asphalt	SY	50	\$ 60.00	\$ 3,000.00
			Sub-Total:	\$ 12,050.00
			Tax:	\$ 843.50
			Total:	\$ 12,893.50
Total Other Cost:				\$ 12,893.50

Equipment Cost

Description	Unit	Quantity	Unit Price	Extended Total
Shoring	LS	1	\$ 1,250.00	\$ 1,250.00
				\$ -
			Sub-Total:	\$ 1,250.00
			Tax:	\$ 87.50
			Total:	\$ 1,337.50
Total Equipment Cost:				\$ 1,337.50

Total of Breakdown:	\$ 57,950.60
PO	\$ 8,692.59
Proposal Grand Total	\$ 66,643.19

This claim is justified and is consistent with the Plans and Specifications. All the costs for extra work have been reviewed and are accurate, fair and reasonable.

Approved by: Jason W. Atkinson

Change Order Approval
Town of Bay Harbor Island

Date: 12/19/23

Title:

Public Works Director

Approved per Town Manager Maria Lasday

ALL WORK TO BE COMPLETED IN WORKMANLINE MANNER ACCORDING TO STANDARD PRACTICES, ALL WORK IS GUARANTEED FOR ONE YEAR, ANY ALTERATIONS OR DEVIATIONS FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COST WILL BE EXECUTED ONLY UPON SIGNED CHANGE ORDER. OWNER HEREBY AGREES TO ACCEPT FULL RESPONSIBILITY FOR ALL FENCES, SIDEWALKS, UNDERGROUND UTILITIES, UNLESS STATED ABOVE. OUR COMPANY WILL NOT BE RESPONSIBLE FOR DAMAGES OR DELAYS DUE TO STRIKES, FIRES, ACCIDENTS OR OTHER INCIDENTS BEYOND OUR CONTROL. THE WORK AND MATERIAL MAY RESULT IN A BIND PLACED ON THE PREMISES DESCRIBED ABOVE IN CASE THE OWNER OR CONTRACTORS DEFAULTS IN ANY PAYMENTS UNDER THIS CONTRACT. THE OWNER IS LIABLE FOR FULL AMOUNT OF CONTRACT IN THE EVENT OF CANCELLATION AFTER WORK HAS BEEN STARTED. IN THE EVENT OF ANY DEFAULT OF THIS CONTRACTOR, OWNER OR CONTRACTOR AGREES TO PAY ALL COST AND REASONABLE ATTORNEY'S FEES INCURRED AS RESULT FOR THE COLLECTION PROCESS.



Maestre Construction Inc.
610 W 53 St
Hialeah FL 33012
305-557-4440

License: CGC1521862

Contract Invoice

Invoice#: 23151_1

Date: 12/21/2023

Billed To: Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Town of Bay Harbor Islands FL

Project: Bal Harbor FM Point Repair Emergency
9665 Bay Harbor Terrace
Town of Bay Harbor Islands FL

Due Date: 12/21/2023

Terms:

Order#

Description	Amount
Emergency Point Repair on the FM behind Town Hall	54,855.00

*A service charge of 18.00% per annum will be charged on all amounts
overdue on regular statement dates.*

Thank you for your prompt payment!

Non-Taxable Amount:	54,855.00
Taxable Amount:	0.00
Sales Tax:	0.00
Amount Due	54,855.00

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 5.

ITEM: 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.

DESCRIPTION:

In August 2021, the Police Department proposed a new LPR system before the Town Council which was ultimately approved and placed in the current Capital Funds Project fund in the Police Department's budget. Consequently, the LPR project was implemented.

This request serves as a renewal for the same system/software. The current contract with FLOCK Safety which includes (14) cameras was executed for four (4) years with a renewal period at year three (3) in March 2024. At this time, there are two (2) options, renew at the current price for the remaining years of the contract, which will conclude in 2026 or renew for five (5) years, maintaining the same pricing of the (14) cameras with the contract concluding in 2029. The latter option guarantees and locks in the current contracted rate for the (14) cameras.

FLOCK Safety will be increasing their pricing beginning March 2024. By renewing the current contracted price of the (14) cameras with the existing FLOCK Safety (option 2) the Police Department will guarantee current pricing thus saving an estimated \$7,000.00 annually.

In addition, the Police Department is requesting the purchase of (3) additional cameras. The (3) new cameras will be included in the renewal contract with a fee of \$3000.00 per camera annually. There will be a one-time implementation fee of \$1950.00 for the (3) cameras to be paid in Year (1).

FLOCK Safety has allowed investigators to search footage by Make, Model, Type, State of Plate, Color of Vehicle, and characteristics of vehicles like luggage racks, convertibles, aftermarket wheels, bumper stickers, etc. They also capture temporary dealer plates/paper plates, along with Golf Carts, Pedestrians, Animals, Bicycles, Motorcycles, etc. After the implementation of the FLOCK System, the BHIPD has increased its proactive investigative measures in deterring crime within the Town. The FLOCK System has also assisted in the identification of suspected vehicles/persons, which has resulted in the successful completion of cases. The officers have had positive feedback on the usage and operability of the FLOCK System.

FLOCK provides searchable capabilities for a vehicle based on the description (type, make, color and state of vehicle) even without a license plate number. This allows investigators to go from a vehicle description to a license plate, to a suspect. Hot alerts can be set up based on a description of the vehicle, not just a Plate Number. The FLOCK System provides real-time notifications to Patrol Officers (users) on their mobile data terminals (laptop), emails, and text alerts.

All Hardware, Software, installation, maintenance, data storage and cell charges are covered in the annual pricing. FLOCK has a vast network of cameras owned by the private sector that can be used to increase LPR coverage. This is a unique advantage to law enforcement. FLOCK

The attached quote provided includes a 60-month term of service for (17) FLOCK Falcon Cameras concluding in 2029. LPR battery backup and solar power option are included. All Hardware, Software, installation, maintenance, data storage and cell charges are covered in the annual pricing.

Total Cost - \$221,950.00

RECOMMENDED ACTION:

This is 25,000 more due to the term extension of the renewal contract.

Initial appropriations for this project were included in the Budget Amendment No.2 adopted June 23, 2021. Of that appropriation, \$150,000.00 was allocated to the line item 001.5210.400064.000 Machinery & Equipment specifically for this project. There was no additional fiscal impact to General Fund. The expenditures for the initial project were eligible for American Rescue Plan (ARP) reporting costs.

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
License Plate Readers	02/01/2024		5210.400064.00		\$175,000.00

Submitted By: Analily Perez, Administrative Coordinator
Lindsley Noel

1.	Memo LPR Town Council 1.8.24
2.	FL - Bay Harbor Islands PD - Law Enforcement Agreement -



Bay Harbor Islands Police Department

Interoffice Memorandum

To: Town Council

Date: 01/08/2024

From: Lindsley Noel
Chief of Police


Subject: Consideration and approval for Renewal of License
Plate Reader
(LPR) licensing and equipment- Flock

In August 2021, the Police Department proposed a new LPR system before the Town Council which was ultimately approved and placed in the current Capital Funds Project fund in the Police Department's budget. Consequently, the LPR project was implemented.

This request serves as a renewal for the same system/software. The current contract with FLOCK Safety which includes (14) cameras was executed for four (4) years with a renewal period at year three (3) in March 2024. At this time, there are two (2) options, renew at the current price for the remaining years of the contract, which will conclude in 2026 or renew for five (5) years, maintaining the same pricing of the (14) cameras with the contract concluding in 2029. The latter option guarantees and locks in the current contracted rate for the (14) cameras.

FLOCK Safety will be increasing their pricing beginning March 2024. By renewing the current contracted price of the (14) cameras with the existing FLOCK Safety (option 2) the Police Department will guarantee current pricing thus saving an estimated \$7,000.00 annually.

In addition, the Police Department is requesting the purchase of (3) additional cameras. The (3) new cameras will be included in the renewal contract with a fee of \$3000.00 per camera annually. There will be a one-time implementation fee of \$1950.00 for the (3) cameras to be paid in Year (1).

FLOCK Safety has allowed investigators to search footage by Make, Model, Type, State of Plate, Color of Vehicle, and characteristics of vehicles like luggage racks, convertibles, aftermarket wheels, bumper stickers, etc. They also capture temporary dealer plates/paper plates, along with Golf Carts, Pedestrians, Animals, Bicycles, Motorcycles, etc. After the implementation of the FLOCK System, the BHIPD has increased its proactive investigative measures in deterring crime within the Town. The FLOCK System has also assisted in the identification of suspected vehicles/persons, which has resulted in the successful completion of cases. The officers have had positive feedback on the usage and operability of the FLOCK System.

FLOCK provides searchable capabilities for a vehicle based on the description (type, make, color and state of vehicle) even without a license plate number. This allows investigators to go from a vehicle description to a license plate, to a suspect. Hot alerts can be set up based on a description of the vehicle, not just a Plate Number. The FLOCK System provides real-time notifications to Patrol Officers (users) on their mobile data terminals (laptop), emails, and text alerts.

All Hardware, Software, installation, maintenance, data storage and cell charges are covered in the annual pricing. FLOCK has a vast network of cameras owned by the private sector that can be used to increase LPR coverage. This is a unique advantage to law enforcement. FLOCK offers Cloud storage of footage, eliminating the need for an onsite server.

The attached quote provided includes a 60-month term of service for (17) FLOCK Falcon Cameras concluding in 2029. LPR battery backup and solar power option are included. All Hardware, Software, installation, maintenance, data storage and cell charges are covered in the annual pricing.

Year (1) - \$45,950.00

Annual Recurring till contract end date of 2029- \$44,000.00

Total Cost - \$221,950.00

**Flock Safety + FL - Bay Harbor Islands
PD**

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Stephen Johnston
stephen.johnston@flocksafety.com
(470) 627-5704

flock safety



EXHIBIT A
ORDER FORM

Customer: FL - Bay Harbor Islands PD
Legal Entity Name: FL - Bay Harbor Islands PD
Accounts Payable Email: nblanco@bayharborislands.net
Address: 9665 Bay Harbor Terrace Bay Harbor Islands,
Florida 33154

Initial Term: 60 Months
Renewal Term: 24 Months
Payment Terms: Net 30
Billing Frequency: Annual - First Year at Signing.
Retention Period: 30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$44,000.00
Flock Safety Flock OS			
FlockOS ™	Included	1	Included
Flock Safety LPR Products			
Flock Safety Falcon ®	Included	14	Included
Flock Safety Falcon ®	Included	3	Included

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			
Flock Safety Professional Services			
Professional Services - Standard Implementation Fee	\$650.00	3	\$1,950.00

Subtotal Year 1: \$45,950.00
Annual Recurring Subtotal: \$44,000.00
Discounts: \$35,000.00
Estimated Tax: \$0.00
Contract Total: \$221,950.00

Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a "Renewal Term") unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$45,950.00
Annual Recurring after Year 1	\$44,000.00
Contract Total	\$221,950.00

*Tax not included

Discounts

Discounts Applied	Amount (USD)
Flock Safety Platform	\$35,000.00
Flock Safety Add-ons	\$0.00
Flock Safety Professional Services	\$0.00

Product and Services Description

Flock Safety Platform Items	Product Description	Terms
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.	The Term shall commence upon first installation and validation of Flock Hardware.
One-Time Fees	Service Description	
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.	
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.	
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.	

FlockOS Features & Description

Package: Essentials

FlockOS Features	Description
Community Cameras (Full Access)	Access to all privately owned Flock devices within your jurisdiction that have been shared with you.
Unlimited Users	Unlimited users for FlockOS
State Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the statewide Flock network.
Nationwide Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the nationwide Flock network.
Direct Share - Surrounding Jurisdiction (Full Access)	Access to all Flock devices owned by law enforcement that have been directly shared with you. Have ability to search by vehicle fingerprint, receive hot list alerts, and view devices on the map.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Flock Insights/Analytics page	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
ESRI Based Map Interface	Flock Safety’s maps are powered by ESRI, which offers the ability for 3D visualization, viewing of floor plans, and layering of external GIS data, such as City infrastructure (i.e., public facilities, transit systems, utilities), Boundary mapping (i.e., precincts, county lines, beat maps), and Interior floor plans (i.e., hospitals, corporate campuses, universities)
Real-Time NCIC Alerts on Flock ALPR Cameras	Alert sent when a vehicle entered into the NCIC crime database passes by a Flock camera
Unlimited Custom Hot Lists	Ability to add a suspect’s license plate to a custom list and get alerted when it passes by a Flock camera

By executing this Order Form, Customer represents and warrants that it has read and agrees all of the terms and conditions contained in the Terms of Service located at <https://www.flocksafety.com/terms-and-conditions>

The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.

Customer: FL - Bay Harbor Islands PD

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO Number: _____

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 6.

ITEM: 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.

DESCRIPTION:

Florida Statutes, Section 50.0311, permit cities to publish legal notices and advertisements on a publicly accessible website. The town has traditionally advertised and published required notices in the *Miami Herald* and the *Daily Business Review*. While *Miami Herald* continues to have printed publications and have informed us they have no intention to change this form of publication in the near future, the *Daily Business Review* has informed the town that it has ceased printed newspapers as of December 31, 2023. Other municipalities are collaborating with RealAuction to use their platform with the County, and the town wishes to take that route. Their cost is \$50 per advertisement.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There will be substantial cost savings to the budget. Thirty-Five Thousand Dollars (\$35,000) has been appropriated in the FY 2024 Budget for advertising public notices. A short advertisement in the *Miami Herald* can cost \$1,400 and \$117 in the *Daily Business Review*. RealAuction, the company whose service we are proposing to use, charges \$50 per advertisement.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1. Resolution Public Notices(56459792.1)
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RESOLUTION NO. _____

**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.**

WHEREAS, the State Legislature adopted HB 7049- Legal Notices, amending the legal notice requirements in Chapter 50, Florida Statutes; and

WHEREAS, Cities are now permitted to publish all required legal notices and advertisements on a publicly accessible website as specified in Florida Statutes § 50.0311; and

WHEREAS, the Town has traditionally advertised and published required notices in newspapers of general circulation however, there have been recent cost increases and fewer options available for publication in newspapers; and

WHEREAS, as the number of newspaper subscribers continues to shrink and the Town turns to more responsive and lower cost online notices, including e-news, social media, and the Town's revised website, the Town wishes to take advantage of the option to publish legal notices on a publicly accessible website and amend the Town Code; accordingly, and

WHEREAS, Miami-Dade County has created a County-wide website for legal notices, as required in Florida Statutes, and the Town is able to utilize that website for legal notices; and

WHEREAS, the Town will proceed to publish annual notices in a newspaper of general circulation pointing residents to the Town's online notices as required in Florida Statutes; and

WHEREAS, the Town estimates that the move to online notifications will result in a substantial saving in annual publication costs; and

WHEREAS, in conjunction with this move to online legal advertising the Town will conduct an education campaign so that Town residents and interested parties are aware of the shift to online publication; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. In accordance with Florida Statutes Chapter 50, as revised, the Town Council of Town of Bay Harbor Island hereby authorizes publication of required legal notices and advertisements on a publicly accessible website, including but not limited to any manner so authorized by Florida Statutes, Miami-Dade County, or any other relevant authority, and specifically including the RealAuction website utilized by Miami-Dade County.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED this __ day of January 2024.

ELIZABETH TRICOCHE, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 7.

ITEM: Consideration and Approval of 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. Introduced by Council Members Isaac Salver and Stephanie Bruder. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

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.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Isaac Salver, Council Member
Stephanie Bruder, Council Member

ATTACHMENTS

1.	Resolution-Hamas Group-Denouncing Use of Sexual Violence and Rape Against Women
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RESOLUTION NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands is home to over 3,000 Jewish families amounting to thousands of Jewish women and men either directly or indirectly affected by documented reports that Hamas raped and tortured women, and other civilians during the attack; and

WHEREAS, the Town Council stands for the right of every woman and girl, of every nationality, religion, and community, to live free of all forms of violence, including rape and sexual assault; and

WHEREAS, we, the Town Council, denounce the use of rape as a weapon of war, which is a crime against humanity; and

WHEREAS, in the weeks since October 7th, overwhelming evidence has emerged of horrific acts of rape and sexual violence were systematically perpetrated by Hamas terrorists against Israeli women and girls during the October 7th assaults. The evidence includes forensic examinations of Israeli victims' bodies bearing signs of rape and torture; eyewitness testimony by survivors of the October 7th attacks who saw women being raped and mutilated; the testimony of first responders who found bodies of Israeli women with unmistakable evidence of rape, as well

as video footage filmed by Hamas terrorists recovered from their devices, which recorded evidence of sexual assault/violence, and which has been viewed and attested to by American journalists and U.S. elected officials; and

WHEREAS, videos which have been made public show a young Israeli woman, Naama Levi, with bloodied pants, being dragged by her hair in and out of a car by Hamas terror abductors. This Town Council denounces these actions; and

WHEREAS, this Town Council expresses condemnation of the use of rape as a weapon of war against Jewish and foreign national women in Israel; and

WHEREAS, this Town Council expresses its gratitude to Sheryl Sandberg and U.S. Sen. Kristen Gillibrand, D-New York, for her impassioned speech during a special session of the U.N. on December 4, 2023 which was led by Israel's Permanent Mission to the U.N.; and

WHEREAS, Israeli physician reports indicate that 30 out of the 40 female hostages released from Hamas captivity had been sexually assaulted. On December 4, 2023, eight released Israeli hostages wrote a letter to the International Committee of the Red Cross asking the organization to provide medical assistance and to visit their relatives held by Hamas in Gaza; and

WHEREAS, the released hostages said in their letter that they endured "harsh conditions" while being held and asked the Red Cross to help secure the immediate release of those still in captivity. They also asked the Red Cross to make visits to verify the health status of the captives, and provide medical assistance and proof of life which they said was urgent; and

WHEREAS, the Town Council hereby asks that the ICRC heed the calls and pleas of the families of the hostages and not only deliver life-saving medications but also allocate immediate resources needed for the women and the remainder of the rest of the hostages; and

WHEREAS, the Town Council asks for the immediate release of Naama Levi, Noa Arganami and the remaining innocent hostages, and further asks that the ICRC provide immediate medical care and assessment of the hostages; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BAY HARBOR ISLANDS, FLORIDA:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. That the Town Council of Bay Harbor Islands denounces the use of rape as a weapon of war, which is a crime against humanity; and

Section 3. The Town Council asks for the immediate release of Naama Levi, Noa Arganami and the remaining innocent hostages and further asks that the ICRC provide immediate medical care and assessment of the hostages.

Section 4. That the Town of Bay Harbor Islands requests the Town Clerk hereby share this Resolution with the State of Florida Legislature, the Office of the House of Representatives and Office of the US Senate, and hereby requests the Miami-Dade and Florida League of Cities to encourage its members to stand in solidarity with the Town of Bay Harbor Islands on this matter.

Section 5. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED this 10th day of January 2024.

By: _____
Elizabeth Tricoche - Mayor

ATTEST:

Yvonne P. Hamilton
Town Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFIENCY:**

Greenspoon Marder LLP – Town Attorneys
By: Joseph S. Geller

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 8.

ITEM: 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.

DESCRIPTION:

Section 5-26 of the Town Code is being revised by creating the new section outlined below. The revised language would exempt town projects from automatic review and approval by the Design Review Board. The Town Council will have the discretion to request that the Design Review Board or other Town Boards or Committees review plans for these type of projects.

Sec. 5-26. – ~~Reserved~~ Site Development Plan Exemption for Town Projects.-

(a) Notwithstanding any requirements set forth hereinabove that require the Town's Design Review Board to review and approve a Site Development Plan prior to building permits being filed, reviewed and issued, and/or prior to physical construction activities occurring, the purpose of this section is to expressly exempt Town projects from such review. The exemption granted hereby shall also include an exemption from any requirement to hold a public meeting of any kind prior to consideration or approval of a Town project, to the extent that such consideration or approval may be required. This shall not prohibit the Town Council from requesting the Design Review Board or others (boards / committees / etc.) to review and comment on various Town projects. This exemption shall not exempt the Town from complying with its Land Development Regulations per Florida Statute 163.3202 and its adopted Comprehensive Plan policies.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is a fee associated with advertising the ordinance on second reading, if approved. Thirty-Five Thousand Dollars (\$35,000) have been appropriated in the FY 2024 Budget for public notices, under Account No. 001-5125-400049-000 - Legal Advertisements for Ordinances/Public Hearings.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Ordinance - Town Site Plan Exemption, January 4, 2024
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ORDINANCE NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands adopted the first Building and Construction Code for the community in 1961; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper re-development of lands within the Town, and amends its Codes accordingly; and

WHEREAS, after studying of the existing Code provisions, the Town Council finds that a need exists to modify the existing Code provisions to provide for Site Development Plan Exemption for Town Projects, and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Building and Construction Code is hereby amended to modify Article I, by creating Section 5-26 entitled "Site Development Plan Exemption for Town Projects" to modify the provision related to site plan exemptions as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4: The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5: It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Bay Harbor Islands, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 10th day of January, 2024.

PASSED on Second Reading this ____ day of _____, 2024.

ELIZABETH TRICOCHÉ
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT “A”

**The Town of Bay Harbor Islands, Florida Code of Ordinances
is hereby amended as follows:**

CHAPTER 5

BUILDINGS AND CONSTRUCTION

Sec. 5-26. – ~~Reserved~~ Site Development Plan Exemption for Town Projects.

- (a) Notwithstanding any requirements set forth hereinabove that require the Town's Design Review Board to review and approve a Site Development Plan prior to building permits being filed, reviewed and issued, and/or prior to physical construction activities occurring, the purpose of this section is to expressly exempt Town projects from such review. The exemption granted hereby shall also include an exemption from any requirement to hold a public meeting of any kind prior to consideration or approval of a Town project, to the extent that such consideration or approval may be required. This shall not prohibit the Town Council from requesting the Design Review Board or others (boards / committees / etc.) to review and comment on various Town projects. This exemption shall not exempt the Town from complying with its Land Development Regulations per Florida Statute 163.3202 and its adopted Comprehensive Plan policies.

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 9.

ITEM: 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.

DESCRIPTION:

Chapter 5-6(e) of the Town Code is being amended as outlined below to allow code violators to pay the required fine, prior to obtaining any type of permit or development order, with subsequent appeal or mitigation of the amount paid.

Nothing contained herein, or anywhere in the Town Code, shall prevent a party, who owes any money to the Town for outstanding liens, fines or otherwise, from paying said monies in full, in order to proceed with development or construction, obtain permits of any kind, or otherwise proceed with any other endeavor (including finalizing a transfer of the property), and thereafter proceeding to appeal, or seek mitigation of the liens, fines or other monies owed to the Town, through regular established processes for such appeal or request for mitigation. Any such request to appeal or seek mitigation shall be submitted in writing at the time of payment to the Town and must be pursued with reasonable promptness or it will be deemed waived. If the appeal or mitigation is successful, such that the amount due to the Town is retroactively reduced, the Town shall refund the amount of the reduction to the payor or their designee.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is a fee associated with advertising the ordinance on second reading, if approved. Thirty-Five Thousand Dollars (\$35,000) have been appropriated in the FY 2024 Budget for public notices, under Account No. 001-5125-400049-000 - Legal Advertisements for Ordinances/Public Hearings.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Robert Yaffe, Council Member

ATTACHMENTS

1.	Ordinance - Appeal after Payment of Code Violation Fine - January 4, 2024
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ORDINANCE NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands adopted the first Building and Construction Code for the community in 1961; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper re-development of lands within the Town, and amends its Codes accordingly; and

WHEREAS, after studying of the existing Code provisions, the Town Council finds that a need exists to modify the existing Code provisions to provide for appeal after payment of code violations, and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Building and Construction Code is hereby amended 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, as more fully set forth in the attached Exhibit “A”, and by reference are made a part hereof.

Section 3: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4: The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5: It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Bay Harbor Islands, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 10th day of January, 2024.

PASSED on Second Reading this ____ day of _____, 2024.

ELIZABETH TRICOCHÉ
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit “A”

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 5 – Buildings and Construction

ARTICLE I. – IN GENERAL

Sec. 5-6. - Developmental fees, permits—Required, fees to be paid; penalty for noncompliance.

(a) *Required.* Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures such as painting, roof cleaning or painting, plumbing or electrical work, sandblasting, seawall repairs, sign painting or installation, driveway sealing or paving, awning installation, fencing, installation or replacement or repair of air-conditioning equipment, hurricane shutters and patio slabs in the town. Fees shall be paid therefore in accordance with the fee schedule provided herein. As a condition precedent to the processing of plans and/or an application for a permit involving new construction, substantial renovations, or demolition, neither the applicant nor the subject property shall have any existing code violations in the town, liens or unpaid fines due and owing to the town.

(b) *Developmental fees.* All fees charged for services provided by the town in conjunction with or in any way related to development permits, as defined in F.S., chapter 163, shall be established from time to time by separate administrative order which shall not become effective until approved by resolution of the town council.

(c) *Exception from fees.* The Dade County School Board, the County of Miami-Dade, the state, the United States of America, and all corporate municipalities owning real property within the boundaries of the town, shall be exempted from the payment of any fee for a building permit or a certificate of use and occupancy where the work is done wholly by personnel of such agency; where the work is done for such agency is done by outside contract, the contractor shall secure the necessary permit and pay the required fees; where the work is to be done solely by the personnel of a governmental agency, the permit shall be issued in the name of such agency upon application for any building construction, occupancy or usage, not contrary to the provisions of the Town Code of Ordinances.

(d) *[Penalty for violation.]* If any required permit is not obtained in accordance with this section, any person who was required to obtain the permit shall be punished by a fine not exceeding \$250.00 per day for a first violation and not exceeding \$500.00 per day for a repeat violation, unless otherwise prescribed in the Code, ordinances or by resolution of the town council.

(e) To the extent that there are open plans or permits involving new construction, substantial renovations, or demolition on the effective date of this section wherein the applicant or the subject property has any existing code violations with the town, stop work orders, liens or unpaid fines due and owing to the town, neither a final inspection shall occur nor shall the plans or permit be approved or closed until the existing code violation(s) are complied with and the citations are closed by the town and any unpaid fines are paid in full. Further, the Town shall suspend further project reviews, including Design Review Board meetings, Site Development Plans, or Building Permits, until full or partial compliance is achieved, as determined by the Building Official.

Nothing contained herein, or anywhere in the Town Code, shall prevent a party, who owes any money to the Town for outstanding liens, fines or otherwise, from paying said monies in full, in order to proceed with development or construction, obtain permits of any kind, or otherwise proceed with any other endeavor (including finalizing a transfer of the property), and thereafter proceeding to appeal, or seek mitigation of the liens, fines or other monies owed to the Town, through regular established processes for such appeal or request for mitigation. Any such request to appeal or seek mitigation shall be submitted in writing at the time of payment to the Town and must be pursued with reasonable promptness or it will be deemed waived. If the appeal or mitigation is successful, such that the amount due to the Town is retroactively reduced, the Town shall refund the amount of the reduction to the payor or their designee.

***Note: Text in Bold, stricken or underlined, or highlighted is proposed to be modified. Upon final editing / adoption the Bold / highlighted text will be made standard.**

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 10.

ITEM: 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.

DESCRIPTION:

Florida Statutes, Section 50.0311 permits cities to publish all required legal notices and advertisements on a publicly accessible website. This ordinance seeks to amend the Town Code to define publication and remove the requirements for newspaper publication outlined in the various sections therein. Strikethrough indicate language to be removed and new text is underlined.

EXHIBIT A

Sec. 1-2 Definitions and Rules of Construction

Publication. The term "publication" or "publish" means to publish a legal notice in accordance with Florida Statutes, Chapter 50. Publication may be achieved by one of the following: publication in a newspaper, on a publicly accessible website as detailed in Chapter 50 Florida Statutes, or in any other manner so authorized by Florida Statutes, Miami-Dade County, or any other relevant authority.

Sec. 2-21. Notice of public hearing.

Within a reasonable time after the filing of a complete application and, in every case where a variance is requested pursuant to this article, before the town council shall consider any application, the town clerk shall cause a notice of public hearing to be published once in a manner authorized by law as provided in this code ~~in a newspaper of general circulation~~, published in the Town of Bay Harbor Islands or in Miami-Dade County, Florida, at least ten days prior to the date of such hearing. The publication shall indicate the nature and type of variance sought and the specific property involved. In addition to the foregoing, the town clerk shall cause to be delivered individual notices of such application for variance and hearing, in person, or by mail, to the owners of record of all property within 375 feet of the property under consideration; provided, however, that in case of notice by mail, such notice shall be mailed not less than seven days before the date of the hearing. For administrative variances refer to subsection 2-17(B)(f)(4) above.

Sec. 18-24. Notice of property owner's failure to convert facilities.

(a) If the town manager determines that a building has not completed conversion to underground utility service facilities as required sections 18-22 or 18-23 above, the manager shall notify the owner of that building in writing and demand that the owner cause the conversion to be made within 60 days of the date of service of the notice. The notice shall be by certified mail and in the manner set forth in subsection (b) herein. In the event that such notice is returned by postal authorities, the manager shall cause a copy of the notice to be served by a law enforcement officer upon the occupant of the land or upon any agent of the owner thereof.

(b) In the event that personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer, the notice shall be served by physical posting on the said property, and by publication in a manner authorized by law as provided in this code ~~in a newspaper of general circulation~~ at least twice, seven days between publications, and 30 days before the date the conversion is required. The notice shall be in substantially the following form:

“NOTICE REQUIRING CONVERSION OF UTILITY SERVICE FACILITIES”

Name of Owner

Address of Owner

Our records indicate that you are the owner(s) of the following land in Dade County, Florida: (describe property)

An inspection of this land discloses, and I have found and determined that a building is located thereon which has not converted its (state type of utility) service facilities from overhead to underground service.

You are hereby notified that unless this building converts its (state type of utility) service facility from overhead to underground service within 30 days of personal service upon you of this notice, or of the second publication thereof, the town will proceed to cause the conversion of these facilities and the cost of the work, including advertising costs and all other expenses necessary to complete the conversion will be imposed as a lien on the land if not otherwise paid within 90 days after the conversion has been completed and the cost thereof ascertained by the Town of Bay Harbor Islands.

Town of Bay Harbor Islands, Florida

By:

Town Manager”

Sec. 2-1.1. Procurement limitations; competitive bidding.

Subject to the exceptions enumerated in section 2-1.2, all purchases of or contracts for materials, supplies, equipment, improvements or services (collectively “procurements”) shall be made or entered into in accordance with the provisions of this section.

(a) *Procurements less than \$10,000.00.* Procurements where the total amount to be expended is not in excess of \$10,000.00 may be made by the town manager or his/her designee without the necessity of approval by the town council and without competitive bidding. Single purchases or contracts in excess of \$10,000.00 shall not be broken down to amounts of less than \$10,000.00 to avoid the requirements of this section.

(b) *Procurements greater than \$10,000.00 but less than \$20,000.00.* Procurements where the total amount to be expended is in excess of \$10,000.00 but which does not exceed \$20,000.00 may be made by the town manager or his/her designee, without the necessity of approval by the town council. A minimum of three (3) price quotations shall be obtained when practicable. Price quotations or refusals to submit a price quotation may be obtained verbally but must be documented in writing. Single purchases or contracts in excess of \$20,000.00 shall not be broken down to amounts of less than \$20,000.00 to avoid the requirements of this section.

(c) *Procurements greater than \$20,000.00.* Procurements where the amount to be expended is in excess of \$20,000.00 shall be approved by the town council. A public invitation to bid shall be prepared and advertised on the town’s website in a manner authorized by law as provided in this code ~~and in a newspaper of general circulation~~. A minimum of three written bids shall be obtained when practicable. Bids, price quotations or refusals to submit a bid or price quotation shall be documented in writing and provided to the town council for review and approval.

In the event a procurement governed by this section is for an indefinite quantity of goods or services, the goods and services shall be memorialized by a written agreement that shall be no

more than a three-year term, with a two-year option at the town council's discretion. All open-ended procurement/service agreements shall state that they shall be terminable without cause upon written notice by the town manager.

(d) *Exception to procurement limitation.* The town manager may procure automobile fuel, legal advertisements and normal utilities including gas, electric and communication services in an amount in excess of \$20,000.00 without the approval of the town council, provided the procurement is consistent with the town budget.

Sec. 5¾-8. Contents and service of notice.

(a) A notice shall include:

- (1) The date and time of issuance.
- (2) The name of the code compliance officer issuing the notice.
- (3) The name and address of the violator.
- (4) The section of the Code that has been violated.
- (5) A brief description of the nature of the violation, including the location, date and time of the violation.
- (6) The amount of the civil penalty for which the violator may be liable if s/he is found in violation.
- (7) The instructions and date for paying the civil penalty or for filing a request for an administrative hearing before a special magistrate to appeal the civil penalty.
- (8) The correction period.
- (9) A statement that each day of continued violation after expiration of the correction period shall be deemed a continuing violation subject to an additional penalty in the same amount without the need for additional notices.
- (10) A statement that the filing of a request for an administrative hearing will toll the accrual of continuing violation penalties.
- (11) A statement that failure to request an administrative hearing within 20 days after service of the notice shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate, and that such waiver shall constitute an admission of the violation, and that, in such case, an order may be entered against the violator for the amount of the civil penalty.
- (12) A statement that the violator may be liable for the reasonable administrative hearing costs should s/he be found in violation.

(b) Service of the notice to the violator shall be effected either by:

- (1) Certified mail, return receipt requested, provided that if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the town by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs (c)(2)a. and b. and by first class mail directed to the addresses furnished to the town with a properly executed proof of mailing or affidavit confirming the first class mailing;
- (2) Hand delivery by the sheriff or other law enforcement officer, code compliance officer or other person designated by the town by:
 - a. Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
 - b. In the case of commercial premises, leaving the notice with the manager or other person in charge.

(c) In addition to providing service of the notice as set forth above, at the option and discretion of the town manager or his designee, the notice may also be served by publication or posting as follows:

- (1) a. The notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a manner authorized by law as provided in this code ~~in a~~

~~newspaper of general circulation~~ in Miami-Dade County, as specified in F.S. ch. 50.

b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) a. In lieu of publication as described in paragraph (c)(1), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist (if any) and the other of which shall be at town hall.

b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (b).

(d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (b) (e.g., by affidavit of the code compliance officer), together with proof of publication or posting as provided in subsection (c), shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

(e) If the owner of property which is subject to an enforcement proceeding before the special magistrate or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

(1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

(3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

(4) File a notice with the code compliance officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable correction period before the hearing is held.

Sec. 23-16.1. Moratorium.

(1) Notwithstanding any other provisions contained in the ordinances of the town, the town council may impose building and zoning moratoria in accordance with the procedures herein established.

(2) *Purpose.* The purpose of this section is to provide a legislative procedure whereby the town can impose a building moratorium whenever it shall be made to appear to the town that it is in the public interest to make a comprehensive determination as to whether existing zoning ordinances applying to a portion of the area of the Town of Bay Harbor Islands are appropriate, and that the said existing zoning ordinances may be detrimental to the said area should they continue to remain applicable and building permits be issued predicated thereon.

(3) Should the town council determine that a building moratorium is reasonably necessary, it shall pass and adopt an ordinance to that effect. The ordinance shall establish the time frame for the building moratorium and direct that no permits be issued within the affected area(s). The ordinance shall also set forth a fixed time within which the town staff shall report back to the town council with their recommendations relating to the appropriate zoning districts and regulations for the affected areas. The said time limitation shall be a reasonable one, predicated upon the time needed for a comprehensive analysis of the area(s). The town council's determination shall be predicated on a consideration of the comprehensive plan and shall be

designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

(4) Any ordinance issued pursuant to this section shall be complied with by all town personnel and shall be effective until reversed, modified or superseded by order of the town council.

(5) Upon the effective date of the moratorium, the moratorium shall only apply to projects or requests for action, which have not made a formal, complete submittal or application for approval (the "application") to the town. Once submitted, the application is not subject to the proposed moratorium but will proceed under the rules in place upon the date of submittal.

(6) *Procedure.* When the town council or town manager is considering a zoning or building moratorium the town mayor or vice mayor acting for the town council or the town manager shall instruct the town clerk to call a meeting of the town council to consider the imposition of a moratorium, and the town manager shall further instruct the town clerk to post public notice of such meeting in an appropriate place in the town hall, and in such other locations as the council may direct, and to give notice in accordance with the notice provisions of the applicable state statutes.

(7) *Effective date.* A moratorium shall commence upon the adoption of an ordinance by the town council after two duly noticed public hearings. Upon adoption by the town council, the moratorium shall be for a period not to exceed 180 days. The council on its own motion or otherwise may continue the moratorium for a longer period of time, if reasonably necessary.

(8) At the public hearing the town council shall inquire into the propriety of a building moratorium and may reverse, modify or supersede any moratorium order previously issued. The council's determination shall be predicated upon the reasonable necessity for a detailed comprehensive analysis of the area in question and the probability of detriment to the character of the area by the continued application of the existing zoning ordinances.

(9) Should the town manager be unable to report back to the council within the time prescribed by its moratorium order, upon timely request by the town manager and after public hearing on the need therefor, the council may reasonably extend the time limitation. The town manager shall submit his report simultaneously to the council and the zoning and planning board. The zoning and planning board shall make its findings and recommendations after public hearing to the council.

(10) Upon the submission of the zoning and planning board findings and recommendations to the council, the clerk shall call a public hearing thereon before the council at the earliest practicable time, ten days after publication, in a manner authorized by law as provided in this code ~~once in a newspaper of general circulation~~ in the town. After said public hearing the council shall make its determination as to whether the zoning ordinances shall remain the same or shall be changed. Should the council determine that the zoning ordinances shall remain the same, it shall immediately issue its order terminating the building moratorium. Should the council determine that the applicable zoning ordinances should be changed, or new ordinances created, or special exceptions, variances, conditional use permits and the like, altered or revoked, it shall issue its order continuing the building moratorium and shall immediately take the actions required to accomplish the same.

(11) Upon the completion of all zoning changes relating to the affected area, the council shall issue its order terminating the building moratorium.

(12) If any planning study performed by town officials or employees or a specially hired or

appointed town agency, indicated the necessity for zoning changes, the provisions hereof may be utilized to restrict the issuance of building permits until such changes have been finally considered by the council.

(13) Any person may make written application to the town council for the issuance of a building moratorium by the council. Such application to the council shall be filed with the town clerk, whose duty it shall be to place the matter before the town council as soon as is reasonably practicable for the council's determination as to whether a public hearing shall be called thereon. The town manager shall be notified by the clerk of the date that the matter is to be considered by the council. The word "person" as used in this subsection includes, but is not limited to, any individual, firm, corporation and governmental entity.

(14) Notwithstanding the issuance of any moratorium order, the town manager may authorize the issuance of building permits for nondeleterious items including, but not limited to, fences, repairs, and the like matters, if he determines that such permit will not affect the outcome of the planning study, and such items are not subject to the approval of any other board or agency of the town.

(15) During the existence of any building moratorium, no applications for variances, special exceptions or zoning district changes, minimum square footage requirement changes, unusual and new uses, modifications or elimination of conditions, restrictions or limitations with the affected area shall be acted upon by any town agency except as provided herein.

(16) *Appeal.* An affected person may appeal the town's adoption of moratorium by filing a notice of appeal with the town manager.

(17) *Vested rights.* A moratorium shall not be applied to the extent that vested rights are established in accordance with article V of this chapter.

Sec. 18-25. Conversion of facilities by town; lien; recording; redemption.

1. If within 60 days after service of the said notice or by physical posting of the notice on the property, or within 30 days of notice by publication in a manner authorized by law as provided in this code ~~in a newspaper~~, as set forth in the preceding subparagraph the required conversion of service facility has not been effected, the town manager shall cause the conversion to be made by the Town of Bay Harbor Islands at the expense of the property owner. The cost of the conversion shall constitute a lien upon the real estate served thereby. Upon ordering a conversion of service facilities to be made by the town, the town manager shall cause to be recorded in the public records a notice of utility service conversion lien pending, which shall include a description of the property and a statement that a conversion has been ordered, the cost of which shall under this section constitute a lien. The notice of pending lien shall, eight months after the date thereof, be null and void and constitute no record notice of a pending lien.

(b) After causing the conversion of service facilities to be done the town manager shall certify to the finance officer the expenses as may have been approved by the appropriate town department, incurred in effecting the conversion and shall include a copy of the notice above described, whereupon such expense shall become payable within 90 days, after which a special assessment lien and charge will be made upon the property which shall be payable in ten equal installments together with costs of recordation of all documents required to be recorded hereby and with interest at the rate of eight percent per annum on the unpaid balance from the date of such certification until paid; provided, however, that the lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The town clerk shall file for record a notice of such lien in the office of the

clerk of the circuit court and shall keep complete records relating to the amount payable thereon. One-tenth of the amount of liens accruing during any year ending on June first, shall be billed and mailed in the fall of the same year to the owners of land subject to such liens at the same time as tax statements for ad valorem taxes are mailed, and if the said amount shall not be paid on or before April first of the following year, the entire lien and all annual installments thereof shall be delinquent, overdue, and in default.

(c) The entire amount of the lien may be foreclosed by the town, or in the alternative may be collected by any other legal means including the advertisement and sale of certificates. Upon full payments of liens provided hereby or through foreclosure on tax sale certificates, the town clerk shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.

1-15 Other Affected Sections

If any additional sections of the Town Code not specified hereinabove requires public notice of Town action to be published in a newspaper of general circulation, said additional sections shall also be amended to comply with Florida law to permit the option of publication on a publicly accessible website, as set forth herein.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact to amend the Town Code.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Ordinance - Public Notices online
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ORDINANCE NO. _____

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.

WHEREAS, the State Legislature adopted HB 7049- Legal Notices, amending the legal notice requirements in Chapter 50, Florida Statutes; and

WHEREAS, Cities are now permitted to publish all required legal notices and advertisements on a publicly accessible website as specified in Florida Statutes § 50.0311; and

WHEREAS, the Town has traditionally advertised and published required notices in newspapers of general circulation however, there have been recent cost increases and fewer options available for publication in newspapers; and

WHEREAS, as the number of newspaper subscribers continues to shrink and the Town turns to more responsive and lower cost online notices, including e-news, social media, and the Town’s revised website, the Town wishes to take advantage of the option to publish legal notices on a publicly accessible website and amend the Town Code accordingly; and

WHEREAS, Miami-Dade County has created a County-wide website for legal notices, as required in Florida Statutes, and the Town is able to utilize that website for legal notices; and

WHEREAS, the Town will proceed to publish annual notices in a newspaper of general circulation pointing residents to the Town’s online notices as required in Florida Statutes; and

WHEREAS, the Town estimates that the move to online notifications will result in substantial savings in annual publication costs; and

WHEREAS, in conjunction with this move to online legal advertising the Town will conduct an education campaign so that Town residents and interested parties are aware of the shift to online publication; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

SECTION 2. That the Town of Bay Harbor Islands Town Code be amended as indicated in the attached Exhibit A¹:

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Town Council of the Town of Bay Harbor Islands, Florida, that the provisions of this Ordinance shall become and be made part of the Town of Bay Harbor Islands Town Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Town of Bay Harbor Islands Town Code Table of Contents or other referenced portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

PASSED on First Reading this 10th day of January, 2024.

PASSED on Second Reading this ____ day of _____, 2024.

ELIZABETH TRICOCHÉ
MAYOR

ATTEST:

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

Sec. 1-2 Definitions and Rules of Construction

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Within a reasonable time after the filing of a complete application and, in every case where a variance is requested pursuant to this article, before the town council shall consider any application, the town clerk shall cause a notice of public hearing to be published once in a manner authorized by law as provided in this code in a newspaper of general circulation, published in the Town of Bay Harbor Islands or in Miami-Dade County, Florida, at least ten days prior to the date of such hearing. The publication shall indicate the nature and type of variance sought and the specific property involved. In addition to the foregoing, the town clerk shall cause to be delivered individual notices of such application for variance and hearing, in person, or by mail, to the owners of record of all property within 375 feet of the property under consideration; provided, however, that in case of notice by mail, such notice shall be mailed not less than seven days before the date of the hearing. For administrative variances refer to subsection 2-17(B)(f)(4) above.

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- (b) In the event that personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer, the notice shall be served by physical posting on the said property, and by publication in a manner authorized by law as provided in this code in a newspaper of general circulation at least twice, seven days between publications, and 30 days before the date the conversion is required. The notice shall be in substantially the following form:

“NOTICE REQUIRING CONVERSION OF UTILITY SERVICE FACILITIES”

Name of Owner

Address of Owner

Our records indicate that you are the owner(s) of the following land in Dade County, Florida: (describe property)

An inspection of this land discloses, and I have found and determined that a building is located thereon which has not converted its (state type of utility) service facilities from overhead to underground service.

You are hereby notified that unless this building converts its (state type of utility) service facility from overhead to underground service within 30 days of personal service upon you of this notice, or of the second publication thereof, the town will proceed to cause the conversion of these facilities and the cost of the work, including advertising costs and all other expenses necessary to complete the conversion will be imposed as a lien on the land if not otherwise paid within 90 days after the conversion has been completed and the cost thereof ascertained by the Town of Bay Harbor Islands.

Town of Bay Harbor Islands, Florida

By:

Town Manager”

Sec. 2-1.1. Procurement limitations; competitive bidding.

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- (c) *Procurements greater than \$20,000.00.* Procurements where the amount to be expended is in excess of \$20,000.00 shall be approved by the town council. A public invitation to bid shall be prepared and advertised on the town’s website in a manner authorized by law as provided in this code and in a newspaper of general circulation. A minimum of three written bids shall be obtained when practicable. Bids, price quotations or refusals to submit a bid or price quotation shall be documented in writing and provided to the town council for review and approval.

In the event a procurement governed by this section is for an indefinite quantity of goods or services, the goods and services shall be memorialized by a written agreement that shall be no more than a three-year term, with a two-year option at the town council's discretion. All open-ended procurement/service agreements shall state that they shall be terminable without cause upon written notice by the town manager.

- (d) *Exception to procurement limitation.* The town manager may procure automobile fuel, legal advertisements and normal utilities including gas, electric and communication services in an amount in excess of \$20,000.00 without the approval of the town council, provided the procurement is consistent with the town budget.

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- (a) A notice shall include:

- (1) The date and time of issuance.
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- (4) The section of the Code that has been violated.
- (5) A brief description of the nature of the violation, including the location, date and time of the violation.
- (6) The amount of the civil penalty for which the violator may be liable if s/he is found in violation.
- (7) The instructions and date for paying the civil penalty or for filing a request for an administrative hearing before a special magistrate to appeal the civil penalty.
- (8) The correction period.
- (9) A statement that each day of continued violation after expiration of the correction period shall be deemed a continuing violation subject to an additional penalty in the same amount without the need for additional notices.
- (10) A statement that the filing of a request for an administrative hearing will toll the accrual of continuing violation penalties.
- (11) A statement that failure to request an administrative hearing within 20 days after service of the notice shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate, and that such waiver shall constitute an admission of the violation, and that, in such case, an order may be entered against the violator for the amount of the civil penalty.
- (12) A statement that the violator may be liable for the reasonable administrative hearing costs should s/he be found in violation.

- (b) Service of the notice to the violator shall be effected either by:

- (1) Certified mail, return receipt requested, provided that if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the town by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs (c)(2)a. and b. and by first class mail directed to the addresses furnished to the town with a properly executed proof of mailing or affidavit confirming the first class mailing;
- (2) Hand delivery by the sheriff or other law enforcement officer, code compliance officer or other person designated by the town by:
 - a. Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
 - b. In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (c) In addition to providing service of the notice as set forth above, at the option and discretion of the town manager or his designee, the notice may also be served by publication or posting as follows:
 - (1) a. The notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a manner authorized by law as provided in this code in a newspaper of general circulation in Miami-Dade County, as specified in F.S. ch. 50.
 - b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
 - (2) a. In lieu of publication as described in paragraph (c)(1), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist (if any) and the other of which shall be at town hall.
 - b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (b).
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (b) (e.g., by affidavit of the code compliance officer), together with proof of publication or posting as provided in subsection (c), shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.
- (e) If the owner of property which is subject to an enforcement proceeding before the special magistrate or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
 - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code compliance officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable correction period before the hearing is held.

Sec. 23-16.1. Moratorium.

- (1) Notwithstanding any other provisions contained in the ordinances of the town, the town council may impose building and zoning moratoria in accordance with the procedures herein established.
- (2) *Purpose.* The purpose of this section is to provide a legislative procedure whereby the town can impose a building moratorium whenever it shall be made to appear to the town that it is in the public interest to make a comprehensive determination as to whether existing zoning ordinances applying to a portion of the area of the Town of Bay Harbor Islands are appropriate, and that the said existing zoning ordinances may be detrimental to the said area should they continue to remain applicable and building permits be issued predicated thereon.
- (3) Should the town council determine that a building moratorium is reasonably necessary, it shall pass and adopt an ordinance to that effect. The ordinance shall establish the time frame for the building moratorium and direct that no permits be issued within the affected area(s). The ordinance shall also set forth a fixed time within which the town staff shall report back to the town council with their recommendations relating to the appropriate zoning districts and regulations for the affected areas. The said time limitation shall be a reasonable one, predicated upon the time needed for a comprehensive analysis of the area(s). The town council's determination shall be predicated on a consideration of the comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.
- (4) Any ordinance issued pursuant to this section shall be complied with by all town personnel and shall be effective until reversed, modified or superseded by order of the town council.

- (5) Upon the effective date of the moratorium, the moratorium shall only apply to projects or requests for action, which have not made a formal, complete submittal or application for approval (the “application”) to the town. Once submitted, the application is not subject to the proposed moratorium but will proceed under the rules in place upon the date of submittal.
- (6) *Procedure.* When the town council or town manager is considering a zoning or building moratorium the town mayor or vice mayor acting for the town council or the town manager shall instruct the town clerk to call a meeting of the town council to consider the imposition of a moratorium, and the town manager shall further instruct the town clerk to post public notice of such meeting in an appropriate place in the town hall, and in such other locations as the council may direct, and to give notice in accordance with the notice provisions of the applicable state statutes.
- (7) *Effective date.* A moratorium shall commence upon the adoption of an ordinance by the town council after two duly noticed public hearings. Upon adoption by the town council, the moratorium shall be for a period not to exceed 180 days. The council on its own motion or otherwise may continue the moratorium for a longer period of time, if reasonably necessary.
- (8) At the public hearing the town council shall inquire into the propriety of a building moratorium and may reverse, modify or supersede any moratorium order previously issued. The council’s determination shall be predicated upon the reasonable necessity for a detailed comprehensive analysis of the area in question and the probability of detriment to the character of the area by the continued application of the existing zoning ordinances.
- (9) Should the town manager be unable to report back to the council within the time prescribed by its moratorium order, upon timely request by the town manager and after public hearing on the need therefor, the council may reasonably extend the time limitation. The town manager shall submit his report simultaneously to the council and the zoning and planning board. The zoning and planning board shall make its findings and recommendations after public hearing to the council.
- (10) Upon the submission of the zoning and planning board findings and recommendations to the council, the clerk shall call a public hearing thereon before the council at the earliest practicable time, ten days after publication, in a manner authorized by law as provided in this code ~~once in a newspaper of general circulation~~ in the town. After said public hearing the council shall make its determination as to whether the zoning ordinances shall remain the same or shall be changed. Should the council determine that the zoning ordinances shall remain the same, it shall immediately issue its order terminating the building moratorium. Should the council determine that the applicable zoning ordinances should be changed, or new ordinances created, or special exceptions, variances, conditional use permits and the like, altered or revoked, it shall issue its order continuing the building moratorium and shall immediately take the actions required to accomplish the same.
- (11) Upon the completion of all zoning changes relating to the affected area, the council shall issue its order terminating the building moratorium.

- (12) If any planning study performed by town officials or employees or a specially hired or appointed town agency, indicated the necessity for zoning changes, the provisions hereof may be utilized to restrict the issuance of building permits until such changes have been finally considered by the council.
- (13) Any person may make written application to the town council for the issuance of a building moratorium by the council. Such application to the council shall be filed with the town clerk, whose duty it shall be to place the matter before the town council as soon as is reasonably practicable for the council's determination as to whether a public hearing shall be called thereon. The town manager shall be notified by the clerk of the date that the matter is to be considered by the council. The word "person" as used in this subsection includes, but is not limited to, any individual, firm, corporation and governmental entity.
- (14) Notwithstanding the issuance of any moratorium order, the town manager may authorize the issuance of building permits for nondeleterious items including, but not limited to, fences, repairs, and the like matters, if he determines that such permit will not affect the outcome of the planning study, and such items are not subject to the approval of any other board or agency of the town.
- (15) During the existence of any building moratorium, no applications for variances, special exceptions or zoning district changes, minimum square footage requirement changes, unusual and new uses, modifications or elimination of conditions, restrictions or limitations with the affected area shall be acted upon by any town agency except as provided herein.
- (16) *Appeal.* An affected person may appeal the town's adoption of moratorium by filing a notice of appeal with the town manager.
- (17) *Vested rights.* A moratorium shall not be applied to the extent that vested rights are established in accordance with article V of this chapter.

Sec. 18-25. Conversion of facilities by town; lien; recording; redemption.

- (a) If within 60 days after service of the said notice or by physical posting of the notice on the property, or within 30 days of notice by publication in a manner authorized by law as provided in this code ~~in a newspaper~~, as set forth in the preceding subparagraph the required conversion of service facility has not been effected, the town manager shall cause the conversion to be made by the Town of Bay Harbor Islands at the expense of the property owner. The cost of the conversion shall constitute a lien upon the real estate served thereby. Upon ordering a conversion of service facilities to be made by the town, the town manager shall cause to be recorded in the public records a notice of utility service conversion lien pending, which shall include a description of the property and a statement that a conversion has been ordered, the cost of which shall under this section constitute a lien. The notice of pending lien shall, eight months after the date thereof, be null and void and constitute no record notice of a pending lien.

- (b) After causing the conversion of service facilities to be done the town manager shall certify to the finance officer the expenses as may have been approved by the appropriate town department, incurred in effecting the conversion and shall include a copy of the notice above described, whereupon such expense shall become payable within 90 days, after which a special assessment lien and charge will be made upon the property which shall be payable in ten equal installments together with costs of recordation of all documents required to be recorded hereby and with interest at the rate of eight percent per annum on the unpaid balance from the date of such certification until paid; provided, however, that the lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The town clerk shall file for record a notice of such lien in the office of the clerk of the circuit court and shall keep complete records relating to the amount payable thereon. One-tenth of the amount of liens accruing during any year ending on June first, shall be billed and mailed in the fall of the same year to the owners of land subject to such liens at the same time as tax statements for ad valorem taxes are mailed, and if the said amount shall not be paid on or before April first of the following year, the entire lien and all annual installments thereof shall be delinquent, overdue, and in default.
- (c) The entire amount of the lien may be foreclosed by the town, or in the alternative may be collected by any other legal means including the advertisement and sale of certificates. Upon full payments of liens provided hereby or through foreclosure on tax sale certificates, the town clerk shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.

Sec. 1-15 Other Affected Sections

If any additional sections of the Town Code not specified hereinabove requires public notice of Town action to be published in a newspaper of general circulation, said additional sections shall also be amended to comply with Florida law to permit the option of publication on a publicly accessible website, as set forth herein.

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 10A.

ITEM: 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.

DESCRIPTION:

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 7, 2023, adopting the United States Department of State's Special Envoy.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact in preparing the ordinance amendment.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Isaac Salver, Council Member
Stephanie Bruder, Council Member

ATTACHMENTS

1.	Ordinance - Hate Crimes
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ORDINANCE NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands will not tolerate discrimination within its jurisdiction; and

WHEREAS, on October 7, 2023, on the Jewish Sabbath and the Jewish holiday of Simchat Torah, Hamas terrorists in Gaza launched a massive, coordinated, unprovoked terror attack on Israel by air, land and sea, including by firing thousands of rockets into Israeli communities, purposefully targeting innocent civilians; and

WHEREAS, Hamas breached Israel's border and infiltrated and decimated Israeli communities, burning, gunning down and slaughtering innocent babies, children, women, men, entire families, and the elderly - including Holocaust survivors - in their homes, in their cars, and on the streets; gunning down young people celebrating peace at a music festival; raping women; and abducting approximately 241 innocent civilians and tourists of all ages and holding them hostage; and

WHEREAS, the Town of Bay Harbor Islands has a large Jewish-American and Israeli-American community residing in the Town who have been affected by the unprovoked Hamas terror on the State of Israel. The Town Council stands in solidarity with the Jewish community; and

WHEREAS, the Israeli citizens and families of the slain, abducted, and injured are imploring people around the world to amplify their voices. Many have done so by posting posters identifying the hostages and asking for their release. These posters are an expression of solidarity with the Jewish community; and

WHEREAS, numerous news reports have described the rise in anti-Semitic acts, including, but not limited to, the destruction and tearing down of posters depicting the hostages being held by the terrorist group Hamas; and

WHEREAS, the Town Council wishes to adopt the United States Department of State's Special Envoy to Monitor and Combat Anti-Semitism definition of anti-Semitism so that the Town Police Department should consider potential anti-Semitic motivation for criminal offenses, in a manner consistent with the federal hate crime statute, 18 U.S.C. §249 and the Florida hate crime statute, Fla. Stat. §775.085, as both may be amended from time to time, in order to ensure the safety and well-being of its Jewish community; and

WHEREAS, the Town seeks to amend the definition and the examples of anti-Semitism so that they reflect the many ways in which anti-Semitism manifests today, including relating to Israel; and

WHEREAS, the Town Council have determined that this ordinance is in the best interest of the residents of the Town to guide and help educate the community about contemporary expressions of anti-Semitism, and to promote the public health, safety, and general welfare.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA as follows:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: The Code of Ordinances of Bay Harbor Islands, Florida, is hereby amended by adding a Section to be numbered 14-18, which said section reads as follows, which is inclusive of the US Department of State definition of anti-Semitism to assist the Town Police Department in enforcing stated and federal law against hate crimes, including anti-Semitism.

Sec. 14-18 Hate Crimes.

(a) For purposes of this section, the term 'definition of anti-Semitism' includes the following:

(1) Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or their property, or toward Jewish community institutions and religious facilities.

(2) Examples of anti-Semitism include:

a. Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion);

b. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions;

c. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews;

d. Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; or

e. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

f. Desecrating a Chanukah menorah on public or private property.

g. Harassing, defiling, or boycotting Jewish- or Israeli-owned stores and businesses.

h. Distributing flyers on private property which contain hateful comments or symbols against Jews.

i. Displaying or projecting any message containing hateful comments or symbols against Jews on a private building or structure without the permission of the owner of the building or structure.

(3) Examples of anti-Semitism related to Israel include:

a. Demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions;

b. Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel; or

c. Delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

d. Destroying, defacing or removing posters or other public displays of the men, women and children kidnapped by the terrorist group Hamas on October 7, 2023. or of other victims of terrorism in Israel.

e. Defiling or vandalizing an Israeli flag or pro-Israel sign displayed by another.

f. However, criticism of Israel similar to that levied against any other country cannot be regarded as anti-Semitic.

(b) In investigating whether there has been a violation of law, the Bay Harbor Islands Police Department shall take into consideration the definition of anti-Semitism for purposes of determining whether the alleged violation was motivated by anti-Semitic intent, consistent with the federal and state statutes prohibiting hate crimes.

(c) Nothing in this section may be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States, or the State of Florida's Constitution. Nothing in this section may be construed to conflict with Federal or State discrimination laws.

Section 3. Conflict. All ordinances or portions of the Code of Ordinances of the Town of Bay Harbor Islands in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Codification. It is the intention of the Town Council that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

Section 6. Effective date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED this 10th day of January 2024.

ELIZABETH TRICOCHÉ
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

AGENDA ITEM REPORT

January 10, 2024

ITEM NUMBER: 11.

ITEM: 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.

DESCRIPTION:

This recommendation is based upon the Life-Cycle Cost Analysis that compares the different replacement and repair alternatives based upon a life analysis of 30 years. The three alternatives being considered for Bridge No. 875105 are:

- Alternative #1:
 - Replacing the first and last span and rehabilitation of the remaining spans. The total cost would be \$1,952,701. The bridge could last 45 years.
- Alternative #2:
 - Replacing the entire bridge (including approach slabs). The total cost would be \$5,138,922. The bridge could last 45 years.
- Alternative #3:
 - Repair the extensive damage and rehabilitation of the spans. The total cost would be \$300,587. The bridge could last 27 years.

There is no economic advantage in replacing the entire bridge compared to only replacing the first and last span, as was demonstrated based upon the different scenarios of the Life-Cycle Cost Analysis Report.

RECOMMENDED ACTION:

Staff's Recommendation to the Town Council is to replace the first and last span of the bridge.

FINANCIAL ANALYSIS:

\$2,124,000 has been allocated in Fiscal Year 2023-2024 adopted budget for Project Broad Causeway West Relief Bridge Rehabilitation, within the Causeway Fund Line Item 401.5415.400063.000.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	LCCA Report Updated 101623
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TOWN OF BAY HARBOR



Life-Cycle Cost Analysis

Bridge No. 875105 Broad Causeway West
Relief Bridge Rehabilitation or Replacement

Report

October 2023

Life-Cycle Cost Analysis

Bridge No.: 875105

Bridge Location: NE 123rd Street over Biscayne Bay, Town of Bay Harbor, Miami-Dade County, Florida

Report Date: October 2023

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Chapter 1. Objectives, Purpose, and Needs

Overview

This document summarizes the life-cycle cost analysis (LCCA) conducted by BCC Engineering on the three potential alternatives for Bridge No. 875105 in the Town of Bay Harbor, Miami-Dade County, Florida. In the analysis, capital costs and operations and maintenance (O&M) costs are estimated over the predetermined timeframe of analysis, and any remaining usable life of the infrastructure improvements is accounted for as residual value. The following sections present the assumptions used and results of the LCCA conducted for the project.

Project Overview

We have no record of the original date of construction of the first bridges. These bridges were then replaced by the current Bridge No. 875105 which construction was completed in 2006. A Bridge Inspection Report was conducted on February 23, 2022, and assigned the bridge a sufficiency rating of 38 and a health index of 97.05. The bridge was found to be structurally deficient.

During our field inspection, we noticed that there have been numerous repair activities done to the bridge and bulkhead wall such as spall and crack repairs. We also noticed extensive spalls at the bottom of the slabs at the first and last span (see pictures in Appendix G). We believe the reason for this is that waves were hitting the bulkhead walls and shooting upwards toward the bottom of the slabs during bad weather conditions. We proposed to the Town to do a chloride inspection to see how much chloride has been deposited at the bottom of the slab throughout the years. The reason for this analysis was to see what our next step would be. If the results of the inspection show that the chloride intrusion was just superficial, then a simple patch of the spalls would be recommended. In the other hand, if the chloride intrusion was very deep, then this would require a replacement of the prestress slabs. The results of this analysis indicated that the first four inches from the bottom of the slab have an extremely high chloride concentration. Unfortunately, the strands of the prestressed slab are located at the bottom of the member, therefore, they are at high risk of corrosion.

The objective of the analysis is to evaluate different alternatives that sustain the bridge in workable condition in the next decades from the life-cycle cost perspective. Thus, there are three alternatives under consideration in this analysis, described in further detail in the following chapter.

Organization of the Report

This report is organized as follows. After this introduction, Chapter 2 discusses the assumptions used to analyze the three alternatives of the LCCA. The primary analysis results are presented in Chapter 3. This chapter is followed by the assumptions and results of the sensitivity analysis in Chapter 4. Finally, Chapter 5 provides a summary of findings and concluding remarks. The appendices document the list of acronyms and detailed LCCA results for all scenarios.

Chapter 2. Alternatives, Analysis, and Assumptions

This chapter presents the alternatives under analysis along with the inputs and assumptions utilized in this LCCA. For each alternative, various scenarios are evaluated, including a primary scenario and sensitivity scenarios. This chapter describes the inputs and assumptions utilized in the primary analysis, and also indicates the changes to these assumptions for the sensitivity analyses where applicable. Following this chapter, the results of the primary scenario are presented in Chapter 3. The sensitivity analysis scenarios are described in further detail in Chapter 4.

Alternatives

The Life-Cycle Cost Analysis compares different replacement and repair alternatives. The three alternatives being considered for Bridge No. 875105 are:

- Alternative #1:
 - Replacing the first and last span and rehabilitation of the remaining spans.
- Alternative #2:
 - Replacing the entire bridge (including approach slabs).
- Alternative #3:
 - Repair the extensive damage and rehabilitation of the spans.

The Alternative #1 scenario involves replacing the first and last span and multiple rehabilitation cycles to the remaining bridge over the analysis period, Alternative #2 scenario entails a one-time replacement of the entire bridge, and Alternative #3 scenario is a major repair to the extensive damages of the beams and multiple rehabilitation cycles to the entire bridge over the analysis period. The rehabilitation cycles, intervals, and repair quantities per cycle were determined based on experience. The main rehabilitation operation is the patching of spalls and cracks. The amount and frequency of patching was determined based on the deficiencies and their level of deterioration found during field inspections, bridge inspection reports, and detailed repair reports provided by FDOT.

Analysis Period and Useful Service Life

FDOT Office of Value Engineering defines analysis period as “the total length of time the facility is expected to serve its intended function” and “may not equal its actual physical life” and suggests that up to 50 years of analysis are used for bridge projects.¹ The selected period of analysis for this LCCA is 30 years, which is in line with FDOT Office of Value Engineering and Federal Highway Administration (FHWA).² BCC Engineering assumed that the period of analysis begins in 2024, which is the year of letting, and ends in 2054. It includes construction year (2024) and 30 years of operations (2024-2054).³ We based construction schedule on the

¹ Life Cycle Cost Analysis for Transportation Projects, 1990.

² FHWA Life Cycle Cost Analysis Primer, 2002. This document uses a 35-year analysis period for a hypothetical project that has multiple rehabilitation cycles and estimates residual value at the end of the analysis period, similar to the project in this analysis.

³ Construction in both alternatives is expected to begin in 2024 and last for one year or less. In the rehabilitation of Alternative #1, the first and last cycles occur in 2024 and 2054 respectively. Thus, for this LCCA, costs are first incurred in 2024. The last year of analysis is 2054 since the LCCA needs to take into account at least 30 years of operation.

6-year commitment to replace bridges that become “structural deficient” for the lack of any other criteria available to set such time frame. The actual construction date could move out in real situations but have little impact on the overall recommendations this report concludes with.

Useful Service Life of the bridge components after replacement is assumed to be 75 years.⁴ This parameter is used to calculate the residual value of the bridge components at the end of the analysis period. The analysis period and useful service life assumptions are presented in Table 1.

Table 1: Analysis Period and Remaining Useful Service Life Assumptions

Assumption	Value
Analysis period, years	30
Remaining Useful Service Life of Alternative #1, years	
Spans 1 and 5	45
Remaining Spans	27
Remaining Useful Service Life of Alternative #2, years	45
Remaining Useful Service Life of Alternative #3, years	27

Capital Cost Inputs

The capital cost inputs for the alternatives are presented in Table 2 in 2024 dollars. These costs include bridge items, construction over water, demolition, maintenance of traffic, and mobilization costs. Other ancillary costs, such as design and construction engineering and inspection are not included in the analysis.⁵ User costs were considered but were deemed inconsequential as the related construction activities are expected to affect traffic flow for all alternatives.

⁴ AASHTO LRFD Bridge Design Specifications, 2018.

⁵ Note that contingency costs are not included as part of this LCCA. The inclusion of contingency costs is not expected to alter the results presented in this report.

Table 2: Alternatives Capital Cost Inputs

Cost Category	Cost Item Description	Cost, in 2024 constant dollars			
		Alternative #1	Alternative #2	Alternative #3	
Bridge Costs	Superpave Asphaltic Concrete, Traffic B, PG76-22	\$12,230			
	Asphalt Concrete Friction Course, Inc Bit, FC-5, PG 76-22	\$7,129			
	Concrete Class II, Approach Slabs			\$168,373	
	Concrete Class IV, Superstructure	\$302,705			
	Concrete Class IV, Cast in Place Topping with Shrinkage Reducing Admixture			\$787,387	
	Composite Neoprene Pads	\$10,982			
	Plain Neoprene Bearing Pads			\$39,160	
	Restore Spalled Areas, Latex Modified Mortar- Styrene Butadiene		\$65,271		\$200,103
	Reinforcing Steel-Approach Slabs			\$67,133	
	Stainless Reinforcing Steel, Superstructure	\$206,707		\$943,889	
	Prestressed Slab Units, Width 60", Thickness 18"	\$665,984			
	Prestressed Beam: Florida Slab Beam, Beam Depth 12" CFRP/SS, Width 58-60"			\$1,055,516	
	Beam Repair, Strand Splices				\$60,000
	Bridge Deck Expansion Joint, New Construction, F&I Poured Joint with Backer Rod	\$13,841		\$41,437	
	Bridge Deck Expansion Joint, Rehabilitation, Poured Joint with Backer Rod				\$3,956
	Polymer Nosing for Bridge Deck Expansion Joint	\$11,457			
	Bullet Rail, Single Rail	\$10,673		\$31,534	
	Concrete Traffic Railing- Bridge, 42" Vertical Face	\$19,360		\$57,200	
Maintenance of Traffic	Maintenance of Traffic (10% of total)	\$126,107	\$6,527	\$319,163	\$25,473
Mobilization	Mobilization of Traffic (5% of total)	\$63,053	\$3,264	\$159,581	\$12,737
Construction over Water	Construction Over Water (3% of total)	\$37,832	\$1,958	\$95,749	\$7,642
Demolition	Removal Of Existing Structures/Bridges	\$464,460		\$1,372,800	
Total	Total Cost	\$1,952,701	\$77,020	\$5,138,922	\$300,587

Alternative #1: Replacement of the first and last superstructure span with rehabilitation of the remaining structure throughout the life-cycle period.

Alternative #2: Replacement of the entire superstructure (including Approach Slabs).

Alternative #3: Repair the extensive damage of the beams and rehabilitation of the structure throughout the life-cycle period.

Replacement capital costs are spent in 2024. Rehabilitation capital costs are spent between 2024 and 2054. The capital cost inputs per Rehabilitation cycle are presented in Table 3. The rehabilitation cycles are assumed to be every 5 years for Alternative #1, resulting in 7 cycles; and every 2 years for Alternative #3, resulting in 16 cycles between 2024 and 2054.

Table 3: Rehabilitation Capital Cost Inputs per Cycle

Cost Category	Cost Item Description	Cost, in 2024 constant dollars	
		Alternative #1	Alternative #3
		2024, 2029, 2034, 2039, 2044, 2049, 2054	2026, 2028, 2030, 2032, 2034, 2036, 2038, 2040, 2042, 2044, 2046, 2048, 2050, 2052, 2054
Bridge Cost	Spalling Repair	\$9,324	\$9,324
Maintenance of Traffic	Maintenance of Traffic	\$932	\$932
Mobilization	Mobilization	\$466	\$466
Construction Over Water	Construction Over Water	\$280	\$280
Total	Cost per full Cycle	\$11,003	\$11,003

As mentioned above, replacement capital costs are spent in 2024. Demolition costs are expected to be fully incurred in the final year of construction (i.e., 2024).

Operations and Maintenance Inputs

In addition to capital costs, Operations and Maintenance (O&M) costs are estimated and compared for each of the alternatives over the course of the project life-cycle. The annual O&M costs are anticipated to be the same for all alternatives. As the rehabilitation repairs will be handled through the repair cycles, this analysis assumes the O&M costs (routine inspection cycles and routine maintenance) will be similar for all alternatives. The analysis assumes annual operations and maintenance will cost \$1,664 per year as shown in Table 4.

Table 4: O&M Assumptions

Assumption	Value
Annual O&M Cost per square foot	\$0.08
Area, square foot	20,800
Annual O&M Cost for replacement and rehabilitation alternatives, 2024\$/year	\$1,664

Discount Rate Assumptions

All the cost estimates are presented in constant 2024 dollars (also referred to as real dollars). To account for society's general preference for present consumption (rather than future consumption), all costs that occur in the future need to be discounted in order to be compared in present value terms. To that end, a real discount rate is identified and applied to all costs in future years to bring them to a "common denominator" of present value. This discount rate accounts for the time value of money and allows for the comparison of the various expenditures forecasted to occur over multiple future years. The discount rate is applied to calculate the present value of the investment. A real discount rate of 3% is used for the primary analysis, which is in line with prior FDOT analyses of bridges and with FHWA guidelines.⁶ Sensitivity analyses to higher (5%) and lower (1%) discount rates have also been conducted to understand the implication of the discount rates on the relative life-cycle costs of each alternative.

Residual Value

Within this LCCA, the analysis period is set to be less than the useful service life for all alternatives; therefore, a residual value is estimated for those components. As the last year of analysis is 2054, the residual value is estimated the next year, in 2055. Residual value is included in the present value calculation of the project's cost, with a negative sign (i.e., residual value is subtracted from the life-cycle cost). For Alternative #1, the expected remaining life for Spans 2 through 4 is 27 years and for Spans 1 and 5 it would be 45 years. For Alternative #2, it is expected that the bridge will have a remaining life of 45 years. For Alternative #3, the remaining life of the existing bridge is 27 years. The residual value is based on bridge costs only.

⁶ FHWA Live Cycle Cost Analysis Primer, 2002.

Chapter 3. Results of the Primary Analysis

The results of the primary analysis show that Alternative #3 has a lower life-cycle cost than Alternative #1 and #2. Table 5 summarizes the results of the primary LCCA for the alternatives. The table presents construction costs, O&M costs, and the total project costs for each scenario, discounted to present value using the 3% discount rate assumption. In all alternatives, the bridge has useful service life beyond the analysis period, which is captured in the Capital Cost line of the table and is shown as a separate line item at the bottom of the table.

Table 5: Results of the Primary Analysis

Present Value of the Cost by Category (Discounted at 3%)	Alternative #1	Alternative #2	Alternative #3
Capital Costs	\$896,029	\$2,968,937	-\$200,459
O&M Costs	\$34,279	\$34,279	\$34,279
Total Life Cycle Cost	\$930,308	\$3,003,216	-\$166,180
Residual Value (included in Capital Costs)	\$1,021,985	\$1,914,977	\$442,240

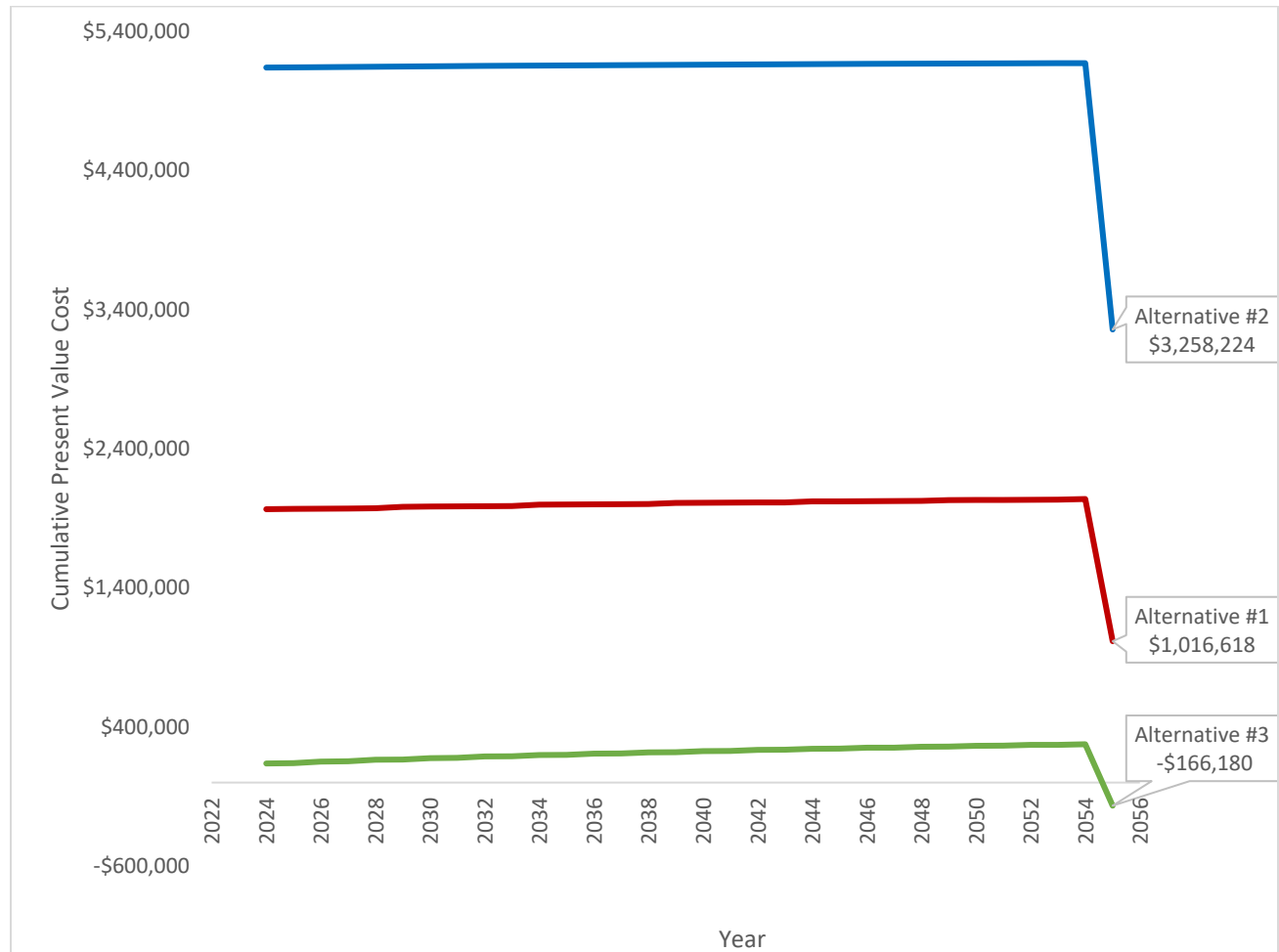
Figure 1 presents a more detailed breakdown of the costs. The major category is the cost of the bridge, followed by demolition.

Figure 1: Primary Analysis Present Value of Costs, by Category



The cumulative present value costs of each of the alternatives are presented in Figure 2. Alternative #1 is represented by the red line, Alternative #2 is represented by the blue line, and Alternative #3 is represented by the green line.

Figure 2: Present Value Cumulative Costs Comparison by Alternative



All lines show that construction starts and ends in 2024. In the end of the analysis, the remaining (residual) value of the bridge (which includes only bridge cost) is subtracted from the costs accumulated by 2055.

The red line shows the results of the seven cycles of rehabilitation of the remaining spans for Alternative #1, starting in 2024 (cycle 1), 2029, 2034, 2039, 2044, 2049, & 2054. The green line shows the results of the sixteen cycles of rehabilitation of the entire bridge for Alternative #3, starting in 2024 (cycle 1), 2026, 2028, 2030, 2032, 2034, 2036, 2038, 2040, 2042, 2044, 2046, 2048, 2050, 2052, 2054. The capital cost for all cycles is approximately \$8 thousand (non-discounted) per cycle. Annual O&M costs are incurred from 2024 to 2054.

The comparison between the present values of the total costs of all alternatives reveals that Alternative #2 (\$3,035,186) is more costly relative to Alternative #1 (\$812,905) and Alternative #3 (-\$246,111).

Chapter 4. Sensitivity Analysis

This chapter describes the sensitivity analyses scenarios and results.

Sensitivity Parameters

Scenarios

As was discussed in the previous chapters, the primary analysis considered three alternatives using a 3% real discount rate. To understand the implications of this assumption, sensitivity scenarios have been developed to account for various discount rates.

Discount Rate – The primary analysis assumes a real discount rate of 3%. The sensitivity scenarios evaluate real discount rates of 1% and 5%.

Between the primary and sensitivity analyses, there are a total of 9 scenarios. The full list of all the scenarios is presented in Table 6 along with the values used for the real discount rate and rehabilitation cycle parameters.

Table 6: Summary of Scenarios, including Sensitivity Scenarios

Type	Scenario	Description	Rehabilitation Cycle	Real Discount Rate
Primary	Scenario 1	Alternative #1	5 years	3%
	Scenario 2	Alternative #2	N/A	3%
	Scenario 3	Alternative #3	2 years	3%
Sensitivity	Scenario 4	Alternative #1	5 years	1%
	Scenario 5	Alternative #2	N/A	1%
	Scenario 6	Alternative #3	2 years	1%
	Scenario 7	Alternative #1	5 years	5%
	Scenario 8	Alternative #2	N/A	5%
	Scenario 9	Alternative #3	2 years	5%

Capital Cost and Rehabilitation Cycle Inputs

The capital cost inputs, and rehabilitation cycle assumptions remain unchanged in the sensitivity scenarios. The rehabilitation cycles are assumed to be every 5 years for Alternative #1, resulting in 7 cycles and every 2 years for Alternative #3, resulting in 16 cycles between 2024 and 2054.

Residual Value Assumptions

The residual value assumptions remain unchanged in the sensitivity scenarios.

Sensitivity Testing Results

The sensitivity scenarios are evaluated relative to the primary analysis scenarios. Within this section the results of the various sensitivity analyses are presented within the following groups:

1. Sensitivity to the Lower Discount Rate (1%) - Scenarios 4 thru 6; and
2. Sensitivity to the Higher Discount Rate (5%) - Scenarios 7 thru 9.⁷

⁷ In the rest of this section, results only for a subset of the 9 models will be discussed. For more information on all 9 models, see Appendix C: Sensitivity Testing Results.

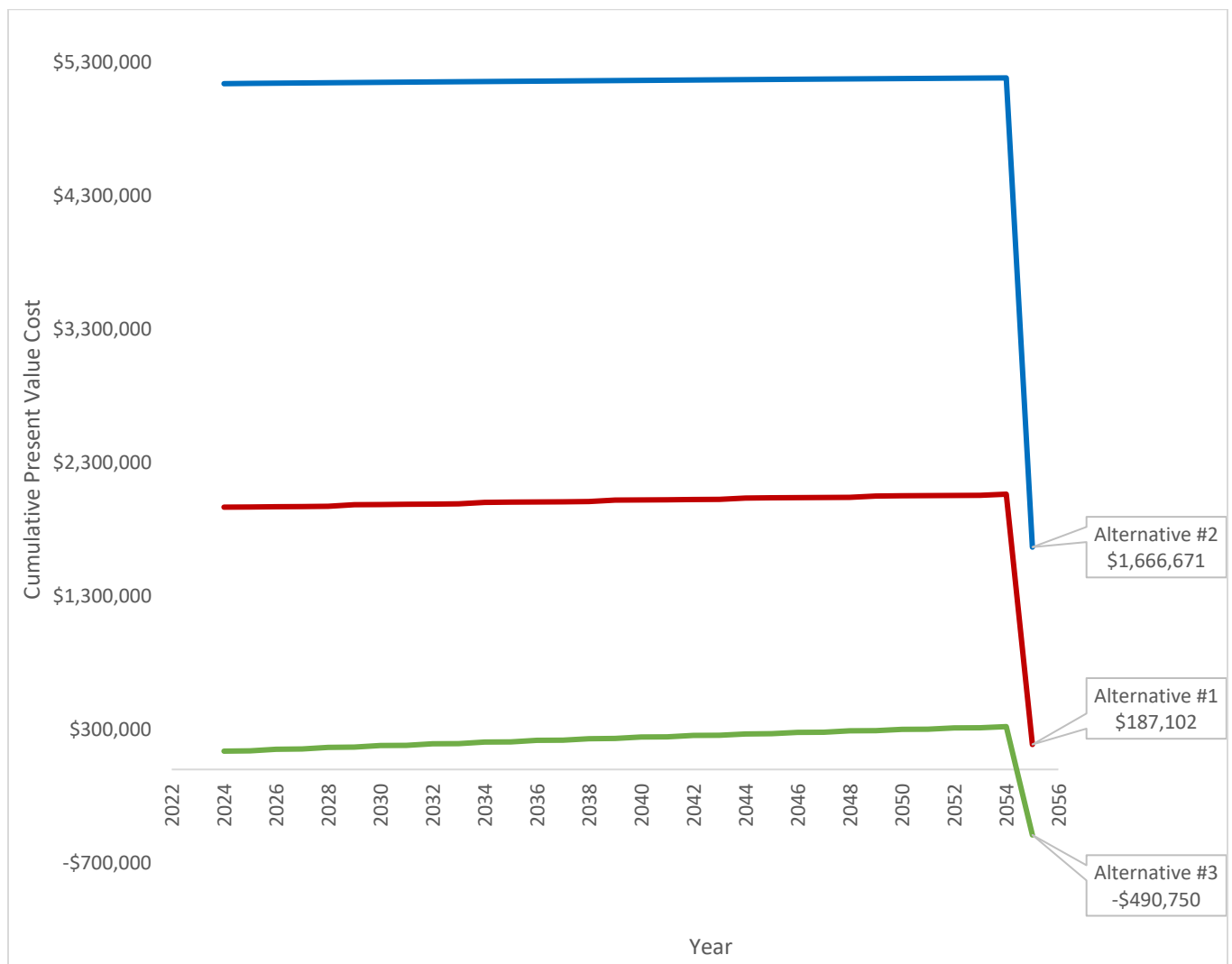
Sensitivity to the Lower Discount Rate (1%) Results

Table 7 and Figure 3 show that at the 1% real discount rate, the lowest life-cycle cost is achieved with Alternative #3. This sensitivity analysis compares all alternatives. Based on the comparison, the Alternative #3 scenario at this discount rate is the preferred option, with a difference in life-cycle cost of \$677,852 compared to Alternative #1 and \$2,157,421 compared to Alternative #2 in present value terms at this low real discount rate.

Table 7: Sensitivity Results – 1% Discount Rate

Present Value Costs by Category	Alternative #1	Alternative #2	Alternative #3
Total Life-Cycle Cost	\$187,102	\$1,666,671	-\$490,750

Figure 3: Cumulative Present Value of Costs – Lower Discount Rate Sensitivity



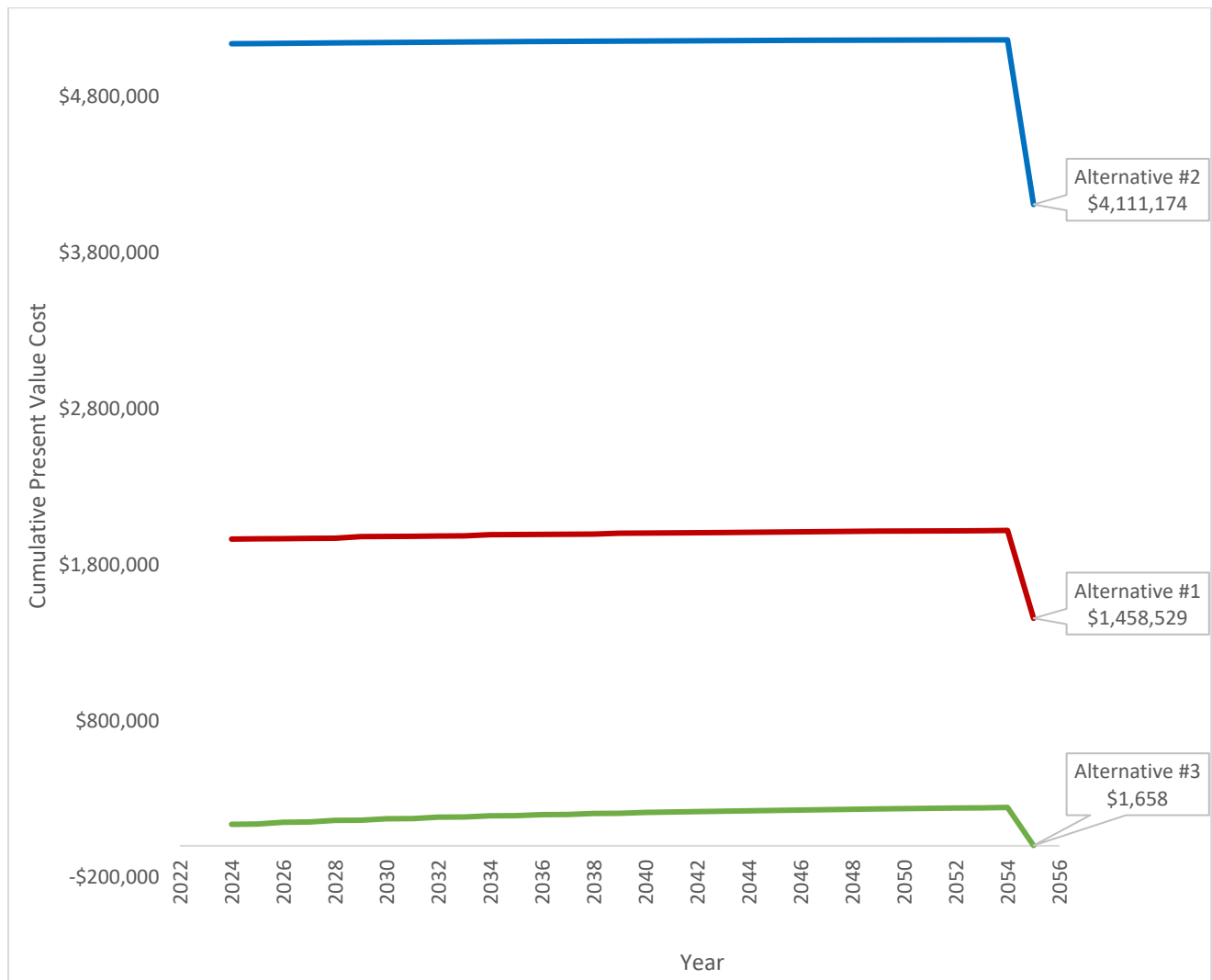
Sensitivity to the Higher Discount Rate (5%) Results

Table 8 and Figure 4 show that at the 5% real discount rate, the lowest life-cycle cost is achieved with Alternative #3. This sensitivity analysis compares both alternatives. Based on the comparison, the Alternative #3 scenario at this discount rate is the preferred option, with a difference in life-cycle cost of \$1,456,871 compared to Alternative #1 and \$4,109,516 compared to Alternative #2 in present value terms at this low real discount rate.

Table 8: Sensitivity Results – 5% Discount Rate

Present Value Costs by Category	Alternative #1	Alternative #2	Alternative #3
Total Life-Cycle Cost	\$1,458,529	\$4,111,174	\$1,658

Figure 4: Cumulative Present Value of Costs – Higher Discount Rate Sensitivity



Chapter 5. Conclusions

Based on the findings of the base analysis, under the 3% discount rate, Alternative #3 has a lower life-cycle cost compared to Alternative #1 and #2. The sensitivity analysis using low (1%), and high (5%) real discount rates showed that Alternative #3 results in lower life-cycle costs compared to Alternative #1 and #2.

By not replacing the prestress slab units and just patching those spalls, the bottom strands of the units would continue to corrode, and this could possibly end up in the strands not having sufficient area and snapping, causing catastrophic consequences.

Our recommendation to the Town would be to replace the first and last span of the bridge. There is no economic advantage in replacing the entire bridge compared to only replacing the first and last span as it was demonstrated on the different scenarios of the LCCA report.

To accomplish this prestress slab unit replacement, a Temporary Traffic Control Plan would be required to divert the traffic flow while construction is taking place. It would require two phases to complete the entire process. In phase one, both directions of travel would be reduced to a single lane and placed on half of the bridge while the other half is being replaced (for first and last span). The second phase would be similar, but the travel lanes would be on the already constructed side, and the other half would be replaced (for first and last span).

Maintaining the same roadway profile is a priority so there are no kinks or bumps on the road. To achieve this, the prestress slab units must be recreated from the existing plans information. Some features would be reconsidered so this problem does not happen again, for example:

- The steel reinforcing bars and strands would be replaced by stainless steel.
- The concrete mix would be designed for the harsh conditions of salt water by adding admixtures.
- The clear cover would be increased.

In conclusion, during our field visit we encountered that the first and last span of the bridge was severely spalled/delaminated and requested a chloride test. The results of the chloride test encounter an extremely high concentration of chloride at the bottom of the slab units. Due to this result, we are recommending replacing the entire first and last span.

List of Appendices

- A. Acronyms
- B. Detailed LCCA Results
- C. Sensitivity Testing Results
- D. Alternative #1 Cost Estimate
- E. Alternative #2 Cost Estimate
- F. Alternative #3 Cost Estimate
- G. Field Visit Pictures
- H. 2022 Bridge 875105 Inspection Report
- I. VCS Chloride Inspection Report
- J. Bridge 875105 Original Plans

Appendix A: Acronyms

FHWA	Federal Highway Administration
LCCA	Life-Cycle Cost Analysis
AASHTO	American Association of State Highway and Transportation Officials
O&M	Operation and Maintenance

Appendix B: Detailed LCCA Results
Detailed Results – Scenario 1 – Alternative #1 – Discounted at 3%

Year	Bridge	Maintenance of Traffic	Mobilization	Construction over Water	Demolition	O&M	Residual Value	Total Cost
2024	\$1,270,393	\$127,039	\$63,520	\$38,112	\$464,640	\$1,664	\$0	\$1,965,368
2025	\$0	\$0	\$0	\$0	\$0	\$1,616	\$0	\$1,616
2026	\$0	\$0	\$0	\$0	\$0	\$1,568	\$0	\$1,568
2027	\$0	\$0	\$0	\$0	\$0	\$1,523	\$0	\$1,523
2028	\$0	\$0	\$0	\$0	\$0	\$1,478	\$0	\$1,478
2029	\$8,043	\$804	\$402	\$241	\$0	\$1,435	\$0	\$10,927
2030	\$0	\$0	\$0	\$0	\$0	\$1,394	\$0	\$1,394
2031	\$0	\$0	\$0	\$0	\$0	\$1,353	\$0	\$1,353
2032	\$0	\$0	\$0	\$0	\$0	\$1,314	\$0	\$1,314
2033	\$0	\$0	\$0	\$0	\$0	\$1,275	\$0	\$1,275
2034	\$6,938	\$694	\$347	\$208	\$0	\$1,238	\$0	\$9,425
2035	\$0	\$0	\$0	\$0	\$0	\$1,202	\$0	\$1,202
2036	\$0	\$0	\$0	\$0	\$0	\$1,167	\$0	\$1,167
2037	\$0	\$0	\$0	\$0	\$0	\$1,133	\$0	\$1,133
2038	\$0	\$0	\$0	\$0	\$0	\$1,100	\$0	\$1,100
2039	\$5,985	\$599	\$299	\$180	\$0	\$1,068	\$0	\$8,130
2040	\$0	\$0	\$0	\$0	\$0	\$1,037	\$0	\$1,037
2041	\$0	\$0	\$0	\$0	\$0	\$1,007	\$0	\$1,007
2042	\$0	\$0	\$0	\$0	\$0	\$977	\$0	\$977
2043	\$0	\$0	\$0	\$0	\$0	\$949	\$0	\$949
2044	\$5,163	\$516	\$258	\$155	\$0	\$921	\$0	\$7,013
2045	\$0	\$0	\$0	\$0	\$0	\$894	\$0	\$894
2046	\$0	\$0	\$0	\$0	\$0	\$868	\$0	\$868
2047	\$0	\$0	\$0	\$0	\$0	\$843	\$0	\$843
2048	\$0	\$0	\$0	\$0	\$0	\$819	\$0	\$819
2049	\$4,453	\$445	\$223	\$134	\$0	\$795	\$0	\$6,050
2050	\$0	\$0	\$0	\$0	\$0	\$772	\$0	\$772
2051	\$0	\$0	\$0	\$0	\$0	\$749	\$0	\$749
2052	\$0	\$0	\$0	\$0	\$0	\$727	\$0	\$727
2053	\$0	\$0	\$0	\$0	\$0	\$706	\$0	\$706
2054	\$3,842	\$384	\$192	\$115	\$0	\$686	\$0	\$5,219
2055	-\$1,021,985	\$0	\$0	\$0	\$0	\$0	-\$1,021,985	-\$1,021,985
Grand Total	\$282,832	\$130,482	\$65,241	\$39,145	\$464,640	\$34,279	-\$1,021,985	\$1,016,618

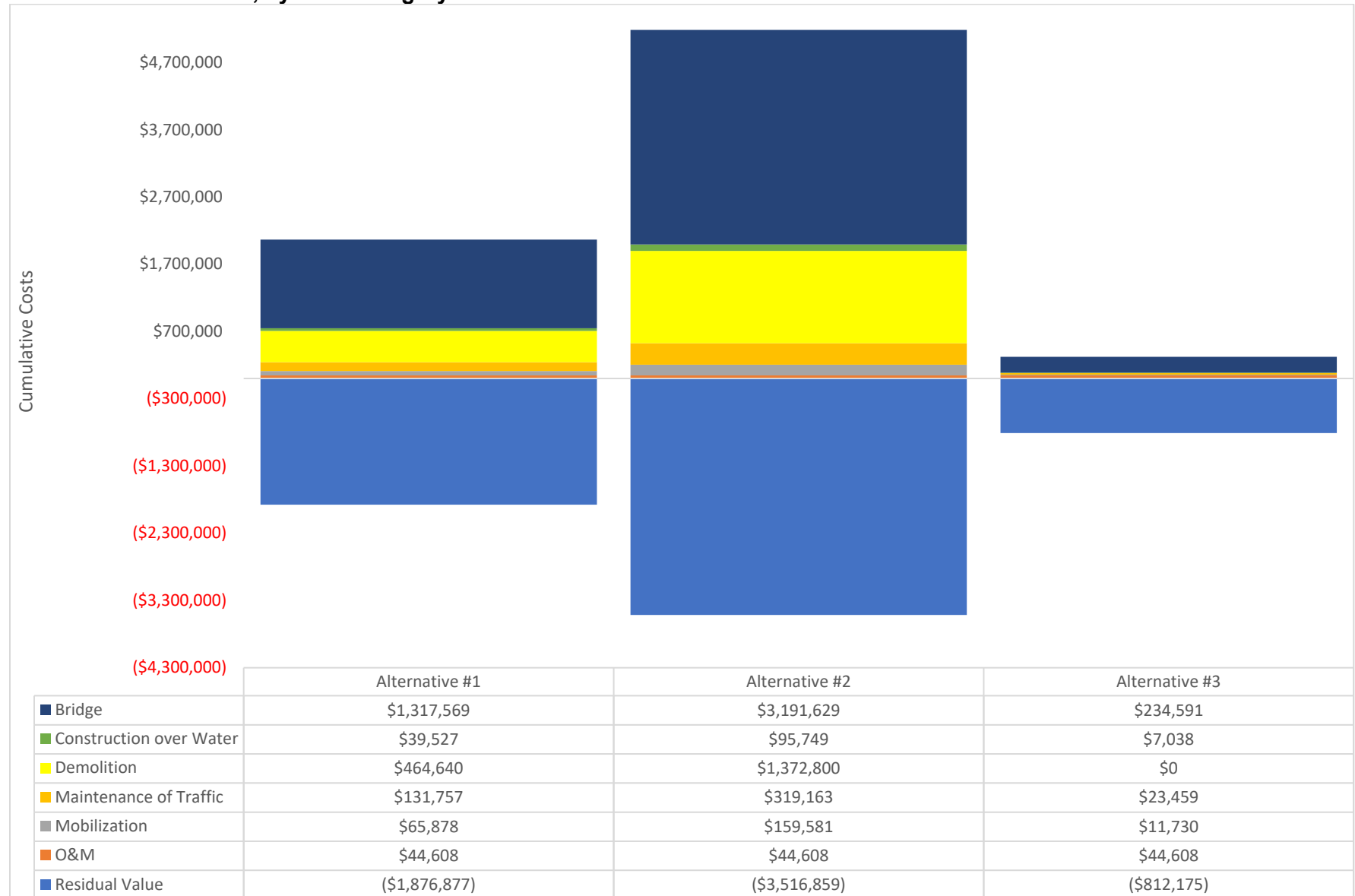
Detailed Results – Scenario 2 – Alternative #2 – Discounted at 3%

Year	Bridge	Maintenance of Traffic	Mobilization	Construction over Water	Demolition	O&M	Residual Value	Total Cost
2024	\$3,191,629	\$319,163	\$159,581	\$95,749	\$1,372,800	\$1,664	\$0	\$5,140,586
2025	\$0	\$0	\$0	\$0	\$0	\$1,616	\$0	\$1,616
2026	\$0	\$0	\$0	\$0	\$0	\$1,568	\$0	\$1,568
2027	\$0	\$0	\$0	\$0	\$0	\$1,523	\$0	\$1,523
2028	\$0	\$0	\$0	\$0	\$0	\$1,478	\$0	\$1,478
2029	\$0	\$0	\$0	\$0	\$0	\$1,435	\$0	\$1,435
2030	\$0	\$0	\$0	\$0	\$0	\$1,394	\$0	\$1,394
2031	\$0	\$0	\$0	\$0	\$0	\$1,353	\$0	\$1,353
2032	\$0	\$0	\$0	\$0	\$0	\$1,314	\$0	\$1,314
2033	\$0	\$0	\$0	\$0	\$0	\$1,275	\$0	\$1,275
2034	\$0	\$0	\$0	\$0	\$0	\$1,238	\$0	\$1,238
2035	\$0	\$0	\$0	\$0	\$0	\$1,202	\$0	\$1,202
2036	\$0	\$0	\$0	\$0	\$0	\$1,167	\$0	\$1,167
2037	\$0	\$0	\$0	\$0	\$0	\$1,133	\$0	\$1,133
2038	\$0	\$0	\$0	\$0	\$0	\$1,100	\$0	\$1,100
2039	\$0	\$0	\$0	\$0	\$0	\$1,068	\$0	\$1,068
2040	\$0	\$0	\$0	\$0	\$0	\$1,037	\$0	\$1,037
2041	\$0	\$0	\$0	\$0	\$0	\$1,007	\$0	\$1,007
2042	\$0	\$0	\$0	\$0	\$0	\$977	\$0	\$977
2043	\$0	\$0	\$0	\$0	\$0	\$949	\$0	\$949
2044	\$0	\$0	\$0	\$0	\$0	\$921	\$0	\$921
2045	\$0	\$0	\$0	\$0	\$0	\$894	\$0	\$894
2046	\$0	\$0	\$0	\$0	\$0	\$868	\$0	\$868
2047	\$0	\$0	\$0	\$0	\$0	\$843	\$0	\$843
2048	\$0	\$0	\$0	\$0	\$0	\$819	\$0	\$819
2049	\$0	\$0	\$0	\$0	\$0	\$795	\$0	\$795
2050	\$0	\$0	\$0	\$0	\$0	\$772	\$0	\$772
2051	\$0	\$0	\$0	\$0	\$0	\$749	\$0	\$749
2052	\$0	\$0	\$0	\$0	\$0	\$727	\$0	\$727
2053	\$0	\$0	\$0	\$0	\$0	\$706	\$0	\$706
2054	\$0	\$0	\$0	\$0	\$0	\$686	\$0	\$686
2055	-\$1,914,977	\$0	\$0	\$0	\$0	\$0	-\$1,914,977	-\$1,914,977
Grand Total	\$1,276,652	\$319,163	\$159,581	\$95,749	\$1,372,800	\$34,279	-\$1,914,977	\$3,258,224

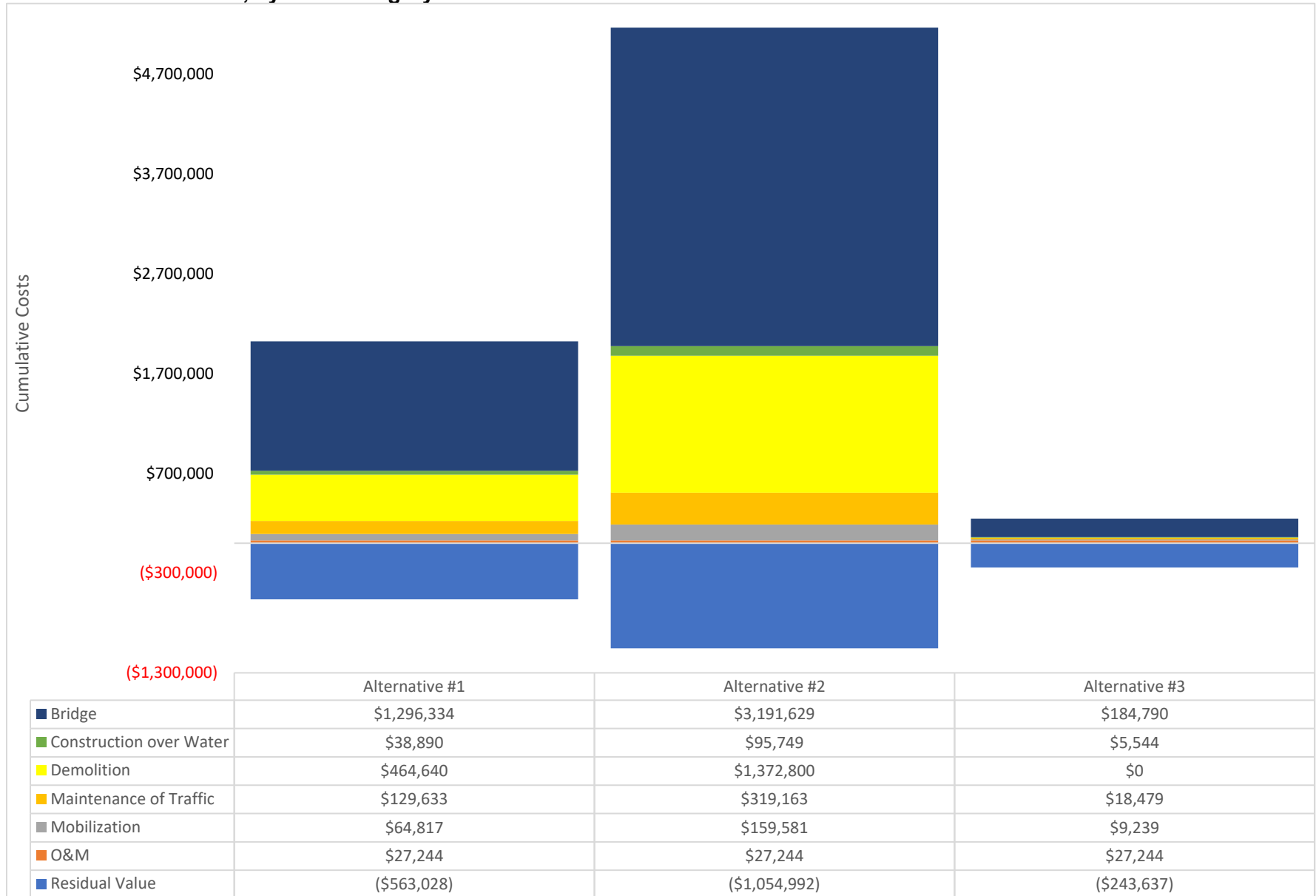
Detailed Results – Scenario 3 – Alternative #3 – Discounted at 3%

Year	Bridge	Maintenance of Traffic	Mobilization	Construction over Water	Demolition	O&M	Residual Value	Total Cost
2024	\$114,868	\$11,487	\$5,743	\$3,446	\$0	\$1,664	\$0	\$137,208
2025	\$0	\$0	\$0	\$0	\$0	\$1,616	\$0	\$1,616
2026	\$8,789	\$879	\$439	\$264	\$0	\$1,568	\$0	\$11,940
2027	\$0	\$0	\$0	\$0	\$0	\$1,523	\$0	\$1,523
2028	\$8,285	\$828	\$414	\$249	\$0	\$1,478	\$0	\$11,254
2029	\$0	\$0	\$0	\$0	\$0	\$1,435	\$0	\$1,435
2030	\$7,809	\$781	\$390	\$234	\$0	\$1,394	\$0	\$10,608
2031	\$0	\$0	\$0	\$0	\$0	\$1,353	\$0	\$1,353
2032	\$7,361	\$736	\$368	\$221	\$0	\$1,314	\$0	\$9,999
2033	\$0	\$0	\$0	\$0	\$0	\$1,275	\$0	\$1,275
2034	\$6,938	\$694	\$347	\$208	\$0	\$1,238	\$0	\$9,425
2035	\$0	\$0	\$0	\$0	\$0	\$1,202	\$0	\$1,202
2036	\$6,540	\$654	\$327	\$196	\$0	\$1,167	\$0	\$8,884
2037	\$0	\$0	\$0	\$0	\$0	\$1,133	\$0	\$1,133
2038	\$6,165	\$616	\$308	\$185	\$0	\$1,100	\$0	\$8,374
2039	\$0	\$0	\$0	\$0	\$0	\$1,068	\$0	\$1,068
2040	\$5,811	\$581	\$291	\$174	\$0	\$1,037	\$0	\$7,894
2041	\$0	\$0	\$0	\$0	\$0	\$1,007	\$0	\$1,007
2042	\$5,477	\$548	\$274	\$164	\$0	\$977	\$0	\$7,440
2043	\$0	\$0	\$0	\$0	\$0	\$949	\$0	\$949
2044	\$5,163	\$516	\$258	\$155	\$0	\$921	\$0	\$7,013
2045	\$0	\$0	\$0	\$0	\$0	\$894	\$0	\$894
2046	\$4,866	\$487	\$243	\$146	\$0	\$868	\$0	\$6,611
2047	\$0	\$0	\$0	\$0	\$0	\$843	\$0	\$843
2048	\$4,587	\$459	\$229	\$138	\$0	\$819	\$0	\$6,231
2049	\$0	\$0	\$0	\$0	\$0	\$795	\$0	\$795
2050	\$4,324	\$432	\$216	\$130	\$0	\$772	\$0	\$5,874
2051	\$0	\$0	\$0	\$0	\$0	\$749	\$0	\$749
2052	\$4,076	\$408	\$204	\$122	\$0	\$727	\$0	\$5,536
2053	\$0	\$0	\$0	\$0	\$0	\$706	\$0	\$706
2054	\$3,842	\$384	\$192	\$115	\$0	\$686	\$0	\$5,219
2055	-\$442,240	\$0	\$0	\$0	\$0	\$0	-\$442,240	-\$442,240
Grand Total	-\$237,341	\$20,490	\$10,245	\$6,147	\$0	\$34,279	-\$442,240	-\$166,180

Appendix C: Sensitivity Testing Results
Present Value of Costs, by Cost Category – 1% Discount Rate



Present Value of Costs, by Cost Category – 5% Discount Rate



Appendix D: Alternative #1 Cost Estimate

Bridge 875105 Proposed Alternative #1 Cost Estimate (Span 1 and 5 Replacement)

Pay Item	Description	Quantity	Unit	Unit Price	Total
334 1 52	Superpave Asphaltic Concrete, Traffic B, PG76-22	64.6	TN	\$189.32	\$12,230
337 7 25	Asphalt Concrete Friction Course, Inc Bit, FC-5, PG 76-22	31.3	TN	\$227.77	\$7,129
400 4 4	Concrete Class IV, Superstructure	131.0	CY	\$2,310.73	\$302,705
400 147	Composite Neoprene Pads	6.7	CF	\$1,639.14	\$10,982
415 2 4	Stainless Reinforcing Steel, Superstructure	26845	LB	\$7.70	\$206,707
450 3 24	Prestressed Slab Units, Width 60", Thickness 18"	1376	LF	\$484.00	\$665,984
458 1 11	Bridge Deck Expansion Joint, New Construction, F&I Poured Joint With B	158	LF	\$87.60	\$13,841
458 2	Polymer Nosing For Bridge Deck Expansion Joint	13.1	CF	\$874.56	\$11,457
515 4 1	Bullet Rail, Single Rail	176	LF	\$60.64	\$10,673
521 5 5	Concrete Traffic Railing- Bridge, 42" Vertical Face	176	LF	\$110.00	\$19,360
Subtotal Cost					\$1,261,068

Maintenance of Traffic Cost (10% of Subtotal)	\$126,107
Mobilization Cost (5% of Subtotal)	\$63,053
Construction Over Water (3% of Subtotal)	\$37,832

100 3	Removal Of Existing Structures/Bridges	7040	SF	\$66.00	\$464,640
-------	--	------	----	---------	-----------

Total Cost Excluding Demolition	\$1,488,061
Total Cost	\$1,952,701

Residual Value

Bridge Structure Life:	75 years
Span 1 & 5 Remaining Life:	45 years
Subtotal Cost:	\$1,261,068
Span 1 & 5 Residual Value:	\$756,641

Bridge 875105 Proposed Alternative #1 Cost Estimate (Remaining Bridge Rehabilitation)

2024, 2029, 2034, 2039, 2044, 2049, 2054					
Pay Item	Description	Quantity	Unit	Unit Price	Total
401 70 2	Restore Spalled Areas, Latex Modified Mortar- Styrene Butadiene	10.0	CF	\$932.45	\$9,324
Subtotal Cost					\$9,324
Maintenance of Traffic Cost (10% of Subtotal)	\$932				
Mobilization Cost (5% of Subtotal)	\$466				
Construction Over Water (3% of Subtotal)	\$280				
Total Cost					\$11,003

All life cycle repairs					
Pay Item	Description	Quantity	Unit	Unit Price	Total
401 70 2	Restore Spalled Areas, Latex Modified Mortar- Styrene Butadiene	70.0	CF	\$932.45	\$65,271
Subtotal Cost					\$65,271
Maintenance of Traffic Cost (10% of Subtotal)	\$6,527				
Mobilization Cost (5% of Subtotal)	\$3,264				
Construction Over Water (3% of Subtotal)	\$1,958				
Total Cost					\$77,020

Bridge 875105 Remaining Spans 2 thru 4 Cost Estimate (Approximate)

Pay Item	Description	Quantity	Unit	Unit Price	Total
334 1 52	Superpave Asphaltic Concrete, Traffic B, PG76-22	79.98	TN	\$172.11	\$13,765
337 7 25	Asphalt Concrete Friction Course, Inc Bit, FC-5, PG 76-22	46.26	TN	\$207.06	\$9,579
400 4 4	Concrete Class IV, Superstructure	109.08	CY	\$2,100.66	\$229,140
400 147	Composite Neoprene Pads	10.00	CF	\$1,000.00	\$10,000
415 1 4	Reinforcing Steel - Bridge Superstructure	14050.80	LB	\$1.51	\$21,217
450 3 24	Prestressed Slab Units, Width 60", Thickness 18"	2064.00	LF	\$440.00	\$908,160
521 5 5	Concrete Traffic Railing- Bridge, 42" Vertical Face	264.00	LF	\$100.00	\$26,400

Subtotal Cost (2023) \$1,218,261

i = 3%

n = 17

Subtotal Cost (2006) \$737,068

Residual Value

Bridge Structure Life: 75 years

Remaining Life: 27 years

Subtotal Cost: \$737,068

Residual Value: \$265,344

Appendix E: Alternative #2 Cost Estimate

Bridge 875105 Proposed Alternative #2 Cost Estimate (Entire Bridge Replacement)

Pay Item	Description	Quantity	Unit	Unit Price	Total
400 2 10	Concrete Class II, Approach Slabs	161.5	CY	\$1,042.56	\$168,373
400 4 47	Concrete Class IV, Cast In Place Topping With Shrinkage Reducing Admix	627.9	CY	\$1,254.00	\$787,387
400 148	Plain Neoprene Bearing Pads	35.6	CF	\$1,100.00	\$39,160
415 1 9	Reinforcing Steel-Approach Slabs	32291	LB	\$2.08	\$67,133
415 2 4	Stainless Reinforcing Steel, Superstructure	122583	LB	\$7.70	\$943,889
450 8 54	Prestressed Beam: Florida Slab Beam, Beam Depth 12" CFRP/SS, Width	3427	LF	\$308.00	\$1,055,516
458 1 11	Bridge Deck Expansion Joint, New Construction, F&I Poured Joint With B	473	LF	\$87.60	\$41,437
515 4 1	Bullet Rail, Single Rail	520	LF	\$60.64	\$31,534
521 5 5	Concrete Traffic Railing- Bridge, 42" Vertical Face	520	LF	\$110.00	\$57,200

Subtotal Cost \$3,191,629

Maintenance of Traffic Cost (10% of Subtotal) \$319,163
Mobilization Cost (5% of Subtotal) \$159,581
Construction Over Water (3% of Subtotal) \$95,749

100 3	Removal Of Existing Structures/Bridges	20800	SF	\$66.00	\$1,372,800
-------	--	-------	----	---------	-------------

Total Cost Excluding Demolition \$3,766,122
Total Cost \$5,138,922

Residual Value

Bridge Structure Life: 75 years
Bridge Remaining Life: 45 years
Subtotal Cost: \$3,191,629
Bridge Residual Value: \$1,914,977

Appendix F: Alternative #3 Cost Estimate

Bridge 875105 Proposed Alternative #3 Cost Estimate (Bridge Repairs)

Pay Item	Description	Quantity	Unit	Unit Price	Total
401 70 2	Restore Spalled Areas, Latex Modified Mortar- Styrene Butadiene	54.6	CF	\$932.45	\$50,912
450 83 1	Beam Repair, Strand Splices Δ	20	EA	\$3,000.00	\$60,000
458 1 21	Bridge Deck Expansion Joint, Rehabilitation, Poured Joint with Backer Rod	35	LF	\$113.03	\$3,956

Δ The quantity shown is based on past field inspections. Due to the dynamic nature of deterioration, the Town does not guarantee the accuracy of the estimates.

Subtotal Cost \$114,868

Maintenance of Traffic Cost (10% of Subtotal) \$11,487

Mobilization Cost (5% of Subtotal) \$5,743

Construction Over Water (3% of Subtotal) \$3,446

Total Cost \$135,544

Bridge 875105 Proposed Alternative #3 Cost Estimate (Bridge Rehabilitation)

2026, 2028, 2030, 2032, 2034, 2036, 2038, 2040, 2042, 2044, 2046, 2048, 2050, 2052, 2054					
Pay Item	Description	Quantity	Unit	Unit Price	Total
401 70 2	Restore Spalled Areas, Latex Modified Mortar- Styrene Butadiene	10.0	CF	\$932.45	\$9,324

Subtotal Cost \$9,324

Maintenance of Traffic Cost (10% of Subtotal) \$932

Mobilization Cost (5% of Subtotal) \$466

Construction Over Water (3% of Subtotal) \$280

Total Cost \$11,003

All life cycle repairs					
Pay Item	Description	Quantity	Unit	Unit Price	Total
401 70 2	Restore Spalled Areas, Latex Modified Mortar- Styrene Butadiene	150.0	CF	\$932.45	\$139,867

Subtotal Cost \$139,867

Maintenance of Traffic Cost (10% of Subtotal) \$13,987

Mobilization Cost (5% of Subtotal) \$6,993

Construction Over Water (3% of Subtotal) \$4,196

Total Cost \$165,043

Bridge 875105 Existing Spans 1 thru 5 Cost Estimate (Approximate)

Pay Item	Description	Quantity	Unit	Unit Price	Total
334 1 52	Superpave Asphaltic Concrete, Traffic B, PG76-22	133.30	TN	\$172.11	\$22,942
337 7 25	Asphalt Concrete Friction Course, Inc Bit, FC-5, PG 76-22	77.10	TN	\$207.06	\$15,964
400 4 4	Concrete Class IV, Superstructure	181.80	CY	\$2,100.66	\$381,900
400 147	Composite Neoprene Pads	16.67	CF	\$1,000.00	\$16,667
415 1 4	Reinforcing Steel - Bridge Superstructure	23418.00	LB	\$1.51	\$35,361
450 3 24	Prestressed Slab Units, Width 60", Thickness 18"	3440.00	LF	\$440.00	\$1,513,600
521 5 5	Concrete Traffic Railing- Bridge, 42" Vertical Face	440.00	LF	\$100.00	\$44,000

Subtotal Cost (2023) \$2,030,434

i = 3%

n = 17

Subtotal Cost (2006) \$1,228,446

Residual Value

Bridge Structure Life: 75 years

Remaining Life: 27 years

Subtotal Cost: \$1,228,446

Residual Value: \$442,240

Appendix G: Field Visit Pictures

Span 1





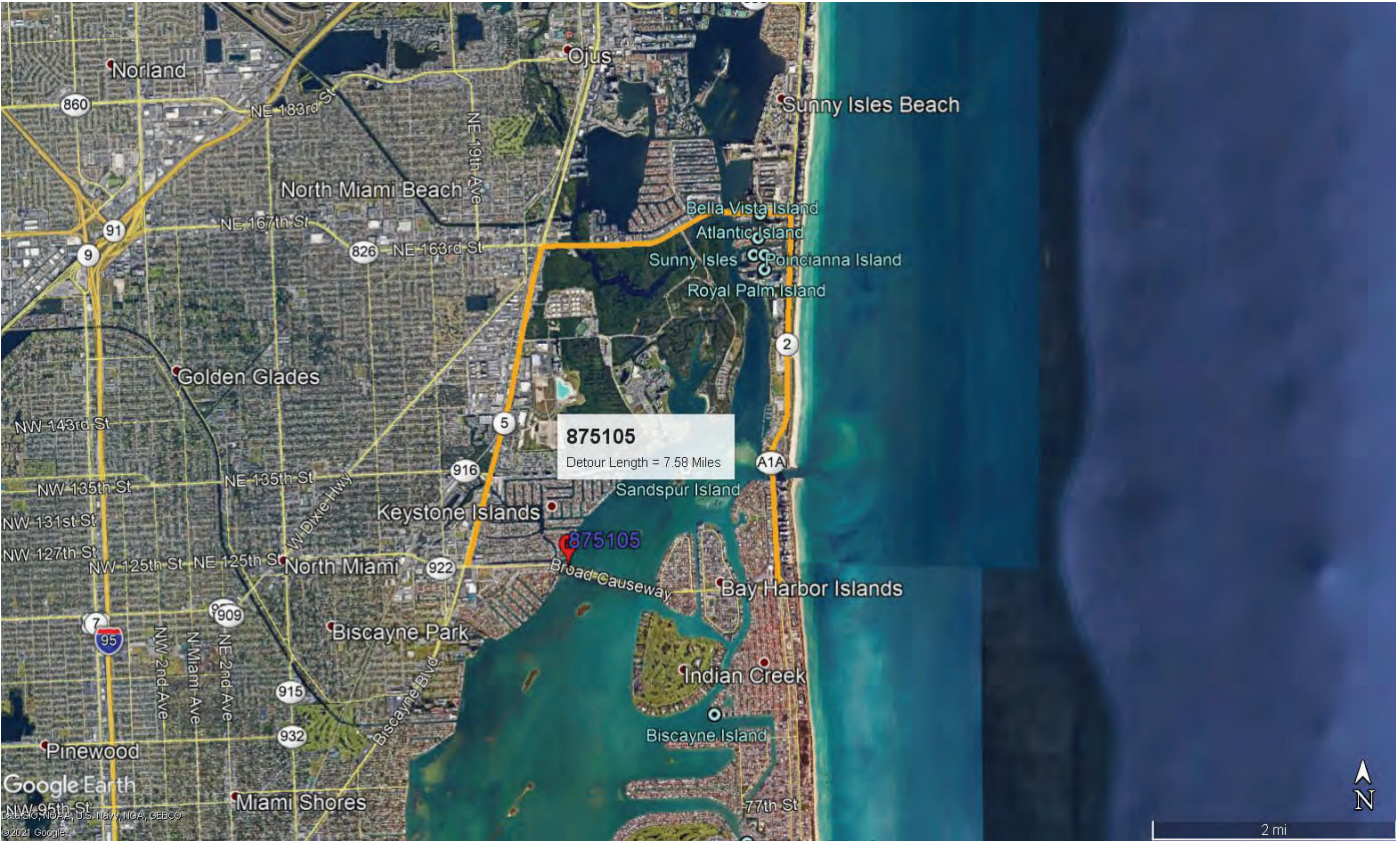


Span 5





Appendix H: 2022 Bridge 875105 Inspection Report

	BRIDGE INSPECTION REPORT PREPARED FOR: FDOT District 6 BRIDGE OWNER: TOWN OF BAY HARBOR ISLANDS INSPECTION TYPE: Interim CONTRACT No. CA611	Inspected by: Marlin Engineering, Inc.								
Bridge No. 875105	REPORT CONTAINS	Inspection Date: 02-23-22								
<table border="0"> <tr> <td>☒ BrM Inspection Report</td> <td>☐ Bridge Profile</td> <td>☐ Fracture Critical Data</td> <td>☐ Addendum</td> </tr> <tr> <td>☒ CIDR Information</td> <td>☐ Underwater Inspection</td> <td>☒ Load Rating Summary Sheet</td> <td>☐ Mechanical and Electrical Data</td> </tr> </table>			☒ BrM Inspection Report	☐ Bridge Profile	☐ Fracture Critical Data	☐ Addendum	☒ CIDR Information	☐ Underwater Inspection	☒ Load Rating Summary Sheet	☐ Mechanical and Electrical Data
☒ BrM Inspection Report	☐ Bridge Profile	☐ Fracture Critical Data	☐ Addendum							
☒ CIDR Information	☐ Underwater Inspection	☒ Load Rating Summary Sheet	☐ Mechanical and Electrical Data							
02/23/2022 										
NE 123rd Street over BISCAYNE BAY	Facility Carried & Location	200Ft. W of Toll Plaza								
										
Location Map	Detour Length = 7.58 Miles									

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM****Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)****Structure ID: 875105****Inspection****DISTRICT: D6 - Miami****INSPECTION DATE: 2/23/2022 HLGJ**

BY: Marlin Engineering, Inc	STRUCTURE NAME: NE 123rd Street over Biscayne Bay
OWNER: 3 Town/Township Hwy Agcy	YEAR BUILT: 2006
MAINTAINED BY: 3 Town/Township Hwy Agcy	SECTION NO.: 87 066 000
STRUCTURE TYPE: 5 Prestressed Concrete - 01 Slab	MP: 3.764
LOCATION: 200Ft. W of Toll Plaza	ROUTE: 00922
SERV. TYPE ON: 5 Highway-pedestrian	FACILITY CARRIED: NE 123rd Street
SERV. TYPE UNDER: 5 Waterway	FEATURE INTERSECTED: BISCAYNE BAY

☐ FUNCTIONALLY OBSOLETE☒ STRUCTURALLY DEFICIENT

TYPE OF INSPECTION: Interim

DATE FIELD INSPECTION WAS PERFORMED: ABOVE WATER: 2/23/2022 UNDERWATER: 2/24/2021

SUFFICIENCY RATING: 38
HEALTH INDEX: 97.05

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

Inspection/CIDR Report with PDF attachment(s) (INTERIM INSPECTION REPORT)

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ

BY: Marlin Engineering, Inc
 OWNER: 3 Town/Township Hwy Agcy
 MAINTAINED BY: 3 Town/Township Hwy Agcy
 STRUCTURE TYPE: 5 Prestressed Concrete - 01 Slab
 LOCATION: 200Ft. W of Toll Plaza
 SERV. TYPE ON: 5 Highway-pedestrian
 SERV. TYPE UNDER: 5 Waterway

STRUCTURE NAME: NE 123rd Street over Biscayne Bay
 YEAR BUILT: 2006
 SECTION NO.: 87 066 000
 MP: 3.764
 ROUTE: 00922
 FACILITY CARRIED: NE 123rd Street
 FEATURE INTERSECTED: BISCAYNE BAY

- ☐ THIS BRIDGE CONTAINS FRACTURE CRITICAL COMPONENTS
☐ THIS BRIDGE IS SCOUR CRITICAL
☐ THIS REPORT IDENTIFIES DEFICIENCIES WHICH REQUIRE PROMPT CORRECTIVE ACTION
☐ FUNCTIONALLY OBSOLETE ☒ STRUCTURALLY DEFICIENT

TYPE OF INSPECTION: Interim

DATE FIELD INSPECTION WAS PERFORMED: ABOVE WATER: 2/23/2022 UNDERWATER: 2/24/2021

OVERALL NBI RATINGS:

DECK: 4 Poor CHANNEL: 7 Minor Damage
 SUPERSTRUCTURE: 4 Poor CULVERT: N N/A (NBI)
 SUBSTRUCTURE: 7 Good SUFF. RATING: 38
 PERF. RATING: Poor HEALTH INDEX: 97.05

FIELD PERSONNEL / TITLE / NUMBER:

Padrino, Reinaldo - Senior Diver Bridge Inspector (CBI#242) (lead)
 Carpio, Rodolfo - Bridge Inspector Assistance

INITIALS

RP Digitally signed by RP
Date: 2022.04.05
15:56:07 -0400

REVIEWING BRIDGE INSPECTION SUPERVISOR:

Rego, Alexis - Bridge Inspector (CBI#00409)

AR Digitally signed by AR
Date: 2022.04.05
15:56:32 -0400

CONFIRMING REGISTERED PROFESSIONAL ENGINEER:

Quintana, Jose - Professional Engineer (P.E. #47072) Marlin Engineering, Inc.
 1700 NW 66 Avenue
 Ste 106
 Plantation FL 33313

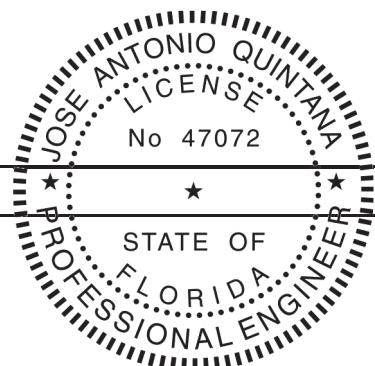
Jose A Quintana

Digitally signed by Jose A
 Quintana
 Date: 2022.04.07 13:00:21 -04'00'

SIGNATURE: _____

DATE: _____

The official record of this package has been electronically signed and sealed by Jose A. Quintana, P.E. on the date adjacent to the seal as required by Rule 61G15-23.004, F.A.C.. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



This report contains information relating to the physical security of a structure and depictions of the structure. This information is confidential and exempt from public inspection pursuant to sections 119.071(3)(a) and 119.071(3)(b), Florida Statutes. Only the cover page of this report may be inspected and copied.

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

Inspection/CIDR Report with PDF attachment(s) (INTERIM INSPECTION REPORT)

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ

All Elements

DECKS : Decks/Slabs

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	8099 / 4	PS Conc Slab (Sonovoid)	17771	97.36	303	1.66	178	0.98	0	.	18252 (SF)
Structure Unit 1	1080 / 4	Delamination/Spall/Patched Area	0	.	303	100	0	.	0	.	303 (SF)
Structure Unit 1	1090 / 4	Exposed Rebar	0	.	0	.	173	100	0	.	173 (SF)
Structure Unit 1	1110 / 4	Cracking (PSC)	0	.	0	.	5	100	0	.	5 (SF)
Structure Unit 1	510 / 4	Wearing Surfaces	18038	98.83	0	.	214	1.17	0	.	18252 sq.ft
Structure Unit 1	3220 / 4	Crack (Wearing Surface)	0	.	0	.	214	100	0	.	214 sq.ft

Element Inspection Notes:

8099/4 Note: This element represents the precast prestressed flat slab units. There are 16 slab units per span, measuring 43ft. L x 5ft. W x 18in. D. The deck top is not visible due to an asphalt overlay.

SECONDARY:

_The sidewalks have random transverse cracks full width x less than 1/64in. W. NO CHANGE. NCAR.

_The top face of the exterior sidewalk slabs and north half of the median slabs have spalled/delaminated pickup point patches up to 8in. diameter x 3/4in. deep with exposed cut pickup point steel at the ends of each span. Refer to Photo 01. NO CHANGE.

_The closure pours between the exterior sidewalk slabs and median slabs have delaminations up to sidewalk width x 5in. wide and transverse cracks up to 4ft. L x 1/16in. W. Refer to Photo 02. NO CHANGE. NCAR.

_Span 4 median has a spall 6in. L x 6in. W x 1in. D in the south traffic face at Bent 5 (previously noted at Abutment 5). NO CHANGE. NCAR.

For additional deficiencies refer to Defects 1080, 1090, and 1110.

PREVIOUS RECOMMENDED CORRECTIVE ACTION:

_Repair spalls, delaminations and cracks in slab units where needed.

CORRECTIVE ACTION EVALUATION:

_The corrective action noted above was not completed. Recommendation will be repeated.

1080/4

CS-2:

_Slab unit 1-1 has a delamination 14ft. L x 24in. W In the south edge, starting at Abutment 1. (Total 28 SF) NO CHANGE.

_Slab unit 1-15 has a delamination full span length x full width. (Total 215 SF) Refer to Photo 03. NO CHANGE.

_Slabs units 5-3 and 5-4 both have a delamination 6ft. L X full width over the east bulkhead. (Total 60 SF) Refer to Photo 04. NO CHANGE.

1090/4

CS-3:

_Slab unit 1-2 underside has a spall/delamination 9ft. L x 5ft. W x 3in. D with one longitudinal and 6 transverse rebars exposed having up to 60% section remaining over the

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**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM**

**Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ

west bulkhead, starting at Abutment 1. Previously noted a delamination 14ft. L x 3ft. W average. (Total 45 SF) Refer to Photo 05. INCREASE.

_Slab unit 1-3 underside has a spall/delamination up to 10ft. L x 5ft. W x 3in. D with one longitudinal and 8 transverse rebars exposed having up to 60% section remaining over the west bulkhead. Previously noted a spall/delamination up to 10ft. L x 18in. W with corrosion bleed out. (Total 50 SF) Refer to Photo 05. INCREASE.

_Slab unit 1-4 underside has a spall/delamination up to 9ft. L x 5ft. W x 3in. D with one longitudinal and 6 transverse rebars exposed having up to 60% section remaining over the west bulkhead. Previously noted a delamination 8ft. L x 13in. W in the south edge and 8ft. L x 24in. W on the north edge. (Total 45 SF) INCREASE.

_Slab unit 1-5 underside, north edge has a spall/delamination 9ft. L x 3ft. W with one exposed longitudinal rebar having up to 60% section remaining over the west bulkhead. Previously noted a delamination 8ft. L x 3ft. W. (Total 24 SF) INCREASE.

_Slab unit 5-15 has a spall/delamination 9ft. L x 30in. W x 1/2in. D with one exposed rebar having up to 50% section loss, west of east bulkhead cap extending from south edge at 10ft. from Abutment 6. Previously documented as one exposed strand under Defect 1100. (Total 9 SF) Refer to Photo 06. NO CHANGE.

1110/4

CS-3:

_Slab unit 5-16, south face, bottom edge has a longitudinal crack 5ft. L x 1/16in. W with corrosion bleed out, west of east bulkhead. (Total 5 SF) Refer to Photo 07. NO CHANGE.

510/4

Refer to defect 3220 for deficiencies.

PREVIOUS RECOMMENDED CORRECTIVE ACTION:

_Clean and seal cracks on the asphalt overlay along the intermediate bents joints.

CORRECTIVE ACTION EVALUATION:

_The corrective action noted above was not completed. Recommendation will be repeated.

3220/4

CS-3:

_The asphalt overlay has transverse cracks up to 1in. W with vegetation growth along the intermediate bent joints. (Total 214 SF) Refer to Photo 08. NO CHANGE.

Total Number of Elements*: 1

*excluding defects/protective systems

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM**

**Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ

Inspector Recommendations

UNIT: Structure DECKSUnit 1**ELEMENT/ENV: 8099 / 4 PS Conc Slab (Sonovoid)****ELEM CATEGORY: Decks/Slabs**CONDITION
STATE

PRIORITY

1 , 2 , 3

MMS Quantity: 16 sf Element Estimated Quantity: 16 (SF)

2

WORK ORDER RECOMMENDATION:

Repair spalled/delaminated pickup point patches at the exterior sidewalk and median slabs. Photo 01

ELEMENT/ENV: 8099:510:3220 / 4 Crack (Wearing Surface)**ELEM CATEGORY: Decks/Slabs**CONDITION
STATE

PRIORITY

3

MMS Quantity: 214 sf Element Estimated Quantity: 214 sq.ft

3

WORK ORDER RECOMMENDATION:

Clean and seal cracks on the asphalt overlay along the intermediate bent joints. Photo 08

ELEMENT/ENV: 8099:1080 / 4 Delamination/Spall/Patched Area**ELEM CATEGORY: Decks/Slabs**CONDITION
STATE

PRIORITY

2

MMS Quantity: 481 sf Element Estimated Quantity: 481 (SF)

3

WORK ORDER RECOMMENDATION:

Clean and paint any exposed rebar and repair spalls, delaminations and cracks along the slab units. Photos 03 to 07

Structure Notes

BRIDGE OWNER: TOWN OF BAY HARBOR ISLANDS

Structure inventoried from west to east.

5 Spans PS Conc Slab (43ft. L x 5ft. W) on R/Conc Caps on P/S Conc Columns.

TRAFFIC RESTRICTIONS: Based on the current load rating analysis dated 12/5/06, posting is not required. The structure is not posted.

REVIEWED BY:

**Jose A
Quintana**

Digitally signed by Jose
A Quintana
Date: 2022.04.07
12:59:02 -04'00'

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM**

**Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ

INSPECTION NOTES: **HLGJ** **2/23/2022**

Sufficiency Rating Calculation Accepted by knmeira at 3/30/2022 1:35 PM.

This Interim Inspection was conducted to evaluate the superstructure, Element 8099 PS Conc Slab, for the condition of the entire structure refer to the last Regular NBI Inspection on 02/23/2022.

The Deck and Superstructure NBI Ratings remain coded 4 (Poor) due to spall/delaminations covering more than 15% of the slab unit area. Slab units 1-2, 1-3, 1-4, and 1-15 meet this criteria. (02/23/2022).

LOAD CAPACITY EVALUATION:

Since the current load rating dated 12/5/2006, there is no indication that deterioration, geometric changes or additional dead load have occurred that would warrant a new load rating analysis. This only applies to this inspection dated 02/23/2022 per Jose A. Quintana, P.E.

The structure is now on a 12 months inspection frequency due to NBI Rating 4 for SIA Items 58 Deck and 59 Superstructure.

LEGEND:

NCAR: NO CORRECTIVE ACTION RECOMMENDED.

RT: Right

LT: Left

NC: No Change

INC: Increase

CAT: Corrective Action Taken

L: Long

W: Wide

H: High

D: Deep

UW: Underwater

S.L.: Section Loss

in.: Inches

ft.: Feet

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM****Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)****Structure ID: 875105****Inspection****DISTRICT: D6 - Miami****INSPECTION DATE: 2/23/2022 HLGJ**

Photo 01 Element/Env 8099/4: PS Conc Slab (Sonovoid)

The top face of the exterior sidewalk slabs and north half of the median slabs have spalled/delaminated pickup point patches up to 8in. diameter x 3/4in. deep with exposed cut pickup point steel at the ends of each span.

WORK ORDER RECOMMENDATION:

Repair spalled/delaminated pickup point patches at the exterior sidewalk and median slabs.

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM****Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)****Structure ID: 875105****Inspection****DISTRICT: D6 - Miami****INSPECTION DATE: 2/23/2022 HLGJ**

Photo 02 Element/Env 8099/4: PS Conc Slab (Sonovoid)

The closure pours between the exterior sidewalk and median slabs have delaminations up to sidewalk width x 5in. wide and transverse cracks up to 4ft. L x 1/16in. W.

WORK ORDER RECOMMENDATION:

None.

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM****Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)****Structure ID: 875105****Inspection****DISTRICT: D6 - Miami****INSPECTION DATE: 2/23/2022 HLGJ**

Photo 03 Element/Env 8099/4: PS Conc Slab (Sonovoid)

Slab unit 1-15 has a delamination full span length x full width.

WORK ORDER RECOMMENDATION:

Clean and paint any exposed rebar and repair spalls, delaminations and cracks along the slab units.

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM
Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ



Photo 04 Element/Env 8099/4: PS Conc Slab (Sonovoid)

Slabs units 5-3 and 5-4 both have a delamination 6ft. L X full width over the east bulkhead.

WORK ORDER RECOMMENDATION:

Clean and paint any exposed rebar and repair spalls, delaminations and cracks along the slab units

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM
Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ



Photo 05 Element/Env 8099/4: PS Conc Slab (Sonovoid)

Slab units 1-2 and 1-3 underside: Spall/delaminations up to 9ft. L x 5ft. W x 3in. D with longitudinal and transverse rebar exposed (up to 60% section remaining) over the west bulkhead.

WORK ORDER RECOMMENDATION:

Clean and paint any exposed rebar and repair spalls, delaminations and cracks along the slab units

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM
Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ



Photo 06 Element/Env 8099/4: PS Conc Slab (Sonovoid)

Slab unit 5-15 has a spall/delamination 9ft. L x 30in. W x 1/2in. D with one exposed rebar having up to 50% section loss, west of east bulkhead cap extending from south edge at 10ft. from Abutment 6.

WORK ORDER RECOMMENDATION:

Clean and paint any exposed rebar and repair spalls, delaminations and cracks along the slab units

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM
Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ



Photo 07 Element/Env 8099/4: PS Conc Slab (Sonovoid)

Slab unit 5-16, south face, bottom edge has a longitudinal crack 5ft. L x 1/16in. W with corrosion bleed out, west of east bulkhead.

WORK ORDER RECOMMENDATION:

Clean and paint any exposed rebar and repair spalls, delaminations and cracks along the slab units

**FLORIDA DEPARTMENT OF TRANSPORTATION
BRIDGE MANAGEMENT SYSTEM
Inspection/CIDR Report with PDF attachment(s)
(INTERIM INSPECTION REPORT)**

Structure ID: 875105

Inspection

DISTRICT: D6 - Miami

INSPECTION DATE: 2/23/2022 HLGJ



Photo 08 Element/Env 8099/510/4: PS Conc Slab (Sonovoid)/ Wearing Surfaces

The asphalt overlay has transverse cracks up to 1in. W with vegetation growth along the intermediate bents joints.

WORK ORDER RECOMMENDATION:

Clean and seal cracks on the asphalt overlay along the intermediate bent joints.

Load Rating Summary for Prestressed Concrete Bridges (Flat Slab and Deck/Girder)

Table 1 - LRFR using Appendix D.6 (LFD or ASD)*

Level	Vehicle	Weight (tons)	Load Factors		Minimum Rating Factor	Moment (Strength) or Stress (Service)					Shear (Strength)					Comments:
			LL	DL		Distribution Factor (DF)	Rating Factor	Tons	Location	Dimension	Distribution Factor (DF)	Rating Factor	Tons	Location	Dimension	
Inventory (Inv)	HS-20	36.0	2.17	1.30	N/A	0.424	2.67	96.12	0.5L	21.00'	N/A	N/A	N/A	N/A	N/A	Interior Slab Unit
Operating (Op)	HS-20	36.0	1.30	1.30	N/A	0.424	4.45	160.20	0.5L	21.00'	N/A	N/A	N/A	N/A	N/A	Interior Slab Unit
Operating (Op)	SU4	35.0	1.30	1.30	N/A	0.424	3.76	131.60	0.5L	21.00'	N/A	N/A	N/A	N/A	N/A	Interior Slab Unit
Operating (Op)	C5	40.0	1.30	1.30	N/A	0.424	5.86	234.40	0.5L	21.00'	N/A	N/A	N/A	N/A	N/A	Interior Slab Unit
Operating (Op)	ST5	40.0	1.30	1.30	N/A	0.424	5.01	200.40	0.5L	21.00'	N/A	N/A	N/A	N/A	N/A	Interior Slab Unit

General Notes:

1. This table is based on the requirements established in the Jan/July 2006 "Structures Manual".

Table 2 Notes:

1. Permit capacity is determined by using the permit vehicle in all lanes.
 2. If the Design Operating Load Rating is greater than 1, Load Rating using Legal Vehicles SU4, C5, and ST5 is not required.
 3. Service III Inventory Design tensile stress limits = 3#f_c.
 Service III Operating Design, Legal, and Permit tensile stress limits = 7.5#f_c.

Load Rating Summary for Prestressed Concrete Bridges (Flat Slab and Deck/Girder)

Table 2 - LRFR w/o Appendix D.6 (LFD)*

Level	Limit State	Vehicle	Weight (tons)	Load Factors		Minimum Rating Factor	Moment (Strength) or Stress (Service)					Shear (Strength)					Comments:
				LL	DC		Distribution Factor (DF)	Rating Factor	Tons	Location	Dimension	Distribution Factor (DF)	Rating Factor	Tons	Location	Dimension	
Design Load Rating	Strength I (Inv)	HL-93	N/A	1.75	1.25	1.50	1.00	0.378	1.50	N/A	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Strength I (Op)	HL-93	N/A	1.35	1.25	1.50	1.00	0.378	1.94	N/A	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Service III (Inv)	HL-93	N/A	0.80	1.00	1.00	1.00	0.378	1.24	N/A	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Service III (Op)	HL-93	N/A	0.80	1.00	1.00	1.00	0.378	1.67	N/A	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
Legal Load Rating	Strength I	SU4	35.0	1.35	1.25	1.50	N/A	0.378	2.00	70.00	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Strength I	C5	40.0	1.35	1.25	1.50	N/A	0.378	2.58	103.20	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Strength I	ST5	40.0	1.35	1.25	1.50	N/A	0.378	2.67	106.80	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Service III	SU4	35.0	0.80	1.00	1.00	N/A	0.378	1.72	60.20	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
Permit Load Rating	Service III	C5	40.0	0.80	1.00	1.00	N/A	0.378	2.23	89.20	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Service III	ST5	40.0	0.80	1.00	1.00	N/A	0.378	2.30	92.00	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Strength II	FL120	60.0	1.35	1.25	1.50	1.00	0.378	1.42	85.20	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit
	Service III	FL120	60.0	0.70	1.00	1.00	1.00	0.378	1.40	84.00	0.5L	21.00'	N/A	N/A	N/A	N/A	Interior Slab Unit

Abbreviations:

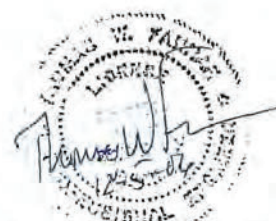
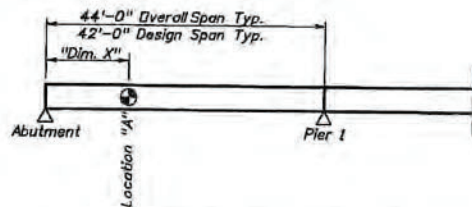
Inv - Inventory

Op - Operating

Bridge # 875105

Controlling Load Rating

Limit State	Vehicle	Weight (Tons)	Rating Factor
Service III (Inv)	HL-93	N/A	1.24



Kimley-Horn
 and Associates, Inc.
 401 GORRICH DRIVE, WEST PALM BEACH, FL 33411
 (561) 840-8800
 FPM No. 006

DATE
 12/5/2006
 PROJECT NO.
 BC-113



TOWN OF
 BAY HARBOR ISLANDS
 FLORIDA

DESIGN ENGINEER
 THOMAS W. FORTNEY
 FLORIDA REGISTRATION NUMBER
 #949143

BROAD CAUSEWAY WEST RELIEF BRIDGE
 (REHABILITATION)
 LOAD RATING SUMMARY

SHEET NUMBER
 1

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

REPORT ID: INSP005

Inspection/CIDR Report with PDF attachment(s)

Structure ID: 875105

CIDR

DATE PRINTED: 4/5/2022

Description

Structure Unit Identification

Bridge/Unit Key: 875105 1
 Structure Name: NE 123rd Street over Biscayne Bay
 Description: Spans 1 thru 5
 Type: M - Main

Roadway Identification

NBI Structure No (8): 875105
 Position/Prefix (5): 1 - Route On Structure
 Kind Hwy (Rte Prefix): 5 City Street
 Design Level of Service: 1 Mainline
 Route Number/Suffix: 00922 / 0 N/A (NBI)
 Feature Intersect (6): BISCAYNE BAY
 Critical Facility: Not Applicable
 Facility Carried (7): NE 123rd Street
 Mile Point (11): 3.764
 Latitude (16): 025d53'21.0" Long (17): 080d09'01.8"

Roadway Traffic and Accidents

Lanes (28): 4 Medians: 1 Speed: 30 mph
 ADT Class: 4 ADT Class 4
 Recent ADT (29): 22890 Year (30): 2020
 Future ADT (114): 38935 Year (115): 2042
 Truck % ADT (109): 2
 Detour Length (19): 7.6 mi
 Detour Speed: 30 mph
 Accident Count: -1 Rate:

Roadway Classification

Nat. Hwy Sys (104): 0 Not on NHS
 National base Net (12): 0 - Not on Base Network
 LRS Inventory Rte (13a): 87 066 000 Sub Rte (13b): 00
 Functional Class (26): 16 Urban Minor Arterial
 Federal Aid System: ON
 Defense Hwy (100): 0 Not a STRAHNET hwy
 Direction of Traffic (102): 2 2-way traffic
 Emergency: ☒

Roadway Clearances

Vertical (10): 99 ft Appr. Road (32): 53.5 ft
 Horiz. (47): 78 ft Roadway (51): 53.5 ft
 Truck Network (110): 0 Not part of natl netwo
 Toll Facility (20): 2 On toll road
 Fed. Lands Hwy (105): 0 N/A (NBI)
 School Bus Route: ☒
 Transit Route: ☒

NBI Project Data

Proposed Work (075A): Unknown (P)
 Work To Be Done By (075B): Unknown (NBI)
 Improvement Length (076): -1 ft

Improvement Cost (094): -\$ 1.00
 Roadway Improvement Cost (095): -\$ 1.00
 Total Cost (096): -\$ 1.00
 Year of Estimate (097): -1

NBI Rating

Channel (61): 7 Minor Damage
 Deck (58): 4 Poor
 Superstructure (59): 4 Poor
 Substructure (60): 7 Good

Culvert (62): N N/A (NBI)
 Waterway (71): 8 Equal Desirable
 Unrepaired Spalls: -1 sq.ft.
 Review Required: ☒

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

REPORT ID: INSP005

Inspection/CIDR Report with PDF attachment(s)

Structure ID: 875105

CIDR

DATE PRINTED: 4/5/2022

Structure Identification

Admin Area: Miami-Dade
 District (2): D6 - Miami
 County (3): (87)Miami-Dade
 Place Code (4): Bay Harbor Islands
 Location (9): 200Ft. W of Toll Plaza
 Border Br St/Reg (98): Not Applicable (P) Share: %
 Border Struct No (99):
 FIPS State/Region (1): 12 Florida Region 4-Atlanta
 NBIS Bridge Len (112): Y - Meets NBI Length
 Parallel Structure (101): No || bridge exists
 Temp. Structure (103): Not Applicable (P)
 Maint. Resp. (21): 3 Town/Township Hwy Agcy
 Owner (22): 3 Town/Township Hwy Agcy
 Historic Signif. (37): 5 Not eligible for NRHP

Structure Type and Material

Curb/Sidewalk (50): Left: 7.25 ft Right: 6.8 ft
 Bridge Median (33): 2 Closed Med w/o Barrier
 Main Span Material (43A): 5 Prestressed Concrete
 Appr Span Material (44A): Not Applicable (P)
 Main Span Design (43B): 01 Slab
 Appr Span Design (44B): Not Applicable (P)

Appraisal**Structure Appraisal**

Open/Posted/Closed (41): A Open, no restriction
 Deck Geometry (68): 4 Tolerable
 Underclearances (69): N Not applicable (NBI)
 Approach Alignment (72): 8-No Speed Red thru Curv
 Bridge Railings (36a): 1 Meets Standards
 Transitions (36b): 0 Substandard
 Approach Guardrail (36c): 0 Substandard
 Approach Guardrail Ends (36d): 0 Substandard
 Scour Critical (113): 5 Stable w/in footing

Minimum Vertical Clearance

Over Structure (53): 99 ft
 Under (reference) (54a): N Feature not hwy or RR
 Under (54b): 0 ft

Schedule**Current Inspection**

Inspection Date: 02/23/2022
 Inspector: KNMEIRP - Reinaldo Padrino
 Bridge Group: CA611
 Alt. Bridge Group:
 Primary Type: Interim
 Review Required: ☒

Geometrics

Spans in Main Unit (45): 5
 Approach Spans (46): 0
 Length of Max Span (48): 44.6 ft
 Structure Length (49): 221.5 ft
 Total Length: 261.5 ft
 Deck Area: 18252 sqft
 Structure Flared (35): 0 No flare

Age and Service

Year Built (27): 2006
 Year Reconstructed (106): 0
 Type of Service On (42a): 5 Highway-pedestrian
 Under (42b): 5 Waterway
 Fracture Critical Details: Not Applicable

Deck Type and Material

Deck Width (52): 82.4 ft
 Skew (34): 0 deg
 Deck Type (107): 2 Concrete Precast Panel
 Surface (108): 6 Bituminous
 Membrane: 1 Built-up
 Deck Protection: None

Navigation Data

Navigation Control (38): Permit Not Required
 Nav Vertical Clr (39): 0 ft
 Nav Horizontal Clr (40): 0 ft
 Min Vert Lift Clr (116): 0 ft
 Pier Protection (111): 1 Not Required

NBI Condition Rating

Sufficiency Rating: 38
 Health Index: 97.05
 Structural Eval (67): 4 Minimum Tolerable
 Deficiency: Structurally Deficient

Minimum Lateral Underclearance

Reference (55a): N Feature not hwy or RR
 Right Side (55b): 0 ft
 Left Side (56): 0 ft

Next Inspection Date Scheduled

NBI: 02/23/2023
 Element: 02/23/2023
 Fracture Critical:
 Underwater: 02/23/2023
 Other/Special: 02/23/2023
 Inventory Photo Update Due: 02/23/2025

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

REPORT ID: INSP005

Inspection/CIDR Report with PDF attachment(s)

Structure ID: 875105

CIDR

DATE PRINTED: 4/5/2022

Schedule Cont.**Inspection Types
Performed**NBI ☐Element ☒Fracture Critical ☐Underwater ☐Other Special ☒**Inspection Intervals****Required (92)****Frequency (92)****Last Date (93)****Inspection Resources**Fracture Critical ☐

mos

Crew Hours: 4

Underwater ☒

24 mos

02/24/2021

Flagger Hours: 0

Other Special ☒

12 mos

02/23/2022

Helper Hours: 0

NBI

24 mos

(91) 02/24/2021 (90)

Snooper Hours: 0

Special Crew Hours: 3

Special Equip Hours: 0

Bridge Related**General Bridge Information**

Parallel Bridge Seq:

Channel Depth: 8.1 ft

Radio Frequency: -1

Phone Number:

Exception Date:

Exception Type:

Accepted By Maint:

Warranty Expiration: 00/00/0000

Performance Rating: Poor

Bridge Rail 1: Conc parapet-alum-rail

Bridge Rail 2: Not applicable-No rail

Electrical Devices: Roadway lighting only

Culvert Type: Not applicable

Maintenance Yard: Not FDOT Maintained

FIHS ON / OFF: No Routes on FIHS

Previous Structure: 875100

2nd Previous Structure:

Replacement Structure:

Permitted Utilities: Power ☐ Water ☐ Gas ☐ Fiber Optic ☐ Sewage ☐ Other ☐**Bridge Load Rating Information**

Inventory Type (065): 3 LRFR Load & Res. Fact

Operating Type (063): 3 LRFR Load & Res. Fact

Original Design Load (031): HL 93

Date: 12/05/2006

Initials: TWF

Load Rating Rev. Recom.: No

Load Rating Plans Status: Design or Construction

Inventory Rating (066): 44.6 tons

Operating Rating (064): 60.1 tons

FL120 Permit Rating: 84.0 tons

HS20/FL120 Max Span Rating: 84.0 tons

Dynamic Impact in Percent: 33 %

Governing Span Length: 42.0 ft

Minimum Span Length:

Distribution Method: Others

Load Rating Notes:

LEGAL LOADS

SU2: -1.0 tons

SU3: -1.0 tons

SU4: 60.2 tons

C3: -1.0 tons

C4: -1.0 tons

C5: 89.2 tons

ST5: 92.0 tons

Posting (070): 5 At/Above Legal Loads

Open/Posted/Closed (041): A Open, no restriction

POSTING

Recom. SU Posting: 99 tons

Recom. C Posting: 99 tons

Recom. ST5 Posting: 99 tons

Actual SU Posting: 99 tons

Actual C Posting: 99 tons

Actual ST5 Posting: 99 tons

Actual Blanket Posting: 99 tons

Emergency Vehicle: 1 EV inapplicable

FLOOR BEAM (FB)

FB Present: No

FB Span Length, Gov:

FB Spacing, Gov:

FB OPR Rating: 0.0 tons

FB SU4 OPR Rating:

FB FL120 Rating: 0.0 tons

SEGMENTAL (SEG)

SEG Wing-Span: -1.0 ft

SEG Web-to-Web Span: -1.0 ft

SEG Transverse HL93 Operating: -1.00 RF

Bridge Scour and Storm Information

Pile Driving Record: All pile driving records

Foundation Type: Foundation details

Mode of Flow: Tidal

Rating Scour Eval: Unknown

Highest Scour Eval: Unknown

Scour Evaluation Method:

Scour Recommended I: Not Applicable

Scour Recommended II: Not Applicable

Scour Recommended III: Not Applicable

Scour Elevation: 0 ft

Action Elevation: 0 ft

Storm Frequency:

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

REPORT ID: INSP005

Inspection/CIDR Report with PDF attachment(s)

Structure ID: 875105

CIDR

DATE PRINTED: 4/5/2022

Elements

Inspection Date: 02/23/2022 HLGJ

DECKS : Decks/Slabs

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	8099 / 4	PS Conc Slab (Sonovoid)	17771	97.36	303	1.66	178	0.98	0	.	18252 (SF)
Structure Unit 1	1080 / 4	Delamination/Spall/Patched Area	0	.	303	100	0	.	0	.	303 (SF)
Structure Unit 1	1090 / 4	Exposed Rebar	0	.	0	.	173	100	0	.	173 (SF)
Structure Unit 1	1110 / 4	Cracking (PSC)	0	.	0	.	5	100	0	.	5 (SF)
Structure Unit 1	510 / 4	Wearing Surfaces	18038	98.83	0	.	214	1.17	0	.	18252 sq.ft
Structure Unit 1	3220 / 4	Crack (Wearing Surface)	0	.	0	.	214	100	0	.	214 sq.ft

DECKS : Joints

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	301 / 4	Pourable Joint Seal	112	71.79	20	12.82	24	15.38	0	.	156 ft
Structure Unit 1	2320 / 4	Seal Adhesion	0	.	0	.	14	100	0	.	14 ft
Structure Unit 1	2330 / 4	Seal Damage	0	.	0	.	10	100	0	.	10 ft
Structure Unit 1	2350 / 4	Debris Impaction	0	.	20	100	0	.	0	.	20 ft

MISCELLANEOUS : Channel

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	8290 / 4	Channel	0	.	1	100	0	.	0	.	1 (EA)
Structure Unit 1	9140 / 4	Debris	0	.	1	100	0	.	0	.	1 (EA)

MISCELLANEOUS : Other Elements

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	321 / 4	Re Conc Approach Slab	3296	100	0	.	0	.	0	.	3296 sq.ft
Structure Unit 1	510 / 4	Wearing Surfaces	3242	98.36	0	.	54	1.64	0	.	3296 sq.ft
Structure Unit 1	3220 / 4	Crack (Wearing Surface)	0	.	0	.	54	100	0	.	54 sq.ft

MISCELLANEOUS : Other Elements

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	8475 / 4	R/Conc Walls	54	67.5	4	5	22	27.5	0	.	80 ft
Structure Unit 1	1080 / 4	Delamination/Spall/Patched Area	0	.	4	66.67	2	33.33	0	.	6 ft
Structure Unit 1	1090 / 4	Exposed Rebar	0	.	0	.	20	100	0	.	20 ft

SUBSTRUCTURE : Substructure

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	215 / 4	Re Conc Abutment	170	100	0	.	0	.	0	.	170 ft

This report contains information relating to the physical security of a structure and depictions of the structure. This information is confidential and exempt from public inspection pursuant to sections 119.071(3)(a) and 119.071(3)(b), Florida Statutes. Only the cover page of this report may be inspected and copied.

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

REPORT ID: INSP005

Inspection/CIDR Report with PDF attachment(s)

Structure ID: 875105

CIDR

DATE PRINTED: 4/5/2022

SUBSTRUCTURE : Substructure

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	226 / 4	Pre Conc Pile	25	62.5	7	17.5	8	20	0	.	40 (EA)
Structure Unit 1	1080 / 4	Delamination/Spall/Patched Area	0	.	7	46.67	8	53.33	0	.	15 (EA)

SUBSTRUCTURE : Substructure

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	234 / 4	Re Conc Pier Cap	331	97.35	9	2.65	0	.	0	.	340 ft
Structure Unit 1	1130 / 4	Cracking (RC and Other)	0	.	9	100	0	.	0	.	9 ft

SUBSTRUCTURE : Substructure

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	8393 / 4	Bulkhead Seawall Any Material	0	.	0	.	205	100	0	.	205 ft
Structure Unit 1	1090 / 4	Exposed Rebar	0	.	0	.	6	100	0	.	6 ft
Structure Unit 1	1130 / 4	Cracking (RC and Other)	0	.	0	.	199	100	0	.	199 ft

SUBSTRUCTURE : Substructure

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	8394 / 4	R/Conc Abut Slope Protection	1630	97.02	0	.	50	2.98	0	.	1680 (SF)
Structure Unit 1	1130 / 4	Cracking (RC and Other)	0	.	0	.	50	100	0	.	50 (SF)

SUPERSTRUCTURE : Bearings

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	310 / 4	Elastomeric Bearing	72	100	0	.	0	.	0	.	72 each

SUPERSTRUCTURE : Superstructure

Str Unit	Elem/Env	Description	Qty1	%1	Qty2	%2	Qty3	%3	Qty4	%4	T Qty
Structure Unit 1	333 / 4	Other Bridge Railing	420	94.81	23	5.19	0	.	0	.	443 ft
Structure Unit 1	1000 / 4	Corrosion	0	.	2	100	0	.	0	.	2 ft
Structure Unit 1	1080 / 4	Delamination/Spall/Patched Area	0	.	1	100	0	.	0	.	1 ft
Structure Unit 1	1130 / 4	Cracking (RC and Other)	0	.	20	100	0	.	0	.	20 ft

Total Number of Elements*: 12

*excluding defects/protective systems

FLORIDA DEPARTMENT OF TRANSPORTATION BRIDGE MANAGEMENT SYSTEM

REPORT ID: INSP005

Inspection/CIDR Report with PDF attachment(s)

Structure ID: 875105

CIDR

DATE PRINTED: 4/5/2022

Inspection Information

Inspection Date: 02/23/2022

Type: Interim

Inspector: KNMEIRP - Reinaldo Padrino

Inspection Notes: Sufficiency Rating Calculation Accepted by knmeira at 3/30/2022 1:35 PM.

This Interim Inspection was conducted to evaluate the superstructure, Element 8099 PS Conc Slab, for the condition of the entire structure refer to the last Regular NBI Inspection on 02/23/2022.

The Deck and Superstructure NBI Ratings remain coded 4 (Poor) due to spall/delaminations covering more than 15% of the slab unit area. Slab units 1-2, 1-3, 1-4, and 1-15 meet this criteria. (02/23/2022).

LOAD CAPACITY EVALUATION:

Since the current load rating dated 12/5/2006, there is no indication that deterioration, geometric changes or additional dead load have occurred that would warrant a new load rating analysis. This only applies to this inspection dated 02/23/2022 per Jose A. Quintana, P.E.

The structure is now on a 12 months inspection frequency due to NBI Rating 4 for SIA Items 58 Deck and 59 Superstructure.

LEGEND:

NCAR: NO CORRECTIVE ACTION RECOMMENDED.

RT: Right

LT: Left

NC: No Change

INC: Increase

CAT: Corrective Action Taken

L: Long

W: Wide

H: High

D: Deep

UW: Underwater

S.L.: Section Loss

in.: Inches

ft.: Feet

Structure Notes

BRIDGE OWNER: TOWN OF BAY HARBOR ISLANDS

Structure inventoried from west to east.

5 Spans PS Conc Slab (43ft. L x 5ft. W) on R/Conc Caps on P/S Conc Columns.

TRAFFIC RESTRICTIONS: Based on the current load rating analysis dated 12/5/06, posting is not required. The structure is not posted.

REVIEWED BY:

Schedule Notes

Appendix I: VCS Chloride Inspection Report



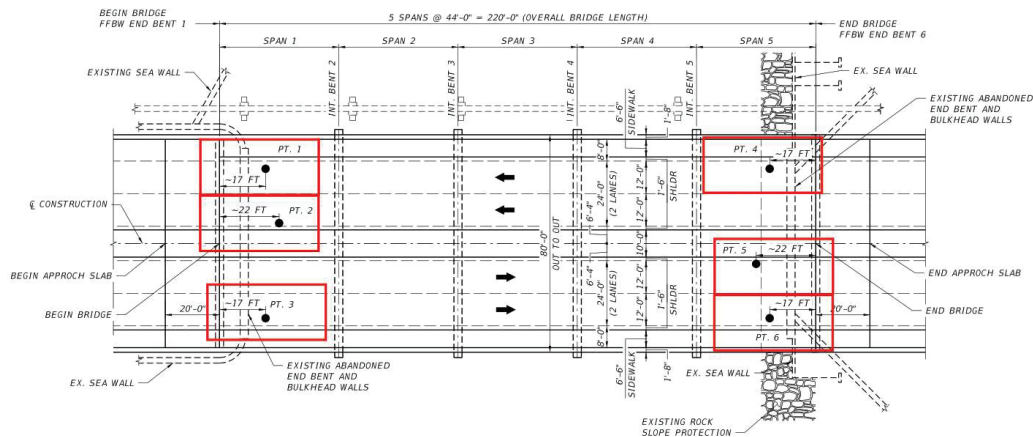
VCS, INC.

8413 Laurel Fair Circle, Ste 200B, Tampa, FL 33610

Main: 813-501-0050 | Fax: 813-501-1412

eMail: Info@VCServices.com

BROAD CAUSEWAY BAY HARBOR, FLORIDA CHLORIDE ANALYSIS



Prepared for:

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BCC Engineering

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Principal Engineer – VCS

VCS Project Number – F23027FL

June 12, 2023

We Save Structures™

Introduction

The Broad Causeway Bridge in Bay Harbor, Florida is currently being evaluated for a potential rehabilitation or replacement. BCC Engineers who are leading the evaluation would like to have the concrete evaluated to determine how much contamination with chlorides have occurred. BCC Engineers have reached out to VCS Engineering (VCS) to collect and test the concrete chloride contamination. VCS collected samples from the underside of the slab using a hammer drill.

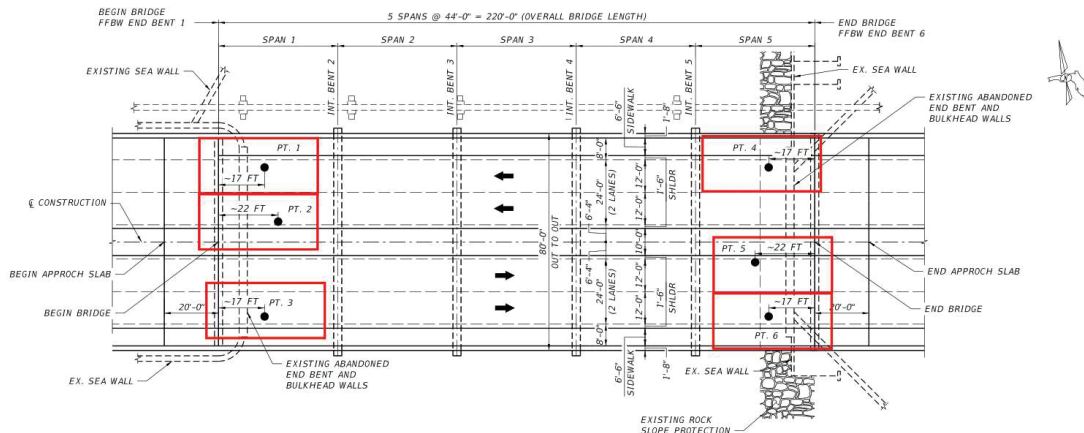


Figure 1: Layout of Broad Causeway Bridge

Test Methods & Results

This section describes the testing methods used by VCS to evaluate the chloride concentration of the Broad Causeway Bridge along with the results from these methods. A detailed discussion regarding each result is provided along with conclusions and recommendations.

Chloride Concentration

Concrete samples were collected from the structure to evaluate the level of chloride penetration and risk for corrosion activity of the steel reinforcing per ASTM C1152 *Standard Test Method for Acid-Soluble Chloride in Mortar and Concrete*, which measures the concentration of both free and bound chlorides. The concrete samples were collected in the form of powder samples.

Reinforcing steel in concrete is protected from corrosion by the high alkalinity of the concrete pore solution, typically greater than a pH of 12. The high pH of the pore solution causes formation of a passivating film on the surface of rebar, effectively sealing it and preventing corrosion. Corrosion of reinforced concrete exposed to chloride-containing environment, such as deicing salts or marine exposure, is typically initiated by chloride ions, which have the ability to break down the passivating film. Chloride ions diffuse from the concrete surface, and once their concentration at reinforcement depth reaches a threshold value, corrosion is initiated. The quantity of chlorides required to depassivate the steel is known as the threshold concentration. Chloride threshold is a critical value in determining the initiation time for the service life model. In the literature, threshold concentrations for chloride in concrete can vary significantly and depend on a number of factors. ACI 222R-

19 indicates that for acid-soluble chloride testing the generally accepted chloride threshold in the United States is between 1.0 and 1.5 lbs of chloride per cubic yard of concrete (263 to 395 ppm assuming a concrete density of 3,800 lbs/yd³).

For the service life modeling, VCS typically implements a chloride threshold of 350 ppm with a standard variation of 50 ppm. It is important to consider the variation of the threshold as chloride threshold is not a single value. Due to many influencing factors, corrosion of steel in concrete can initiate at a range of chloride concentrations. As a result, it is important to take into consideration this variation. There are many environmental and concrete material conditions that can cause the corrosion to initiate at a lower or higher threshold. For example, if the moisture content is high in an area then corrosion may initiate at a lower chloride concentration. If the concrete is drier in an area it may take more chloride to cause corrosion.

Figure 2 and Table 1 provides chloride profiles for samples collected from the underside of the bridge deck. The chloride threshold value of 350 ppm is plotted as a horizontal red line. When concrete is exposed to an environment containing chloride ions, either from deicing salt application or marine exposure, chlorides will diffuse into the concrete from the surface. This results in the highest chloride concentration at the surface and a decreasing chloride concentration with increasing depth as observed in the samples collected.

The chloride concentration in all the samples is extremely high along the bottom surface of the bridge, which is expected due to its close proximity to the water. However, at about 4 inches into the slab from the underside the concentration falls below the chloride threshold. It is expected that the reinforcement in the bottom of this slab would be at a high risk for severe corrosion activity. However, any reinforcement higher in the slab would be protected from corrosion.

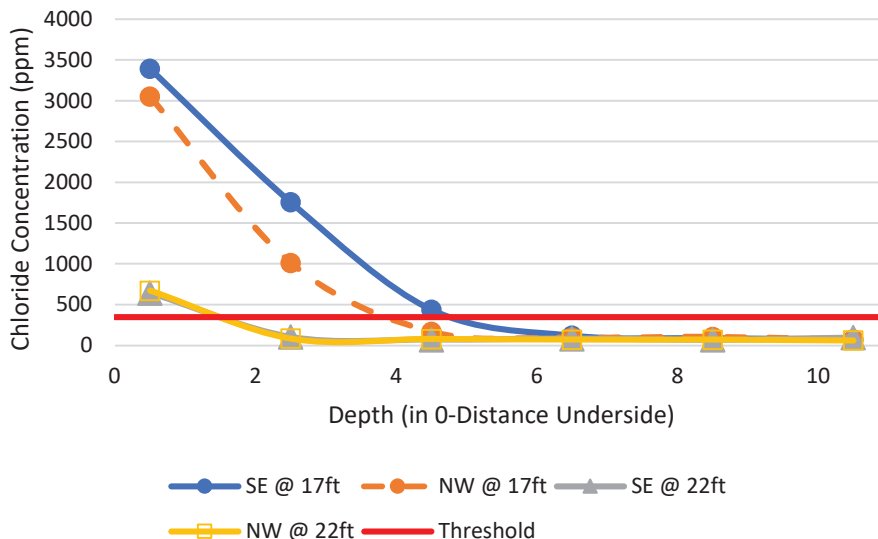


Figure 2: Chloride Concentration Profiles

Table 1: Table of Chloride Concentration (ppm)

Depth (in from underside)	SE @ 17ft	NW @ 17ft	SE @ 22ft	NW @ 22ft
0.5	3394	3053	645	674
2.5	1758	1015	106	86
4.5	440	171	73	80
6.5	122	100	84	73
8.5	89	106	71	72
10.5	77	73	98	63

Conclusions

1. The bottom of the Broad Causeway Bridge is highly saturated with chlorides; however, the core concrete has little to no exposure to chloride.

VCS Engineering



Brian Pailles, Ph.D., P.E., NACE CP-4

Principal Engineer

brianp@VCServices.com

Office (813) 501 – 0050

Mobile (813) 777 – 6946

Appendix J: Bridge 875105 Existing Plans

BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) FOR THE TOWN OF BAY HARBOR ISLANDS, FLORIDA

DERM COASTAL SECTION
PRELIMINARY APPROVAL
NAME Mimi Blaisdell
DATE 3-25-04

the trees that are to be removed/relocated on Sheet 7 may require a tree removal permit from DERM's Forest Resources Section. Please contact Hilcia De La Cruz at 305-372-6573

CONTRACT NO. BC-113

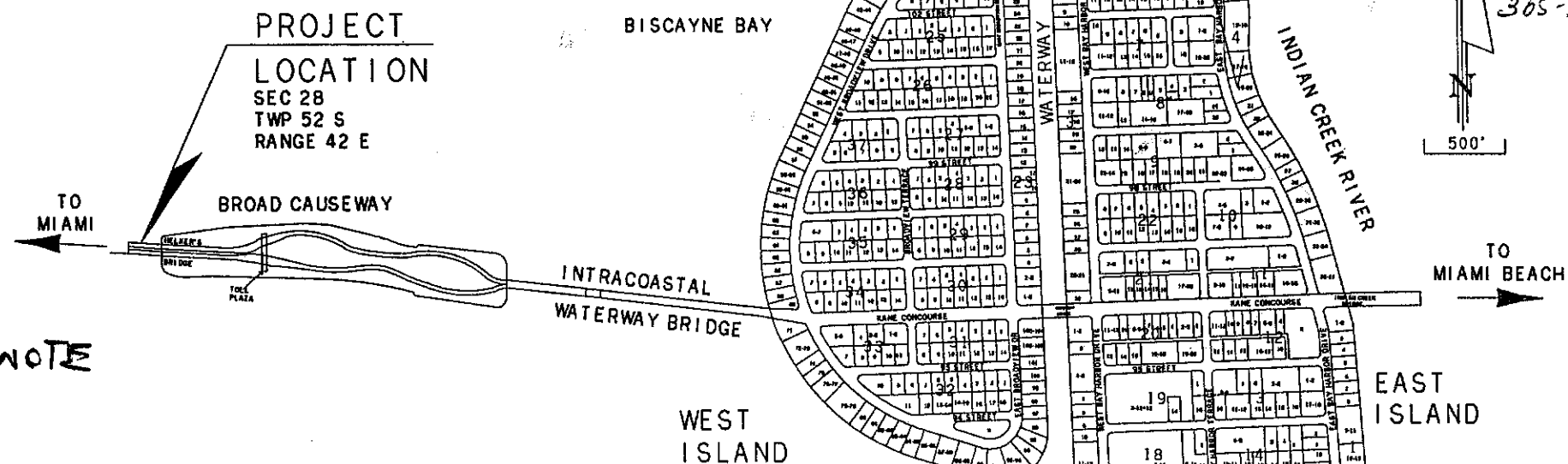
COMPONENTS OF CONTRACT PLANS/SEDS

APPROVED: ROADWAY PLANS
STRUCTURE PLANS

Planning Board _____ Date _____
Bldg. Inspector _____ Date _____
Electrical Inspector _____ Date _____
Plumbing Inspector _____ Date _____
Mechanical Inspector _____ Date _____
Structural Review [Signature] Date 4/12/04
Public Works _____ Date _____

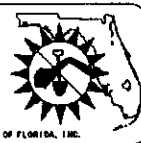
INDEX OF ROADWAY PLANS

SHEET No.	SHEET DESCRIPTION
1	Key Sheet
2-3	Typical Sections
4	Summary of Quantities & General Notes Sheet
5	Project Control
6-7	Plan Sheets
8	Profile
9-11	Maintenance of Traffic Plans
12	Tabulation of Signing & Pavement Marking Quantities
13	Signing & Pavement Marking Plan
14	Drainage Details
15	Guardrail - Detail J



CALL 48 HOURS
BEFORE YOU DIG

IT'S THE LAW
1-800-432-4770



NOTE: THE SCALE OF THESE PLANS MAY
HAVE CHANGED DUE TO REPRODUCTION.

GOVERNING STANDARDS AND SPECIFICATIONS:
FLORIDA DEPARTMENT OF TRANSPORTATION,
DESIGN STANDARDS DATED JANUARY 2002,
AND STANDARD SPECIFICATIONS FOR ROAD
AND BRIDGE CONSTRUCTION DATED 2000,
AS AMENDED BY CONTRACT DOCUMENTS.

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED
HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE
SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF
AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN
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SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

TOWN OFFICIALS

GREG TINDLE TOWN MANAGER
JUAN JIMENEZ ASSISTANT TO
THE MANAGER
RANDY DANIEL TOWN ENGINEER
MARLENE MARANTE TOWN CLERK
CRAIG SHERMAN TOWN ATTORNEY
ALAN K SHORT FINANCE OFFICER

TOWN COUNCIL

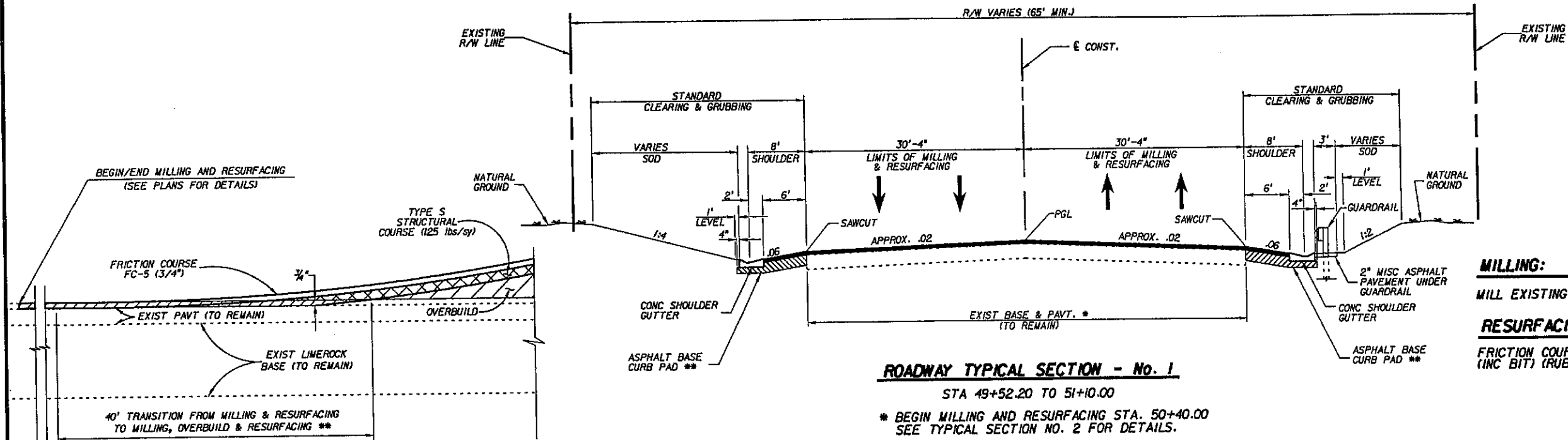
LINDA ZILBER MAYOR
ISAAC SALVER VICE MAYOR
ROBERT H. YAFFE MEMBER
PETER G. LYNCH MEMBER
GEORGE REYCRAFT MEMBER
JILL R. SERFATY MEMBER
GAY ROYSE MEMBER

REVISED TOWN OFFICIALS / TOWN COUNCIL	3/04	500	DESIGNED BY	DATE	03/09/2004	TOWN OF BAY HARBOR ISLANDS FLORIDA	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) KEY SHEET	SHEET NUMBER 1
REVISED SHEETS 2, 3, 4, 6, 7, 12, & 13.	7/03	500	DRAWN BY	PROJECT NO.	BC-113			
ADDED SHEET 14 (DRAINAGE DETAILS)			CHECKED BY	DADE COUNTY				
RENUMBERED SHEET 14 (GUARDRAIL - DETAIL J) TO SHEET 15			BY					

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4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407
(561) 843-0665
FPOE No. 090



DESIGN ENGINEER
Murry D. Thurnburg JP
FLORIDA REGISTRATION NUMBER
#15819
SEAL



MILLING:
MILL EXISTING ASPHALT PAVEMENT (3/4" AVG DEPTH)

RESURFACING:
FRICTION COURSE FC-5 (80 lbs/sy)
(INC BIT) (RUBBER)

ROADWAY TYPICAL SECTION - No. 1

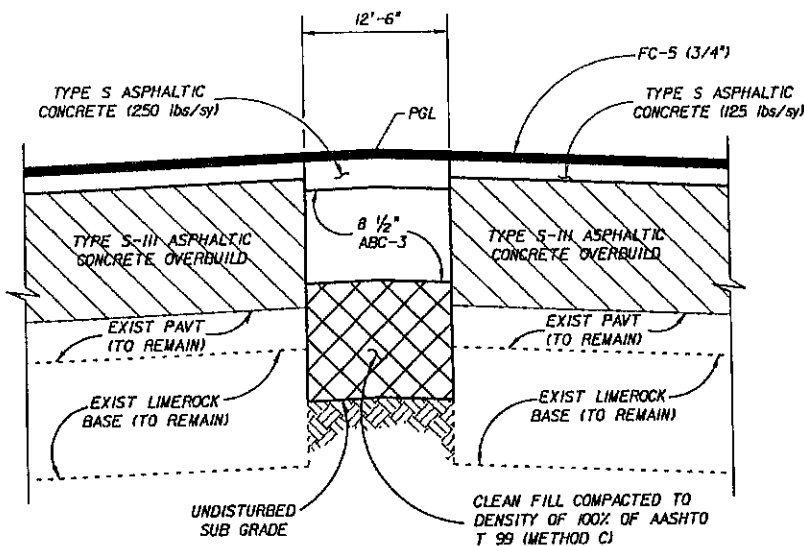
STA 49+52.20 TO 51+10.00

- * BEGIN MILLING AND RESURFACING STA. 50+40.00
SEE TYPICAL SECTION NO. 2 FOR DETAILS.
- ** COST OF CURB PAD IS INCLUDED IN COST
OF SHOULDER GUTTER.

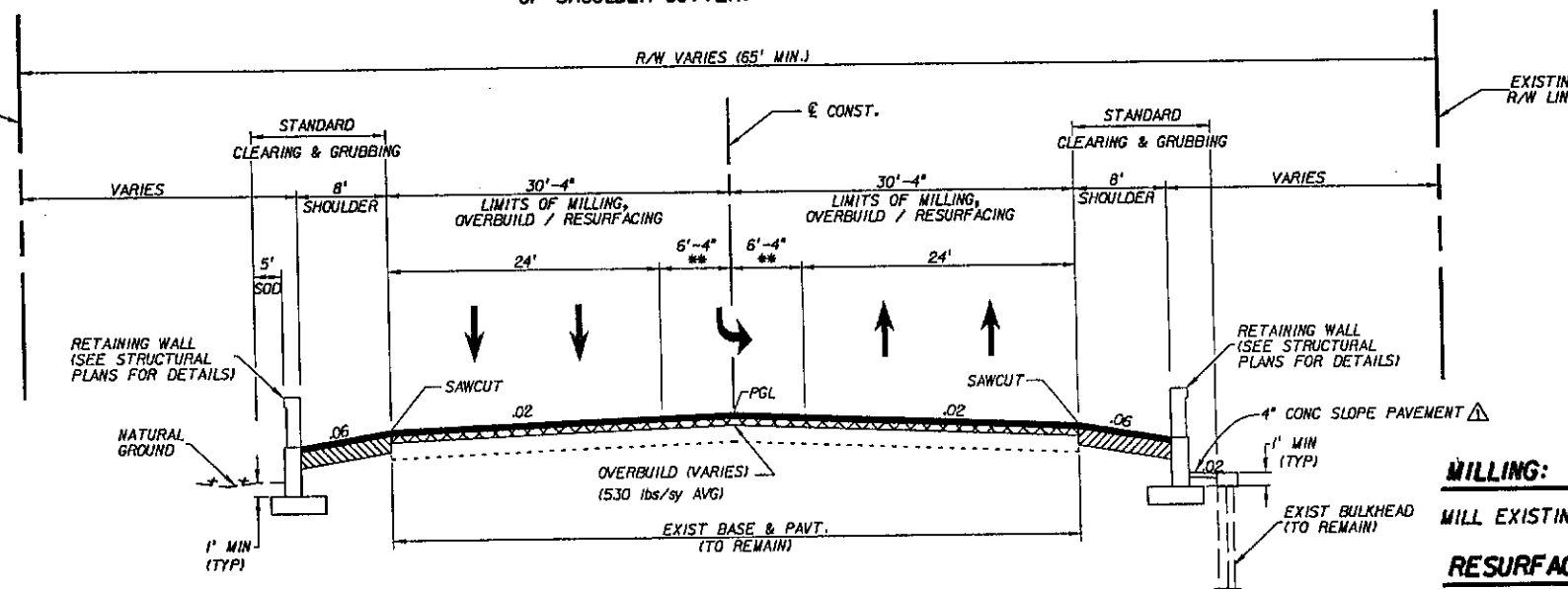
** LIMITS SHOWN IN PLANS ARE APPROXIMATE
AND CAN BE ADJUSTED AS REQUIRED TO MEET
FIELD CONDITIONS.

MILLING / RESURFACING TRANSITION DETAIL

(AT BEGINNING & END OF RESURFACING)



MEDIAN PAVING DETAIL



MILLING:
MILL EXISTING ASPHALT PAVEMENT (3/4" AVG DEPTH)

RESURFACING:
TYPE S-III ASPHALTIC CONCRETE OVERBUILD
(530 lbs/sy AVG) WITH TYPE S ASPHALTIC
CONCRETE STRUCTURAL COURSE (125 lbs/sy)
AND FRICTION COURSE FC-5 (80 lbs/sy)
(INC BIT) (RUBBER)

ROADWAY TYPICAL SECTION - No. 2

STA 51+10.00 TO 52+00.00

- ** SEE MEDIAN PAVING DETAIL FOR WIDENING
BETWEEN STA 51+72 TO STA 52+06.

SEE STRUCTURE PLANS FOR
TYPICAL SECTIONS FROM
STA 52+50 TO STA 55+10

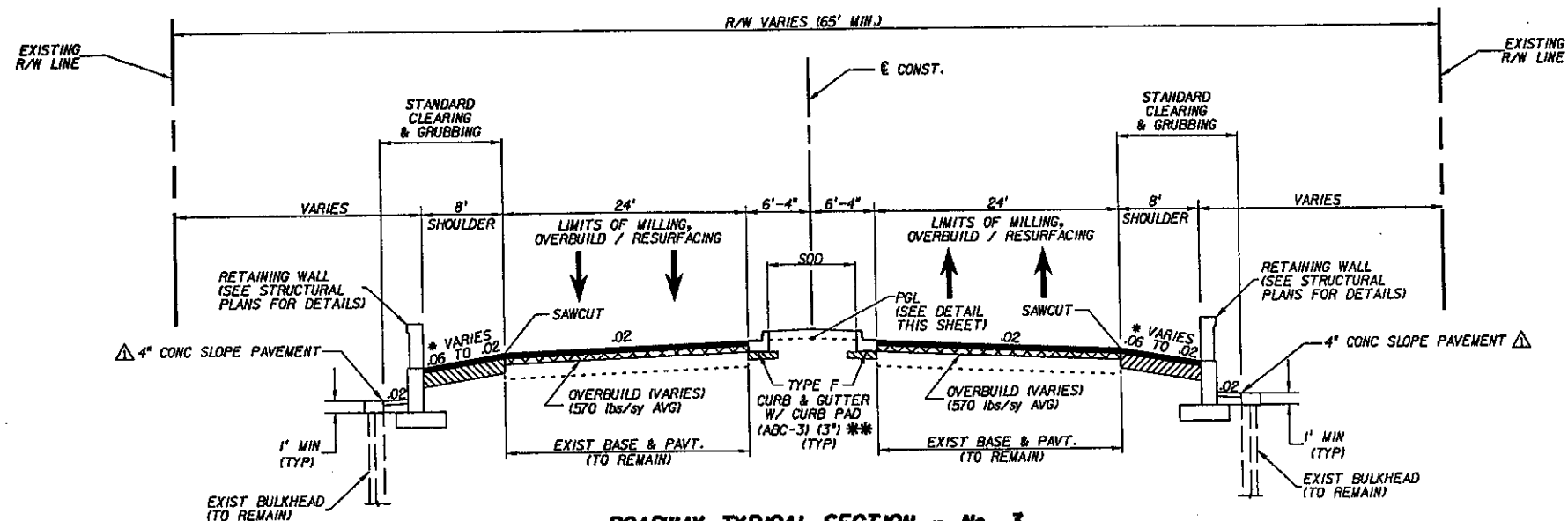
RECEIVED
MAR 17 2004
DERM
NATURAL RESOURCES DIV

SHOULDER:
ASPHALTIC BASE COURSE (ABC-3) (8 1/2")
WITH TYPE S ASPHALTIC CONCRETE
STRUCTURE COURSE (125 lbs/sy) AND FRICTION
COURSE FC-5 (80 lbs/sy) (INC BIT) (RUBBER)

POSTED SPEED: 35 MPH WEST OF BRIDGE
30 MPH EAST OF BRIDGE

DESIGN SPEED: 40 MPH

REVISIONS DATE BY 7/03 S00	SCALE DESIGNED BY DRAWN BY CHECKED BY	Kimley-Horn and Associates, Inc. 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 843-0665 FPE No. 006	DATE 07/01/2003 PROJECT NO. BC-113	DESIGN TEAM Murray D. Thornburg JR FLORIDA REGISTRATION NUMBER *15819	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) TYPICAL SECTIONS	SHEET NUMBER 2
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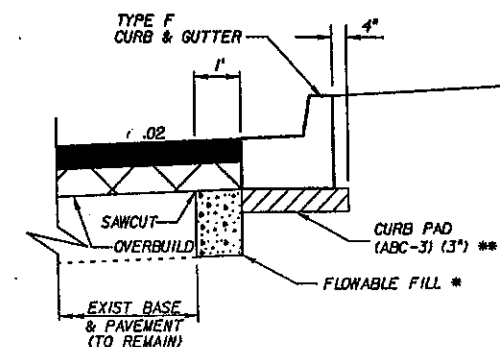


ROADWAY TYPICAL SECTION - No. 3

STA 52+00.00 TO 52+50.00
STA 55+10.00 TO 55+60.00

* CROSS SLOPE UNIFORMLY TRANSITIONS FROM 0.06 AT STA 51+10 TO 0.02 AT STA 52+50.

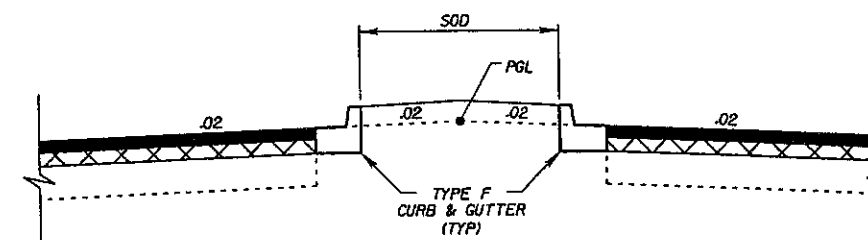
** COST OF CURB PAD IS INCLUDED IN COST OF SHOULDER GUTTER.



* COST OF FLOWABLE FILL INCLUDED IN COST OF TYPE F CURB & GUTTER

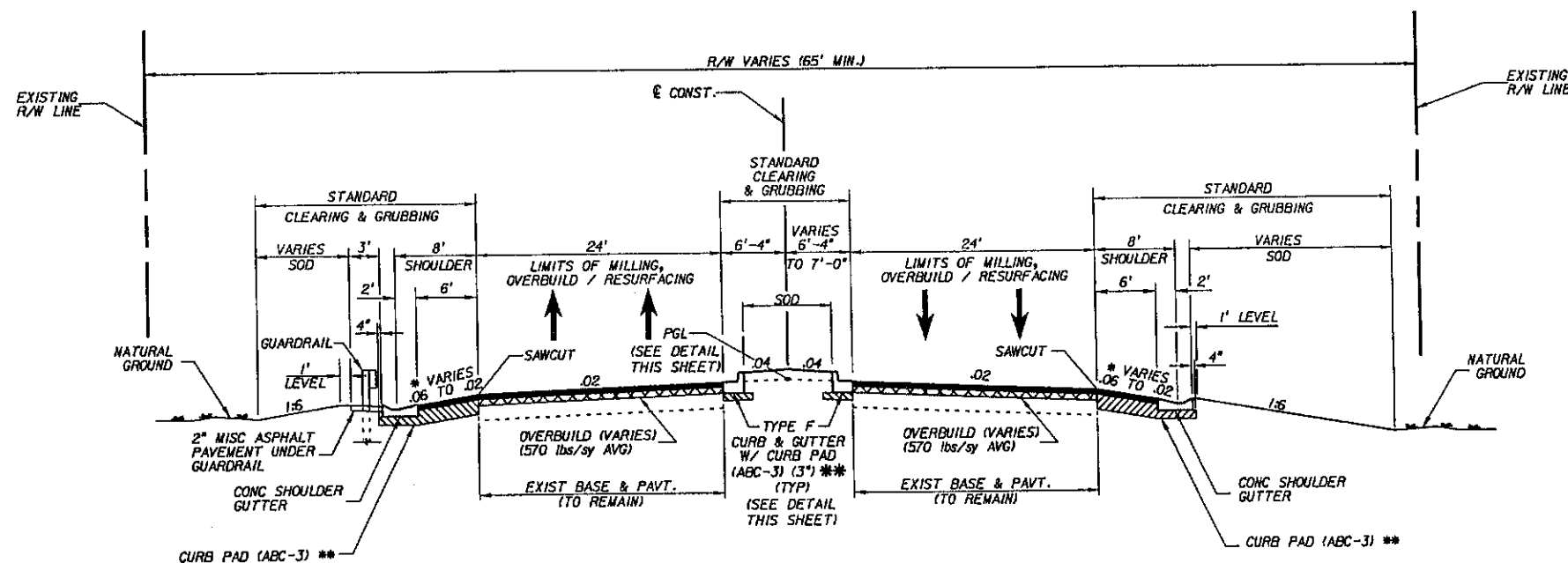
TYPE F CURB & GUTTER CONSTRUCTION DETAIL

NOT TO SCALE



PGL DETAIL (CURB & GUTTER MEDIAN)

NOT TO SCALE



ROADWAY TYPICAL SECTION - No. 4

STA 55+60.00 TO 56+80.00

* CROSS SLOPE UNIFORMLY TRANSITIONS FROM 0.06 AT STA 55+10 TO 0.02 AT STA 55+50.

** COST OF CURB PAD IS INCLUDED IN COST OF SHOULDER GUTTER.

RECEIVED
 MAR 17 2004
 DERM
 NATURAL RESOURCES DIV

MILLING:

MILL EXISTING ASPHALT PAVEMENT (3/4" AVG DEPTH)

RESURFACING:

TYPE S-III ASPHALTIC CONCRETE OVERBUILD (570 lbs/sy AVG) WITH TYPE S ASPHALTIC CONCRETE STRUCTURAL COURSE (125 lbs/sy) AND FRICTION COURSE FC-5 (80 lbs/sy) (INC BIT) (RUBBER)

SHOULDER:

ASPHALTIC BASE COURSE (ABC-3) (8 1/2") WITH TYPE S ASPHALTIC CONCRETE STRUCTURE COURSE (125 lbs/sy) AND FRICTION COURSE FC-5 (80 lbs/sy) (INC BIT) (RUBBER)

POSTED SPEED: 35 MPH WEST OF BRIDGE
30 MPH EAST OF BRIDGE

DESIGN SPEED: 40 MPH

SCALE DESIGNED BY DRAWN BY CHECKED BY REVISIONS DATE BY		Kintley-Horn and Associates, Inc. 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 843-0665 FAX: 561-843-0666	DATE 07/01/2003 PROJECT NO. BC-113	TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER Murray D. Thornburg JR FLORIDA REGISTRATION NUMBER #15819	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) TYPICAL SECTIONS	SHEET NUMBER 3
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SUMMARY OF ROADWAY QUANTITIES

ITEM No.	ITEM	UNIT	QUANTITY
101-1	MOBILIZATION	LS	1
102-1	MAINTENANCE OF TRAFFIC	LS	1
102-2	SPECIAL DETOUR	LS	1
102-10	OFF DUTY LAW ENFORCEMENT OFFICER	MM	100
104-5	SAND BAGGING	CY	12
104-10-1	BALED HAY OR STRAW (18"x18"x36")	EA	200
104-11	TURBIDITY BARRIER, FLOATING	LF	690
104-13	STAKED SILT FENCE	LF	1750
110-1-1	CLEARING AND GRUBBING	AC	0.90
110-4	PAVEMENT, REMOVAL OF EXIST CONC	SY	175
120-71	REGULAR EXCAVATION (3-R PROJECTS)	LS	1
285-714-527	OPTIONAL BASE GROUP 15 (18 1/2" ABC-3)	SY	645
327-70-19	MILLING EXISTING ASPHALT PAVEMENT (3/4" AVG. DEP.)	SY	3920
331-2	TYPE S ASPHALTIC CONCRETE	TN	830
331-7-5	ASPHALTIC CONCRETE FRICTION COURSE (FC-5) (80 lbs/sy) (INC BIT) (RUBBER)	TN	190
339-1	ASPHALT PAVEMENT MISCELLANEOUS	TN	16
400-2-15	CONC CLASS II (MISCELLANEOUS)	CY	55
425-1-701	INLET, TYPE S (10')	EA	2
425-1-703	INLET, TYPE S (J BOX, 10')	EA	2
425-1-891A	INLET, BARRIER WALL (10') (W/BAFFLE)	EA	1
425-1-891B	INLET, BARRIER WALL (10') (SPECIAL)	EA	1
425-5	ADJUST MANHOLES	EA	10
425-6	ADJUST VALVE BOXES	EA	10
425-11	MODIFY EXISTING DRAINAGE STRUCTURE	EA	1
430-11-325	CONCRETE PIPE CULVERT, (CLASS III) (18" SS)	LF	176
430-11-329	CONCRETE PIPE CULVERT, (CLASS III) (24" SS)	LF	18
430-200-25	FLARED END SECTION, CONCRETE (18")	EA	2
444-70-11	WELL (OPEN HOLE) (24")	LF	40
444-71-11	WELL CASING	LF	80
520-1-10	CURB & GUTTER, TYPE F	LF	830
520-2-4	CURB CONCRETE, TYPE D	LF	10
520-6	GUTTER, SHOULDER (CONCRETE)	LF	403
536-1-1	GUARDRAIL (ROADWAY)	LF	320
536-73	GUARDRAIL (REMOVAL)	LF	450
536-85-22	GUARDRAIL END ANCHORAGE ASSEMBLY (FLARED)	EA	2
575-1	SODDING	SY	2800
580-327-1	TREE RELOCATION (PALM)	EA	8
635-1-11	PULL & JUNCTION BOX (FBI) (PULL BOX)	EA	4
700-	SIGNING & PAVEMENT MARKINGS (SEE SEPARATE TABULATION SHEET)		
715-5-40	LUMINAIRE AND BRACKET ARM (RELOCATE/ADJUST) (COMPLETE)	EA	3
1010-1	PIPE (PLUG AND TAKE OUT OF SERVICE) (18" OR 4')	EA	4
1020-1	PIPE (REMOVAL) (18" OR 4')	LF	295
L-1	LIGHTING	LS	1
EM-1	ENVIRONMENTAL MITIGATION/ARTIFICIAL REEF CREATION	LS	1
EM-2	LIMEROCK RIP-RAP	CY	735

ROADWAY GENERAL NOTES:

- REFERENCES TO INDEX NO.'S. DIRECTS CONTRACTOR TO THE FLORIDA DEPARTMENT OF TRANSPORTATION ROADWAY AND TRAFFIC DESIGN STANDARDS, DATED JANUARY 2002, (ENGLISH UNITS) FOR ADDITIONAL DETAILS.
- ANY N.A.V.D.-29 MONUMENT WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED. IF ANY MONUMENT IS IN DANGER OF DAMAGE THE CONTRACTOR SHALL NOTIFY THE ENGINEER WHO WILL NOTIFY RON TAYLOR, FLORIDA DEPT. OF NATURAL RESOURCES OF SURVEYING AND MAPPING, 3900 COMMONWEALTH BLVD., MAIL STATION 105, TALLAHASSEE, FLORIDA 32399-3000 TELEPHONE (850)488-2427.
- EXISTING LAND MARKERS AND MONUMENTS, WITHIN THE LIMITS OF CONSTRUCTION, SHALL BE REFERENCED PRIOR TO CONSTRUCTION AND REPLACED, IF DISTURBED DURING CONSTRUCTION, BY THE CONTRACTOR'S SURVEYOR. THIS TASK SHALL BE DONE UNDER THE SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA.
- ALL STATIONS AND OFFSETS REFER TO Q SURVEY.
- THE LOCATION OF THE EXISTING UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY; THE EXACT LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY IF "OTHER" UTILITIES (NOT SHOWN IN THE PLANS) EXIST WITHIN THE AREA OF CONSTRUCTION. SHOULD THERE BE UTILITY CONFLICTS, THE CONTRACTOR SHALL INFORM THE ENGINEER AND NOTIFY THE RESPECTIVE UTILITY OWNERS TO RESOLVE UTILITY CONFLICTS AND UTILITY ADJUSTMENTS, AS REQUIRED. NOTIFICATIONS SHALL BE IN A TIMELY MANNER SO AS NOT TO DELAY THE WORK. COST OF ALL WORK ASSOCIATED WITH THESE REQUIREMENTS ARE TO BE INCLUDED IN ITEM NO. 110-1 MOBILIZATION.
- UTILITIES TO BE REMOVED OR ADJUSTED WHERE NECESSARY BY THE OWNERS AT THEIR EXPENSE AS DIRECTED BY THE ENGINEER.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY SHALL BE RESTORED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- EXCESS MATERIALS, REMOVED BY THE CONTRACTOR, WILL BE DISPOSED OF IN LEGAL AREAS PROVIDED BY THE CONTRACTOR AT NO COST TO THE TOWN.
- RADI[SHOWN ARE TO EDGE OF PAVEMENT UNLESS OTHERWISE SHOWN.
- THE CONTRACTOR SHALL NOTIFY "SUNSHINE STATE ONE CALL" (1-800-432-4770) 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION OR GRADING OPERATIONS.
- KNOWN UTILITY COMPANIES:

FLORIDA POWER & LIGHT (FPL)	(305) 377-6004
BELLSOUTH COMMUNICATION	(305) 513-3592
TOWN OF BAY HARBOR ISLANDS	(305) 866-6241
CHARTER COMMUNICATIONS	(305) 861-8069
TECO PEOPLES GAS	(305) 957-3857
- THE CONTRACTOR SHOULD TAKE SPECIAL NOTE OF SOIL CONDITIONS THROUGHOUT THIS PROJECT. ANY SPECIAL SHORING, SHEETING OR OTHER PROCEDURES NECESSARY TO PROTECT ADJACENT PROPERTY, EITHER PUBLIC OR PRIVATE, DURING EXCAVATION OF MATERIAL OR DURING THE FILLING OF ANY AREA OR FOR ANY OPERATION DURING CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. COST OF THESE MEASURES SHALL BE INCLUDED IN COST OF ITEM REQUIRING SAID MEASURES.
- ALL TRENCH EXCAVATIONS SHALL BE PERFORMED IN FULL COMPLIANCE WITH THE PROVISIONS OF THE FLORIDA TRENCH SAFETY ACT.
- UNLESS OTHERWISE SHOWN, ALL EXISTING DRAINAGE STRUCTURES AND PIPES WITHIN THE LIMITS OF CONSTRUCTION ARE TO REMAIN.

- SEE F.O.D.T. INDEX NO. 001 AND 002 FOR THE DEFINITION OF SYMBOLS AND ABBREVIATIONS USED IN THE PLANS.
- ELEVATIONS SHOWN HEREIN ARE BASED UPON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
- THE CONTRACTOR IS RESPONSIBLE TO COMPLY WITH ALL GENERAL AND SPECIAL CONDITIONS AS SPECIFIED IN THE ENVIRONMENTAL PERMITS. ENVIRONMENTAL PERMITS HAVE BEEN OBTAINED FROM SFWMD, USACE, USCG AND DERM.
- THE CONTRACTOR IS NOTIFIED THAT THE WEST INDIAN MANATEE, A FEDERALLY LISTED ENDANGERED SPECIES, IS KNOWN TO BE PRESENT WITHIN BISCAYNE BAY. REFER TO PERMIT CONDITIONS.
- NO BARGES/TUGBOATS OR OTHER CONSTRUCTION RELATED VESSELS, EXCEPT THE USE OF A SMALL JOHN BOAT (12' DRAFT) IS PERMITTED. CONSTRUCTION ACTIVITY WILL OCCUR FROM THE LAND / EXISTING BRIDGE.
- THE CONTRACTOR IS CAUTIONED REGARDING THE PRESENCE OF SEAGRASS WITHIN THE VICINITY OF THE PROJECT. THE CONTRACTOR IS FURTHER NOTIFIED THAT ONE OF THE SPECIES OF SEAGRASS PRESENT INCLUDES HALOPHILA JOHNSONII (JOHNSON'S SEAGRASS), A FEDERALLY LISTED SPECIES. THE LOCATION OF THE SEAGRASS AREAS ARE DELINEATED IN THE ENVIRONMENTAL PERMITS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO STAKE, STORE, AND MOVE ALL VESSELS (I.e., JOHN BOATS WITH A DRAFT (2') IN A MANNER THAT DOES NOT IMPACT SEAGRASS BEDS, LIVE BOTTOM HABITATS, OR DISPLACE BOTTOM MATERIAL. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE TO SEAGRASS BEDS OR LIVE BOTTOM HABITATS.
- THE CONTRACTOR IS NOTIFIED THAT BISCAYNE BAY IS A DESIGNATED OUTSTANDING FLORIDA WATER AND AQUATIC PRESERVE AND IS TO BE AFFORDED SPECIAL PROTECTION. A WATER QUALITY MONITORING PROGRAM SHALL BE IMPLEMENTED BY THE CONTRACTOR DURING CONSTRUCTION ACTIVITIES. MEASUREMENTS WILL BE TAKEN AT LEAST TWICE DAILY WITH AT LEAST A FOUR HOUR INTERVAL DURING CONSTRUCTION. SAMPLES SHALL BE TAKEN AT STATIONS 100 FEET NORTH AND 100 FEET SOUTH OF BRIDGE CONSTRUCTION ACTIVITIES. WORK SHALL CEASE IMMEDIATELY IF TURBIDITY LEVELS EXCEED BACKGROUND LEVELS. THE DISTRICT ENVIRONMENTAL RESOURCE COMPLIANCE (ERC) OFFICE WILL BE CONTACTED. WORK SHALL NOT RESUME UNTIL THE DISTRICT ERC OFFICE CONCURS THAT THE REASON FOR THE TURBIDITY VIOLATION HAS BEEN RESOLVED. ALL COST ASSOCIATED WITH IMPLEMENTING AND CONDUCTING MONITORING PROGRAM TO BE INCLUDED IN ITEM NO. 101-1 MOBILIZATION. ANY DELAYS OR ADDITIONAL COSTS ASSOCIATED WITH THE RESOLUTION OF THIS MATTER WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NO ADJUSTMENT IN CONTRACT TIME SHALL BE GRANTED.
- SILT CONTAINMENT CURTAINS OR OTHER INNOVATIVE TECHNIQUES DESIGNED BY THE CONTRACTOR SHALL BE USED TO CONTAIN TURBIDITY FOR ALL WORK ON, ADJACENT TO, OR OVER BISCAYNE BAY.
- TURBIDITY BARRIERS OR OTHER SILT CONTAINMENT MEASURES SHALL BE INSTALLED AT EACH OF THE THREE OUTFALL PIPE LOCATIONS FOR THE DURATION OF CONSTRUCTION AND IN PROXIMITY TO BRIDGE CONSTRUCTION. TURBIDITY BARRIERS SHALL BE SIZED AND SECURED (OR ANCHORED) SO THAT THEY DO NOT EXTEND INTO SEAGRASS OR LIVE BOTTOM AREAS.
- THE CONTRACTOR IS RESPONSIBLE FOR ADHERING TO THE EROSION CONTROL MEASURES INCLUDED IN THE CONSTRUCTION PLANS AND IN THE ENVIRONMENTAL PERMITS.
- MANGROVE TREES ARE PRESENT ADJACENT TO THE WORK ZONE. IF DURING THE PROGRESS OF THE WORK THE CONTRACTOR DETERMINES TRIMMING OF THESE TREES WILL BE REQUIRED, THE CONTRACTOR SHALL HAVE THE TREES TRIMMED. TRIMMING SHALL BE DONE BY A CERTIFIED MANGROVE TRIMMER IN ACCORDANCE WITH ALL REQUIREMENTS OF MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DERM) AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP). CONTRACTOR IS RESPONSIBLE TO OBTAIN MANGROVE TREE TRIMMING PERMITS/LICENSES AS REQUIRED BY SAID AGENCIES. NO OTHER IMPACT TO THE MANGROVES ARE PERMITTED.
- EXCAVATED MATERIAL THAT IS TEMPORARILY STORED (GREATER THAN 24 HOURS) WITHIN FOOT RIGHT-OF-WAY SHALL BE PROTECTED BY APPROPRIATE EROSION CONTROL DEVICES.
- LARGE BLACK OLIVE TREE IS LOCATED IN SE QUADRANT OF N. BAYSHORE DRIVE AND 123 RD STREET. EXCAVATION SHALL BE A MINIMUM OF 5' AWAY FROM TREE TRUNK. ANY ROOTS THAT EXTEND INTO TRENCHED AREA ARE TO BE CUT OFF CLEANLY USING SHARP ROOT PRUNING INSTRUMENTS. IF THE TREE IS DAMAGED, AS DETERMINED BY THE ENGINEER, IT SHALL BE REPLACED IN KIND BY CONTRACTOR AT NO COST TO THE TOWN.
- CONTRACTOR TO COORDINATE REMOVAL AND REINSTALLATION OF MIAMI-DADE TRANSIT AUTHORITY EXISTING BUS STOP LOCATED IN SE QUADRANT OF N. BAYSHORE DRIVE AND 123 RD STREET.

PAY ITEM NOTES:

- 101-1 INCLUDES ALL COST ASSOCIATED WITH IDENTIFYING/CONFIRMING LOCATIONS OF EXISTING UTILITIES, IMPLEMENTING AND CONDUCTING WATER MONITORING PROGRAM.
- 102-1 TO BE ACCOMPLISHED IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION (2000 EDITION) AND THE LATEST REVISIONS OF THE AFOREMENTIONED MANUAL AND THE APPLICABLE INDEXES FROM THE 600 SERIES AS FOUND IN THE STANDARD INDEXES. INCLUDES COST OF FURNISHING, INSTALLING, MAINTAINING AND REMOVING ALL ITEMS OF MAINTENANCE OF TRAFFIC NOT PAID FOR UNDER SEPARATE ITEMS INCLUDING BUT NOT LIMITED TO BARRICADES, TEMPORARY GUARDRAIL, TEMPORARY END ANCHORAGE ASSEMBLY, CONST. SIGNS, HIGH INTENSITY FLASHING LIGHTS, CONCRETE BARRIER WALL, TEMPORARY PAVEMENT, RPM'S, TEMPORARY PAVEMENT MARKINGS, AND PROVIDING ROADWAY LIGHTING.
- 102-2 THIS ITEM IS INCLUDED FOR CONSTRUCTING TEMPORARY PAVEMENT REQUIRED FOR CROSS OVER. THIS ITEM TO INCLUDE ALL COSTS ASSOCIATED WITH THE REMOVAL OF APPROXIMATELY 280 LF OF TYPE F CURB & GUTTER, INSTALLATION AND REMOVAL OF APPROXIMATELY 400 SY OF TEMPORARY PAVEMENT (18" LIMEROCK, 1 1/2" TYPE S ASPHALT CONCRETE STRUCTURAL COURSE), REMOVAL, MODIFICATION AND RE-INSTALLATION OF APPROXIMATELY 2 LUMINAIRES, THE REMOVAL, MODIFICATION AND RE-INSTALLATION OF THE IRRIGATION SYSTEM, AND RE-SODDING.
- 102-10 THIS IS A CONTINGENCY ITEM AND CAN BE INCREASED, DECREASED OR DELETED BY THE ENGINEER.
- 104-5 THRU 104-13 THESE ITEMS ARE INCLUDED FOR USE IN MEETING N.P.D.E.S. EROSION CONTROL REQUIREMENTS.
- 110-1-1 INCLUDES ALL COST ASSOCIATED WITH SAW CUTTING EXISTING PAVEMENT EDGE ADJACENT TO SHOULDER/ WIDENING AND FOR THE REMOVAL OF APPROX. 300 SY OF FLEXIBLE PAVEMENT. INCLUDES COST OF REMOVING REINFORCED CONCRETE PIPE AS REQUIRED. THIS ITEM DOES NOT INCLUDE REMOVAL OF EXISTING BRIDGE STRUCTURE AND APPROACH SLABS. SEE STRUCTURE PLANS FOR REMOVAL OF EXISTING BRIDGE STRUCTURE AND APPROACH SLABS.
- 110-4 THIS ITEM DOES NOT INCLUDE REMOVAL OF BRIDGE STRUCTURE.

- 120-71 INCLUDES APPROX 525 CY OF EXCAVATION FOR THE MODIFICATION OF THE DRY RETENTION PONDS.
- 285-714-527 INCLUDES ALL COST ASSOCIATED WITH FURNISHING AND APPLYING BITUMINOUS MATERIAL (TACK COAT).
- 327-70-19 THIS ITEM INCLUDES ALL COST ASSOCIATED WITH THE REMOVAL OF EXISTING RAISED REFLECTIVE PAVEMENT MARKERS PRIOR TO STARTING THE MILLING OPERATION.
- 331-2 THIS ITEM INCLUDES APPROX. 650 TN FOR TYPE S-III OVERBUILD FOR ROADWAY (ONLY). SEE STRUCTURE PLANS FOR ASPHALT QUANTITIES ASSOCIATED WITH BRIDGE AND APPROACH SLABS.
- 400-2-15 THIS ITEM IS INCLUDED FOR PROVIDING CONCRETE SLOPE PAVEMENT AT LOCATIONS NOTED IN THE PLANS.
- 425-1-891A COST OF STRUCTURE TO INCLUDE FABRICATION, FURNISHING AND INSTALLING BAFFLE.
- 425-1-891B THE CONTRACTOR SHALL CONFIRM THAT THERE ARE NO EXISTING UTILITIES THAT WILL CONFLICT WITH THE INSTALLATION OF THIS STRUCTURE (SEE GENERAL NOTE 5) AND HAVE RECEIVED APPROVED SHOP DRAWINGS PRIOR TO ORDERING STRUCTURE. THIS ITEM INCLUDES ALL COST ASSOCIATED WITH FURNISHING SHOP DRAWINGS, SIGNED AND SEALED BY PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF FLORIDA.
- 425-X SOME STRUCTURES ARE NOTED TO CONNECT TO EXISTING PIPE SYSTEMS. CONTRACTOR TO VERIFY/OBTAIN THESE ELEVATIONS PRIOR TO FABRICATION OF DRAINAGE STRUCTURE. COST OF VERIFICATION OF EXISTING INVERTS IS TO BE INCLUDED IN COST OF DRAINAGE STRUCTURE. SHOP DRAWINGS ARE REQUIRED FOR ALL DRAINAGE STRUCTURES AND IS INCLUDED IN THE COST OF THE STRUCTURE.
- 425-5 THESE ARE CONTINGENCY ITEMS THAT CAN BE INCREASED, DECREASED OR DELETED BY THE ENGINEER.
- 430-11-325 INCLUDES COST OF REMOVING AND RESTORING PAVEMENT AND CONCRETE CURB AS REQUIRED OR AS NOTED IN THE PLANS.
- 444-71-11 INCLUDES ALL COST ASSOCIATED WITH STEEL WELL GRATE.

- 575-1 CONTRACTOR TO MATCH EXIST SOD TYPE DIRECTLY ADJACENT TO AREA BEING RESEDED. THERE WILL BE NO SEPERATE PAYMENT FOR DIFFERENT TYPES OF SOD. THIS ITEM INCLUDES ALL COST ASSOCIATED WITH FURNISHING AND APPLYING 17 m GAL. OF WATER AND 250 lbs of FERTILIZER.
- 580-327-1 THIS ITEM IS INCLUDED FOR REMOVAL, STORAGE, MAINTENANCE, AND COORDINATION WITH TOWN STAFF ON, AND FOR THE REPLANTING OF PALM TREES. PALM TREES THAT DO NOT SURVIVE SHALL BE REPLACED IN KIND, BY CONTRACTOR AT NO ADDITIONAL COST TO THE TOWN.
- 635-1-11 THIS ITEM IS INCLUDED FOR INSTALLATION OF PULL BOXES WHERE THE CONDUIT EXTENDS OUT FROM THE BARRIER WALL. COST OF CONDUIT IS INCLUDED IN COST OF THE BARRIER WALL.
- 715-5-40 THIS ITEM INCLUDES ALL COST ASSOCIATED WITH RELOCATION OF LUMINAIRE (COMPLETE). THIS WOULD INCLUDE BUT NOT BE LIMITED TO LABOR, EQUIPMENT, REMOVAL, STORAGE, INSTALLATION, CONDUIT, CONDUITORS AND MISCELLANEOUS MATERIALS NECESSARY FOR A FULL OPERATIONAL LIGHTING SYSTEM. INCLUDES ALL COST ASSOCIATED WITH COORDINATING RELOCATION WITH FPL AS REQUIRED TO RESOLVE POTENTIAL CONFLICT WITH EXISTING BURIED ELECTRIC LINE.
- 1010-1 THE TOWN HAS TAKEN THE EXISTING 4" WM OUT OF SERVICE. THESE ITEMS ARE INCLUDED TO CUT AND CAP EXISTING 4" WM THAT HAS BEEN TAKEN OUT OF SERVICE, AND IS IN CONFLICT WITH PIPE BETWEEN S-9 & S-10 AND ACROSS EXISTING BRIDGE. THESE ITEMS TO INCLUDE ALL COST ASSOCIATED WITH LOCATING, EXCAVATING, CUTTING, REMOVING, AND CAPPING THIS 4" WM.
- 1020-1
- L-1 SEE STRUCTURES PLANS AND TECHNICAL SPECIFICATIONS SECTION 16000 - ELECTRICAL GENERAL REQUIREMENTS FOR DESIGN AND CONSTRUCTION REQUIREMENTS ASSOCIATED WITH LIGHTING ON BRIDGE.
- CONTRACTOR IS REQUIRED TO PERFORM ENVIRONMENTAL MITIGATION/ ARTIFICIAL REEF CREATION. SEE SPECIFICATION SECTION 03500 FOR MITIGATION/ARTIFICIAL REEF CREATION REQUIREMENTS.

ADDED PAY ITEMS, PAY ITEM FOOTNOTE & MODIFIED NOTE	3/04	S00	SCALE
REVISED TIME LIMITATION, GENERAL NOTE 5			DESIGNED BY
PAY ITEM FOOTNOTES 110-1 & 425-1-891B	9/03	S00	DRAWN BY
ADDED GENERAL NOTES 26, 27 & 28. REV NOTE 21 & 25			CHECKED BY
MODIFIED PAY ITEM NOTES, REVISED QUANTITIES			
DELETED ITEM NO. 522-1, ADDED NEW PAY ITEMS	7/03	S00	
REVISIONS	DATE	BY	

Kinley-Horn and Associates, Inc.
 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407
 (561) 845-0865
 FAX: 561-845-0865

DATE
03/12/2004

PROJECT NO.
BC-113

TOWN OF BAY HARBOR ISLANDS

DADE COUNTY FLORIDA

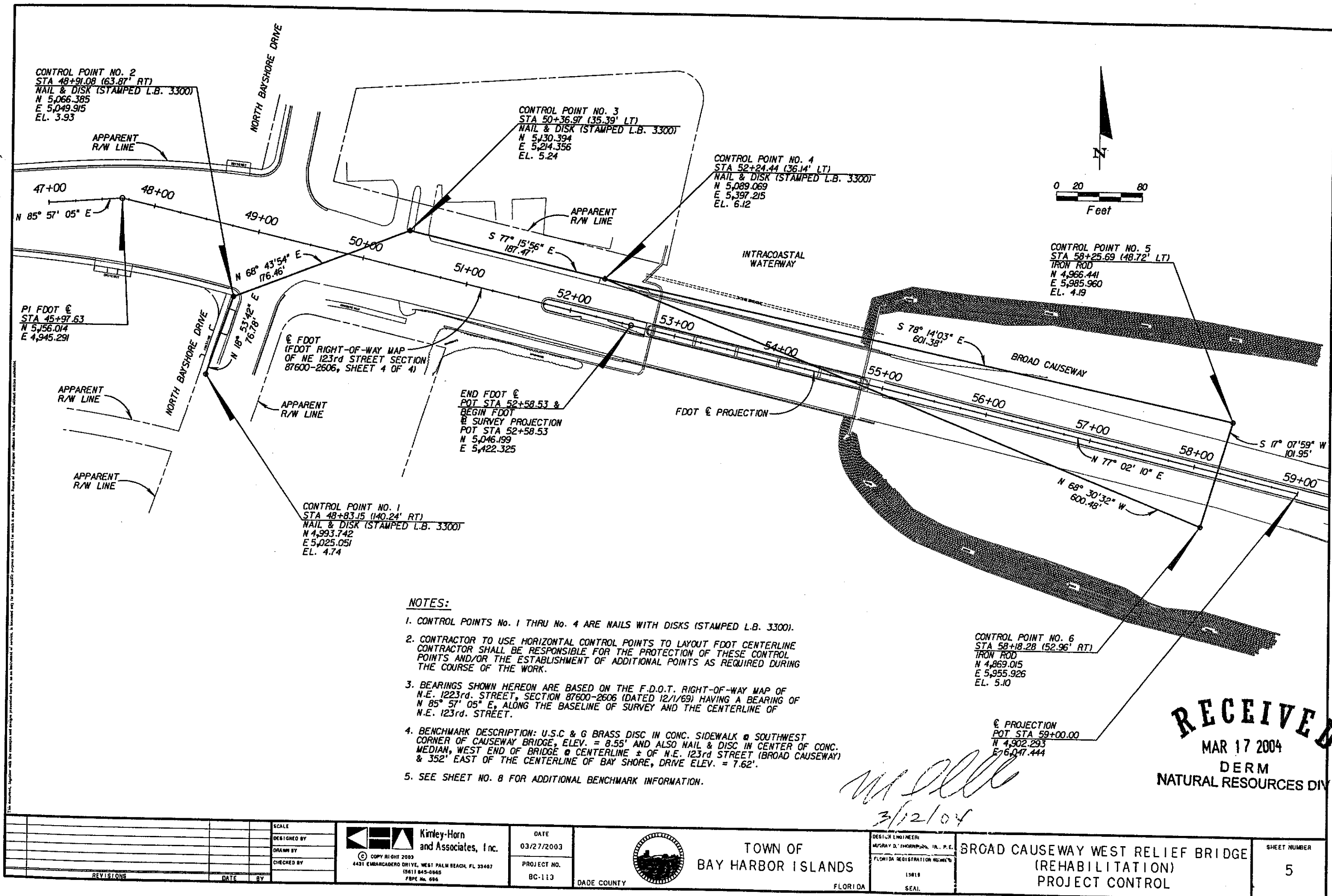
DESIGN ENGINEER:
MURRAY G. THOMAS, JR., P.E.
FLORIDA REGISTRATION NUMBER
15419
SEAL

BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION)

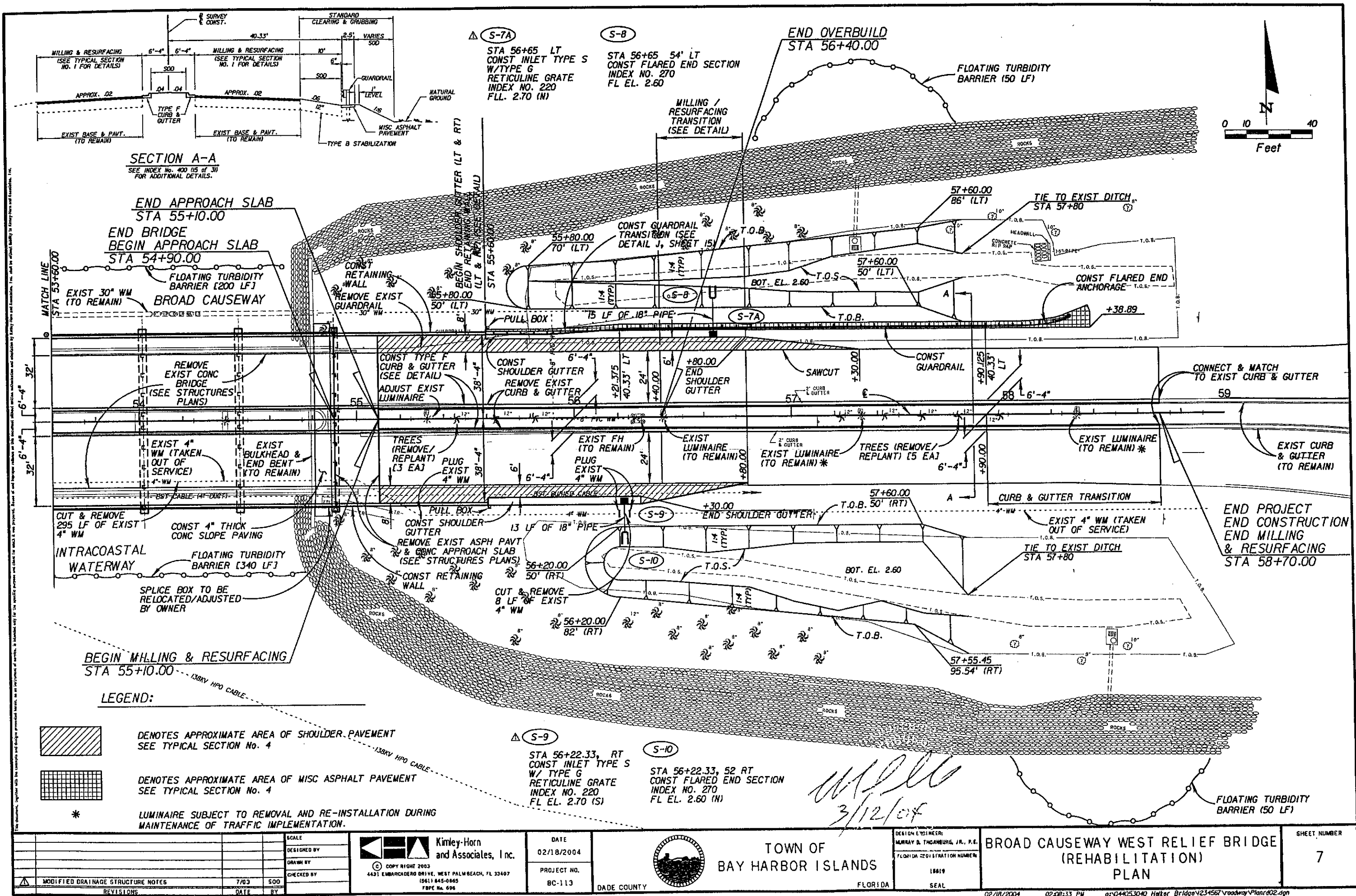
SUMMARY OF QUANTITIES & GENERAL NOTES

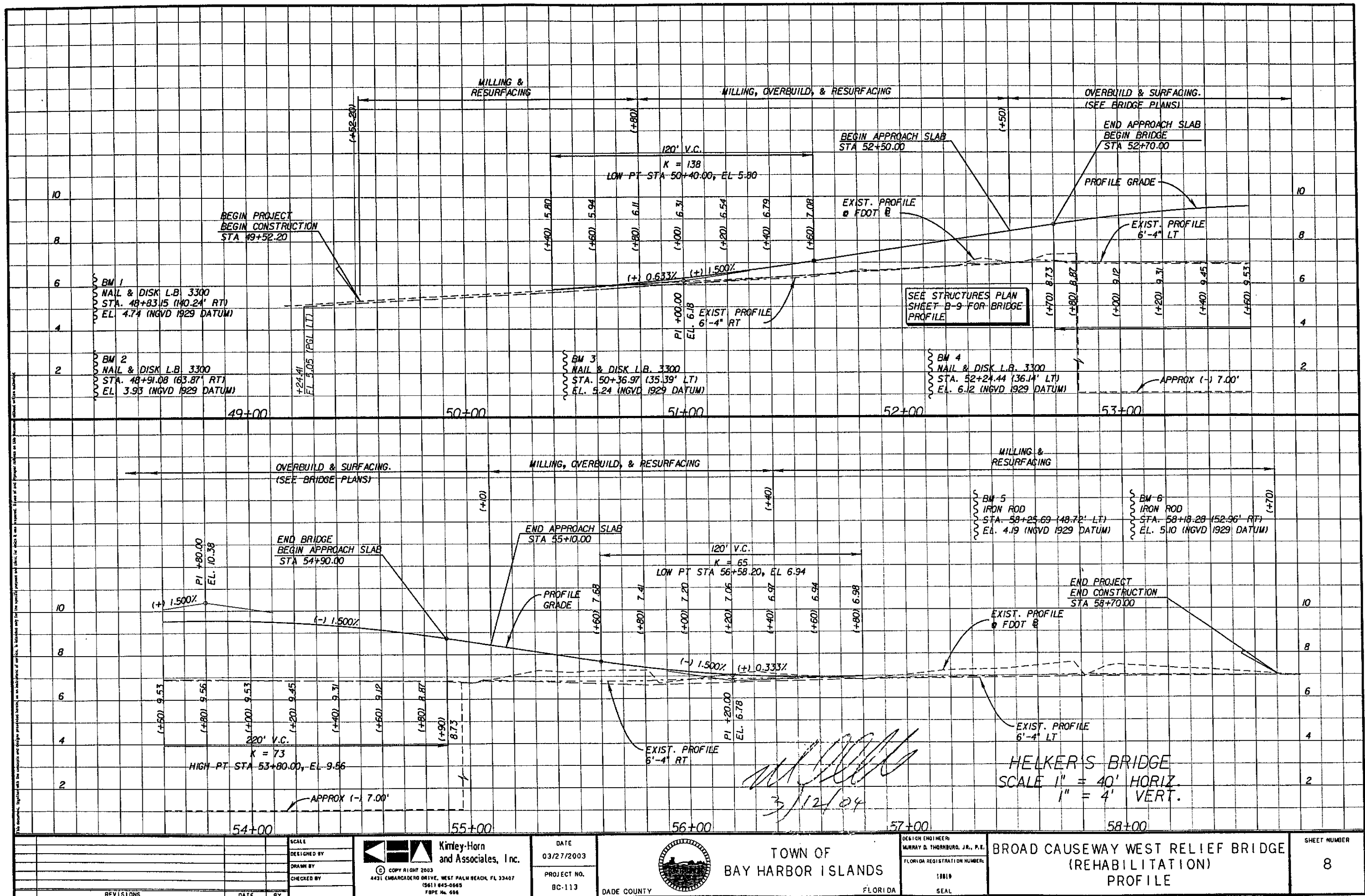
SHEET NUMBER
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			SCALE		 Kimley-Horn and Associates, Inc. COPY RIGHT 2003 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0845 FBPE No. 695	DATE 03/27/2003		 TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER MURRAY D. THORNTON, P.E. FLORIDA REGISTRATION NUMBER 15818 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) PROJECT CONTROL	SHEET NUMBER 5
			DESIGNED BY			PROJECT NO. BC-113						
			DRAWN BY									
			CHECKED BY									
REVISIONS			DATE	BY								





Handwritten signature and date:
 3/12/04

HELKER'S BRIDGE
 SCALE 1" = 40' HORIZ.
 1" = 4' VERT.

REVISIONS DATE BY		DESIGNED BY DRAWN BY CHECKED BY		Kimley-Horn and Associates, Inc. 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0665 FDOT No. 686		DATE 03/27/2003 PROJECT NO. BC-113 DADE COUNTY		TOWN OF BAY HARBOR ISLANDS FLORIDA		DESIGN ENGINEER MURRAY D. THORNBURG, JR., P.E. FLORIDA REGISTRATION NUMBER: 18819 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) PROFILE		SHEET NUMBER 8	
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MAINTENANCE OF TRAFFIC GENERAL NOTES

1. Contractor shall at all times adhere to the requirements set forth in the Manual on Uniform Traffic Control Devices (MUTCD), Dec. 2000 edition with updates and the FDOT Roadway and Traffic Standards dated 2002.
2. Additional barricades, signing, lighting or other traffic controls shall be provided for limited work areas according to applicable traffic control indexes.
3. The contractor shall notify all concerned utility companies (48 hours in advance before working near their existing facilities). No underground excavation shall commence until existing utilities have been properly marked. The locations of the utilities shown in the plans are approximate only. The exact location shall be determined by the contractor during construction.
4. The contractor shall remove, relocate or cover any signs or obliterate any pavement markings that conflict with the traffic control plans, as determined by the engineer. When the conflict no longer exists, the contractor shall reinstall or uncover those signs and restore pavement markings in their original position. Work to be included in the MOT lump sum pay item no. 102-1.
5. ~~At the discretion of the engineer, if a lane closing should cause extended congestion, the contractor will be directed to reopen the closed lane until the traffic is returned to an acceptable flow.~~
6. Construction sequences shall be coordinated to provide drainage on the traveled way at all times.
7. The contractor shall provide uniformed off duty law enforcement officer(s) to provide traffic control as specified in the Plans and Specifications. All costs are to be included in pay item 102-10. If the contractor elects to use officers for any other activity, he shall do so at his own expense with no additional compensation.
8. Contractor shall furnish and install type "C" steady-burn lights, mounted on top of temporary concrete barrier walls, spaced according to standard index 600 series.
9. The work area shall be delineated by barricades, temporary barrier wall, and construction signs as shown in the traffic control plans.
10. The contractor shall be responsible for developing a work zone schedule so that any location under construction will not be left in a hazardous condition at the completion of any work period.
11. Temporary reflective pavement markers shall be placed throughout the length of all travel ways as shown on the plans. The contractor shall replace on a daily basis at no additional cost to the Department, any temporary RPM's that are either missing or damaged. Cost to be included in the MOT Lump Sum Pay Item No. 102-1.
12. The contractor shall comply with all provisions as outlined in FDOT "Lane Closure Policy and Procedures". The contractor will complete and submit the "Anticipated Lane Closure" form to the District Construction Engineer fourteen (14) days prior to the proposed lane closure.
13. All transitional tapers and buffers on the approach ends of temporary concrete barrier walls shall conform to index 415.
14. The only approved method of removing pavement markings is by water blasting.
15. ~~Impact attenuator shall be queued with 2 bays.~~
16. Milling and resurfacing operation shall be done from high side to low side lane to maintain drainage.
17. All temporary barrier walls shall have drain slots as per Standard Index 415.
18. For pavement drop offs, the contractor attention is directed to Standard Index 600.
19. For general information for traffic control through work zones, refer to the FDOT Roadway and Traffic Standards, dated 2002, 600 Series Index and the Manual on Uniform Traffic Control Devices (MUTCD) Part Six, Dec. 2000 Edition.
20. The contractor shall have the option to develop an alternative traffic control plan for approval by the District Traffic Engineer. The plan must be signed and sealed by a professional engineer registered in the state of Florida.
21. Construction of special detour (temporary pavement) will impact the existing irrigation and street lighting systems. Contractor shall remove/modify/re-install the portions of these systems as required to construct special detour in a manner that will continue to maintain these services during construction period (within undisturbed areas) Cost to accomplish removal/modification/re-installation to be included in item 102-2 special detour.
22. The contractor shall be responsible to provide roadway lighting during construction at all times by using existing, temporary, and proposed lighting systems. The cost of designing, installing, maintaining, and removing temporary lighting systems shall be included in pay item No. 102-1, Maintenance of Traffic. The contractor shall be responsible for preparing a temporary lighting plan to current Miami-Dade County requirements which provides light levels to current standards throughout all stages of construction. This temporary lighting plan shall be prepared by a registered professional engineer and shall be submitted to the engineer for approval 30 days prior to altering the existing lighting system.

23. The contractor shall maintain the existing/temporary lighting system until the proposed lighting system is in service. This will include but is not limited to routine maintenance of, and replacements resulting from any damage to luminaires, fuses, ballast, poles, bases, or any other incidental parts. The cost of maintaining the lighting shall be included in pay item No. 102-1, Maintenance of Traffic.

CONSTRUCTION PHASING NOTES

CONSTRUCTION PHASING

PHASE 1 MAINTENANCE OF TRAFFIC:

GENERAL: CONTRACTOR TO CONSTRUCT SPECIAL DETOUR (TEMPORARY PAVEMENT) IN THE MEDIAN EAST OF THE BRIDGE. THIS PAVEMENT WILL BE USED FOR TRANSITIONING MOTORIST BETWEEN THE NORTH AND SOUTH ROADWAYS DURING SUBSEQUENT WORK PHASES. CONTRACTOR TO CLOSE ONE LANE IN EACH DIRECTION AS REQUIRED TO CONSTRUCT THE SPECIAL DETOUR. LANE CLOSURE (S) SHALL BE IN ACORDANCE WITH FOOT INDEX NO. 623.

EASTBOUND: INSTALL ADVANCE SIGNING, BARRICADES, AND OTHER DEVICES NECESSARY TO CLOSE NORTHERN MOST EASTBOUND THROUGH LANE WEST OF NORTH BAYSHORE DRIVE (SEE FOOT INDEX NO. 623 FOR ADDITIONAL DETAILS). MAINTAIN THE EXISTING EAST TO SOUTH RIGHT TURN LANE AT THE INTERSECTION OF NORTH BAYSHORE DRIVE. MAINTAIN ONE EASTBOUND LANE THROUGH THE INTERSECTION OF NORTH BAYSHORE DRIVE. CONTINUE EASTBOUND AND THROUGH THE TOLL PLAZA

WESTBOUND: INSTALL ADVANCE SIGNING, BARRICADES, AND OTHER DEVICES NECESSARY TO CLOSE NORTHERN MOST WESTBOUND THROUGH LANE WEST OF TOLL PLAZA (SEE FOOT INDEX NO. 623 FOR ADDITIONAL DETAILS). INSTALL SIGNING, BARRICADES AND OTHER DEVICES NECESSARY TO TRANSITION THE WESTBOUND TRAFFIC ONTO THE NORTHERN MOST LANE OF THE EXISTING SOUTH ROADWAY USING SPECIAL DETOUR PAVEMENT. MAINTAIN ONE THROUGH LANE IN EACH DIRECTION ON THE SOUTH ROADWAY ACROSS THE EXISTING BRIDGE. INSTALL SIGNING, BARRICADES, AND OTHER MEASURES NECESSARY TO TRANSITION WESTBOUND TRAFFIC NORTH ONTO THE EXISTING WESTBOUND LANES. THERE WILL BE NO WEST TO SOUTH LEFT TURN LANE AT NORTH BAYSHORE DRIVE. MODIFY TRAFFIC SIGNAL AT NORTH BAYSHORE DRIVE AS REQUIRED. CONTRACTOR TO IMPLEMENT MEASURES TO PROHIBIT LEFT TURNS FROM THE DRIVEWAY NORTH OF STATION 50+40.

PHASE 1 CONSTRUCTION

DEMOLISH AND REMOVE THE EXISTING NORTH BRIDGE STRUCTURE. CONSTRUCT NEW NORTH BRIDGE (SEE CONSTRUCTION SEQUENCE PLAN IN STRUCTURES PLANS FOR ADDITIONAL DETAILS). INSTALL DRAINAGE PIPE AND STRUCTURES S-1 THROUGH S-3, S-7 AND S-8; EXCAVATE RETENTION AREA ON THE NORTH SIDE OF ROADWAY; WILL EXISTING PAVEMENT, PLACE OVERBUILD, BASE AND ASPHALT PAVEMENT FOR THE ROADWAY AND SHOULDERS UP TO BUT EXCLUDING THE FRICTION COURSE WITHIN THE WORK ZONE. INSTALL THE GUARDRAIL ON THE NORTH SIDE OF THE BROAD CAUSEWAY. INSTALL SODDING AS CONDITIONS PERMIT.

PHASE 2 MAINTENANCE OF TRAFFIC

EASTBOUND: INSTALL ADVANCE SIGNING, BARRICADES, AND OTHER DEVICES NECESSARY TO CLOSE SOUTHERN MOST EASTBOUND THROUGH LANE WEST OF NORTH BAYSHORE DRIVE (SEE FOOT INDEX NO. 623 FOR ADDITIONAL DETAILS). MAINTAIN THE EXISTING EAST TO SOUTH RIGHT TURN LANE AT THE INTERSECTION OF NORTH BAYSHORE DRIVE. ONCE THROUGH AND EAST OF THE INTERSECTION, INSTALL ADDITIONAL SIGNING, BARRICADES AND OTHER DEVICES NECESSARY TO TRANSITION THE EASTBOUND LANE NORTH ONTO THE SOUTHERN MOST WEST BOUND LANE (SEE FOOT INDEX NO. 624 FOR ADDITIONAL DETAILS). CONTINUE EASTBOUND BEYOND THE CONSTRUCTION OF THE SOUTH BRIDGE TO THE POINT WHERE EASTBOUND TRAFFIC IS SHIFTED SOUTH ONTO THE EXISTING SOUTH ROADWAY.

WESTBOUND: INSTALL ADVANCE SIGNING, BARRICADES, AND OTHER DEVICES NECESSARY TO CLOSE THE SOUTHERN MOST WESTBOUND THROUGH LANE WEST OF TOLL PLAZA (SEE FOOT INDEX NO. 623 FOR ADDITIONAL DETAILS). MAINTAIN ONE THROUGH LANE IN EACH DIRECTION ON THE NORTH ROADWAY ACROSS THE NEW BRIDGE. PROVIDE WEST TO SOUTH LEFT TURN LANE AT NORTH BAYSHORE DRIVE. MODIFY TRAFFIC SIGNAL AT NORTH BAYSHORE DRIVE AS REQUIRED.

PHASE 2 CONSTRUCTION:

DEMOLISH AND REMOVE THE EXISTING SOUTH BRIDGE STRUCTURE. CONSTRUCT NEW SOUTH BRIDGE (SEE CONSTRUCTION SEQUENCE PLAN IN STRUCTURES PLANS FOR ADDITIONAL DETAILS). INSTALL DRAINAGE PIPE AND STRUCTURES S-4 THROUGH S-6, S-9 AND S-10; EXCAVATE RETENTION AREA ON THE SOUTH SIDE OF ROADWAY; WILL EXISTING PAVEMENT, PLACE OVERBUILD, BASE MATERIAL AND ASPHALT PAVEMENT FOR ROADWAY AND SHOULDER, UP TO BUT EXCLUDING FRICTION COURSE, WITHIN THE WORK ZONE. INSTALL THE GUARDRAIL ON THE SOUTH NORTH OF 123RD STREET. COMPLETE SODDING.

PHASE 3 MAINTENANCE OF TRAFFIC:

CLOSE ONE THROUGH LANE AT A TIME, AS REQUIRED FOR PLACING THE FRICTION COURSE, PER THE REQUIREMENTS OF STANDARD FOOT INDEX NO. 623. REMOVE SPECIAL DETOUR. THIS INCLUDES RECONSTRUCTION OF TYPE F CURB AND GUTTER, BACKFILLING, SODDING AND LANDSCAPE, LIGHTING, & IRRIGATION RESTORATION.

PHASE 3 CONSTRUCTION:

PLACE FRICTION COURSE AND TEMPORARY PAVEMENT MARKINGS ON A LANE BY LANE BASIS.

PHASE 3 MAINTENANCE OF TRAFFIC:

CLOSE ONE THROUGH LANE AT A TIME, AS REQUIRED FOR PLACING THE FINAL THERMOPLASTIC PAVEMENT MARKINGS (FOLLOWING A 30 DAY CURE OF THE FRICTION COURSE), PER THE REQUIREMENTS OF STANDARD FOOT INDEX NO. 623.

PHASE 4 CONSTRUCTION:

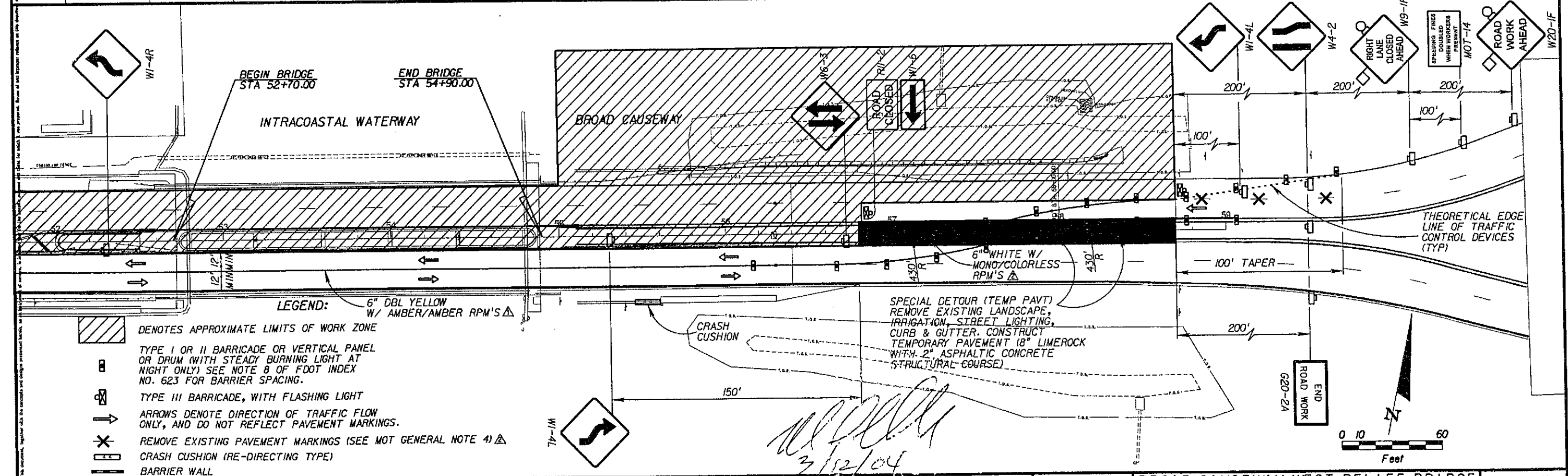
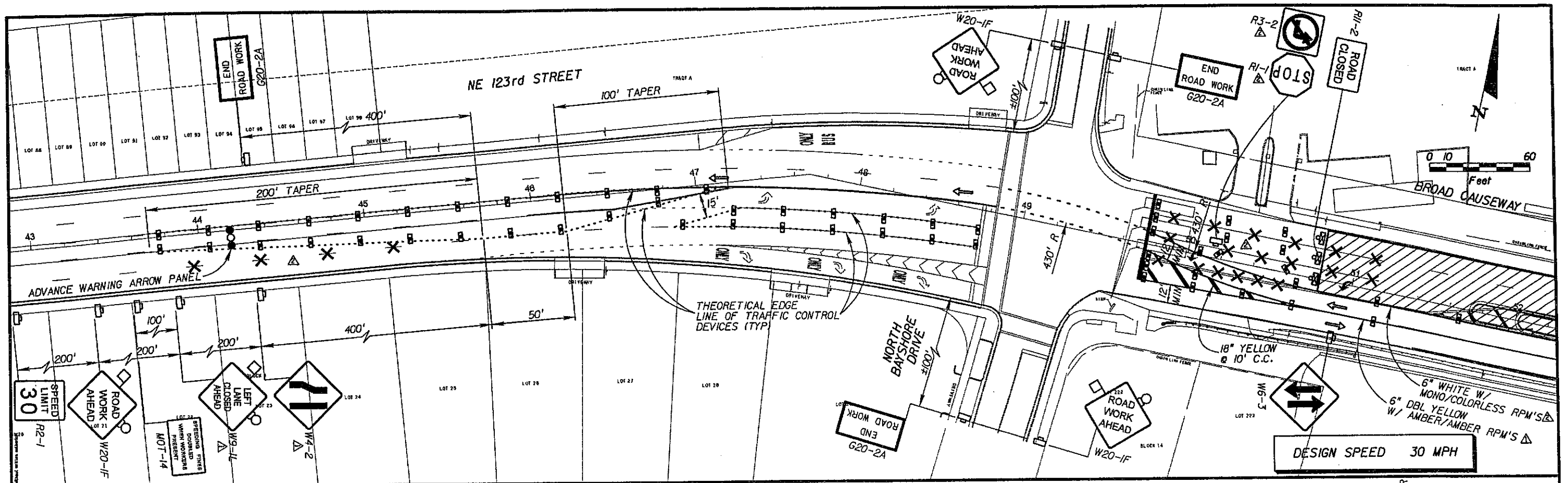
PLACE FINAL THERMOPLASTIC PAVEMENT MARKINGS ON A LANE BY LANE BASIS.

INSTALL ADVANCE SIGNING FOR CLOSING OF THE SOUTHERN MOST EASTBOUND LANE. INSTALL ADDITIONAL SIGNING, BARRICADES, AND OTHER DEVICES NECESSARY TO CLOSE SOUTHERN MOST EASTBOUND THROUGH LANE WEST OF NORTH BAYSHORE DRIVE (SEE FOOT INDEX NO. 623 FOR ADDITIONAL DETAILS).

DESIGN ENGINEER: MURRAY D. THORNBURG, JR., P.E. FLORIDA REGISTRATION NUMBER: 15819 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) MAINTENANCE OF TRAFFIC GENERAL NOTES & CONSTRUCTION PHASING NOTES		SHEET NUMBER 9
TOWN OF BAY HARBOR ISLANDS FLORIDA		DATE 09/04/2003 PROJECT NO. BC-113 DADE COUNTY		09/04/2003 05:18:24 PM G:\044053040 Harker Bridge\234567\main\NOTES\005.dgn

SCALE DESIGNED BY DRAWN BY CHECKED BY	Krimley-Horn and Associates, Inc. COPY RIGHT 2003 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0665 FDE No. 696	DATE 09/04/2003 PROJECT NO. BC-113 DADE COUNTY
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MODIFIED NOTE 4 REVISIONS	9/03 DATE BY
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- LEGEND:**
- 6" DBL YELLOW W/ AMBER/AMBER RPM'S
 - DENOTES APPROXIMATE LIMITS OF WORK ZONE
 - TYPE I OR II BARRICADE OR VERTICAL PANEL OR DRUM (WITH STEADY BURNING LIGHT AT NIGHT ONLY) SEE NOTE 8 OF FDOT INDEX NO. 623 FOR BARRIER SPACING.
 - TYPE III BARRICADE, WITH FLASHING LIGHT
 - ARROWS DENOTE DIRECTION OF TRAFFIC FLOW ONLY, AND DO NOT REFLECT PAVEMENT MARKINGS.
 - REMOVE EXISTING PAVEMENT MARKINGS (SEE MOT GENERAL NOTE 4)
 - CRASH CUSHION (RE-DIRECTING TYPE)
 - BARRIER WALL

MODIFIED SIGNS, ADDITIONAL PAVEMENT MARKING	9/03	500
REMOVAL, ADDED 18" YELLOW, AND ADDED RPM'S TO 6" WHITE		
MODIFIED SIGNS, ADDED RPM'S TO DBL YELLOW	7/03	500
REVISIONS	DATE	BY

SCALE
DESIGNED BY
DRAWN BY
CHECKED BY

Kimley-Horn and Associates, Inc.

4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407

(561) 845-0665

FDP No. 696

DATE 09/05/2003

PROJECT NO. 8C-113

DADE COUNTY



TOWN OF BAY HARBOR ISLANDS

DESIGN ENGINEER: MURRAY D. THORNBURG, JR., P.E.

FLORIDA REGISTRATION NUMBER: 13819

SEAL

BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) MAINTENANCE OF TRAFFIC PHASE 1

SHEET NUMBER 10

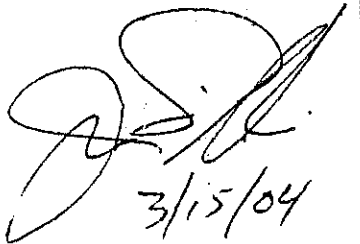
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TABULATION OF SIGNING AND PAVEMENT MARKING QUANTITIES

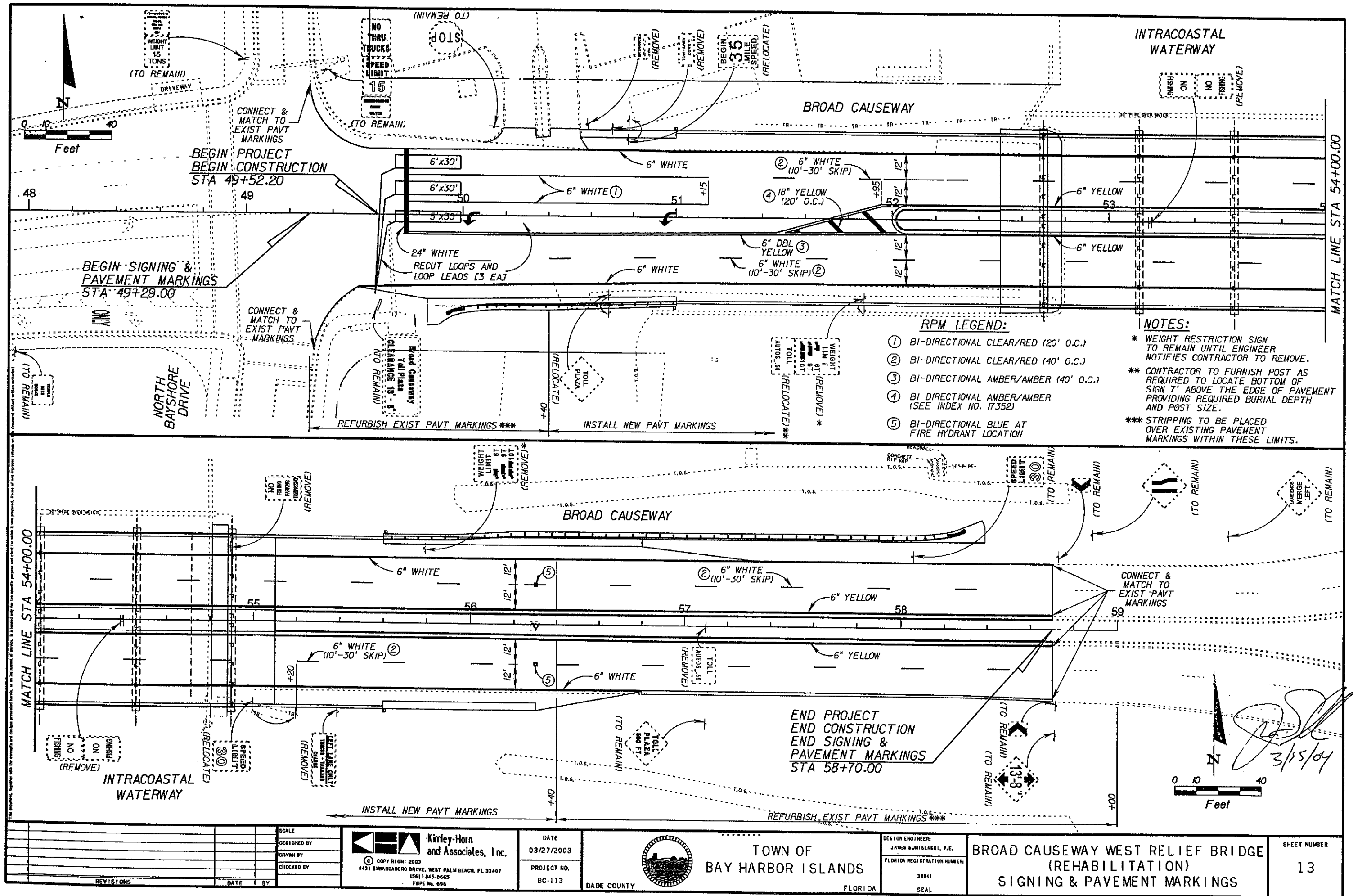
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660-2-101A	LOOP ASSEMBLY (TYPE A) (6'x30')	AS	2										2	2	
660-2-101B	LOOP ASSEMBLY (TYPE A) (5'x30')	AS	1										1	1	
700-46-11	SIGN EXISTING (REMOVE) (SINGLE POST)	AS	8										8	8	
700-46-21	SIGN EXISTING (RELOCATE) (SINGLE POST)	AS	3										3	3	
700-48-60	SIGN EXISTING (REMOVE) (PANEL ONLY)	EA	1										1	1	
706-3	REFLECTIVE PAVEMENT MARKER (BI-DIRECTIONAL COLORLESS/RED)	EA	59										59	59	
	REFLECTIVE PAVEMENT MARKER (BI-DIRECTIONAL AMBER/AMBER)	EA	22										22	22	
	REFLECTIVE PAVEMENT MARKER (BI-DIRECTIONAL BLUE)	EA	2										2	2	
711-4	DIRECTIONAL ARROWS, THERMOPLASTIC	EA	2										2	2	
711-7	REMOVAL OF EXISTING PAVEMENT MARKINGS, THERMOPLASTIC	SF	300										300	300	
711-33	10'x30' SKIP WHITE, THERMOPLASTIC	LF	420										420	420	
711-35-61	6" SOLID WHITE, THERMOPLASTIC	LF	2260										2260	2260	
711-35-24	24" SOLID WHITE, THERMOPLASTIC	LF	40										40	40	
711-36-61	6" SOLID YELLOW, THERMOPLASTIC	LF	2000										2000	2000	
711-36-18	18" SOLID YELLOW, THERMOPLASTIC	LF	25										25	25	

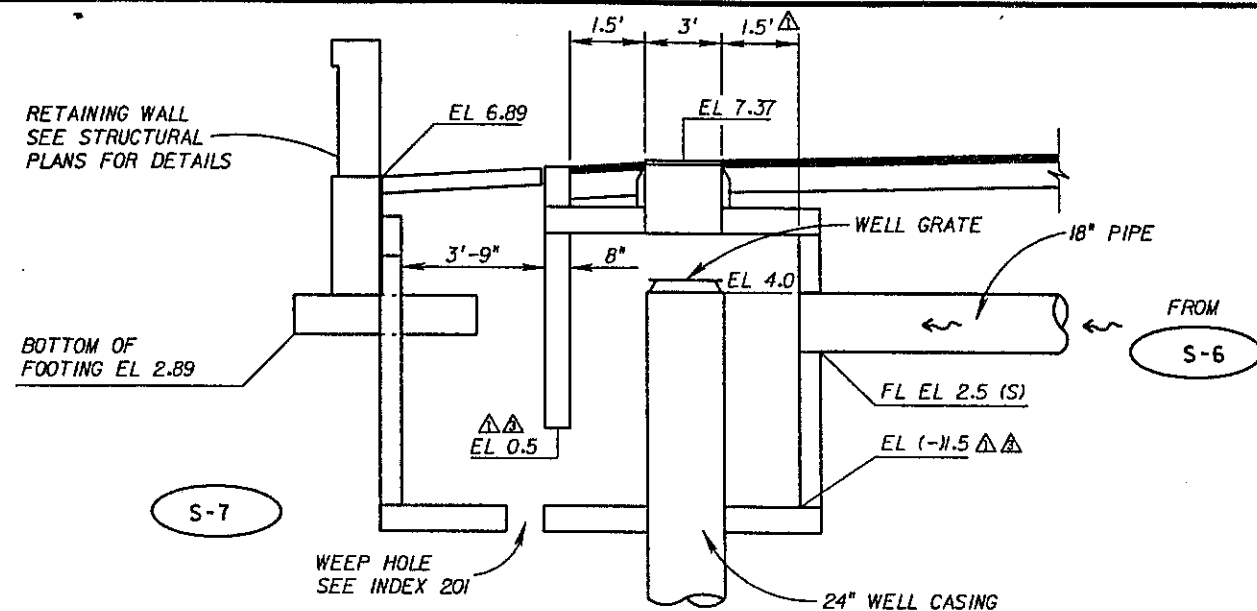
NOTE: (ONLY THE NUMBERED NOTES ARE PERTINENT TO THIS PROJECT)

- ALL ROUTE MARKER AUXILIARIES IN THE VERTICAL ASSEMBLY, EXCEPT DETOUR AUXILIARIES, SHALL HAVE THE SAME COLOR COMBINATION AS THE ROUTE MARKER. DETOUR ASSEMBLIES SHALL USE STANDARD COLOR ROUTE MARKERS & BLACK ON ORANGE AUXILIARIES.
- FOR DETAILS OF LARGE GUIDE SIGNS SEE SPECIAL DETAILS.
- SHOP DRAWINGS FOR OVERHEAD SIGN STRUCTURES, SPECIAL DESIGNS FOR GROUND SIGN STRUCTURES & LARGE GUIDE SIGN PANELS, MESSAGES, LETTERING & QUANTITIES SHALL BE SUBMITTED TO THE STATE TRAFFIC PLANS & STANDARDS ENGINEER, TALLAHASSEE, FLORIDA.
- 1- SIGN ASSEMBLY LOCATIONS SHOWN ON PLANS WHICH ARE IN CONFLICT WITH LIGHTING, UTILITIES, DRIVEWAYS, WHEELCHAIR RAMPS, ETC., MAY BE ADJUSTED SLIGHTLY AS DIRECTED BY THE ENGINEER. EXTREME LOCATION CHANGES MUST BE APPROVED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.
- 2- ANY SIGNING MATERIAL, INCLUDING SUPPORTS, TO BE REMOVED AS NOTED ON PLAN SHEETS, SHALL BE DELIVERED BY THE CONTRACTOR IN EXISTING CONDITION, AND UNLOADED AT THE MAINTENANCE FACILITY LISTED BELOW IN CARE OF THE STOREKEEPER OR HIS DESIGNEE: JOE FOX
TEL. (305)-866-6241
TOWN OF BAY HARBOR ISLANDS
PUBLIC WORKS DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL.
33154
- 3- REFLECTIVE PAVEMENT MARKERS ARE TO BE PLACED ALONG THE ENTIRE LENGTH OF THE PROJECT.
- 4- PAVEMENT MARKINGS SHOULD BE PLACED AS SHOWN IN THE PLANS AND TRAFFIC DESIGN STANDARDS.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATION AND LENGTH OF NO PASSING ZONES FOR HORIZONTAL AND VERTICAL CURVES IN ACCORDANCE WITH THE M U T C D. THE CONTRACTOR'S PROPOSED METHOD OF ESTABLISHING NO PASSING ZONES SHALL BE APPROVED BY THE ENGINEER.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MARK THE LOCATION AND LENGTH OF NO PASSING ZONES FOR REPLACEMENT AFTER RESURFACING IS COMPLETE.
- 5- MATCH EXISTING PAVEMENT MARKINGS AT THE BEGINNING AND AT THE END OF THE PROJECT AND AT ALL SIDE STREETS.
 - ITEM NO. 710-11 REMOVAL OF EXISTING PAINT MARKINGS IS A CONTINGENT QUANTITY TO BE USED TO TIE IN NEW AND EXISTING MARKINGS AS DIRECTED BY THE ENGINEER.
 - ITEM NO. 710-11 AND 711-7 THE CONTRACTOR SHALL REMOVE EXISTING MARKINGS BY FDOT APPROVED METHOD WITHOUT DAMAGE TO THE SURFACE COURSE OR FRICTION COURSE.
- 6- ITEM NO. 711-7 REMOVAL OF EXISTING THERMOPLASTIC MARKINGS IS A CONTINGENT QUANTITY TO BE USED TO TIE IN NEW AND EXISTING MARKINGS AS DIRECTED BY THE ENGINEER.
 - PAY ITEM NO. 660-2-106 INCLUDES ALL COST ASSOCIATED WITH THE INSTALLATION OF INDUCTIVE LOOPS. CONNECTION TO THE EXIST LOOP DETECTOR IN THE EXISTING CONTROLLER CABINET AND ALL OTHER MATERIALS AND LABOR NECESSARY TO PROVIDE A COMPLETE AND FULLY OPERATIONAL INDUCTIVE LOOP ASSEMBLY.
 - PAY ITEM NO. 690-90 IS FOR REMOVAL OF CONDUIT AND CABLE AS REQUIRED FOR MODIFICATION OF THE PEDESTRIAN SIGNAL SYSTEM.
 - ALL TRAFFIC SIGNAL INSTALLATION / MODIFICATION TO BE DONE IN CONFORMANCE WITH PALM BEACH COUNTY TRAFFIC ENGINEERING STANDARDS.
 - ITEM NO. 710-11 AND 711-7 ARE CONTINGENCY ITEMS TO BE INCREASED, DECREASED OR ELIMINATED BY THE ENGINEER.
 - ITEM NO. 700-44-XX INCLUDES ALL COST ASSOCIATED WITH EXTENDING ELECTRICAL POWER SERVICE FROM EXISTING PULL BOX TO NEW OVERHEAD TRUSS. THIS INCLUDES BUT IS NOT LIMITED TO PULL BOX, CONDUIT, CONDUCTORS, ETC.
- 7- CONTRACTOR SHALL PROTECT EXISTING SIGNS NOTED TO REMAIN. EXISTING SIGNS DAMAGED BEYOND USE, AS DETERMINED BY THE ENGINEER, SHALL BE REPLACED BY THE CONTRACTOR AT NO COST TO THE TOWN. CONTRACTOR HAS THE OPTION TO REMOVE, STOCK PILE, AND RE-INSTALL THESE SIGNS AT NO ADDITIONAL COST TO THE TOWN.
- 8- PAY ITEM NO. 660-2-101A & 660-2-101B INCLUDES ALL COST ASSOCIATED WITH THE INSTALLATION OF INDUCTIVE LOOPS, CONNECTION TO THE EXISTING LOOP DETECTOR IN THE EXISTING CONTROLLER CABINET AND ALL OTHER MATERIALS AND LABOR NECESSARY TO PROVIDE A FULLY OPERATING INDUCTIVE LOOP ASSEMBLY.


3/15/04

REVISIONS	DATE	BY	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY	 Kimley-Horn and Associates, Inc. © COPY RIGHT 2003 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0665 FPE No. 696	DATE 04/16/2003 PROJECT NO. BC-113	DADE COUNTY	 TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER: JAMES SUMI SLASKI, P.E. FLORIDA REGISTRATION NUMBER: 28841 SEAL	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) TABULATION OF SIGNING & PAVEMENT MARKING QUANTITIES	SHEET NUMBER 12
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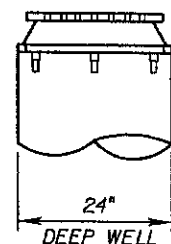
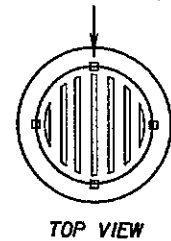


STRUCTURE S-7 BARRIER WALL INLET (MODIFIED) WELL DETAIL
NTS

NOTE: DETAIL INDICATES DESIGN INTENT. CONTRACTOR TO SUBMIT Δ SHOP DRAWING(S) FOR STRUCTURE, SIGNED & SEALED BY PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF FLORIDA, TO THE ENGINEER. ENGINEER TO REVIEW AND FORWARD TO THE F.D.O.T. FOR THEIR REVIEW AND APPROVAL.

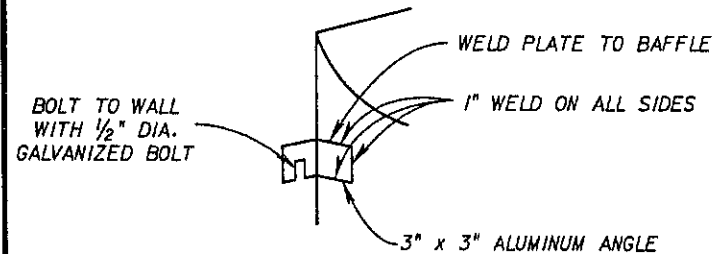
STRUCTURE SHALL NOT BE ORDERED UNTIL ANY POTENTIAL UTILITY CONFLICTS ARE IDENTIFIED, RESOLVED AND UPON RECEIVING APPROVED SHOP DRAWINGS.

GRATE IS NEENAH
FOUNDRY COMPANY
R-4341-A OR EQUAL

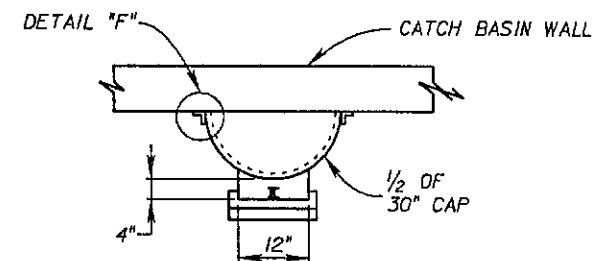


STEEL WELL GRATE DETAIL
NTS

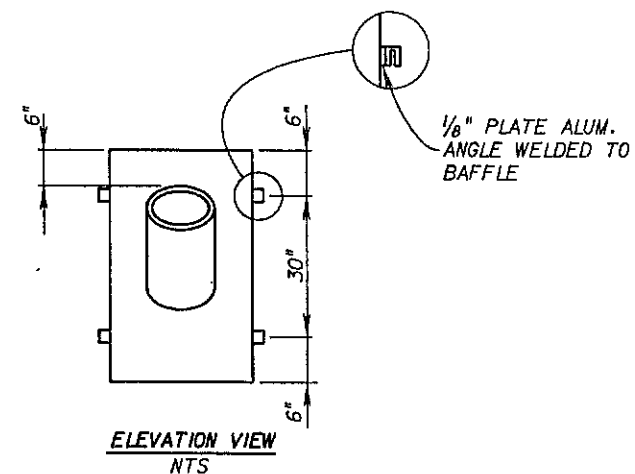
NOTE: COST OF FURNISHING
MODIFYING AND INSTALLING
WELL GRATE TO BE INCLUDED
IN COST OF WELL CASING.



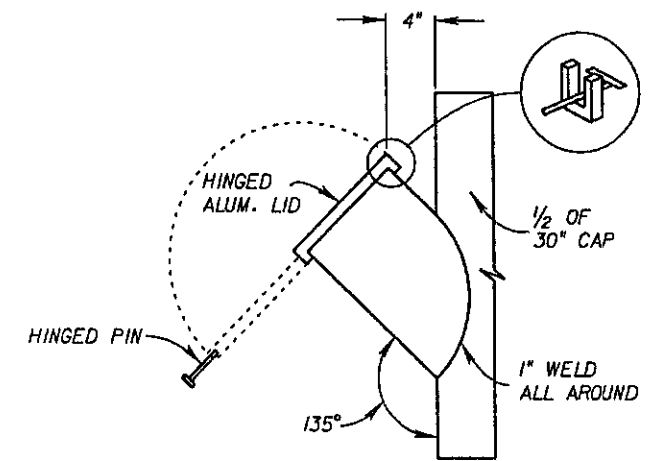
DETAIL "F"
NTS



PLAN VIEW
NTS

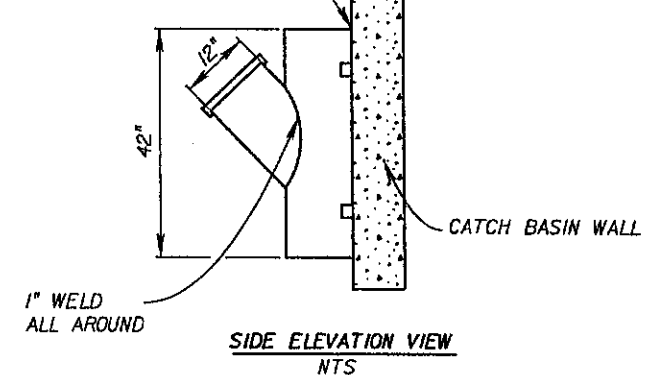


ELEVATION VIEW
NTS

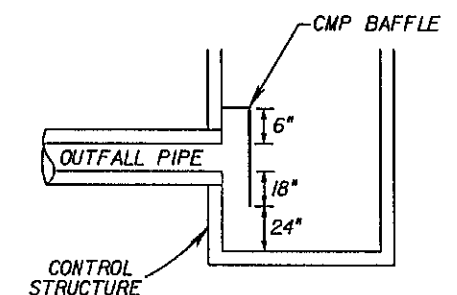


LID DETAIL
NTS

NEOPRENE GASKET MOUNTED
ON WALL REQUIRED AT ALL
CONTACT EDGES TO PROVIDE
WATER TIGHT SEAL



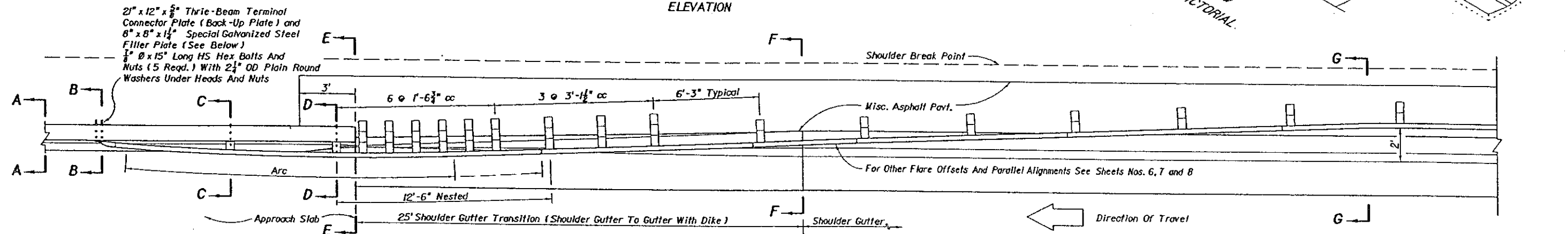
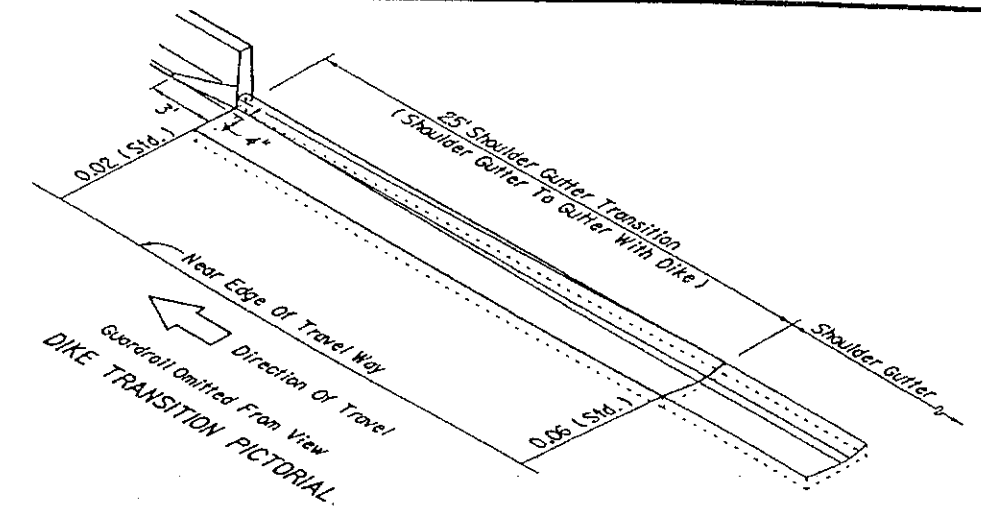
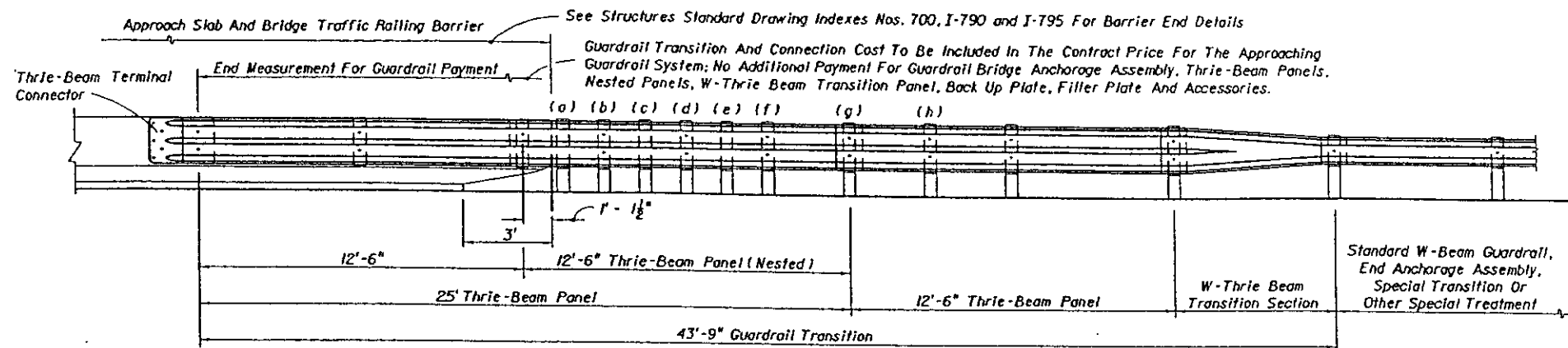
SIDE ELEVATION VIEW
NTS



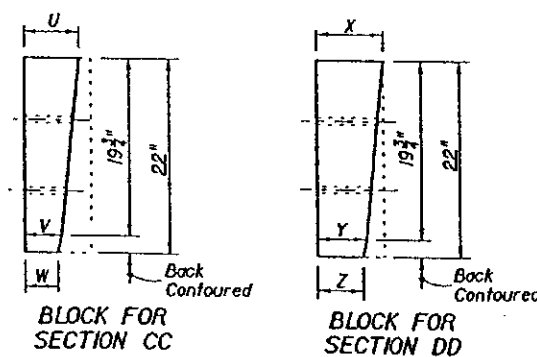
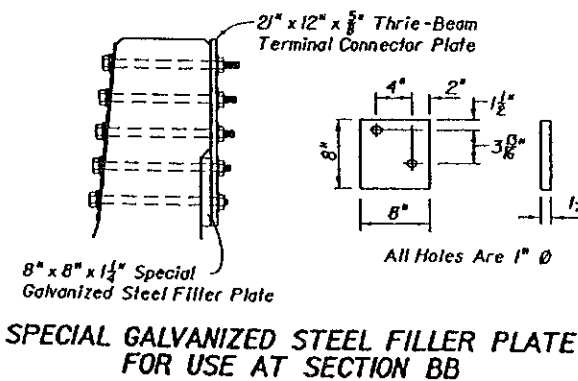
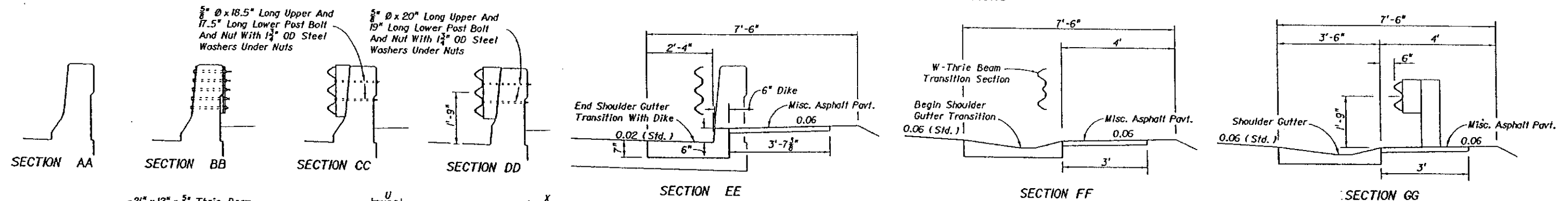
STRUCTURE S-6 CMP BAFFLE DETAIL
NTS

COST OF FURNISHING AND INSTALLING
CMP BAFFLE TO BE INCLUDED IN COST
OF THE STRUCTURE.

MODIFIED EL. PER DERM REQUIREMENT 2/04 500 COMPLETE REVISION OF BAFFLE DETAIL 9/03 500 ADDED NOTES, STRUCTURE S-7 & BAFFLE DETAIL 9/03 500			SCALE DESIGNED BY DRAWN BY CHECKED BY			Kimley-Horn and Associates, Inc. © COPY RIGHT 2003 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0666 FBIPE No. 696			DATE 02/26/2004 PROJECT NO. BC-113		TOWN OF BAY HARBOR ISLANDS DADE COUNTY FLORIDA			DESIGN ENGINEER: MURRAY D. THORNBURG, JR., P.E. FLORIDA REGISTRATION NUMBER: 15819 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) DRAINAGE DETAILS			SHEET NUMBER 14
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PLAN - GUARDRAIL, SHOULDER GUTTER AND SHOULDER TRANSITIONS



APPLICATIONS	SECTION CC			SECTION DD		
	U	V	W	X	Y	Z
Single Face Guardrail	6 1/8"	4 1/8"	3 5/8"	7 1/2" nom.	5 1/2" nom.	5" nom.
Double Face Guardrail With Timber Posts	5 1/8"	3 1/8"	2 3/8"	6 1/2" nom.	4 1/2" nom.	4" nom.
Double Face Guardrail With Steel Posts	4 3/8"	2 3/8"	1 7/8"	5 3/4"	3 3/4"	3 1/4"

For Double Face Guardrail Connections To Median Bridge Traffic Railing Barrier, See Index No. 410 'Guardrail Connection To Concrete Barrier Wall Approach Ends'.

GUARDRAIL TRANSITION NOTE

When shoulder gutter is required, the 25' long dike transition, shown in the 'PLAN' and 'PICTORIAL' above, is required. Double offset blocks are shown for guardrail installations adjacent to shoulder gutter/dike transitions; single offset blocks shall be installed in absence of shoulder gutter. Nested rails shall not be bolted to the blocks and posts at posts (a), (c), and (e). One 16d galvanized nail shall be driven between each post and block, and between double blocks, in order to prevent block rotation, see '16d NAIL FOR PREVENTION OF OFFSET BLOCK ROTATION', this Index.

NOTE: SHEET NO.S, AS REFERENCED ON THIS SHEET ONLY, REFER TO SHEETS INCLUDED IN INDEX NO. 400

THRIE-BEAM OFFSET BLOCKS FIELD TRIMMED FOR USE AT SECTIONS CC & DD

GUARDRAIL APPROACH TRANSITION AND CONNECTION FOR BRIDGES WITH SAFETY SHAPE TRAFFIC RAILING BARRIERS EXTENDING FULL LENGTH OF APPROACH SLAB

DETAIL J

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION					
GUARDRAIL - DETAIL J					
Designed By	Names	Dates	Approved By		
Drawn By	RRH	9-38	Roadway Design Engineer		
Checked By	JVC	9-92	Revision	Sheet No.	Index No.
			00	15	400

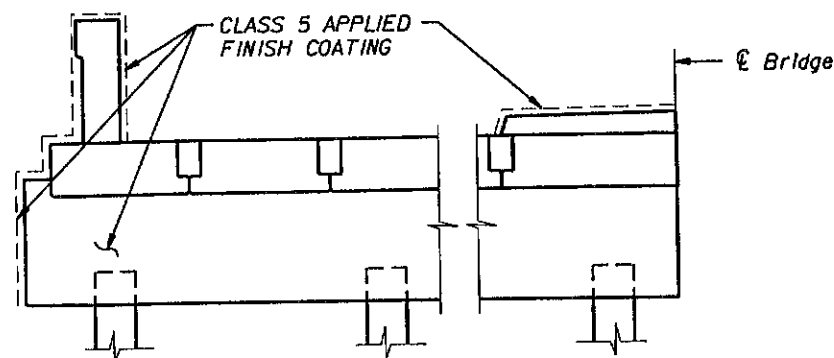
INDEX TO STRUCTURE PLANS

Sheet No.	Description
B-1	General Notes (1 OF 2)
B-2	General Notes (2 OF 2)
B-3	Notes and Details for Square Prestressed Concrete Piles - Index No. 600
B-4	Square Prestressed Concrete Pile Splices - Index No. 601
B-5	18" Square Prestressed Concrete Piles - Index No. 618
B-6	Traffic Railing Barrier - (42" Vertical Shape) - Index No. 720 (Drawing 1 of 2)
B-7	Traffic Railing Barrier - (42" Vertical Shape) - Index No. 720 (Drawing 2 of 2)
B-8	Standard Bar Bending Details - Index No. 1300
B-9	Plan and Elevation
B-10	Construction Sequence (1 of 2)
B-11	Construction Sequence (2 of 2)
B-12	Report of Core Borings
B-13	Foundation Layout
B-14	End Bent 1 & 6 Layout
B-15	End Bent Details
B-16	Pile Bent 2, 3, 4 & 5 Layout
B-17	Pile Bent Details
B-18	Superstructure Plan
B-19	Prestressed Type A Slab Units
B-20	Prestressed Type B Slab Units
B-21	Prestressed Type C Slab Units
B-22	Superstructure Details (1 of 2)
B-23	Superstructure Details (2 of 2)
B-24	Approach Slabs
B-25	Reinforcing Bar List
B-26	Retaining Walls 1 & 2 Layout
B-27	Retaining Walls 3 & 4 Layout
B-28	Retaining Wall Details
I-13	Existing Bridge Plans

ABBREVIATIONS:

C.I.P. = Cast-In-Place
N.F. = Near Face
E.F. = Each Face
F.F. = Far Face
PR. = Pair
U.O.N. = Unless otherwise noted
P.E.J.M. = Premolded Expansion Joint Material

Note: For additional standard abbreviations, see FDOT Design Standards, January 2002.



DETAIL OF CONCRETE CLASS 5 SURFACE FINISH

GENERAL NOTES

GENERAL SPECIFICATIONS:

Florida Department of Transportation Standard Specification for Road and Bridge Construction (2000 Edition) and the Special Provisions Included in the Contract Documents.

DESIGN SPECIFICATIONS:

American Association of State Highway and Transportation Officials (AASHTO) LRFD Bridge Design Specifications (1998 Edition) with Interims through 2002.
Florida Department of Transportation Structures Design Guidelines for Load and Resistance Factor Design (January 2002).

DESIGN METHOD:

Load and Resistance Factor Design Method (LRFD) except that Prestressed Slab Units and Bearing Pads have been designed for Service Limit States.

DESIGN LOADING:

HL-93 Loading

FUTURE WEARING SURFACE:

Design includes allowance for 15 pounds per square foot.

EARTHQUAKE LOADING:

Seismic acceleration coefficient of 0.02
Seismic Zone I

WIND LOADING:

Wind Velocity of 120 MPH, Includes a 20% Increase for Dade County over the basic 100 MPH velocity per LRFD Specifications.

THERMAL LOADING:

Longitudinal Design:
Normal Mean Temperature 70° F
Thermal Coefficient 0.0000060/°F
Temperature Range for Design of Structures:
Rise 25° F
Fall 25° F
Temperature Range for sizing Bearings and Joints:
Rise 25° F
Fall 25° F

VESSEL COLLISION LOADING:

Not applicable for this bridge.

WATER LOADING:

Tidal Pressure Loading 50 psf

BEAM DISTRIBUTION VALUES:

SUMMARY OF QUANTITIES

Item No.	Description	Unit	Quantity
110-3	Structures, Removal of Existing	SF	14865
331-2	Type S Asphaltic Concrete	TN	133.3
337-7-5	Asphaltic Concrete Friction Course (Inc BitXFC-5)	TN	77.1
400-2-10	Concrete Class II (Approach Slab)	CY	126.8
400-2-15	Concrete Class II (Miscellaneous)	CY	18.3
400-4-4	Concrete Class IV (Superstructure)	CY	181.8
400-4-5	Concrete Class IV (Substructure)	CY	179.8
400-4-11	Concrete Class IV (Retaining Walls)	CY	134.0
400-147	Composite Neoprene Pads	CF	3.3
415-1-3	Reinforcing Steel (Retaining Wall)	LB	17622
415-1-4	Reinforcing Steel (Superstructure)	LB	23418
415-1-5	Reinforcing Steel (Substructure)	LB	19753
415-1-9	Reinforcing Steel (Approach Slab)	LB	19794
450-3-2X	Prestressed Slab Units (60" Wide x 18" Thick)	LF	3440
455-18	Protection of Existing Structures	LS	1
455-34-3	Prestressed Concrete Piling (Furnish & Driven X18" SqJ)	LF	3080
455-137	Dynamic Load Test	EA	4
455-143-3	Test Piles (Prestressed Concrete X18" SqJ)	LF	280
460-8-102	Elastic Preformed Joint Seal (Polymeric Nosing)	LF	160
521-5-5	Concrete Traffic Railing Barrier (Bridge X42" Vertical Face)	LF	920

Thomas W. Farnan
3-9-4

07/11/2003 07:27:58 AM G:\044053040 HELKER BRIDGE\1234567\STRUCT\GNNT.DGN

DESIGNED BY TMB DRAWN BY TMB CHECKED BY TWF	SCALE N.A. DATE 07/11/2003 PROJECT NO. 8C-113	TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER 49143	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) GENERAL NOTES (1 OF 2)	SHEET NUMBER B-1
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MATERIAL STRESSES:

Allowable stresses are in accordance with the Design Specifications for all materials shown in these plans.

MATERIALS:

A. CONCRETE:

1. Provided $\frac{3}{4}$ " chamfers on all exposed edges and corners except as otherwise noted.
2. Construction joints will be permitted only at locations indicated on the plans. Additional construction joints or alterations to those shown shall require approval of the Engineer.
3. Saw cuts shall be made no later than the day following the concrete placement.
4. Minimum compressive strength at 28 days:

Class II (Approach Slabs)	$f'c = 3400$ psi	Approach Slabs
Class IV	$f'c = 5500$ psi	Traffic Barriers, Median Separator, Future Sidewalks
		Precast Prestressed Slab Unit Closure Pours
Class IV	$f'c = 5500$ psi	End Bents and Interior Bents
Class V (Special)	$f'c = 6000$ psi	Piling
Class V	$f'c = 6500$ psi	Precast Prestressed Slab Units

B. REINFORCING STEEL:

1. Reinforcing Steel shall conform to ASTM A615, Grade 60
2. All dimensions pertaining to location of reinforcing steel are to the centerline of bars except where the cover dimension is shown to face of concrete.

C. PRESTRESSING STEEL:

1. Prestressing Steel shall conform to ASTM A416, Grade 270 and shall be a 7 wire strand.
2. For Prestressed Concrete Piling, see FDOT Structures Standard Index No. 600.
3. For Prestressed Flat Slab Units, 0.6" Diameter Low Relaxation Strands

MINIMUM CONCRETE COVER:

End Bent external surfaces cast against earth shall have a 4 1/2" minimum cover
End Bent and Pile Bent external formed surfaces shall have a 4" minimum cover
Superstructure (Cast in Place) shall have a 2" minimum cover unless otherwise noted.
Superstructure (Precast Prestressed Slab Units) shall have a 2" minimum cover unless otherwise noted.

SURFACE FINISHES:

- The following concrete surfaces (see Detail A) shall receive a Class 5 applied finish coating,
1. All exposed surfaces of traffic barrier railings and median separator.
 2. All exposed surfaces of exterior slab units.
 3. All exposed surfaces of end and interior bents including wingwalls.
 4. All precast prestressed slab unit closure pours shall receive a Class 3 surface finish.

ENVIRONMENTAL CLASSIFICATIONS:

Superstructure and Substructure are classified as Extremely Aggressive.

ELEVATIONS:

All elevations are referred to National Geodetic Vertical Datum (NGVD) of 1929.

PILING:

18" Square precast prestressed concrete piles shall be used. Refer to Foundation Layout sheet for pile installation table and piling notes.

SOILS:

Soil boring profiles and foundation design considerations were obtained from the final soils report dated December 27, 2002 by Tierra.

UTILITIES:

Data concerning type and location of underground and other utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground and other utilities as may be necessary to avoid damage thereto.

BEARING PADS:

All bearing pads shall be furnished and installed by the contractor. Plain neoprene bearing pads for interior bents shall be $\frac{1}{2}$ " thick x 6" wide strips in accordance with Section 932-2 of the Specifications. Composite neoprene bearing pads as detailed in the plans shall be used at end bents. Composite neoprene pads shall be in accordance with Section 932-2 of the Specifications.

PRESTRESSED MEMBERS:

FINISH:

All surfaces of the prestressed slab unit shall receive a "Class 3" surface finish except the outer vertical surfaces of exterior units shall receive a "Class 5" surface finish.

CONCRETE STRENGTH AND DETENSIONING:

At transfer of the prestressing load, the concrete cylinder strength shall be 4500 psi minimum.

HANDLING AND STORAGE:

During handling and storage, the prestressed units must be picked up at the ends of the units to prevent damage.

All slab units must be stored on adequate dunnage. The beam ends must be supported no closer than 5" to the end nor no further than 18 inches from the ends.

FORMS AND PALLETS:

All prestressed slab units shall be cast on concrete based pallets and in metal forms. Blockouts for the closure pours may be formed from wood.

STRAND EXTENSION:

All prestressing strands shall extend $2\frac{1}{2}$ " beyond the ends of the prestressed slab units.

SHOP DRAWINGS:

The Contractor shall submit three (3) sets of shop drawings, showing complete details of the proposed prestressed slab units. The drawings shall include reinforcing steel, prestressing steel, tensioning and detensioning schedules, camber calculations, and all computations required to control the work.

EQUIPMENT ON UNITS:

Before any heavy construction equipment over Florida Legal Loads is permitted on the structure during construction, sketches showing the axle spacing and anticipated loadings shall be submitted to and approved by the Engineer.

For additional Prestressed Notes, see Prestress Slab Unit Sheets.

CONSTRUCTION NOTES:

Contractor shall remove existing bridges and construct new bridge from above, i.e., no barges shall be allowed in the waterway. Worker access can use small boats, however they shall be subject to permit conditions. See Permits for additional restrictions within the waterway. For additional notes, see Roadway Plans.

Thw
3-4

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REVISIONS	SCALE N.A.	DESIGNED BY TMB	DATE 03/10/2003	TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER #49143	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) GENERAL NOTES (2 OF 2)	SHEET NUMBER B-2
REVISIONS	CHECKED BY TWF	PROJECT NO. BC-113	DADE COUNTY				

Kimley-Horn and Associates, Inc.
4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407
(561) 845-0665
TYPE No. 696

PRESTRESSED CONCRETE PILE NOTES

DESIGN SPECIFICATIONS:

Florida Department of Transportation (FDOT) "Structures Design Guidelines for Load and Resistance Factor Design", including all supplements thereto.

The Florida Department of Transportation "Standard Specifications for Road and Bridge Construction", 2000.

American Association of State Highway and Transportation Officials (AASHTO) "LRFD Bridge Design Specifications".

DESIGN PARAMETERS:

Square Prestressed Concrete Sections: Designed for 1,000 psi uniform compression after prestress losses with out loads.

Pick-up, Storage, and Transportation: 0.0 psi tension w/1.5 times pile self weight.

SPIRAL TIES:

Each wrap of spirals shall be tied to at least two corner strands. One turn required for spiral splices.

CONCRETE CLASS:

Concrete for all piles shall be Class V (Special) except designated High Capacity Piles shall be Class VI .

Concrete for the High Capacity Collar Splice shall be Class V (Special).

See "GENERAL NOTES" for any specific locations where the use of Class V (Special) or Class VI with Microsilica is required.

CONCRETE STRENGTH:

The pile cylinder strength shall be 6,000 psi minimum at 28 days and 4,000 psi minimum at time of transfer of the Prestressing Force. The cylinder strength for designated High Capacity Piles shall be 8,500 psi minimum at 28 days and 6,500 psi minimum at time of transfer of the Prestressing Force.

SPLICE BONDING MATERIAL:

The adhesive bonding material to fill dowel holes and form the joint between pile sections shall conform to Section 937 of the Specifications and shall be contained on the Qualified Products List (QPL).

PICK-UP POINTS:

Piles shall be marked at the pick-up points to indicate proper points for attaching handling lines.

REINFORCING STEEL:

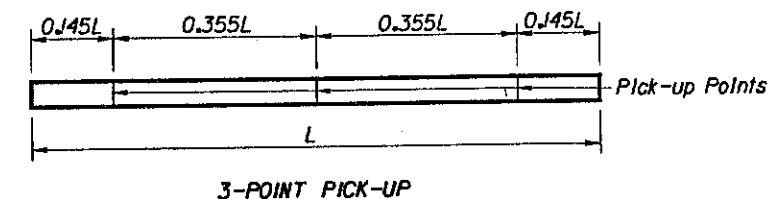
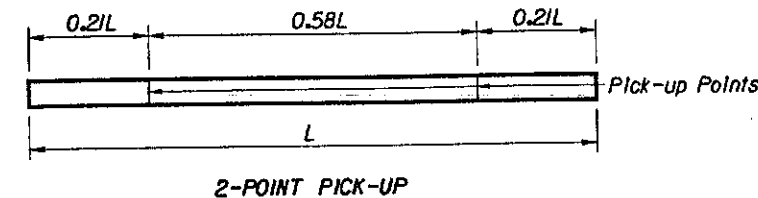
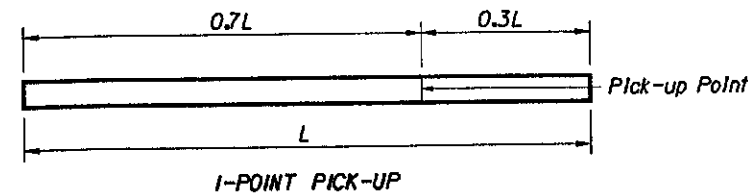
All reinforcing steel shall be Grade 60, except that spiral ties shall be manufactured from cold-drawn steel wire meeting the requirements of ASTM A82.

PRESTRESSING STEEL:

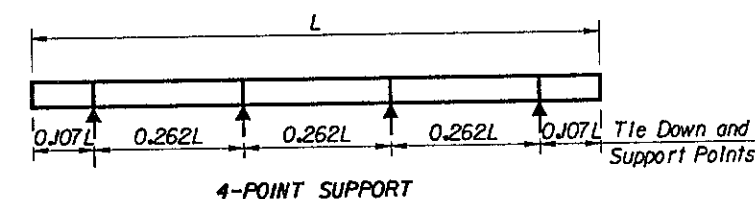
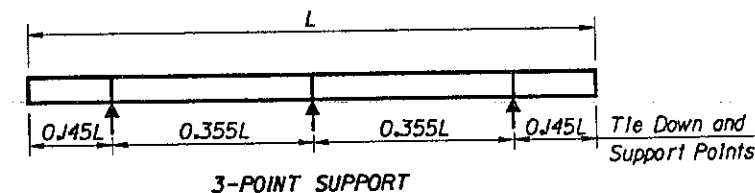
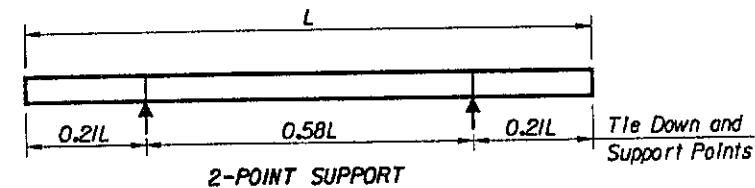
Prestressing steel shall be seven-wire strand, Grade 270 or 250 as noted.

S.R. = Stress Relieved Strand

L.R.S. = Low-Relaxation Strand

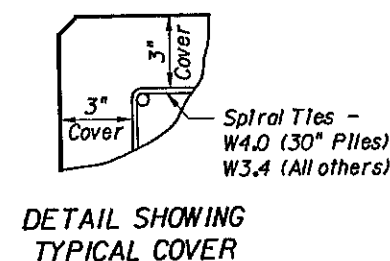
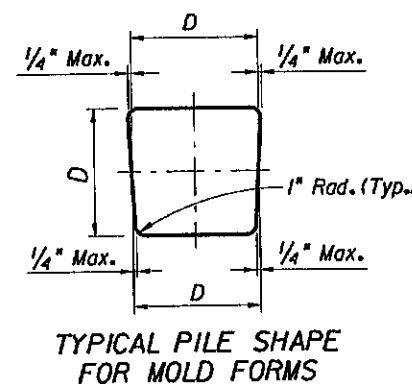


PILE PICK-UP DETAILS



STORAGE AND TRANSPORTATION SUPPORT DETAILS

TABLE OF MAXIMUM PILE PICK-UP AND SUPPORT LENGTHS								
	Square Pile Size (Inches)						Required Storage and Transportation Detail	Pick-Up Detail
	12	14	18	20	24	30		
	48	52	59	62	68	87		
	69	75	85	89	98	124		
Maximum Pile Length (Feet)	99	107	121	128	140	178	3 or 4 point	3 Point

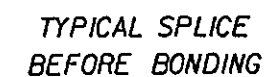
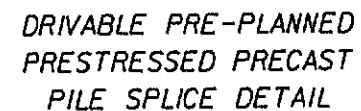
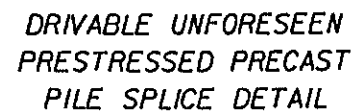
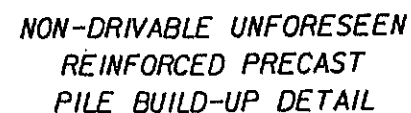


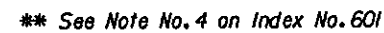
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DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DRAWN BY	MDM	5-02	STRUCTURES DESIGN OFFICE			ROAD NO.	COUNTY	FINANCIAL PROJECT ID	NOTES AND DETAILS FOR SQUARE PRESTRESSED CONCRETE PILES - INDEX NO. 600		
12-12-02	SDO	Standard Drawing Issue Date				CHECKED BY	TAA	5-02	CENTRAL OFFICE						PROJECT NAME:		
						DESIGNED BY	GJR	3-00	605 Suwannee Street, MS 33						BROAD CAUSEWAY WEST RELIEF BRIDGE		
						CHECKED BY	PWB	3-00	Tallahassee, Florida 32399-0450						(REHABILITATION)		
						APPROVED BY	REN								SHEET NO.		
															B-3		

1. For Sections D-D, E-E, & F-F see Index Nos. 612, 614, 618, 620, 624, 630 for applicable concrete pile size.

3. In cases where pile splices are desired due to length limitations in shipping and/or handling, the "Drivable Pre-Planned Prestressed Precast Splice Detail" shall be used. Mechanical Pile Splices contained on the Qualified Products List (QPL) may also be used.

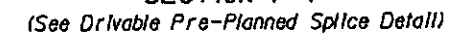
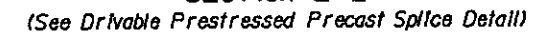
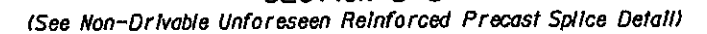
4. When preformed dowel holes are utilized, the 1" spiral tie pitch shall be continued to 4'-0" below the head of the pile, and the preforming material shall be removed. See Index Nos. 618, 620 & 624.

84



12 ~ 0.6" Φ , Grade 270 LRS, at 38.4 kips
12 ~ 1/2" Φ , Grade 270 (Spec) LRS, at 34.0 kips
12 ~ 9/16" Φ , Grade 270 SR, at 35.1 kips
16 ~ 1/2" Φ , Grade 270 SR, at 26.8 kips
20 ~ 7/16" Φ , Grade 270 SR, at 21.8 kips
20 ~ 7/16" Φ , Grade 270 LRS, at 21.1 kips
24 ~ 3/8" Φ , Grade 270 LRS, at 17.3 kips

NOTE: Work this sheet with the following drawings:
 Index No. 600 - Notes and Details for Square Prestressed Concrete Piles
 Index No. 601 - Square Prestressed Concrete Pile Splices



B-5

BROAD CAUSEWAY WEST RELIEF BRIDGE
(REHABILITATION)
18" SQUARE PRESTRESSED CONCRETE PILES

CONVENTIONAL REINFORCING STEEL BENDING DIAGRAMS

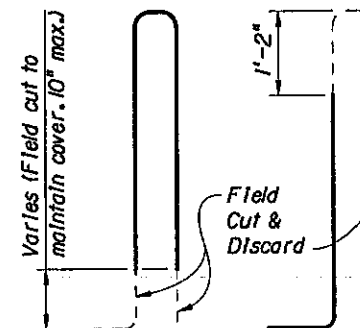
BILL OF REINFORCING STEEL

MARK	SIZE	LENGTH
S	5	AS REQ'D
T	5	10'-8"
X	5	6'-9"

ROADWAY CROSS-SLOPE	ΦA	
	LOW GUTTER	HIGH GUTTER
0% to 2%	90°	90°
2% to 6%	87°	93°
6% to 10%	84°	96°

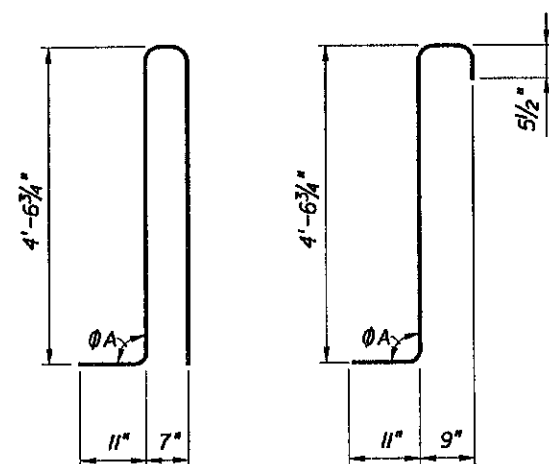
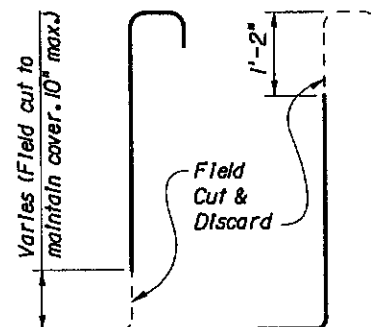
Length as Required

BAR 5S



TRANSITION STIRRUP BARS 5T

To Be Field Cut (5 of each required per Barrier End Transition)



STIRRUP BAR 5T STIRRUP BAR 5X

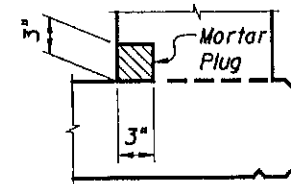
TRANSITION STIRRUP BARS 5X

To Be Field Cut (5 of each required per Barrier End Transition)

REINFORCING STEEL NOTES:

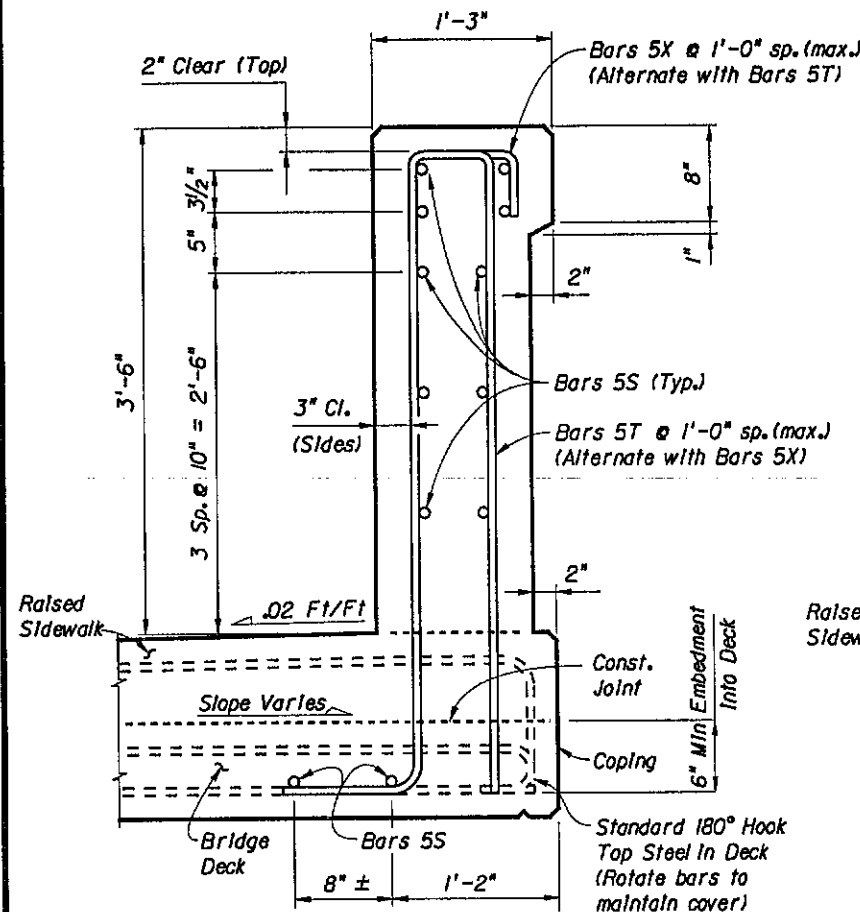
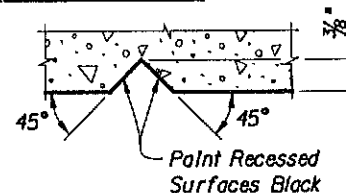
- All bar dimensions in the bending diagrams are out to out.
- The 4'-6 3/4" vertical dimension shown for Bars 5T and 5X is based on a bridge deck with a 6" thick x 6' wide raised sidewalk at low side of deck, 2% deck cross slope and a counter 2% raised sidewalk cross slope. If the raised sidewalk thickness, width or cross slope vary from the above amounts, adjust this dimension accordingly to achieve a 6" minimum embedment into the bridge deck. See Superstructure and Approach Slab Sheets.
- The reinforcement for the barrier on a retaining wall shall be the same as detailed above with ΦA = 90°.
- All reinforcing steel at the open joints shall have a 2" minimum cover.
- Bars 5S may be continuous or spliced at the construction joints. Bar splices for Bars 5S shall be a minimum of 2'-2".
- The Contractor may utilize Welded Wire Fabric when approved by the Engineer. Welded Wire Fabric shall conform to ASTM A497.

NOTE:
At Intermediate Open Joints, the lower 3" portion of the open joint shall be plugged by filling it with mortar in accordance with Section 400 of the Specifications.

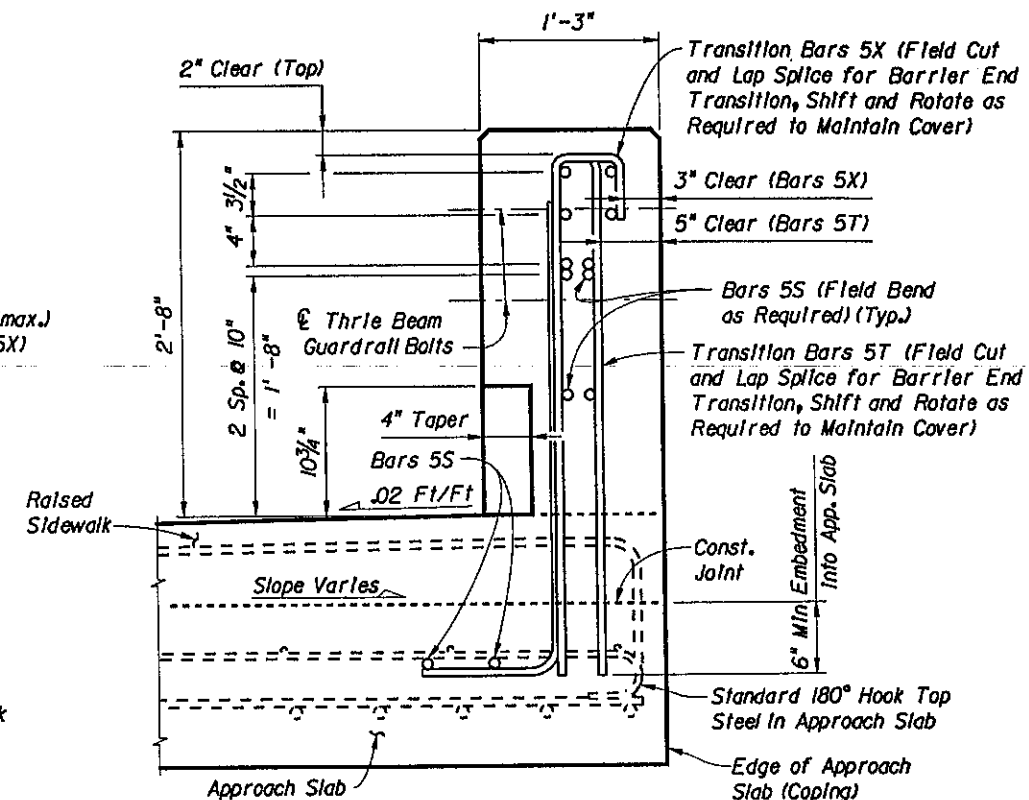


DETAIL "A" - SECTION AT INTERMEDIATE OPEN JOINT

SECTION THRU RECESSED "V" GROOVE TO FORM INSCRIBED LETTERS AND FIGURES



SECTION A-A TYPICAL SECTION THRU TRAFFIC RAILING BARRIER SECTION THRU BRIDGE DECK SHOWN



VIEW B-B APPROACH SLAB END VIEW OF TRAFFIC RAILING BARRIER

ESTIMATED TRAFFIC RAILING BARRIER QUANTITIES

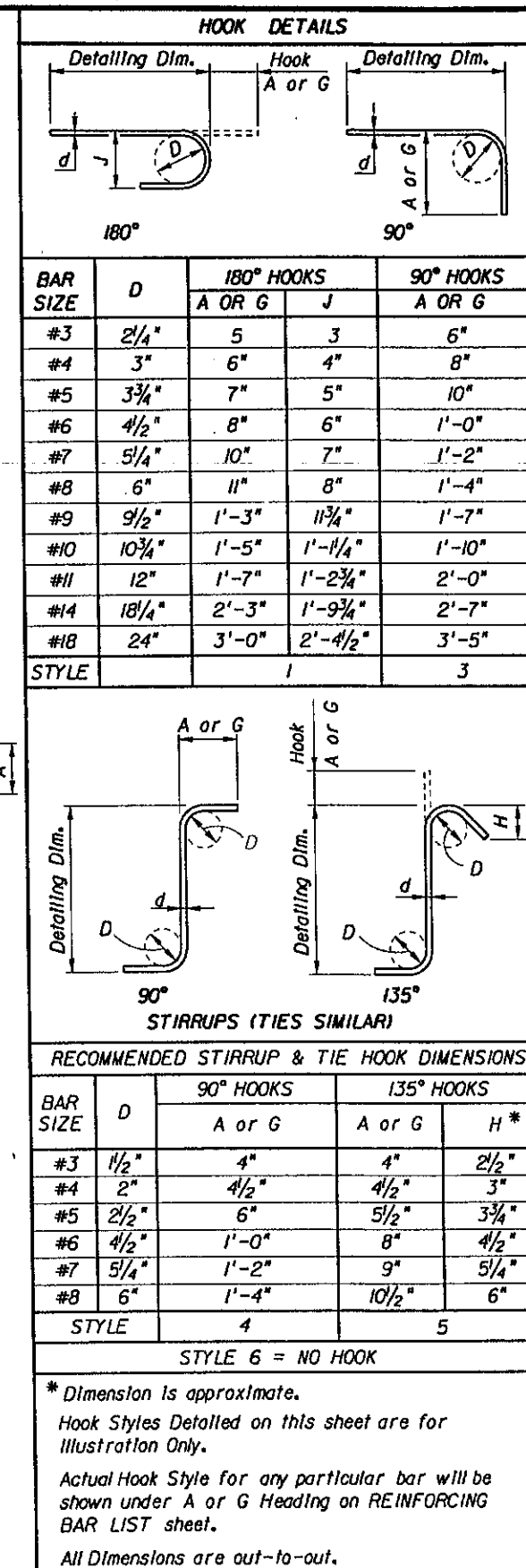
ITEM	UNIT	QUANTITY
Concrete	C.Y./FT.	0.45
Reinforcing Steel	LB./FT.	30.68

(The above quantities are based on a 6" thick x 6' wide raised sidewalk at low side of deck, 2% deck cross slope and counter 2% sidewalk cross slope)

CROSS REFERENCE:

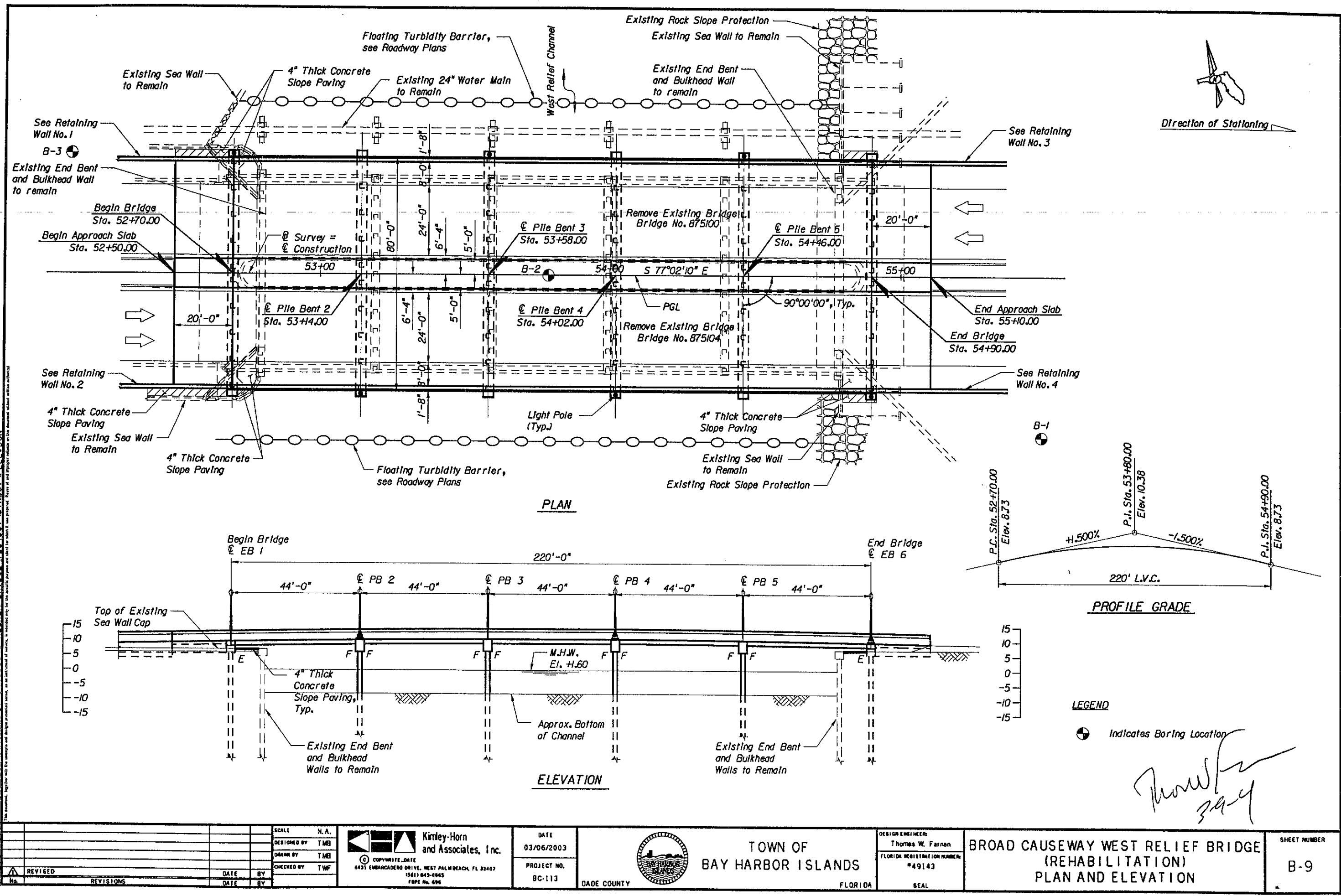
For location of Section A-A, Detail "A" and View B-B, see Index No. 720, Drawing 1 of 2.

REVISIONS						NAMES		DATES		ENGINEER OF RECORD		FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET TITLE	
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DRAWN BY	MDM	5-00	STRUCTURES DESIGN OFFICE		ROAD NO.	COUNTY	FINANCIAL PROJECT ID.	PROJECT NAME		
6-30-00	SDO	Standard Drawing Issue Date				CHECKED BY	CEB	5-00	CENTRAL OFFICE					TRAFFIC RAILING BARRIER - (42" VERTICAL SHAPE)		
						DESIGNED BY	CEB	5-00	605 Suwannee Street, MS 33					INDEX NO.720 (DRAWING 2 OF 2)		
						CHECKED BY	MDM	5-00	Tallahassee, Florida 32399-0450					BROAD CAUSEWAY WEST RELIEF BRIDGE		
						APPROVED BY	REN							(REHABILITATION)		
														SHEET NO.		
														B-7		

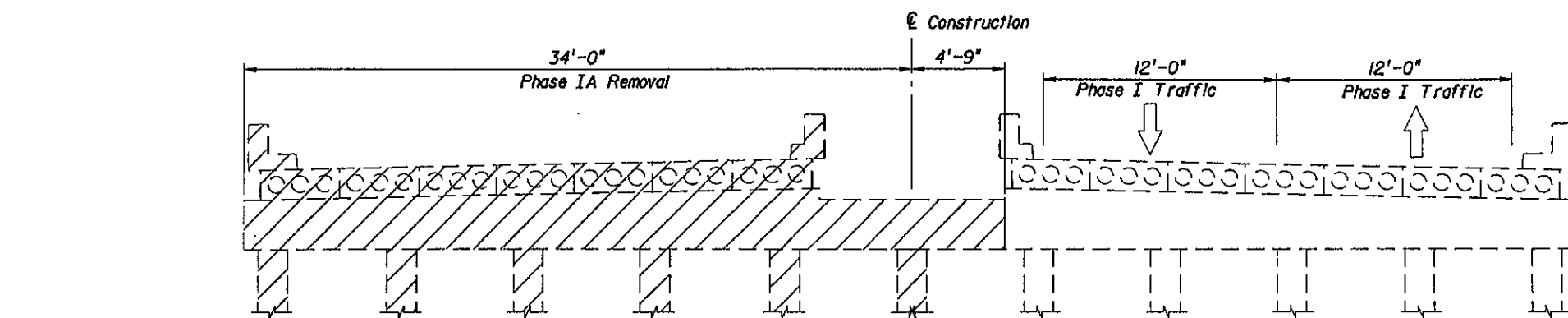


NOTE: For Bar Dimensions See REINFORCING BAR LIST Sheet.

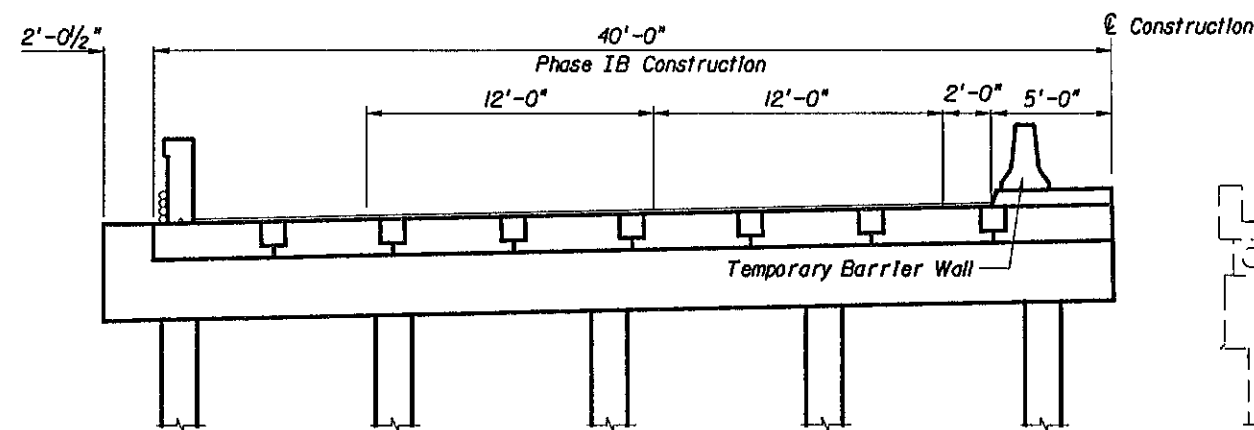
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DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DRAWN BY	JLF	5-00	STRUCTURES DESIGN OFFICE	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	STANDARD BAR BENDING DETAILS INDEX NO.1300			
9-14-00	SDO	Standard Drawing Issue Date				CHECKED BY	CEB	5-00	CENTRAL OFFICE				PROJECT NAME: BROAD CAUSEWAY WEST RELIEF BRIDGE		SHEET NO.	
						DESIGNED BY	JLF	5-00	605 Suwannee Street, MS 33				(REHABILITATION)		B-8	
						CHECKED BY	CEB	5-00	Tallahassee, Florida 32399-0450							
						APPROVED BY	REN									



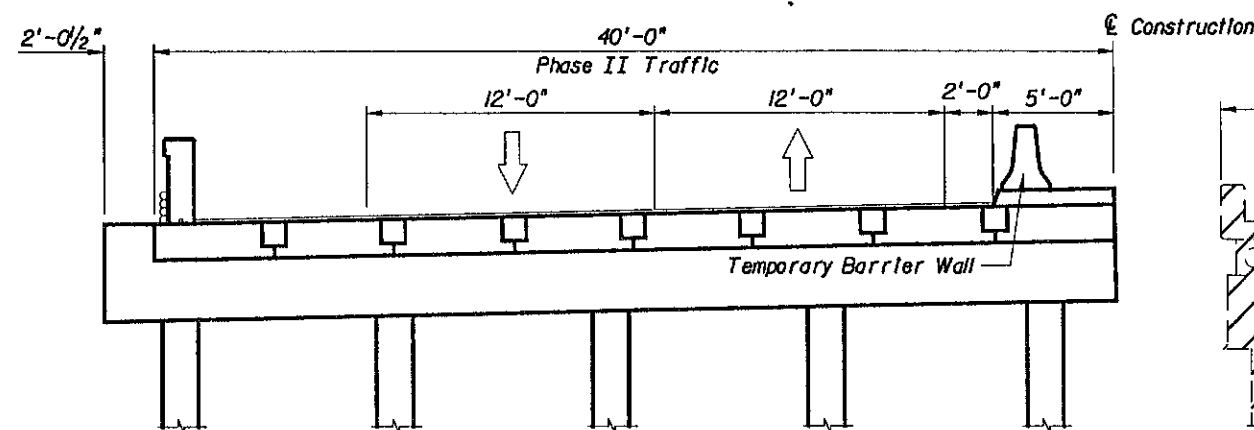
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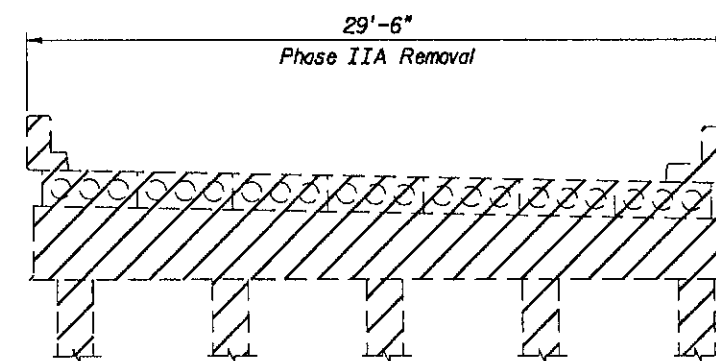
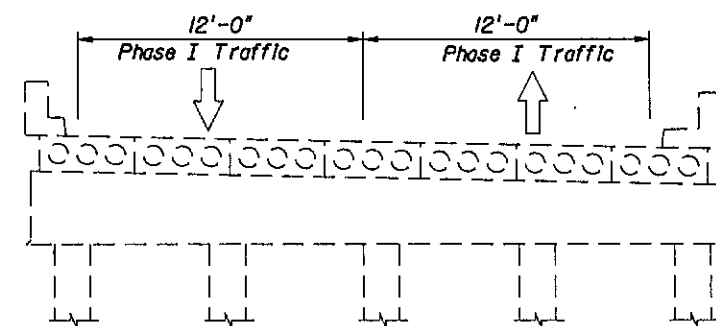
Phase IA



Phase IB



Phase IIA



SEQUENCING NOTES:

Phase IA :

- 1) Reduce east bound traffic to one lane.
- 2) Shift west bound one lane traffic to south bridge.
- 3) Remove north bridge superstructure, interior bents & piling and approach slabs. Existing end bents and bulkhead walls to remain.

Phase IB:

- 1) Construct new superstructure, end and interior bents and approach slab of north bridge.
- 2) Place temporary concrete barrier wall.

Phase IIA:

- 1) Shift west bound and east bound one lane traffic onto new northly bridge section.
- 2) Remove south bridge superstructure, interior bents & piling and approach slabs. Existing end bents and bulkhead walls to remain.

Phase IIB:

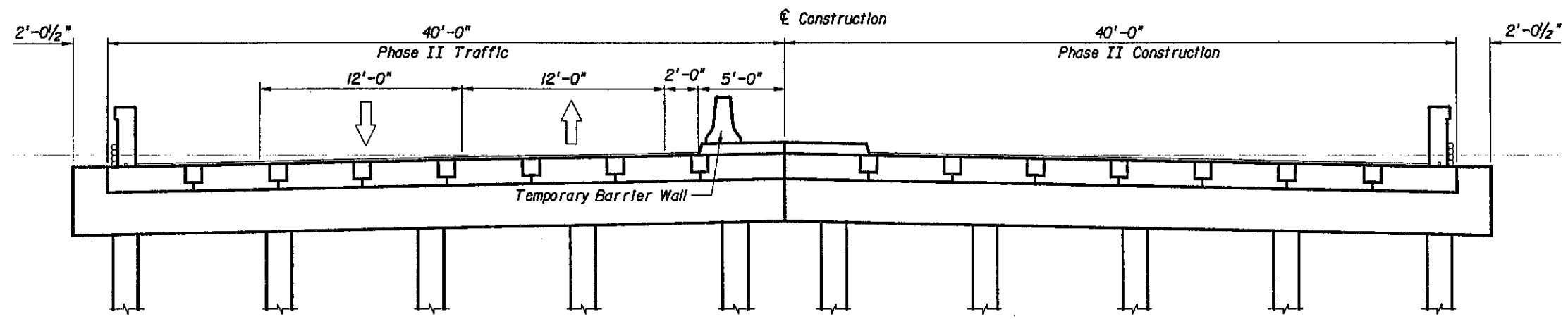
- 1) Construct new superstructure, end and interior bents and approach slab of southerly bridge portion.

Phase III:

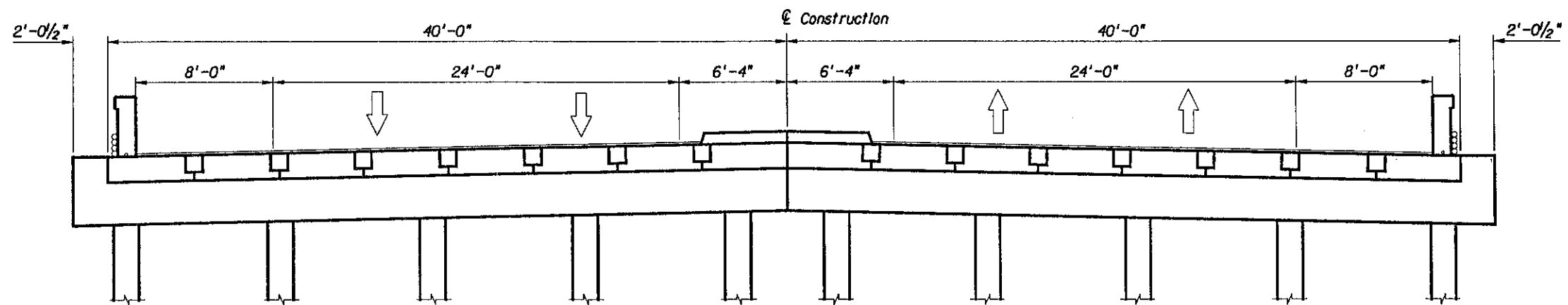
- 1) Shift east bound traffic onto completed southerly bridge portion.
- 2) Remove temporary concrete barrier wall.

Handwritten signature and date: 3-9-04

				SCALE N. A.		 Kirmley-Horn and Associates, Inc. © COPYRIGHT DATE 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0683 FPOE No. 696	DATE 03/28/2003		 TOWN OF BAY HARBOR ISLANDS DADE COUNTY FLORIDA	DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER: #49143		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) CONSTRUCTION SEQUENCE (1 of 2)	SHEET NUMBER B-10
				DESIGNED BY TMB			PROJECT NO. BC-113			SEAL			
				DRAWN BY TMB									
				CHECKED BY TWF									
REVISIONS				DATE		BY							
REVISED				DATE		BY							



Phase II B



Phase III

Thomson
394

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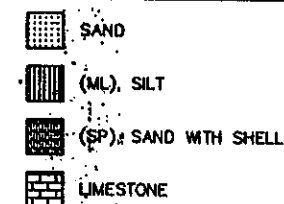
				SCALE	N.A.	 Kimley-Horn and Associates, Inc.		DATE	03/28/2003	 TOWN OF BAY HARBOR ISLANDS		DESIGN ENGINEER Thomas W. Farnan	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION)		SHEET NUMBER	B-11
				DESIGNED BY	TMB	© COPYRIGHT DATE		PROJECT NO.	BC-113	DADE COUNTY		FLORIDA REGISTRATION NUMBER #49143	CONSTRUCTION SEQUENCE (2 of 2)			
				DRAWN BY	TMB	4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407				FLORIDA		SEAL				
				CHECKED BY	TWF	19411 845-4445										
						FDPE No. 606										
				REVISION	DATE	BY										

BORING NO. B-1
STATION NO. 6+40.00
*OFFSET 15.0'
ELEVATION -
DATE 12/16/02
HAMMER SAFETY
TYPE OF RIG CME-75

BORING NO. B-2
STATION NO. 3+00.00
*OFFSET -12.0'
ELEVATION -
DATE 12/16/02
HAMMER SAFETY
TYPE OF RIG CME-75

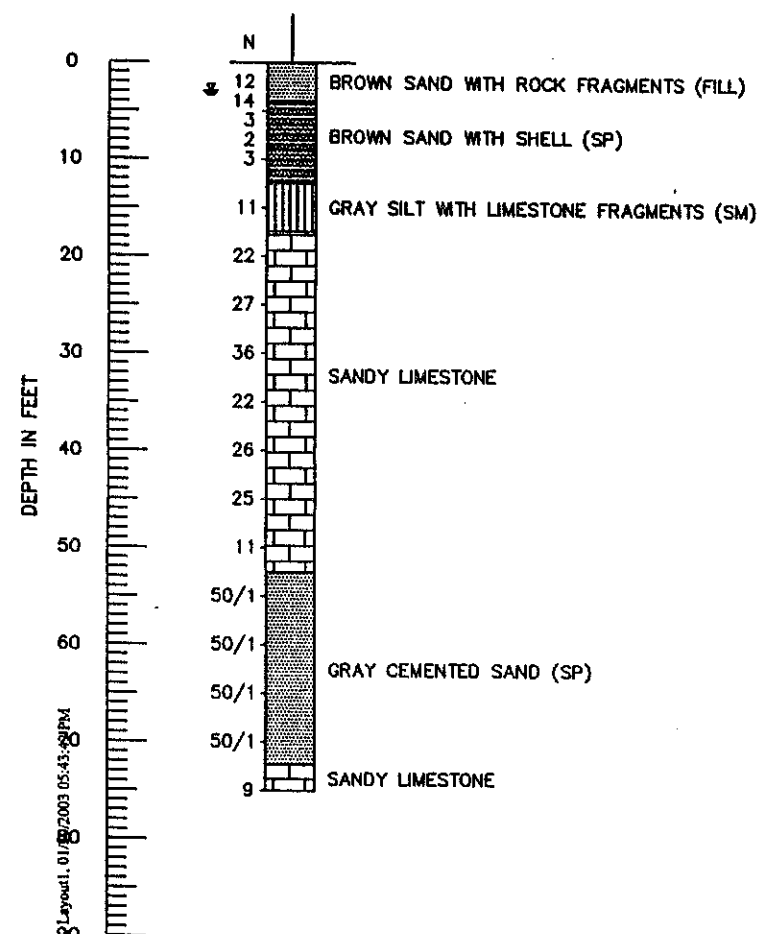
BORING NO. B-3
STATION NO. 4+60.00
*OFFSET -5.0'
ELEVATION -
DATE 12/20/02
HAMMER SAFETY
TYPE OF RIG CME-75

LEGEND

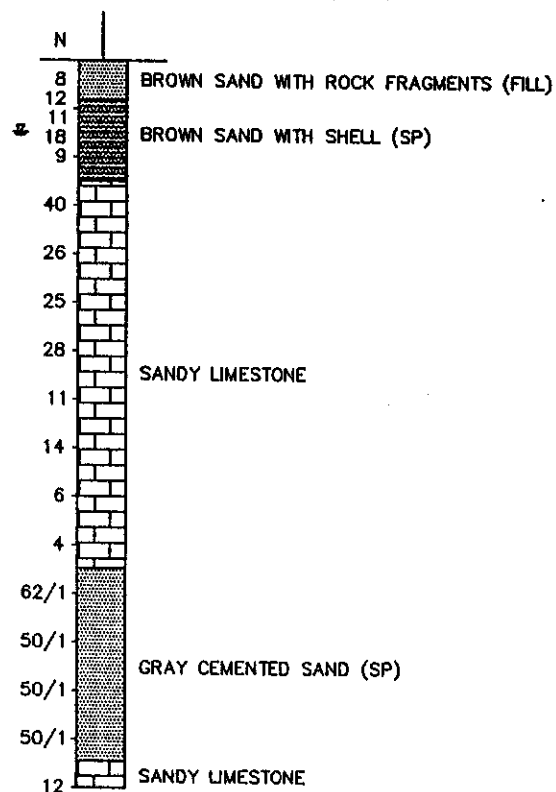


NOTES

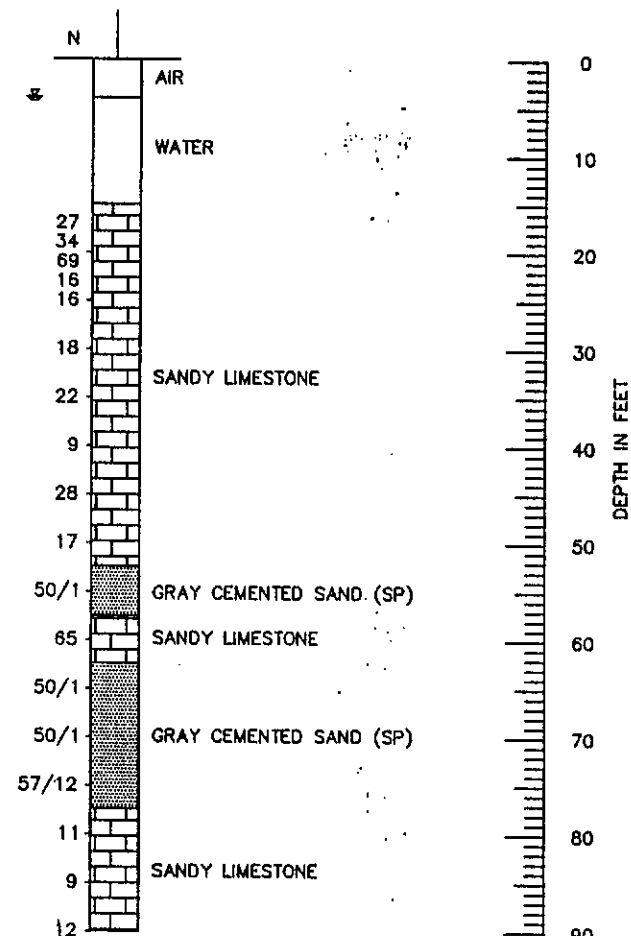
- WATER TABLE
- NUMBERS TO THE LEFT OF BORINGS INDICATE SPT VALUE FOR 12" PENETRATION. (UNLESS OTHERWISE NOTED.)
- APPROXIMATE SPT BORING LOCATION
- 50/6 FIFTY BLOWS FOR SIX INCHES
- FROM TRAFFIC LINE



BORING TERMINATED
● DEPTH 75'



BORING TERMINATED
● DEPTH 75'



BORING TERMINATED
● DEPTH 90'

0 20'
VERTICAL SCALE
HORIZONTAL N.T.S.

REVISIONS

Date	By	Description	Date	By	Description

TIERRA
GEOTECHNICAL MATERIALS
ENVIRONMENTAL ENGINEERING

Business License No. 1113
Raj Krishnasamy, P.E.
P.E. License No. 53567
1100 Barnett Drive
Lake Worth, Florida 33461

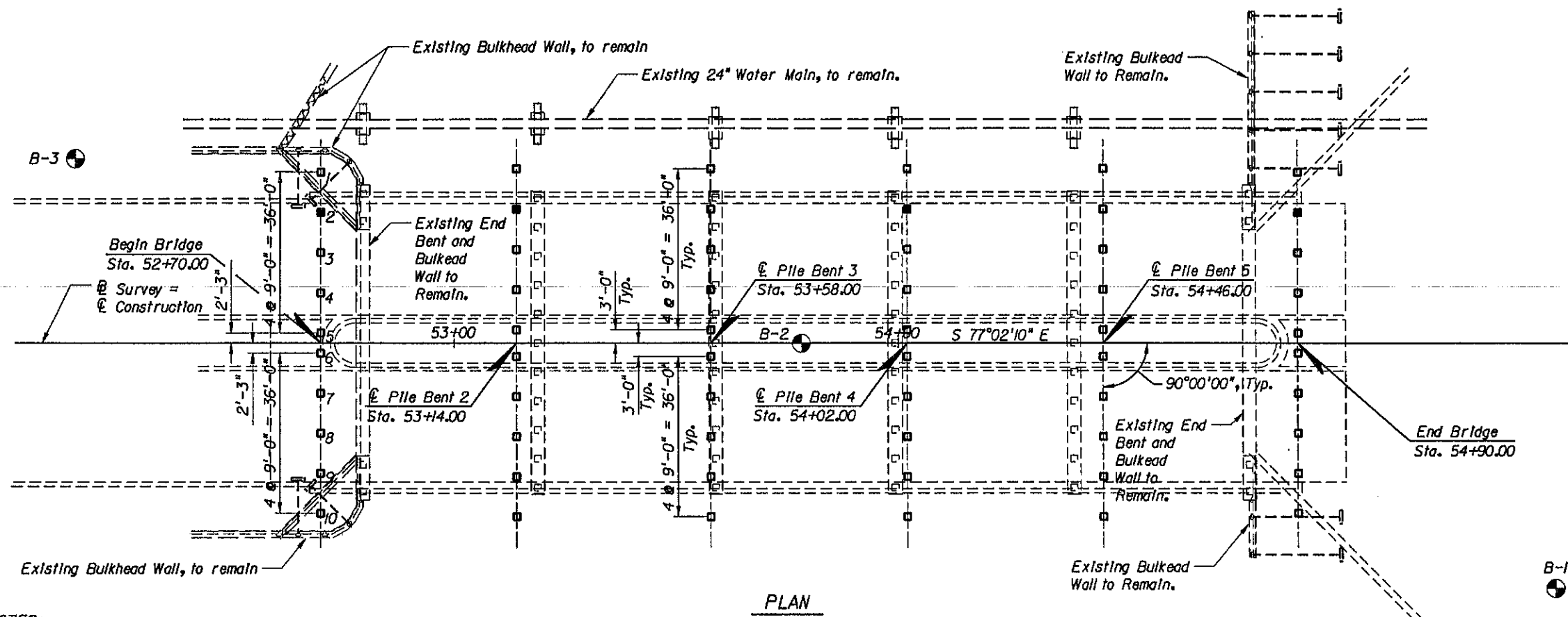
ROAD NO.	COUNTY	TIERRA PROJECT NO.
-	MIAMI-DADE	6611-02256

REPORT OF CORE BORINGS

HELKER'S BRIDGE REPLACEMENT
TOWN OF BAY HARBOR ISLANDS, FLORIDA

SHEET NO.

B-12



PLAN

PILE DATA TABLE NOTES:

- Scour has been considered in the design of the piles with scour elevations based on 100 year event. The scour elevations are shown in the Pile Data Table. Final Installation, under no circumstance shall be made to tip elevations above the shown scour elevation.
- Total Scour Resistance is an estimate of the ultimate static side friction resistance provided by the scourable soil.
- Net Scour Resistance is an estimate of the ultimate static side friction resistance provided by the soil from the required preformed or jetting elevation to the scour elevation.
- Tension Capacity is the ultimate static side friction capacity that must be obtained below the 100 year scour elevation to resist pullout of the pile.
- For Pile Cutoff Elevations see End Bent 1 & 6 Layout and Pile Bent 2, 3, & 5 Layout sheets.
- All pile shall be driven to Ultimate Bearing Capacity.
 $UBC = (Factored\ Design\ Load + Net\ Scour + Down\ Drag) / \phi$
 where ϕ is a performance factor of 0.7 when a dynamic load test is performed as defined in Section 5J3 of FDOT Structures Design Guidelines. Effective January 1, 2000.
- Drive one 18" square prestressed concrete test pile in the position of a permanent pile located at Int. Bent 2 and 4 and End Bents 1 and 6, Pile No. 4 or as directed by the Engineer.
- The Wave Equation shall be used to evaluate the suitability of the Contractor's proposed driving system as well as to determine the driving resistance, in blows per 12 inches or blows per inch, to achieve the pile bearing requirements and to evaluate pile driving stresses.
- Dynamic Measurements shall be taken during driving of the test piles designated in the plans by using the Pile Driving (PDA) in accordance with Sections 455-5J3 and 455-5J4. These piles shall be installed in the position of the permanent piles at the designated positions by using the same equipment and method proposed for installation of production piles. Should the Contractor change driving system following the test pile program, additional test piles may be required at the direction of the Engineer. Additional costs for PDA and analysis will be borne by the Contractor and the additional test piles will be paid as Piling (Driven).

PILE DATA TABLE														
INSTALLATION CRITERIA								DESIGN CRITERIA						
Bent No.	Pile Size (In.)	Ultimate Bearing Capacity (Kip)	Tension Capacity (Kip)	** Min. Tip Elev. (ft.)	Test Pile Length (ft.)	Req'd Jet Elev. (ft.)	Req'd Preform Elev. (ft.)	Factored Design Load (Kip)	Down Drag (Kip)	Total Scour Resist. (Kip)	Net Scour Resist. (Kip)	Long-Term Scour Elev. (ft.)	100 Yr. Scour Elev. (ft.)	ϕ
EB1	18	300	N/A	-11.0	70	N/A	N/A	210	0	N/A	N/A	*	*	0.7
PB2	18	505	N/A	-27.0	70	N/A	N/A	315	N/A	38	38	-17.0	-17.0	0.7
PB3	18	505	N/A	-27.0	N/A	N/A	N/A	315	N/A	38	38	-17.0	-17.0	0.7
PB4	18	505	N/A	-27.0	70	N/A	N/A	315	N/A	38	38	-17.0	-17.0	0.7
PB5	18	505	N/A	-27.0	N/A	N/A	N/A	315	N/A	38	38	-17.0	-17.0	0.7
EB6	18	300	N/A	-11.0	70	N/A	N/A	210	0	N/A	N/A	*	*	0.7

- * End Bents protected by Sheet Pile Walls
 ** As per Specification 455, Minimum Tip Elevation is required for lateral stability.

- End Bent Piles shall be driven prior to placing fill. The Contractor shall provide suitable bracing so that free standing piles are not overstressed during construction. The portions of these piles exposed above existing ground shall be wrapped with Tow Independent Wrappings of 6 mil thickness polyethylene plastic film. The cost for furnishing and installing polyethylene plastic film shall be included in the Contract Unit Price for Bid Item 2459-71 (Polyethylene Sheeting).
- The Contractor shall verify the locations of all utilities prior to any pile driving.
- Test Pile 2 (TP-2) in Pile Bent 4 shall be driven to the ultimate bearing capacity shown for Pile Bent 3.

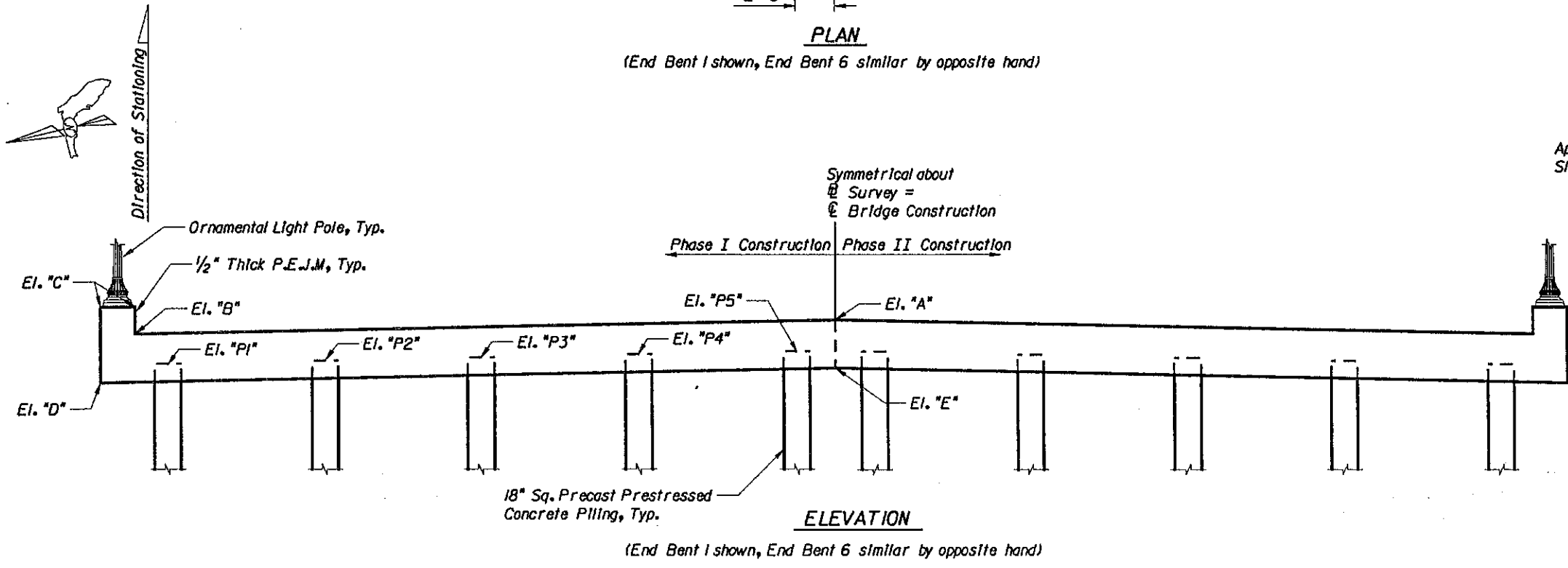
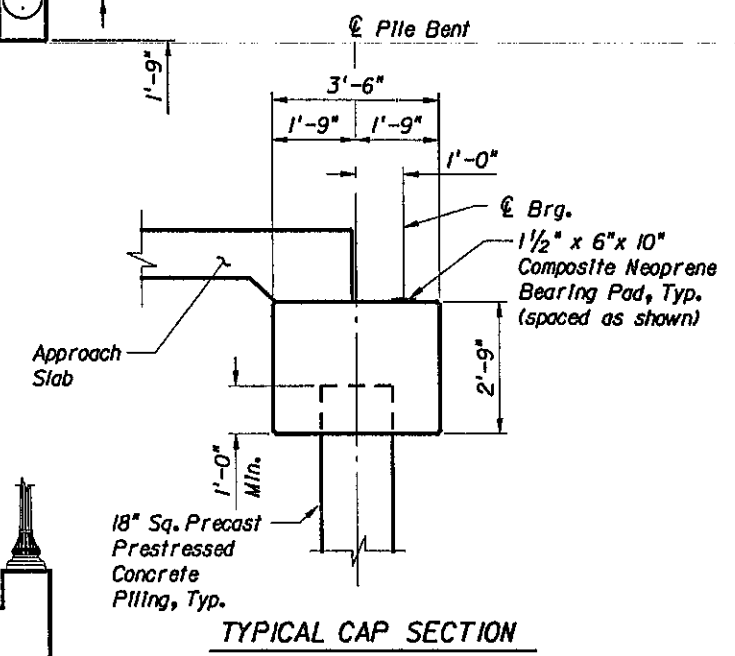
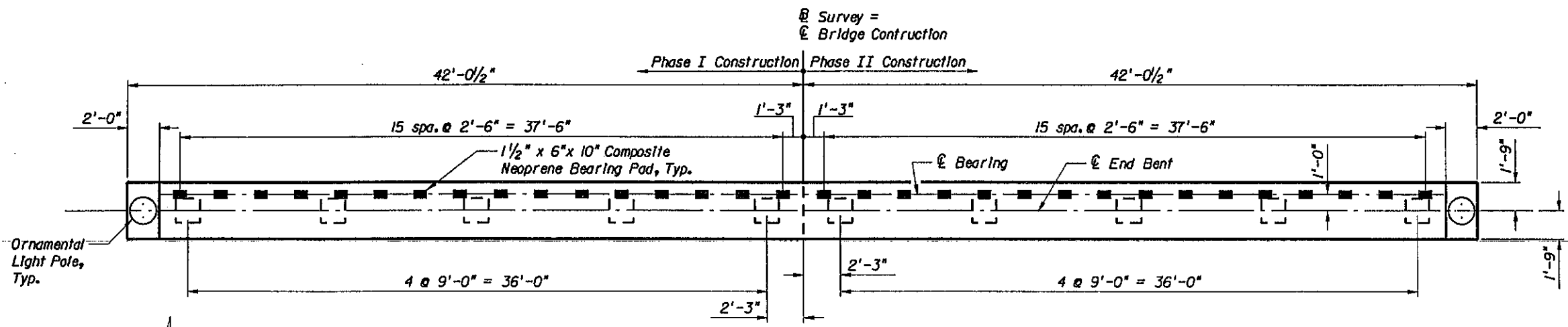
Notes:

- ⊙ — Indicates Boring Location
- — Indicates proposed 18" pile
- — Indicates proposed 18" Test pile
- ⚠ Existing Pile Bent Piling shall be cut off at existing mud line to minimize impacts to live bottom biota and sea grasses.

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SCALE N.A. DESIGNED BY TMB DRAWN BY TMB CHECKED BY TWF		DATE 07/29/2003 PROJECT NO. BC-113		TOWN OF BAY HARBOR ISLANDS FLORIDA		DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER #49143		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) FOUNDATION LAYOUT		SHEET NUMBER B-13	
REVISIONS 1. Revised Existing Pile cut off note. 7/29/03 TWF		KIMLEY-HORN AND ASSOCIATES, INC. 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0665 FPE No. 696		SEAL							

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ELEVATION TABLE DATA										
Location	EI. "A"	EI. "B"	EI. "C"	EI. "D"	EI. "E"	EI. "P1"	EI. "P2"	EI. "P3"	EI. "P4"	EI. "P5"
End Bent 1	7.61	6.80	7.93	4.01	4.86	5.09	5.27	5.45	5.63	5.81
End Bent 6	7.61	6.80	7.93	4.01	4.86	5.09	5.27	5.45	5.63	5.81

Notes:

1) Light Poles are located at End Bent 1, Northside and End Bent 6, Southside only.

Handwritten signature and date: 3/9/03

DESIGNED BY TMB	DATE 03/06/2003	TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER: #49143	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) END BENT 1 & 6 LAYOUT	SHEET NUMBER B-14
DRAWN BY TMB	PROJECT NO. BC-113				
CHECKED BY TWF	DADE COUNTY				
REVISIONS	DATE BY				

SCALE N.A.

DESIGNED BY TMB

DRAWN BY TMB

CHECKED BY TWF

Kimley-Horn and Associates, Inc.

4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407

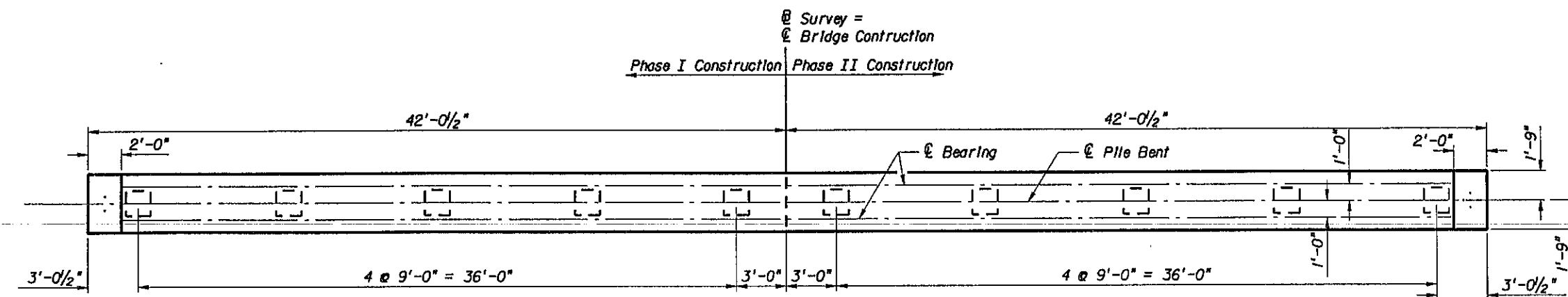
(561) 843-0665

FAX # 561-843-0665

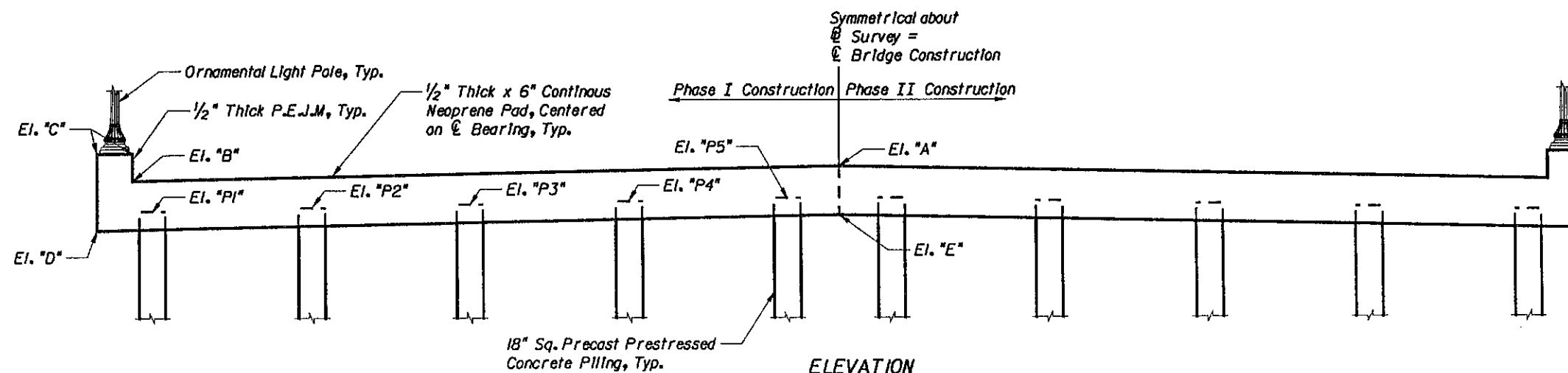
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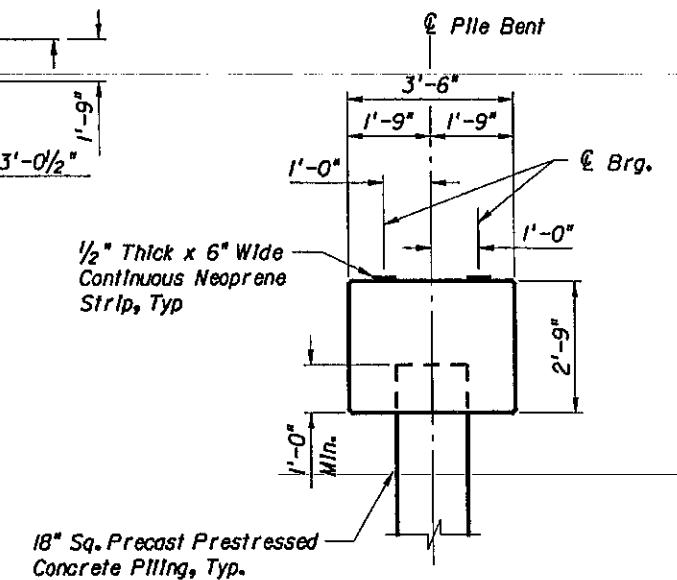




PLAN



ELEVATION



TYPICAL CAP SECTION

ELEVATION TABLE DATA										
Location	El. "A"	El. "B"	El. "C"	El. "D"	El. "E"	El. "P1"	El. "P2"	El. "P3"	El. "P4"	El. "P5"
Pile Bent 2	8.05	7.25	8.46	4.46	5.30	5.52	5.70	5.88	6.06	6.24
Pile Bent 3	8.31	7.51	8.72	4.72	5.56	5.78	5.96	6.14	6.32	6.50
Pile Bent 4	8.31	7.51	8.72	4.72	5.56	5.78	5.96	6.14	6.32	6.50
Pile Bent 5	8.05	7.25	8.46	4.46	5.30	5.52	5.70	5.88	6.06	6.24

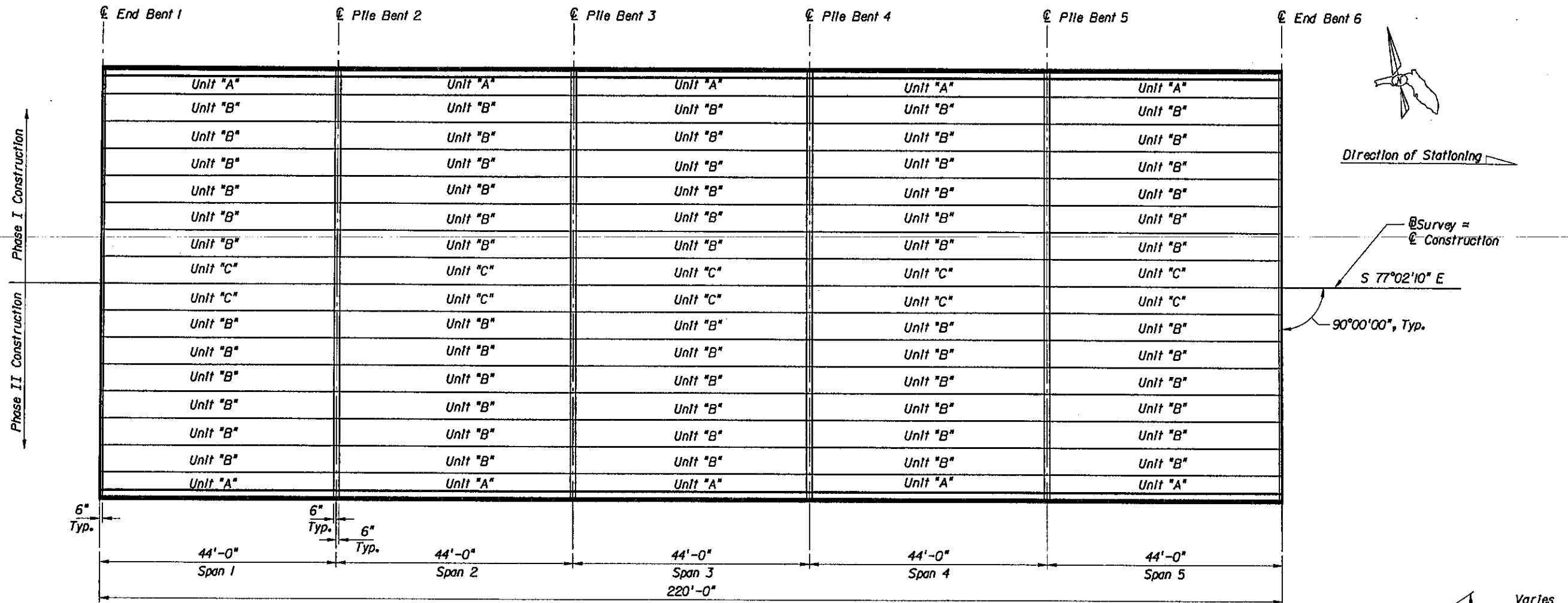
Notes:

1) Light Poles are located at Pile Bents 2 & 4, Southside and Pile Bents 3 & 5, Northside only.

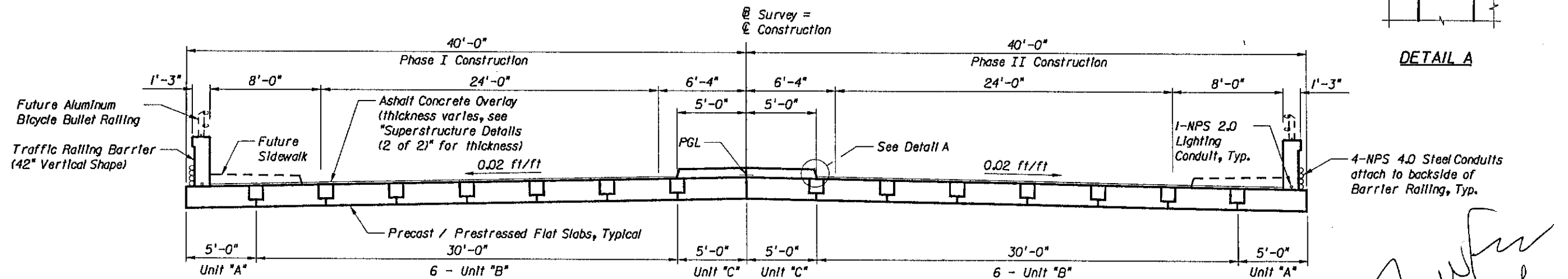
Thur 3.24

SCALE N. A. DESIGNED BY TMB DRAWN BY TMB CHECKED BY TWF		 Kimley-Horn and Associates, Inc. 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0445 FPC No. 596		DATE 03/06/2003 PROJECT NO. BC-113		 TOWN OF BAY HARBOR ISLANDS DADE COUNTY FLORIDA		DESIGN (ENGINEER) Thomas W. Farnan FLORIDA REGISTRATION NUMBER #49143 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) PILE BENT 2,3,4 & 5 LAYOUT		SHEET NUMBER B-16	
REVISIONS NO. DATE BY													

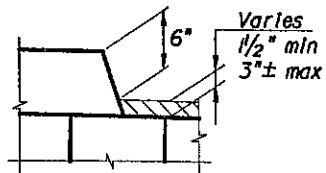
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PLAN



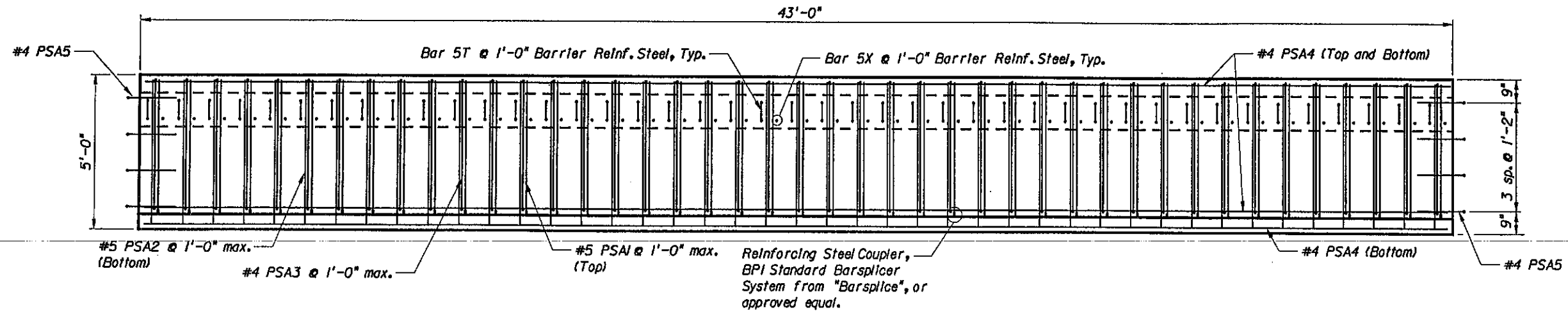
TYPICAL SECTION



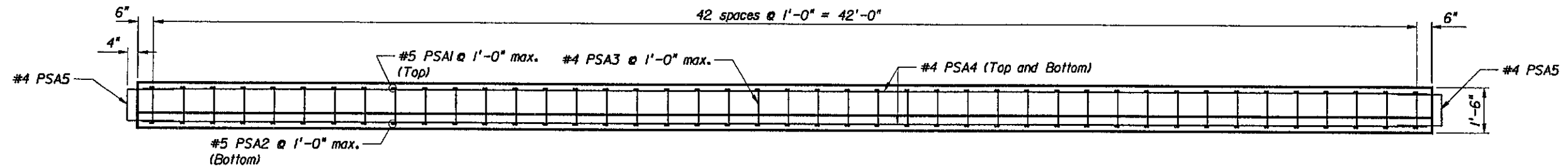
DETAIL A

Handwritten signature and date: 3-9-04

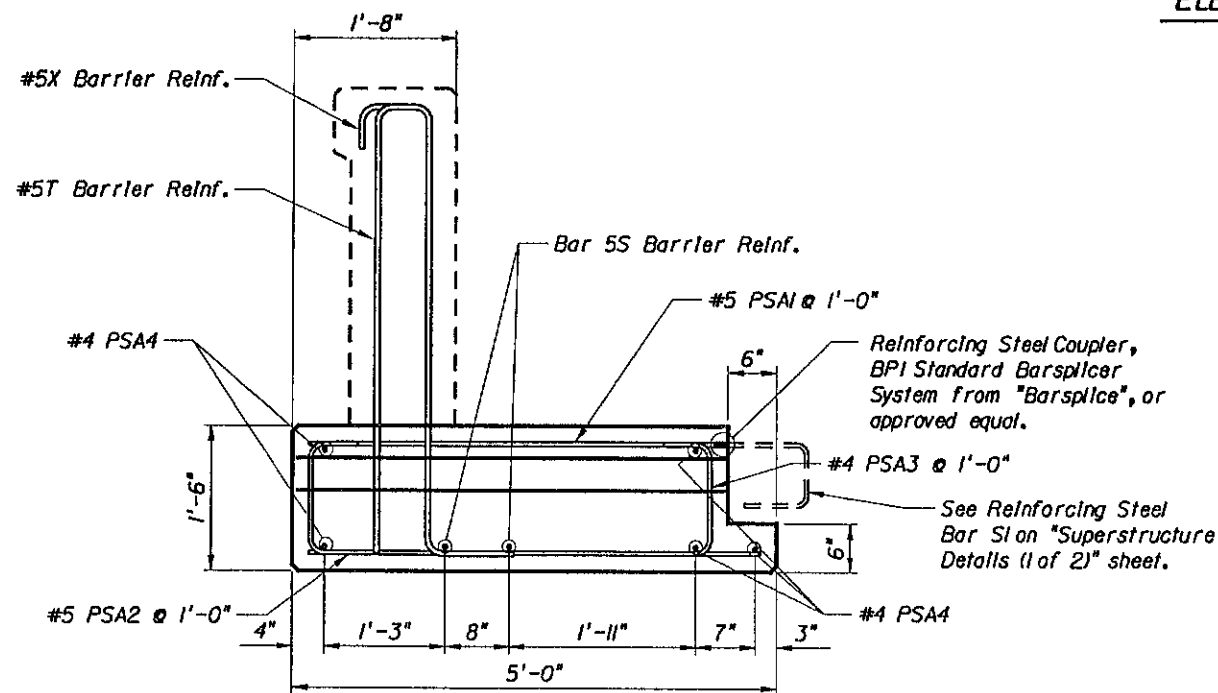
03/28/2003	DESIGNED BY TMB	SCALE N.A.	DATE 03/28/2003	Kimley-Horn and Associates, Inc. 4425 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0665 FAX (561) 845-0665	TOWN OF BAY HARBOR ISLANDS	DESIGN ENGINEER Thomas W. Farnan	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) SUPERSTRUCTURE PLAN	SHEET NUMBER B-18
REVISIONS	DRAWN BY TMB	CHECKED BY TMB	PROJECT NO. BC-113			FLORIDA REGISTRATION NUMBER 49143		
DATE	DATE	DATE	DATE			DATE		



PLAN - SLAB UNIT "A"

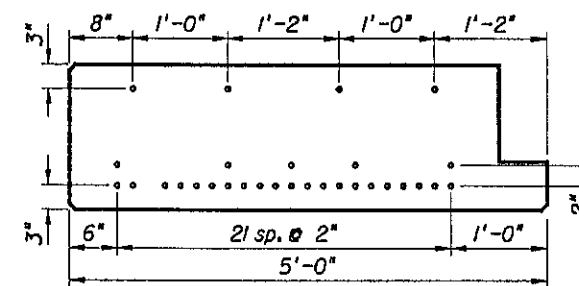


ELEVATION - SLAB UNIT "A"



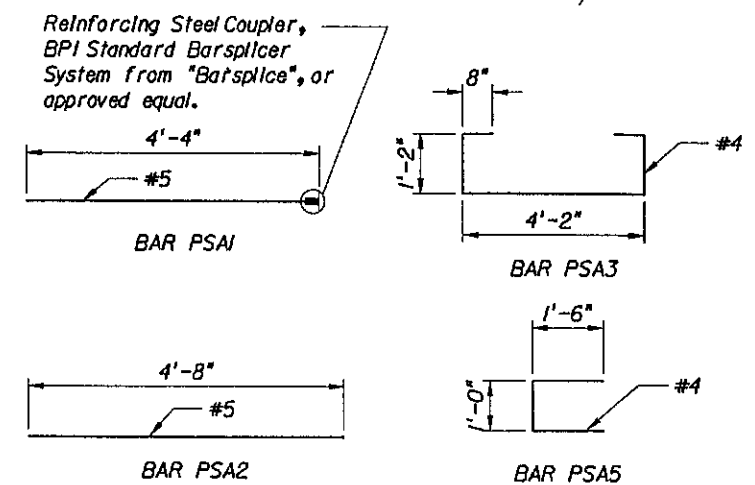
SECTION - SLAB UNIT "A"

NOTE: Prestress Strands not shown



PRESTRESS STRAND PATTERN

Strand Description: Use 0.60" Diameter, Grade 270.
Low Relaxation Strands stressed at 43.94 kips each,
Area per strand equals 0.217 sq. in. (Total 30 Strands)

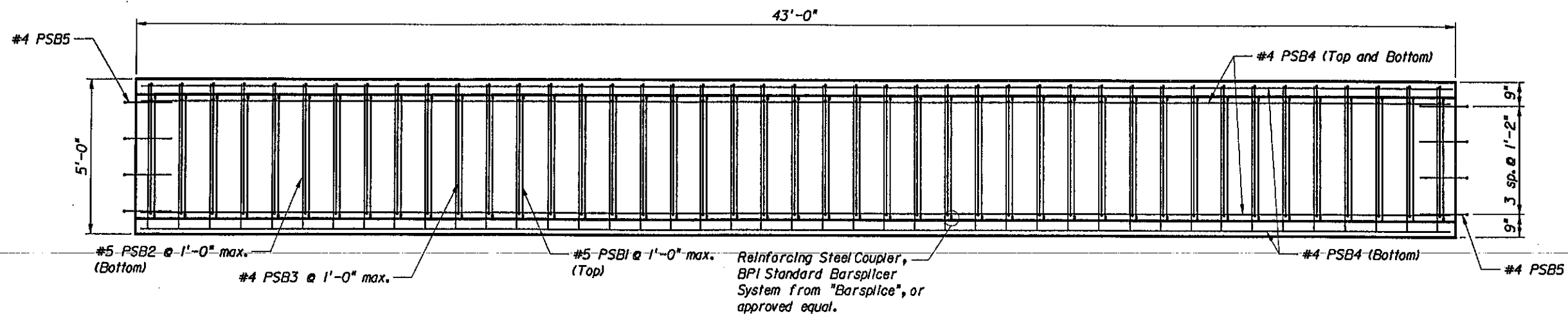


REINFORCING STEEL BENDING DIAGRAM

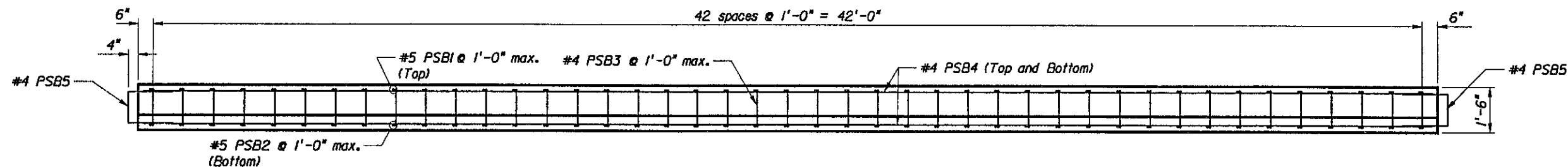
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03/13/2003 08:45:32 PM G:\044053040 HELPER BRIDGE\1234567\STRUCT\PS\SLAB.DGN		SCALE N.A. DESIGNED BY TMB DRAWN BY TMB CHECKED BY TWF		Kintley-Horn and Associates, Inc. 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 843-0665 FAX (561) 843-0666		DATE 03/13/2003 PROJECT NO. BC-113 DADE COUNTY		TOWN OF BAY HARBOR ISLANDS FLORIDA		DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER #49143 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) PRESTRESSED TYPE A SLAB UNITS		SHEET NUMBER B-19	
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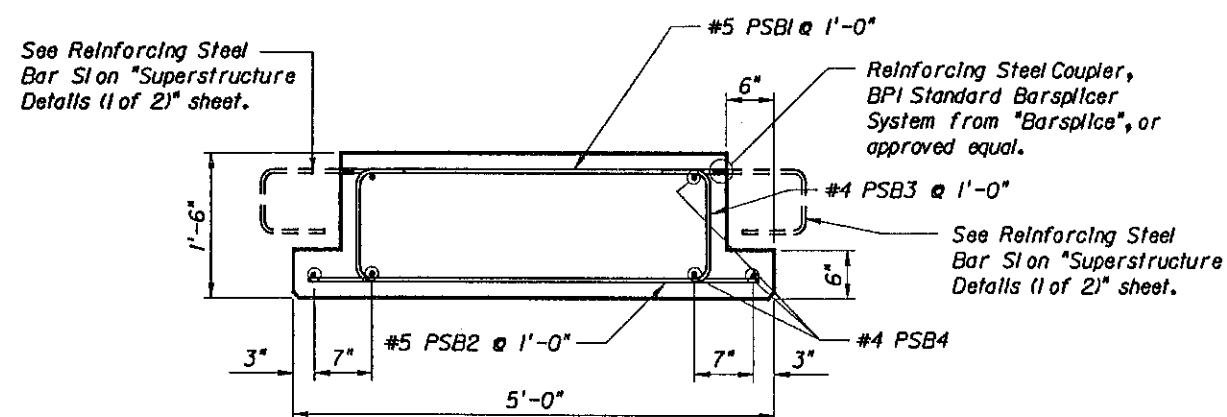
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PLAN - SLAB UNIT "B"

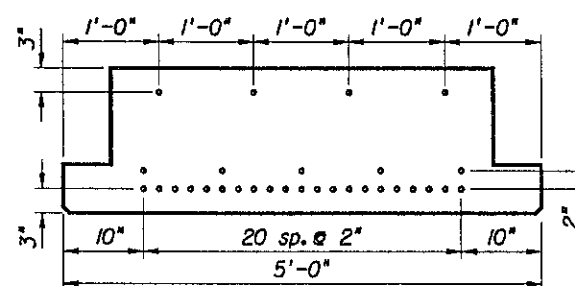


ELEVATION - SLAB UNIT "B"



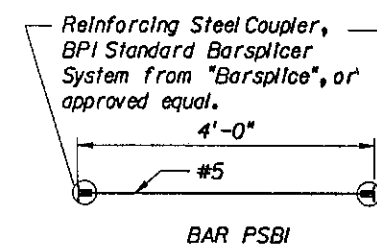
SECTION - SLAB UNIT "B"

NOTE: Prestress Strands not shown

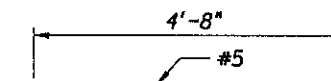


PRESTRESS STRAND PATTERN

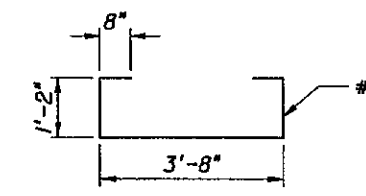
Strand Descriptions: Use 0.60" Diameter, Grade 270.
Low Relaxation Strands stressed at 43.94 kips each,
Area per strand equals 0.217 sq. in. (Total 30 Strands)



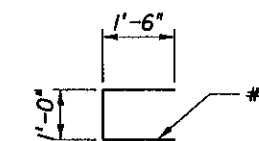
BAR PSB1



BAR PSB2



BAR PSB3



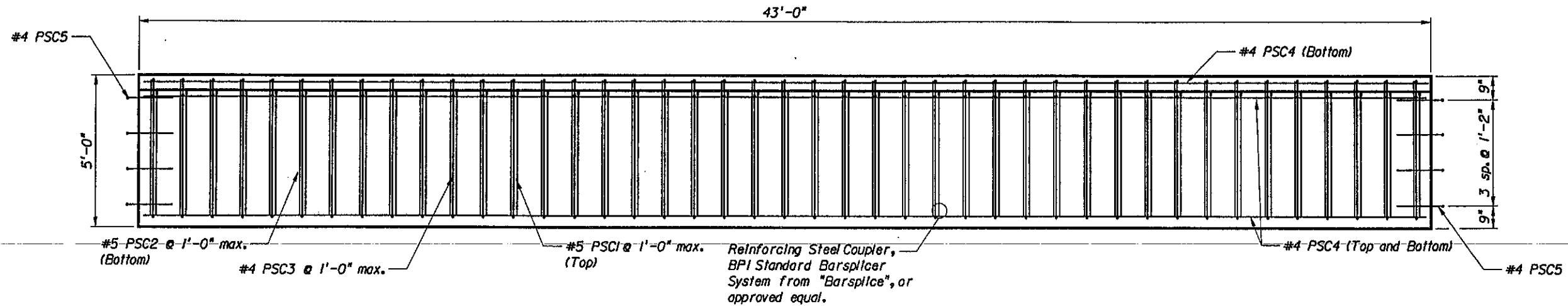
BAR PSB5

REINFORCING STEEL BENDING DIAGRAM

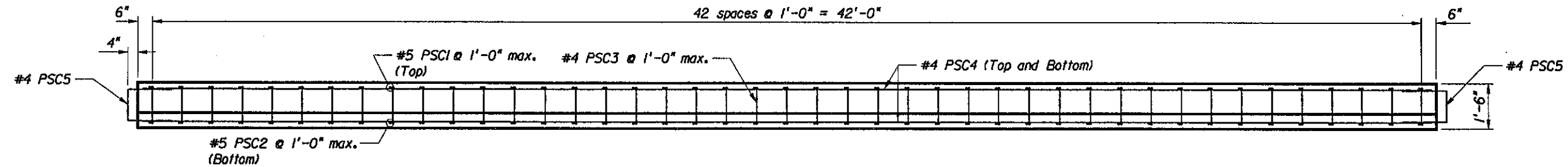
Handwritten signature and date: 3-9-04

				SCALE N.A.		 Kimley-Horn and Associates, Inc.		DATE 03/13/2003		 TOWN OF BAY HARBOR ISLANDS		DESIGN ENGINEER: Thomas W. Farnan		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION)		SHEET NUMBER	
				DESIGNED BY TMB		4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407		PROJECT NO. BC-113		DADE COUNTY		FLORIDA REGISTRATION NUMBER: #49143		PRESTRESSED TYPE B SLAB UNITS		B-20	
				DRAWN BY TMB		15617 043-0665				FLORIDA		SEAL					
				CHECKED BY TWF		TYPE No. 090											

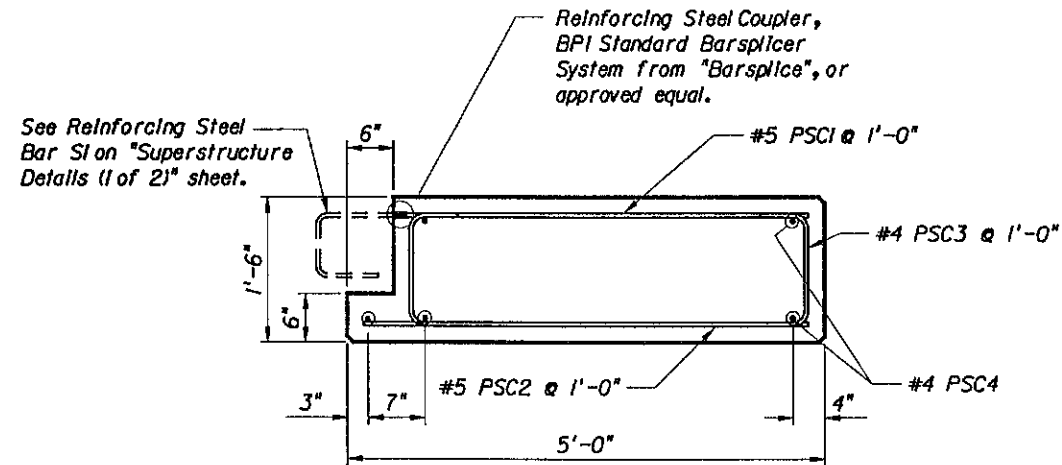
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PLAN - SLAB UNIT "C"

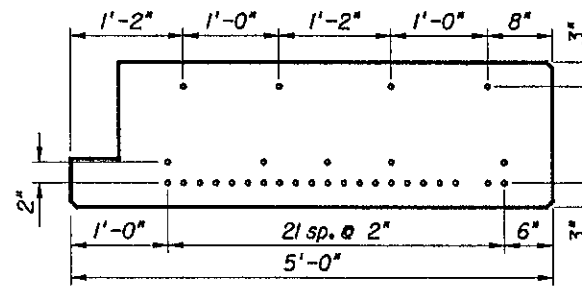


ELEVATION - SLAB UNIT "C"



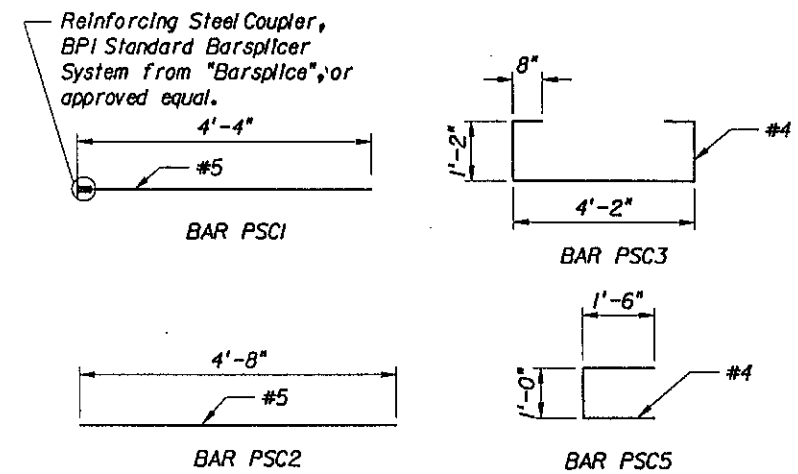
SECTION - SLAB UNIT "C"

NOTE: Prestress Strands not shown



PRESTRESS STRAND PATTERN

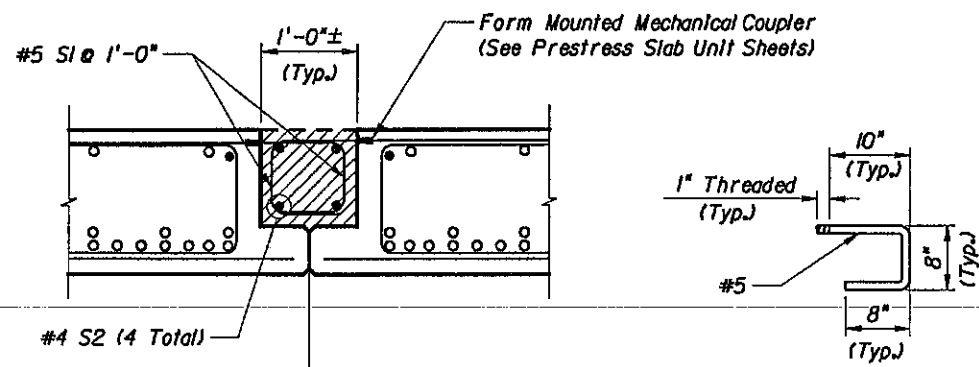
Strand Description: Use 0.60" Diameter, Grade 270.
Low Relaxation Strands stressed at 43.94 klps each,
Area per strand equals 0.217 sq. in. (Total 30 Strands)



REINFORCING STEEL BENDING DIAGRAM

Handwritten signature and date: 3-9-4

03/13/2003 08:46:07 PM G:\044053040 HELPER BRIDGE\1234567\STRUCT\PSLAB.DGN	SCALE N.A. DESIGNED BY TMB DRAWN BY TMB CHECKED BY TWF	Kirley-Horn and Associates, Inc. 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 15613 843-0663 FOPC No. 000	DATE 03/13/2003 PROJECT NO. BC-113	TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER #49143 SEAL	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) PRESTRESSED TYPE C SLAB UNITS	SHEET NUMBER B-21
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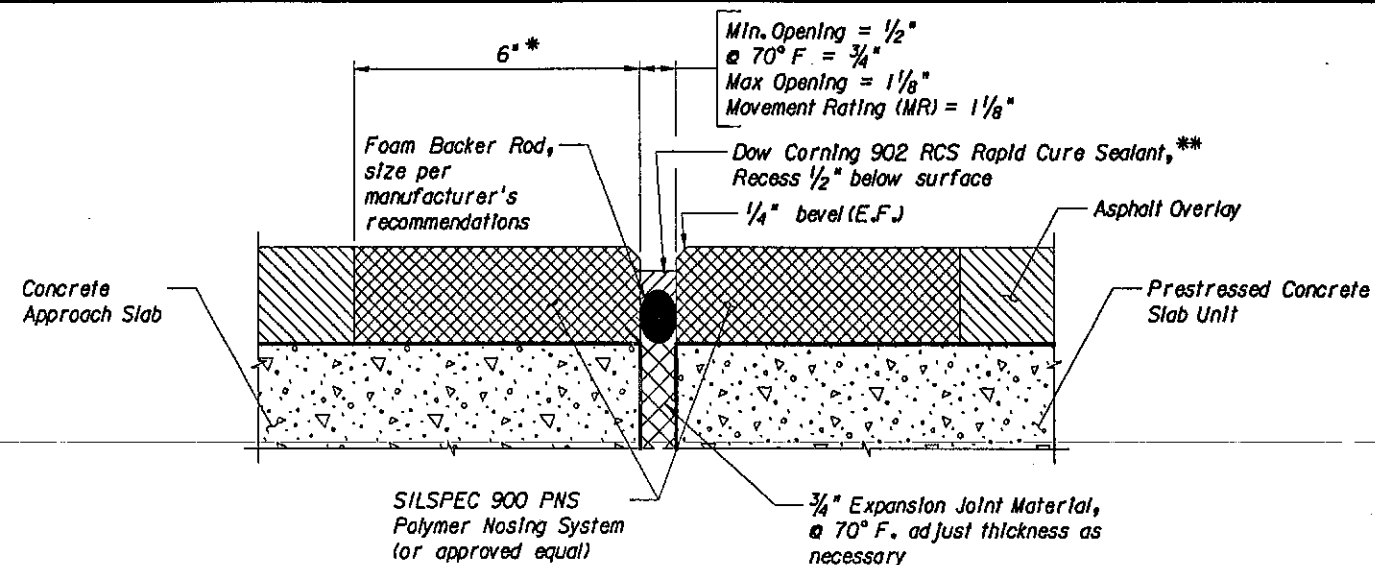


SECTION BAR SI BENDING DIAGRAM

PRECAST PRESTRESSED SLAB CLOSURE POUR DETAILS

Notes:

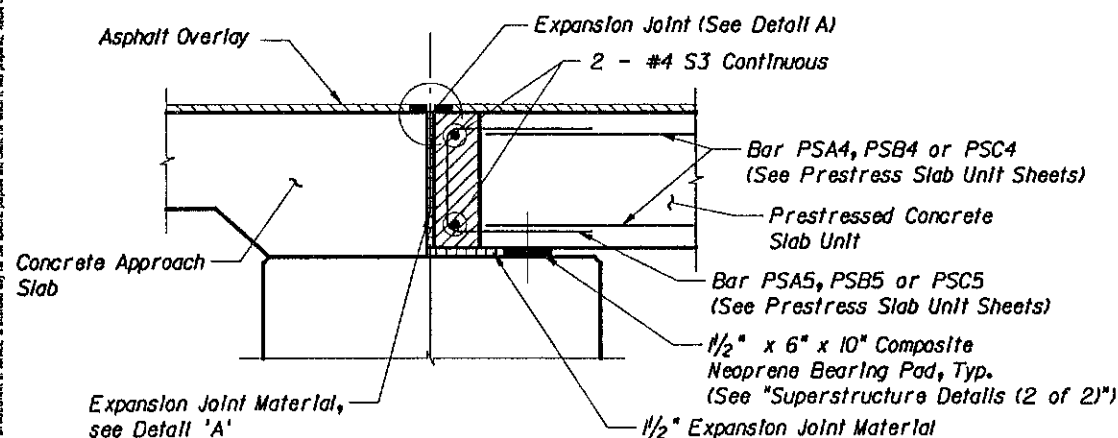
- 1) For Closure Pours, use Class X Concrete, $f'_c = 5500$ psi
- 2) Reinforcing Bar "SI" shall be installed prior to placing adjacent slab units.



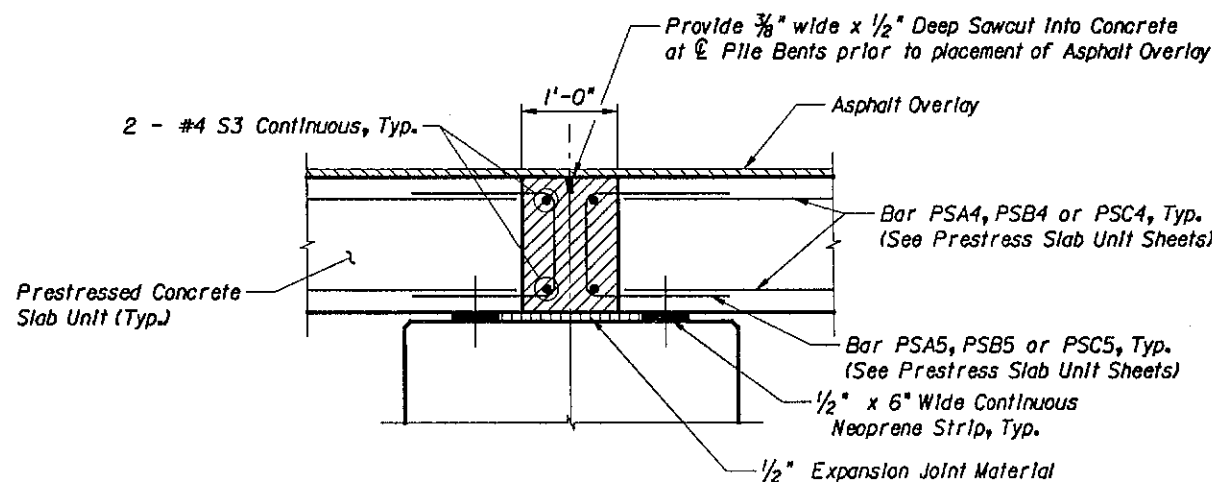
DETAIL A

NOTES FOR EXPANSION JOINT:

- * Sawcut asphalt overlay full depth a minimum 6" back from the joint face. Minimum width of nosing shall be 6". If the asphalt overlay exceeds 3" in depth, the installer shall use a 2 to 1 width to depth ratio.
- ** Silicone sealant shall be a self-levelling, cold-applied, rapid-cure, two-part, easy-to-install, ultra-low-modulus, 100 percent silicone rubber sealant designed to seal expansion joints that experience both thermal and/or vertical movements due to traffic loading.



END BENT DETAIL



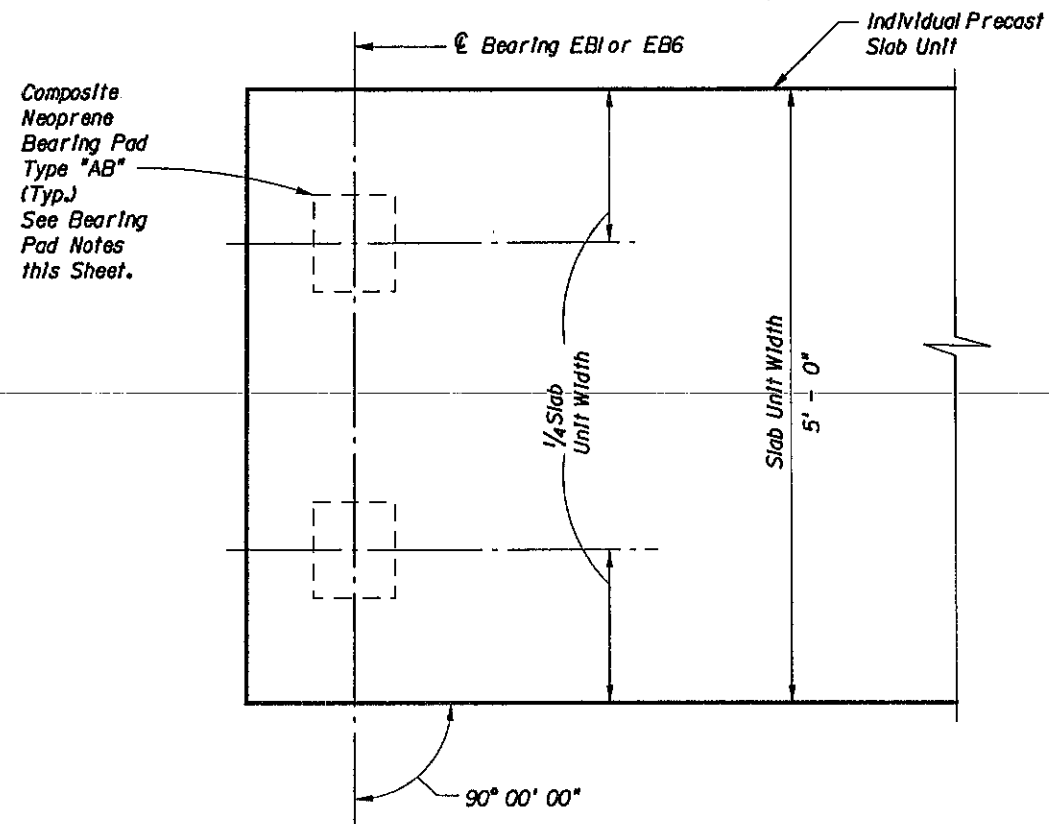
PILE BENT DETAIL

Thurman
3-2-4

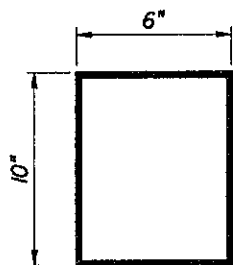
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03/06/2003																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														</
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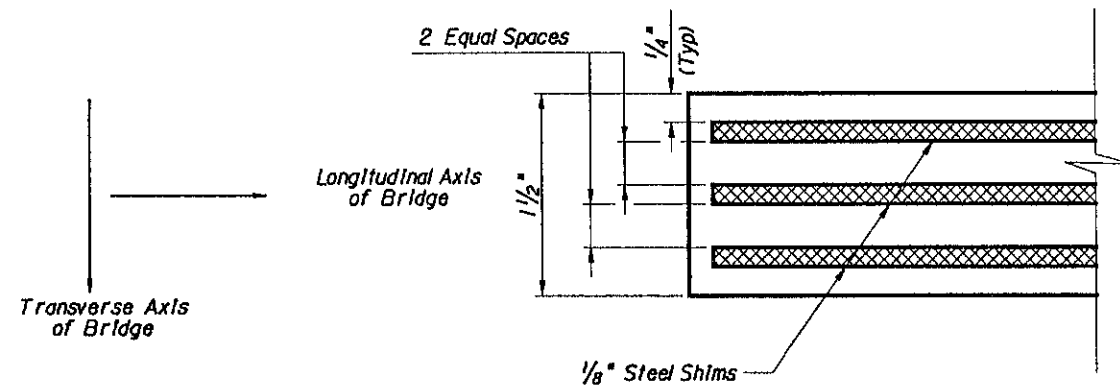


PART PLAN



PLAN

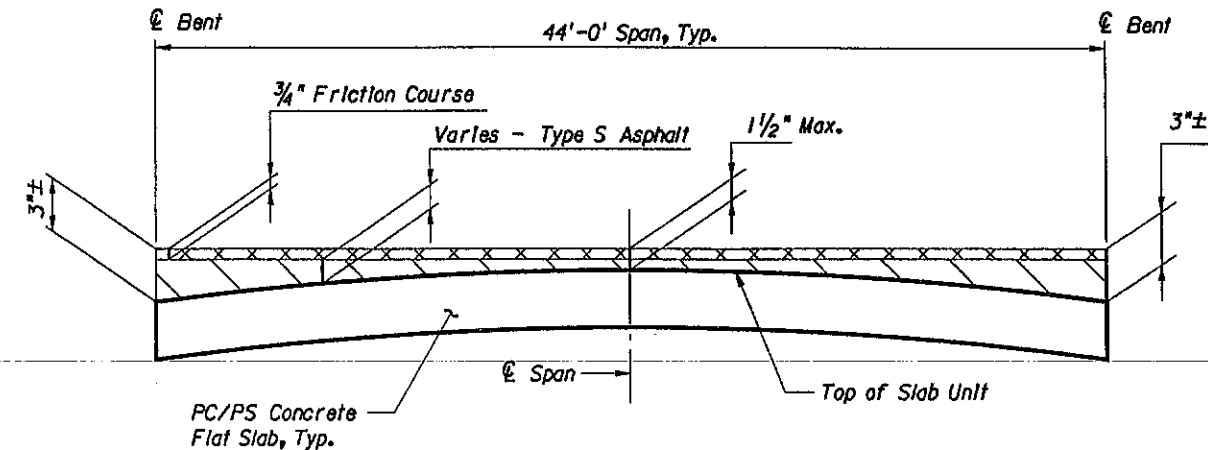
Composite Pad "AB" (No. Req'd = 64)



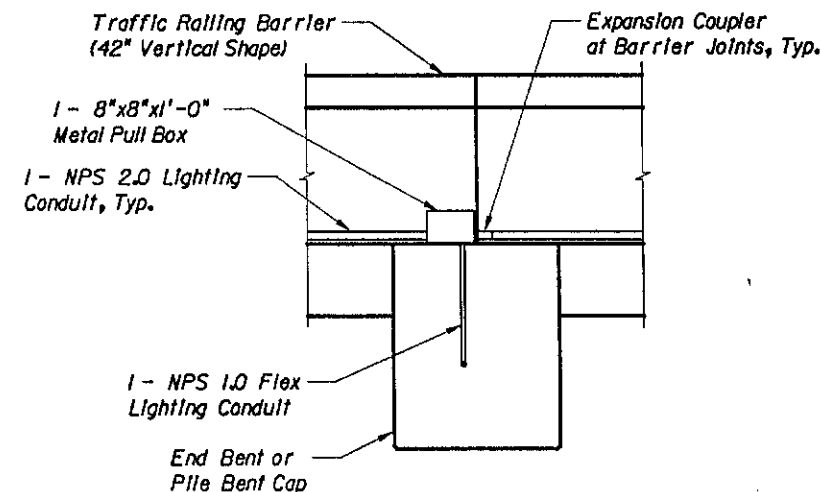
TYPICAL SECTION

BEARING PAD NOTES:

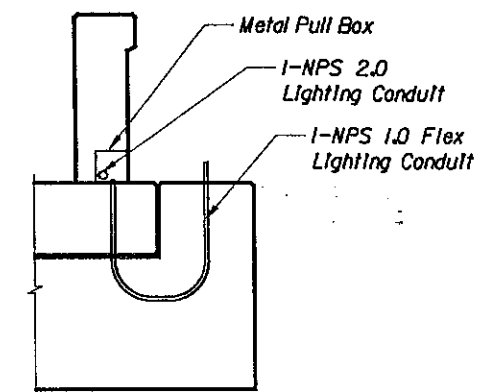
1. Neoprene in all Bearing Pads shall have a Grade 50 durometer hardness.
2. Steel Plates in composite pads shall conform to AASHTO Specifications M-251.
3. Composite Pad "AB" shall be used for Prestressed Slab Units "A", "B", & "C".



ASPHALT OVERBUILD
(Typ. All Spans)



ELEVATION



SECTION

LIGHTING DETAILS

Handwritten signature: R. F. 394

REVISIONS	DATE	BY

SCALE	N.A.
DESIGNED BY	TMS
DRAWN BY	TMS
CHECKED BY	TWF

Kimley-Horn and Associates, Inc.
 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407
 (561) 845-0665
 FPOE No. 696

DATE	03/28/2003
PROJECT NO.	BC-113

TOWN OF BAY HARBOR ISLANDS
 FLORIDA
 DADE COUNTY

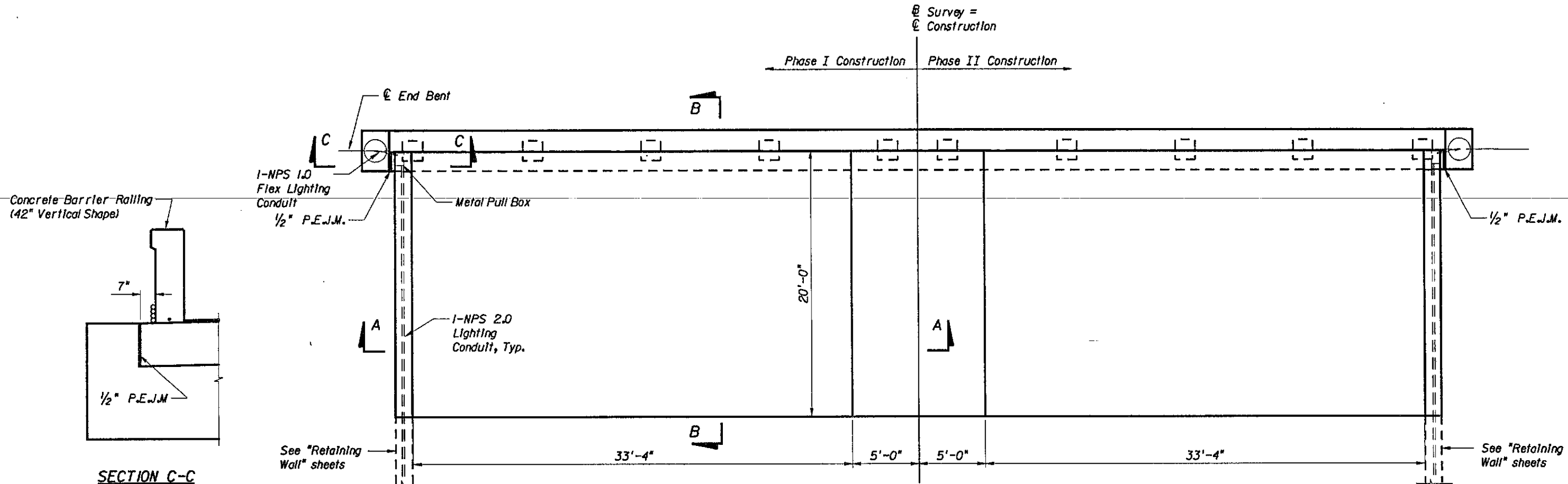
DESIGN ENGINEER	Thomas W. Farnan
FLORIDA REGISTRATION NUMBER	#49143
SEAL	

BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION)
SUPERSTRUCTURE DETAILS (2 OF 2)

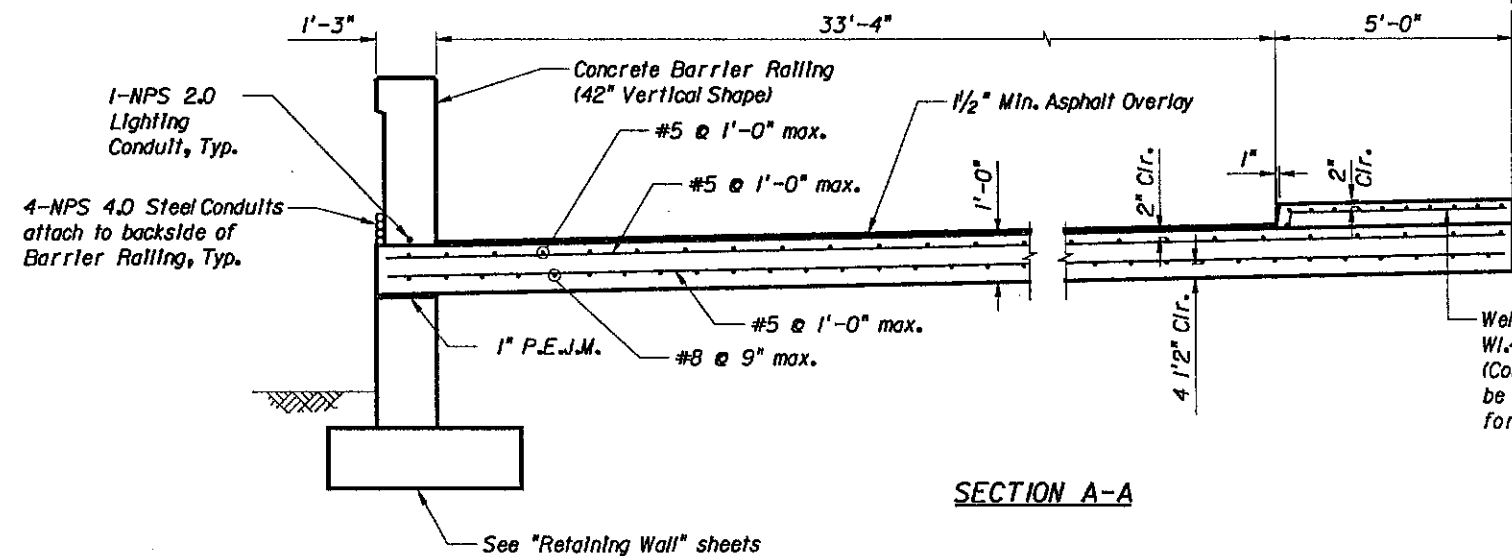
SHEET NUMBER	B-23
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03/28/2003 10:13:30 AM G:\044053040 HELPER BRIDGE\1234567\STRUCT\AS.DGN

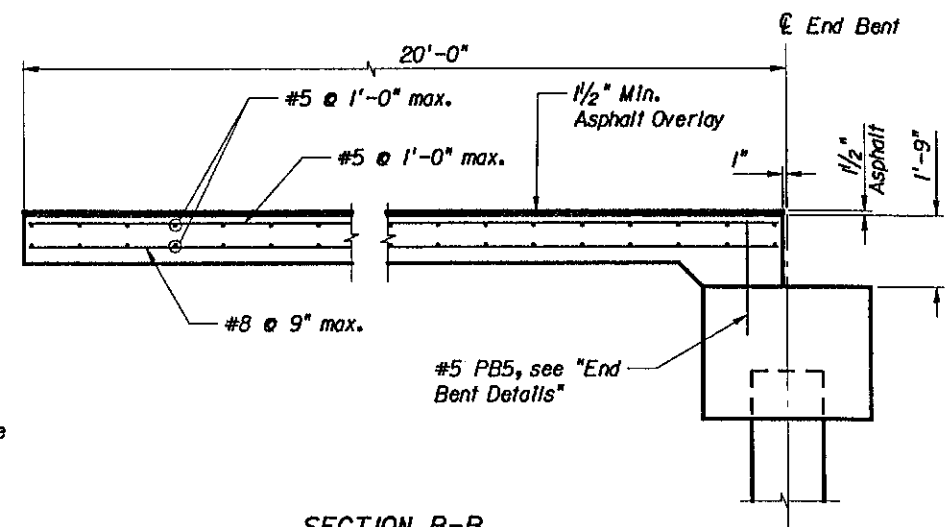
This document, together with the drawings and design presented herein, is submitted for the specific purpose and shall not be construed as a contract. Plans of and property returns in this document without written consent.



PLAN



SECTION A-A



SECTION B-B

Note:

Quantity of Reinforcement for Approach Slabs is approximately 56 lbs/sy

REVISIONS	DATE	BY

SCALE	N.A.
DESIGNED BY	TMB
DRAWN BY	TMB
CHECKED BY	TWF


Kimley-Horn and Associates, Inc.
 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407
 (561) 845-0665
 FDOT No. 696

DATE	03/28/2003
PROJECT NO.	BC-113

TOWN OF
 BAY HARBOR ISLANDS
 FLORIDA

DESIGN ENGINEER	Thomas W. Farnan
FLORIDA REGISTRATION NUMBER	#49143

BROAD CAUSEWAY WEST RELIEF BRIDGE
 (REHABILITATION)
 APPROACH SLABS

SHEET NUMBER	B-24
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03/06/2003 04:01:58 AM G:\044053040_HELKER_BRIDGE\1234567\STRUCTUREBAR.DGN

This document, together with the drawings and design presented herein, is an instrument of service, it is intended only for the specific project and shall be void if not properly stamped as the Engineer, without written consent.

M A R K		LENGTH		NO	TYP	STY	B		C		D		E		F		H		J		K		N	O					
SIZE	DES	FT	IN	BARS	BAR	AG	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	NO	ANG			
LOCATION					SUPERSTRUCTURE PHASE 1 & 2															NO. REQUIRED = 1									
5	S1	2- 3		6020	11		0- 8		0-11		0- 8																		
4	S2	43- 8		280	1		43- 8																						
4	S3	39- 8		40	1		39- 8																						

M A R K		LENGTH	NO	TYP	STY	B		C		D		E		F		H		J		K		N	O			
SIZE	DES	FT	IN	BARS	BAR	AG	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	NO	ANG
LOCATION						SUBSTRUCTURE PHASE 1 & 2 - END BENTS										NO. REQUIRED = 1										
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5	EB2	10 - 9		152	4	4	4			2 - 0 1/2	2-10															
4	EB3	41 - 5		8	1					41 - 4 1/2																
4	EB4	6 - 4		32	1					6 - 4																
5	EB5	2 - 6		160	1					2 - 5 1/2																
4	EB6	10 - 2		16	11					2-10	3 - 8	3 - 8														
4	EB7	2-10		20	1					2-10																
8	EB8	41 - 4		32	1					41 - 4																

M A R K		LENGTH	NO	TYP	STY	B		C		D		E		F		H		J		K		N	O			
SIZE	DES	FT	IN	BARS	BAR	AG	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	NO	ANG
LOCATION SUBSTRUCTURE PHASE 1 & 2 - PILE BENTS NO. REQUIRED = 1																										
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5	PB2	10 - 9		304	4	4	4			2 - 0 1/2	2-10															
4	PB3	41 - 5		16	1					41 - 4 1/2																
4	PB4	6 - 4		64	1					6 - 4																
5	PB5	2 - 6		640	1					2 - 5 1/2																
4	PB6	10 - 2		32	11					2-10	3 - 8		3 - 8													
4	PB7	2-10		40	1					2-10																
8	PB8	41 - 4		64	1					41 - 4																

Notes:

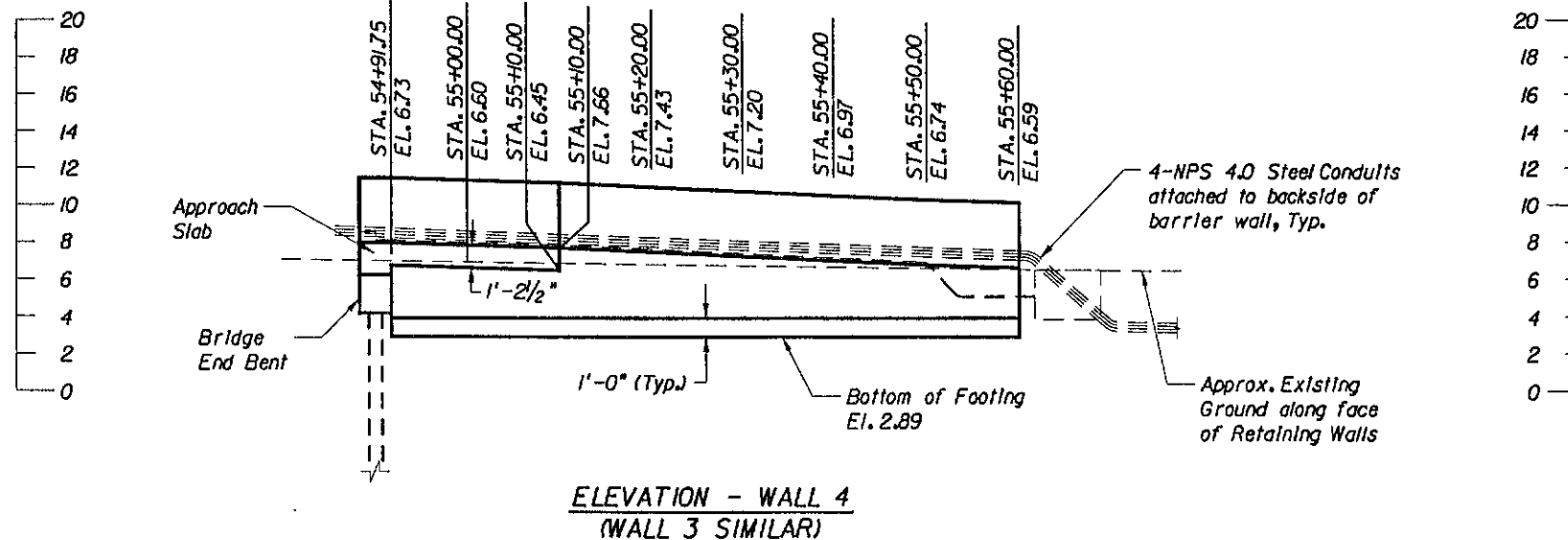
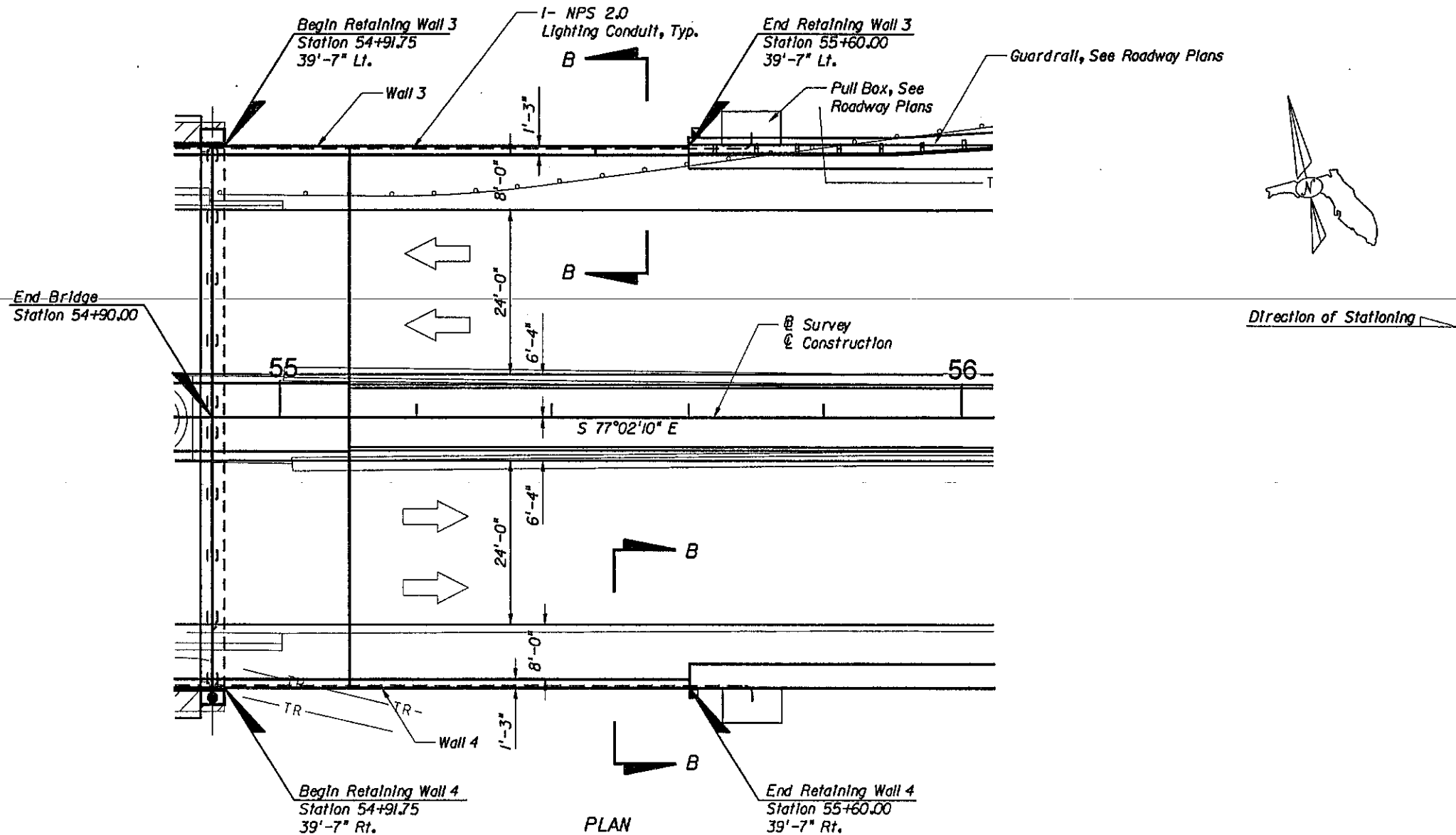
Quantity of Reinforcement for Approach Slabs approximated at 56 lbs/sy

Handwritten signature and number 39-4

REVISIONS	DATE	BY	SCALE	N.A.	 Kimley-Horn and Associates, Inc. 4431 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 15611 843-0665 FPOE No. 696	DATE	03/06/2003	 TOWN OF BAY HARBOR ISLANDS FLORIDA	DESIGN ENGINEER	Thomas W. Farnan	BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) REINFORCING BAR LIST	SHEET NUMBER B-25
REVISIONS	DATE	BY	DESIGNED BY	TMB		DRAWN BY	TMB		CHECKED BY	TWF		

03/28/2003 10:17:03 AM G:\044053040 HELKER BRIDGE\1234567\STRUCT\RETWALL 2.DGN

This document, together with the drawings and design presented herein, is an instrument of service, in accordance with the provisions of the Florida Statutes, Chapter 348, and shall be read and interpreted in accordance with the provisions of the Florida Statutes, Chapter 348.



Note: Elevations shown are at top of retaining wall unless otherwise noted.

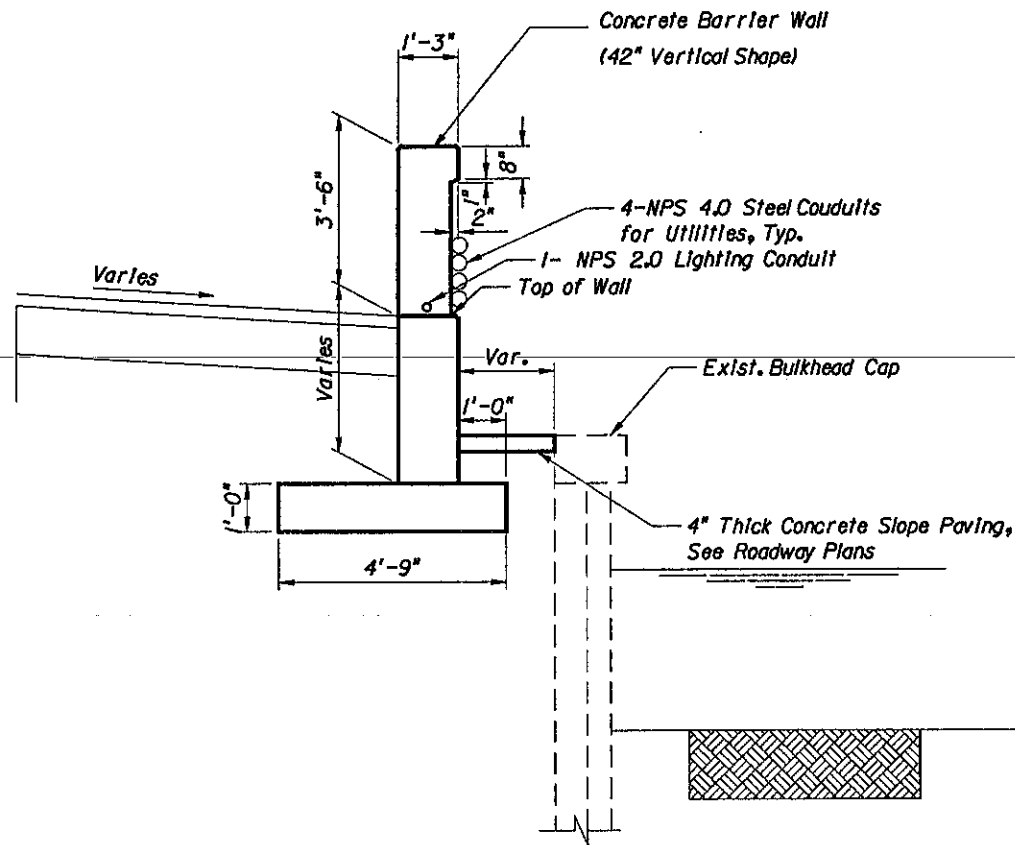
For Section B-B, see "Retaining Wall Details" sheet.

Handwritten signature: T. W. Farnan

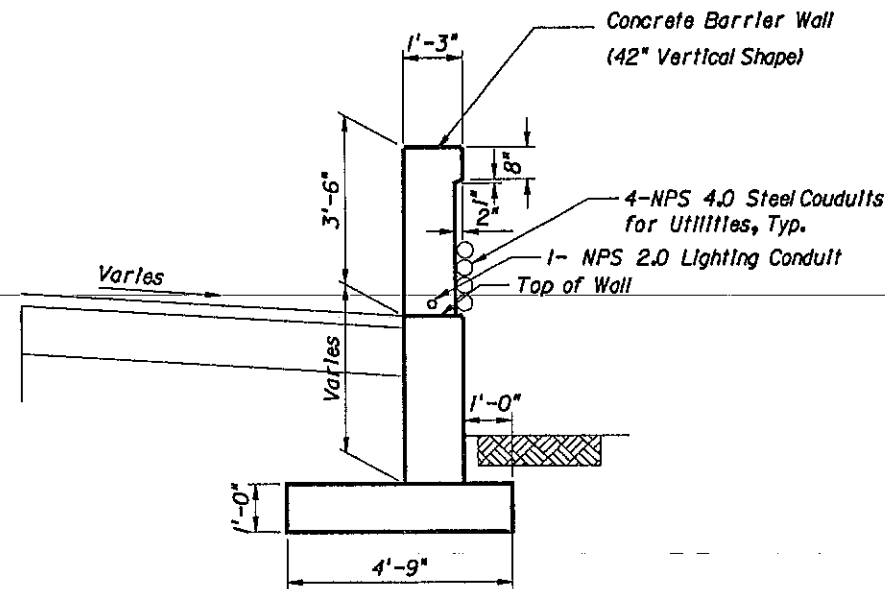
			SCALE N.A.		 Kimley-Horn and Associates, Inc. © COPYRIGHT DATE 4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407 (561) 845-0665 FIDELITY 696	DATE 03/28/2003		 TOWN OF BAY HARBOR ISLANDS DADE COUNTY FLORIDA	DESIGN ENGINEER Thomas W. Farnan FLORIDA REGISTRATION NUMBER #49143 SEAL		BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) RETAINING WALLS 3 & 4 LAYOUT	SHEET NUMBER B-27
			DESIGNED BY TMB			PROJECT NO. BC-113						
			DRAWN BY TMB									
			CHECKED BY TWF									
REVISED			DATE	BY								
No. REVISIONS			DATE	BY								

03/28/2003 10:19:14 AM G:\044053040 HELKER BRIDGE\1234567\STRUCT\RELWALL.DGN

This document, together with the concepts and design presented herein, is an instrument of service, in which I am providing the design and engineering services as the document without further notice.



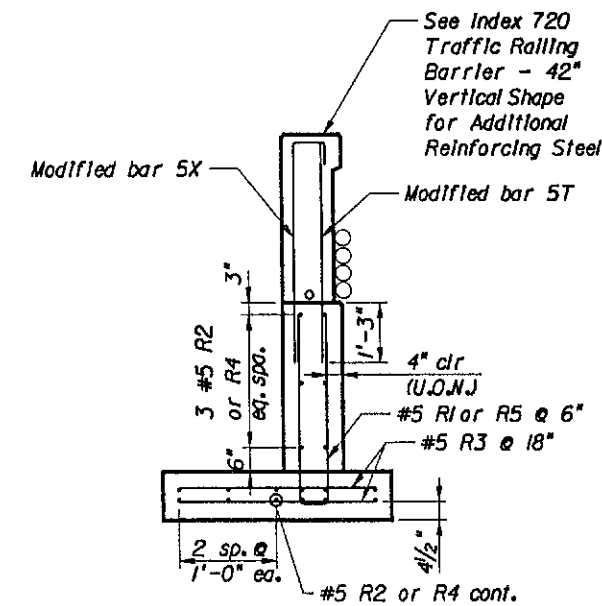
SECTION A-A



SECTION B-B

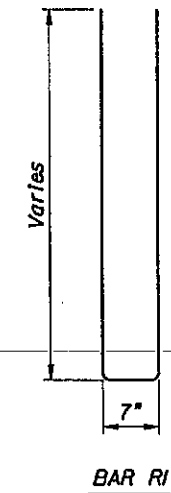
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SIZE	DES	FT	IN	BARS	BAR	AG	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	NO	ANG
LOCATION										RETAINING WALLS 1 & 2										NO. REQUIRED = 2												
5	R1	5- 9		337	11					0- 7			2- 6 1/2			2- 6 1/2																
5	R2	171-10		18	2					2- 2			167- 6																		2	
5	R3	4-1		226	1					4- 1																						

M A R K		LENGTH		NO	TYP	STY	B			C			D			E			F			H			J			K			N	O
SIZE	DES	FT	IN	BARS	BAR	AG	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	FT	IN	FR	NO	AN
LOCATION										RETAINING WALLS 3 & 4										NO. REQUIRED = 2												
5	R3	4- 1		94	1					4- 1																						
5	R4	69- 9		18	2					2- 2			67- 7																		1	
5	R5	6- 5		137	11					0- 7			2-11			2-11																

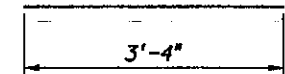


TYPICAL WALL REINFORCED DETAIL

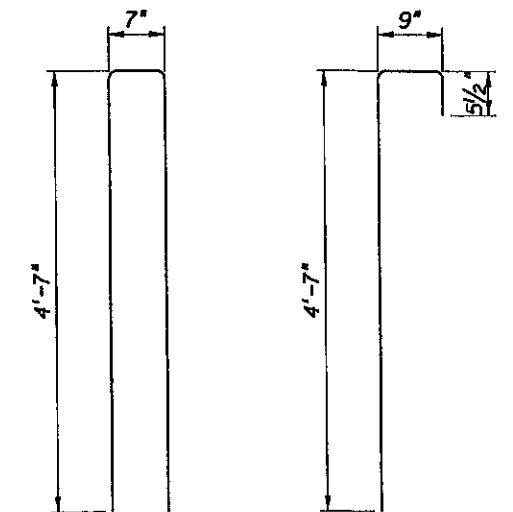
REINFORCING STEEL BENDING DIAGRAM



BAR R1



BAR R3



MODIFIED BAR 5T

MODIFIED BAR 5X

Thurman
3/9/04

REVISED	DATE	BY
1	03/28/2003	TMB

Kirley-Horn and Associates, Inc.
4421 EMBARCADERO DRIVE, WEST PALM BEACH, FL 33407
TEL: 561-845-0665 FAX: 561-845-0666

DATE	03/28/2003
PROJECT NO.	BC-113

TOWN OF BAY HARBOR ISLANDS
FLORIDA

DESIGN ENGINEER
Thomas W. Farnan
FLORIDA REGISTRATION NUMBER
#49143

BROAD CAUSEWAY WEST RELIEF BRIDGE (REHABILITATION) RETAINING WALL DETAILS

SHEET NUMBER	B-28
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TOWN OF BAY HARBOR ISLANDS

DADE COUNTY, FLORIDA

6 CONTRACT BC-15A

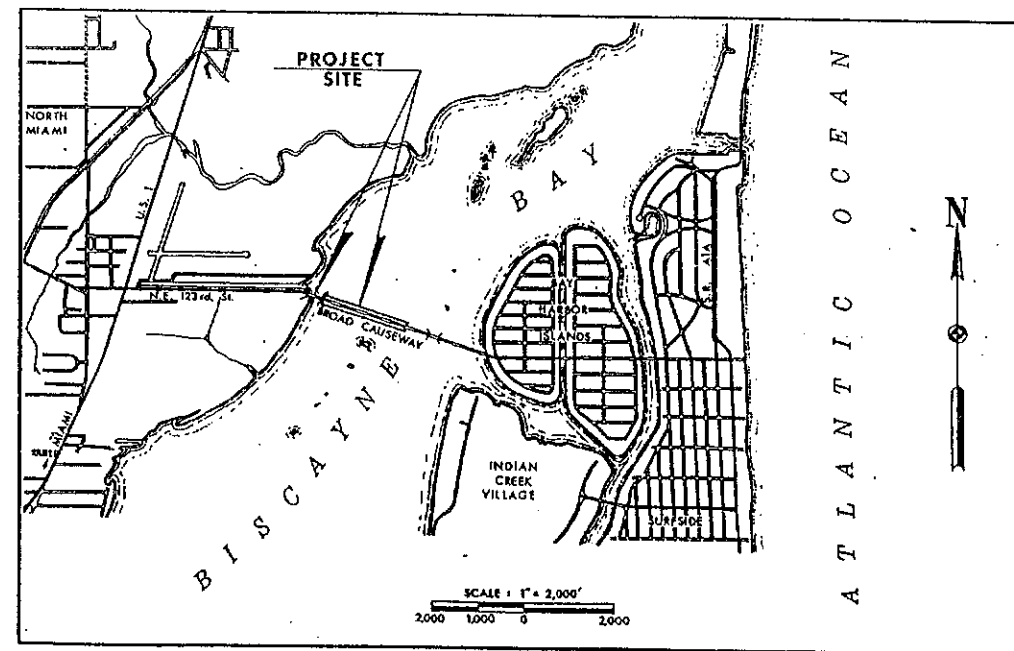
PLANS FOR

SEAWALL AND BRIDGE

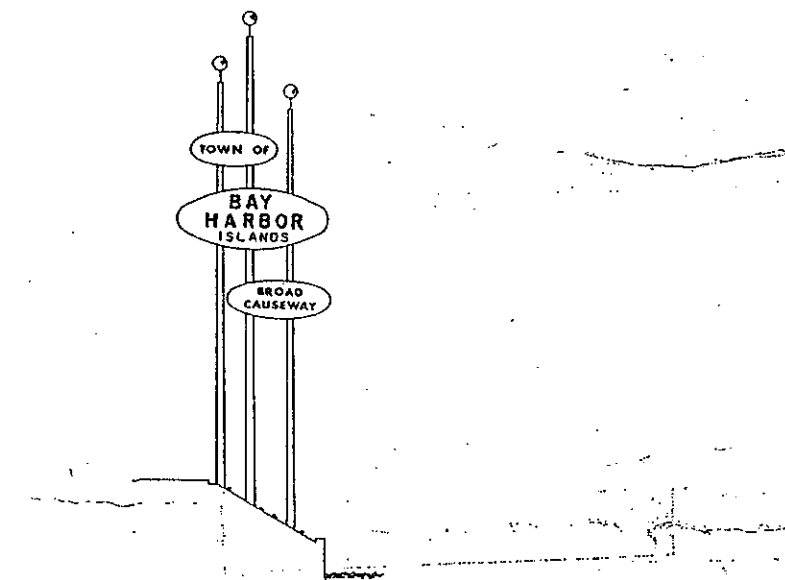
BROAD CAUSEWAY

INDEX OF SHEETS

SHEET NO.	
1	COVER SHEET
2	GENERAL PLAN AND ELEVATION
3	CONSTRUCTION SEQUENCE
4	ABUTMENT AND PIER DETAILS
5	APPROACH SLAB AND PILE DETAILS
6	SLAB PLAN AND JOINT DETAILS
7	PRESTRESSED SLAB DETAILS
8	FISHING SCREEN DETAILS
9	SEAWALL PLAN AND ELEVATION
10	SEAWALL DETAILS
11	SEAWALL DETAILS
12	SEAWALL DETAILS
13	TEMPORARY BRIDGE APPROACH DETAILS



LOCATION MAP



prepared and recommended by:

Howard, Needles, Tammen & Bergendoff
consulting engineers
Kansas City Miami New York

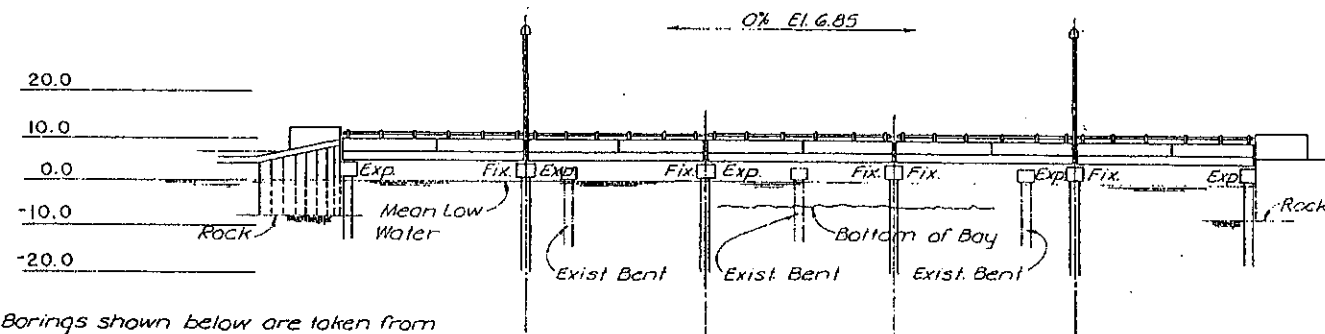
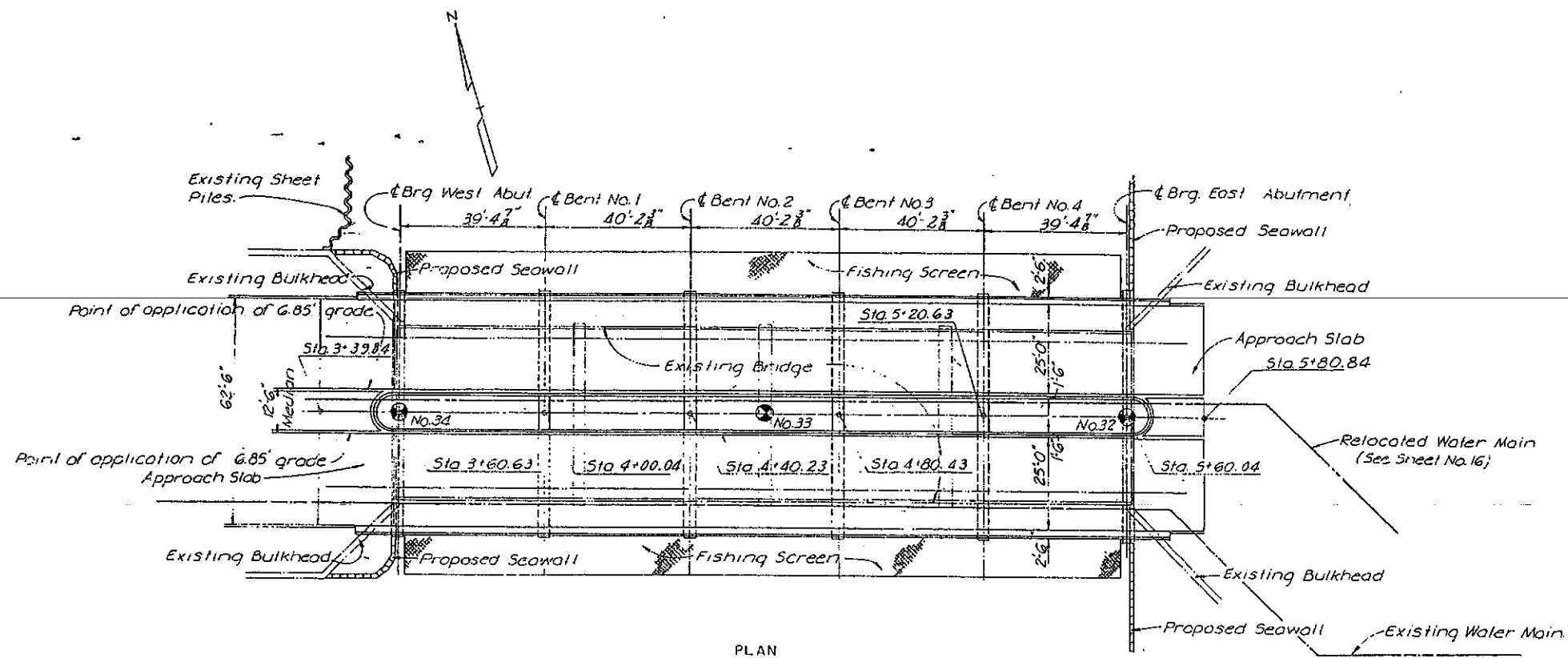
Approved:

By *George J. Smith*
TOWN MANAGER - Town of Bay Harbor Islands

Date 6-2-68

Date 6-3-69

ISSUED
JUL 7 - 1971
HOWARD, NEEDLES
TAMMEN & BERGENDOFF
Consulting Engineers



Note:
The Borings shown below are taken from
the plans of the Existing Bridge dated June 1950.

No.34	No.33	No.32	Remarks
-6.00 15' Soft Gray Sand, Shell & Marl.	-6.41 2.0' Soft Gray Sand, Shell & Marl.	-6.25 Soft Gray Sand, Shell & Marl.	Concrete Surface All exposed Finish : Class seen in given
-7.50 Porous White Sandy Limestone	-8.41 21.75' Porous Gray Sandy Limestone	-8.00 19.5' Very Porous White, Sandy-	
-12.00 P.B.	-9.41 P.B.	-10.00 P.B.	
-15.50 P.B.	-12.50 P.B.	-14.25 P.B.	Bench Mark : D.W.C. of sou
-22.00 P.B.	-14.50 P.B.	-17.75 P.B.	
-27.00 P.B.	-18.50 P.B.	-22.09 P.B.	
-31.50 60' Gray Sand with Pieces of Gray Sandstone	-21.50 P.B.	-27.50 1.84' Med. Coarse Gray Sand, Pieces of Sandstone	
-37.50 60' Coarse Gray Sand	-24.50 P.B.	-29.34 9.66' Fine Gray Sand, Pieces of Gray Sandstone	
-43.50 2.0' Coarse Gray Sand Pieces of Sandstone	-29.16 P.B.	-34.34	
-45.50 5.0' Hard Dense White to Gray Sandy Limestone.	-30.16 7.26' Fine Gray Sand & Pieces of Gray Sandstone	-39.00 5' 0" Gray Coquina Rock and Sand.	
-50.50	-33.16	-44.00 3.09' Fine Gray Sand	
	-37.42 10' Thin dense layers of Sandy Limestone.	-47.09 6.91' Very Hard Dense to Porous Gray Sandy Limestone.	
	-38.42 3.0' Gray Sand Soft Rock Core	-54.00 P.B.	
	-41.42 6.08' Fine Gray Sand / Small Pieces of Sandstone		
	-47.50 6.0' Very Hard dense to porous Sandy Limestone. Fine Gray Sand in pores.		
	-53.50 P.B.		

BORING LOG

ESTIMATED BRIDGE QUANTITIES						
DESCRIPTION	UNIT	BENTS	ABUTS.	SUPSTR.	GENERAL	TOTALS
Maintenance of Traffic	L.S.	-	-	-	1	1
Removal of Existing Structure	L.S.	-	-	-	1	1
Concrete Approach Slabs	Ea.	-	-	-	4	4
Bituminous Material Tack Coat	Gal.	-	-	-	134	134
Bituminous Material Plant Mix	Gal.	-	-	-	2,690	2,690
Type I Asphaltic Concrete	Tons	-	-	-	163.3	163.3
Class A Concrete	CuYds.	79.4	20.7	111.7	-	211.8
Reinforcing Steel	Lbs.	8,950	2,106	13,926	-	24,982
Prestressed Slab Units (48"x10')	Lin.Ft.	-	-	2,761	-	2,761
*Prestressed Conc. Piling (18') Furnished	Lin.Ft.	2,206	301	-	-	2,507
Unloaded Test Piles (18')	Lin.Ft.	-	110	-	-	110
*Prestressed Conc. Piling (18') Driven	Lin.Ft.	2,206	301	-	-	2,507
Aluminum Handrail	Lin.Ft.	-	-	804	-	804
Aluminum Fishing Screen	L.S.	-	-	1	-	1
Preformed Pile Holes	Ea.	44	6	-	-	50
Relocate 4" Water Main	L.S.	-	-	-	1	1

* Length of Piling required to be determined from results of driving Test Piles. Quantity shown is approx. only.

GENERAL NOTES

Construction Specifications: F.S.R.D. Standard Specifications for Road and Bridge Construction dated 1966, and Supplements thereto.

Design: A.A.S.H.O. Specifications for Highway Bridges dated 1965
Specifications: and approved revisions thereto.

Design Live Loading : H520-44 Modified for Military Loading as required.

Test Piles : One Test Pile 55' long shall be driven in the location of a permanent Vertical Pile at each abutment.

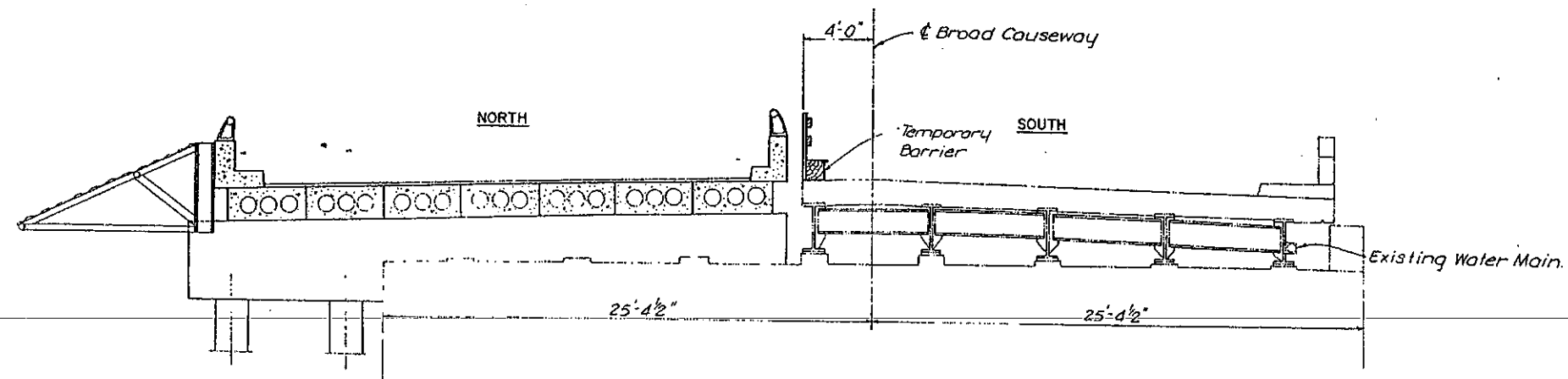
Design Loading-18" Square Prestressed Piles at 45 Tons each.
for Piles :

Reinforcing Steel: Bar sizes are indicated on the plans by the mark no. The first digit of three digit marks, indicates the bar size. Example: 401 indicates a No. 4 bar. All bar bends in accordance with A.A.S.H.O. Manual for Detailing Reinforced Concrete Highway Bridges.

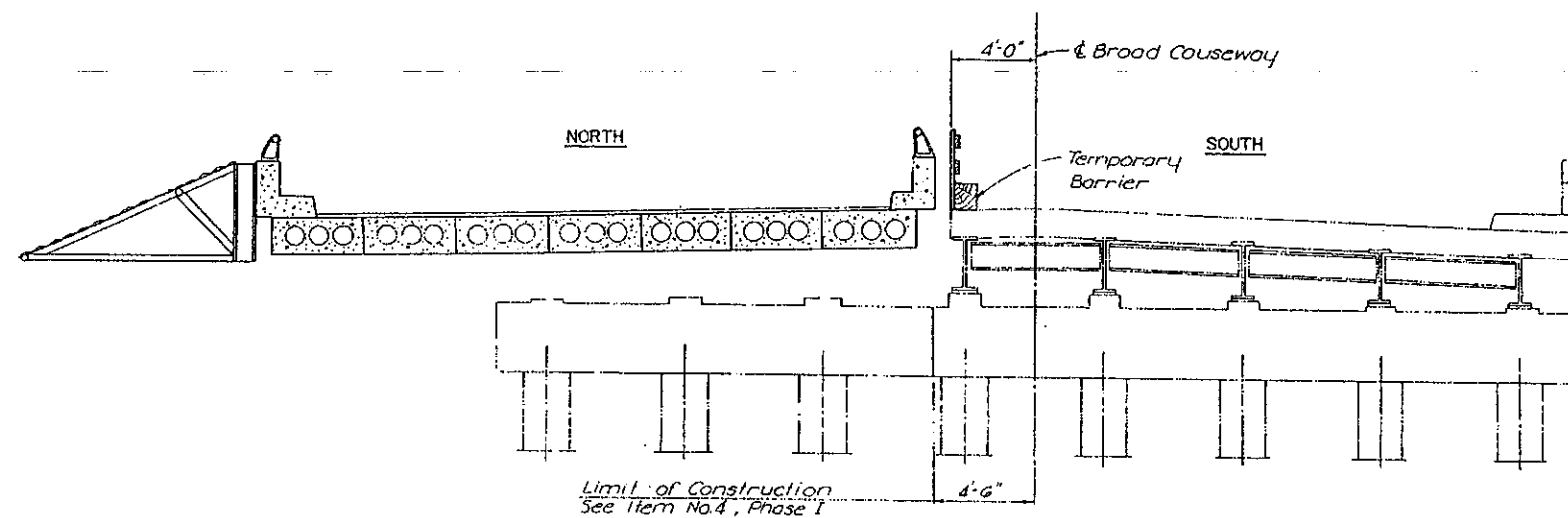
Concrete Surface: All exposed surfaces of bents and abutments shall be given Class I Surface Finish. All surfaces of superstructure as seen in elevation, including prestressed slabs, shall be given Class I Surface Finish.

Bench Mark: D.W.C. B.M. #A-18 at Elev. 7.130. Brass disc located at west end of south safety walk on existing structure.

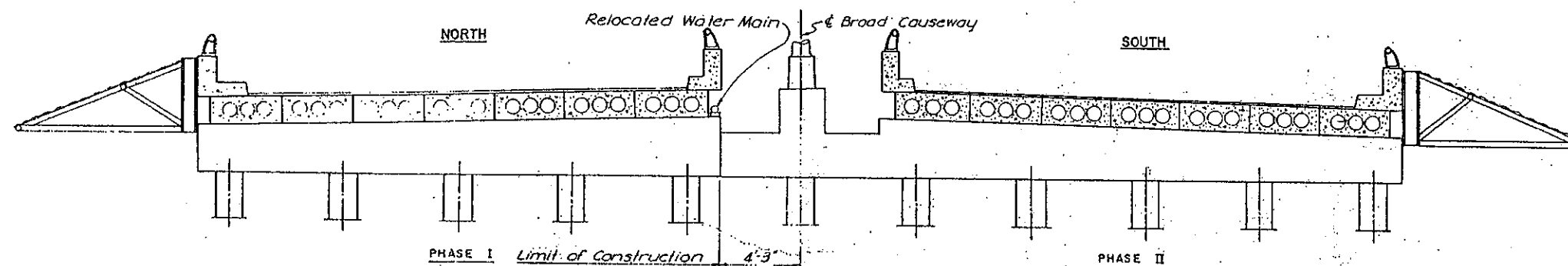
HOWARD, NEEDLES, TAMMEN & BERGENDOFF CONSULTING ENGINEERS KANSAS CITY ORLANDO NEW YORK			
TOWN OF BAY HARBOR ISLANDS			
BROAD CAUSEWAY-WEST BRIDGE GENERAL PLAN & ELEVATION			
COUNTY	STATE		
DATE	FLORIDA		
	Name	Date	Date
Designed by	D.L.S.	9-69	Recommended for Approval H.M.E. & E.
Checked by	M.R.G.	4-69	Date
Quantity by			
Checked by			Approved _____ Town of Bay Harbor Islands
Traced by			Covering No. 2 Index No. 410



SECTION AT EXISTING ABUTMENT
PHASE I COMPLETED



SECTION AT EXISTING BENT
PHASE I COMPLETED



SECTION AT NEW BENT
PHASE I & II COMPLETED

CONSTRUCTION SEQUENCE:

Phase I

1. Erect temporary traffic barrier
2. Remove existing superstructure within limit shown.
3. Remove existing abutment and wing wall within limit shown
4. Remove existing bents and piling within limit shown.

5. Install new piling and Seawall as required for bridge construction.

6. Complete the north structure, and open to two way traffic.

Phase II

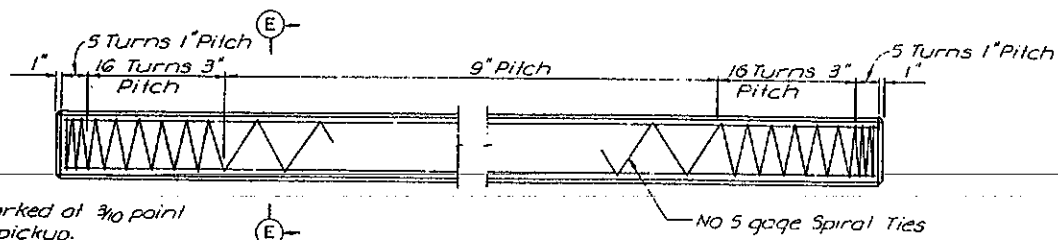
1. Repeat sequence outlined above for items 2 thru 5 on opposite half of project.

2. Complete the south structure and re-route traffic to one way on each structure.

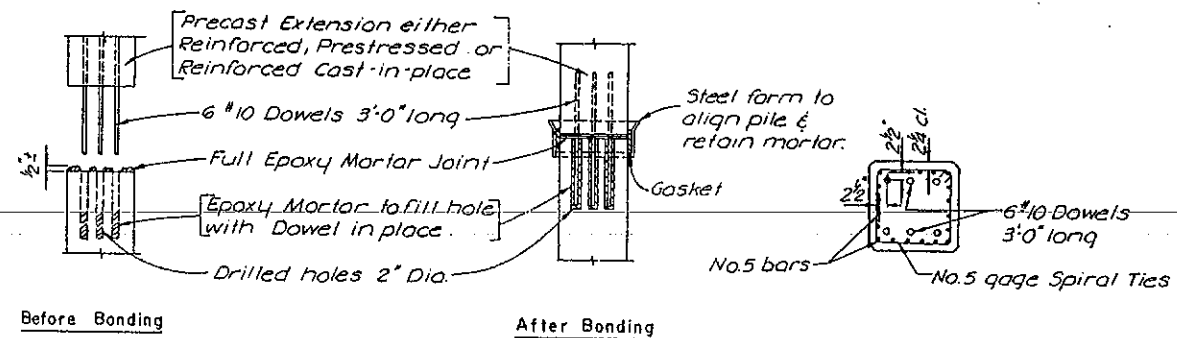
Note:

Portions of existing structure not to be incorporated in the final structure shall be removed as required to facilitate new construction.

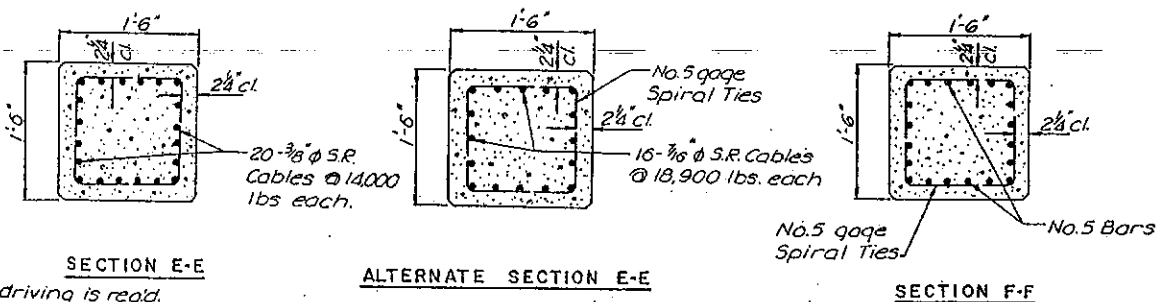
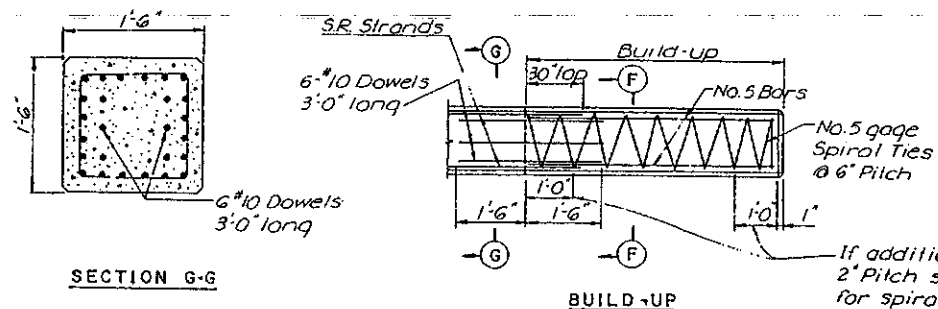
HOWARD, NEEDLES, TAMMEN & BERGENDOFF					
CONSULTING ENGINEERS					
KANSAS CITY		ORLANDO		NEW YORK	
TOWN OF BAY HARBOR ISLANDS					
BROAD CAUSEWAY-WEST BRIDGE					
CONSTRUCTION SEQUENCE					
COUNTY		STATE			
DADE		FLORIDA			
	Drawn by	DLS	1-69	0014	
	Checked by	J.R.C.	5-69	Recommended for Approval N.H.L. 00	
	Designated by			Date	
	Checked by			Approved Town of Bay Harbor Islands	
	Drawn by			Drawing No. 3	Index No.



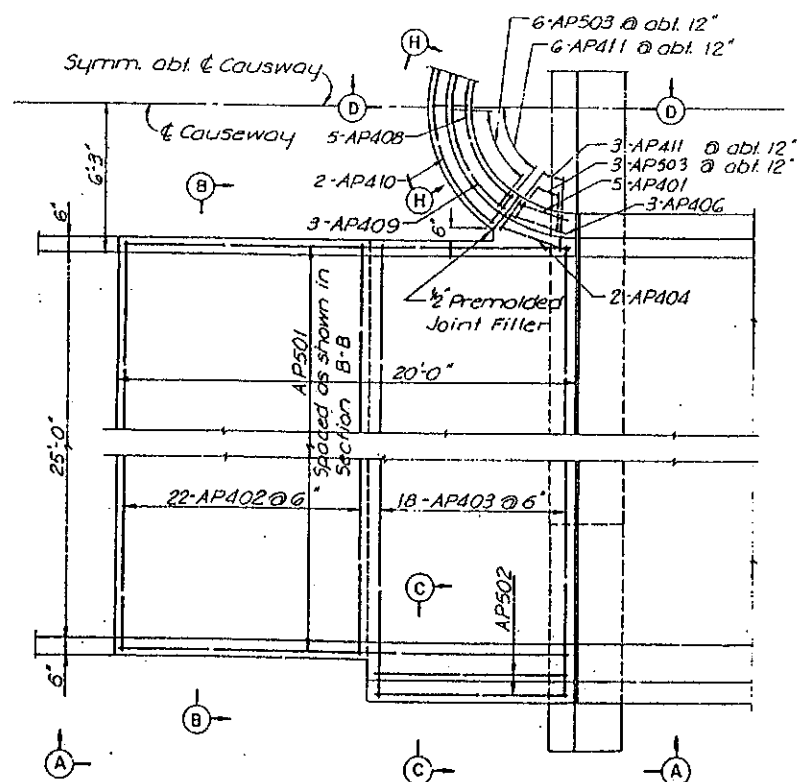
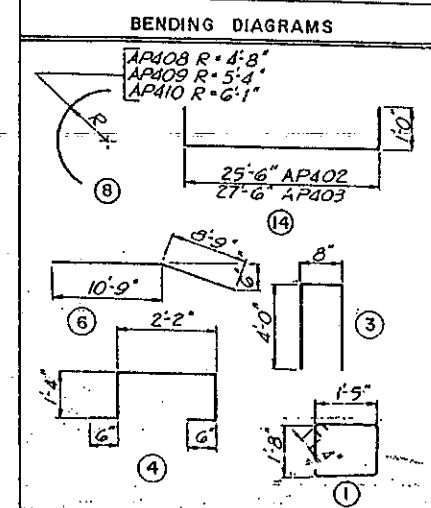
PRESTRESSED CONCRETE PILE



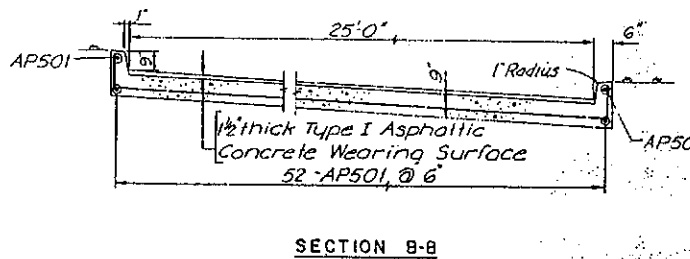
ALTERNATE EPOXY BONDED SPLICE



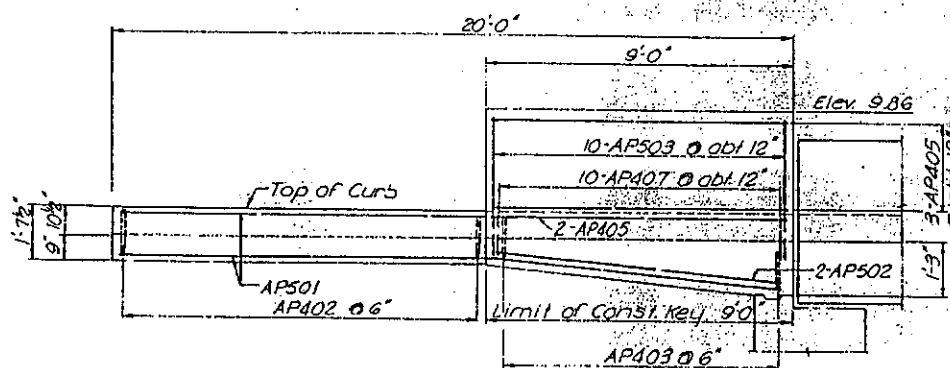
REINFORCING BAR SCHEDULE			
MARK	NUMBER	TYPE	LENGTH
AP401	20	Str.	2'-4"
AP402	88	14	27'-6"
AP403	72	14	29'-6"
AP404	8	Str.	3'-2"
AP405	32	Str.	8'-8"
AP406	12	Str.	2'-9"
AP407	40	4	5'-10"
AP408	10	8	9'-0"
AP409	6	8	10'-4"
AP410	4	8	11'-10"
AP411	36	1	6'-10"
AP501	216	6	19'-6"
AP502	8	Str.	8'-8"
AP503	76	3	8'-8"



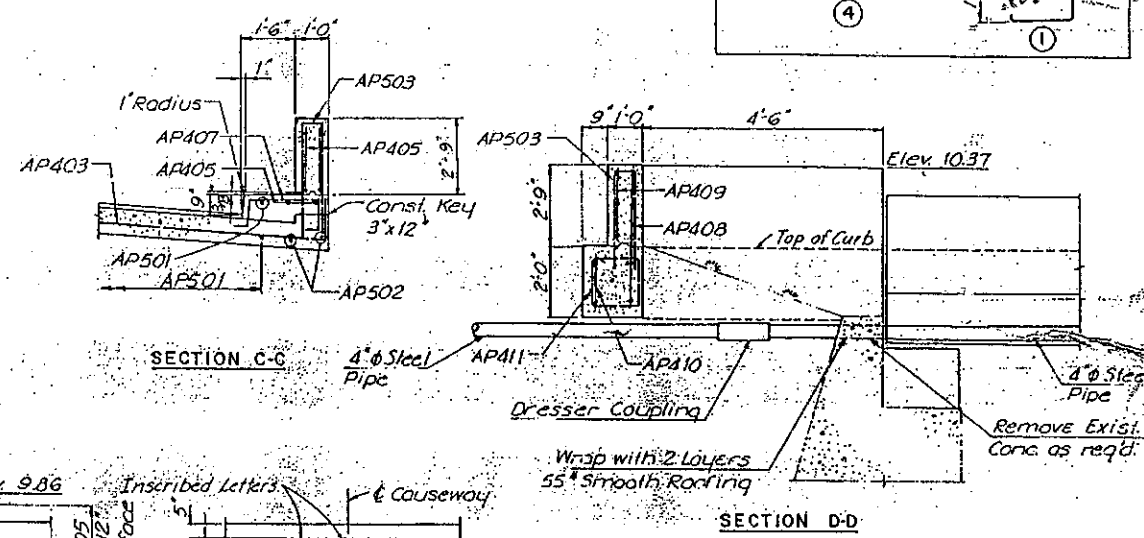
PLAN-APPROACH SLAB



SECTION B-B



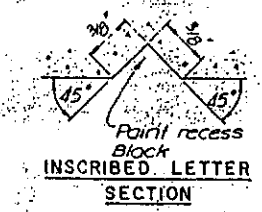
SECTION A-A



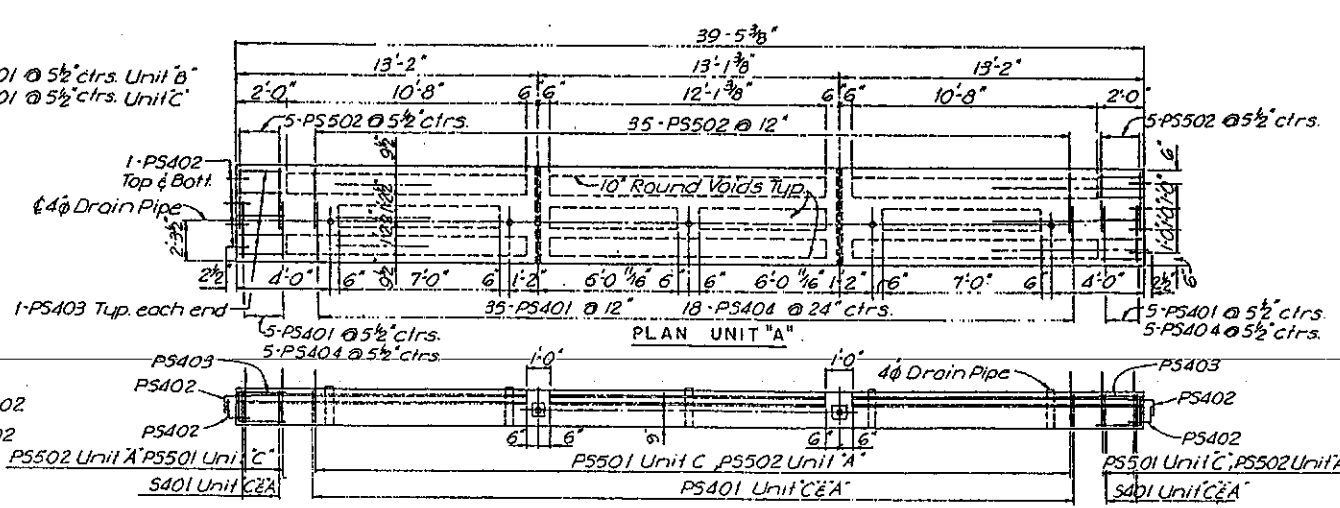
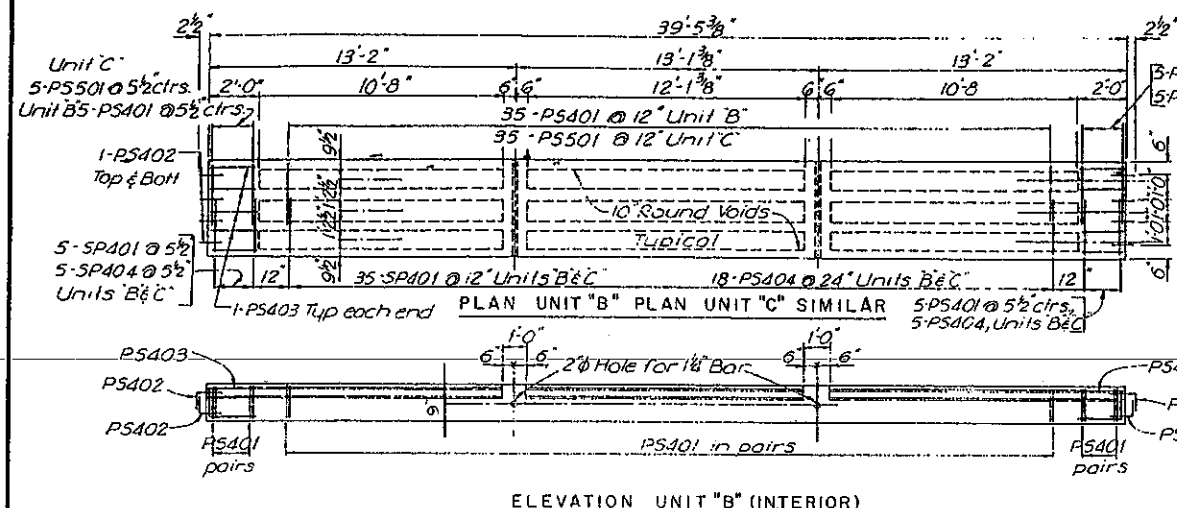
SECTION C-C

SECTION D-D

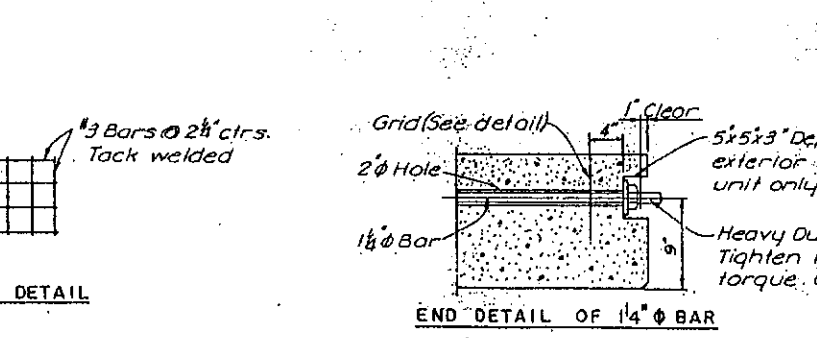
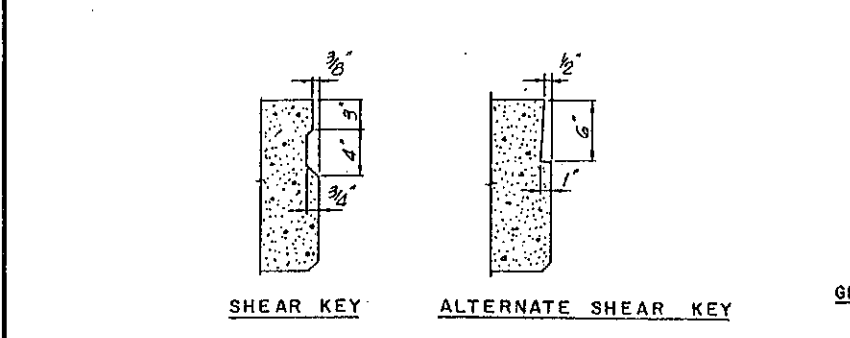
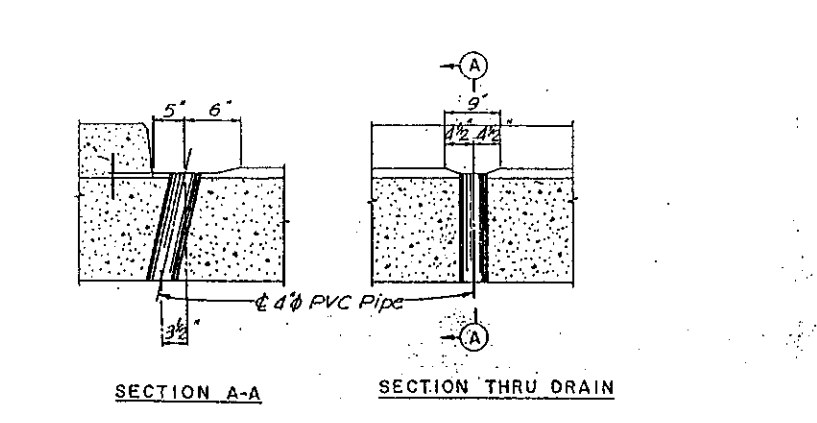
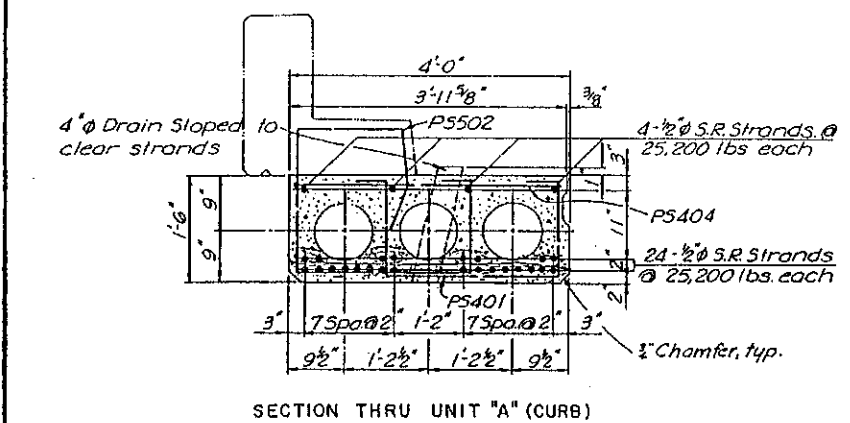
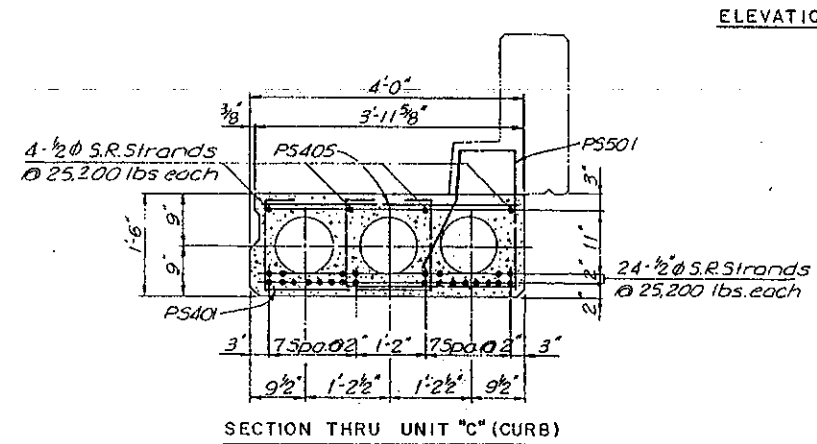
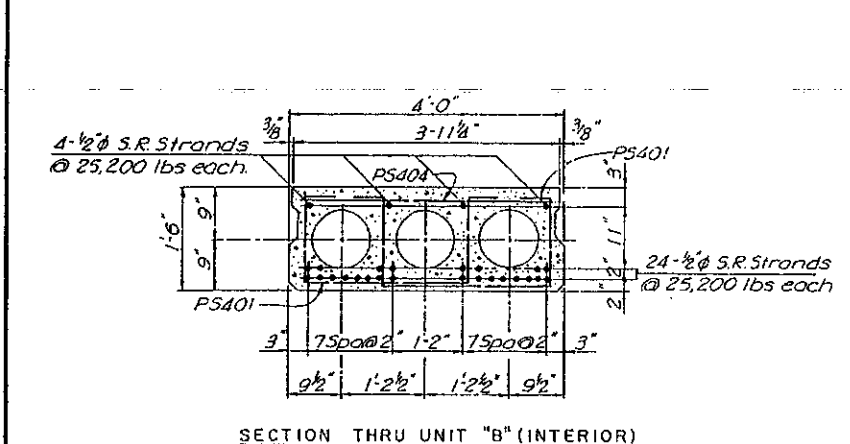
DEVELOPED VIEW H-H



HOWARD, NEEDLES, TAMMEN & BERGENDOFF CONSULTING ENGINEERS KANSAS CITY ORLANDO NEW YORK			
TOWN OF BAY HARBOR ISLANDS BROAD CAUSEWAY-WEST BRIDGE APPROACH SLAB & PILE DETAILS			
REVISIONS	COUNTY	STATE	
Date	Description	DATE	
	Drawn by	D.L.S.	3-69
	Checked by	J.R.C.	5-69
	Traced by		
	Approved	Town of Bay Harbor Islands	
	Drawing No.	5	Index No.



REINFORCING SCHEDULE					
MARK	NUMBER			LENGTH	TYPE
	UNIT A	UNIT B	UNIT C		
PS401	45	90	45	5'-4"	4
PS402	16	16	16	2'-4"	10
PS403	10	10	10	4'-5"	3
PS404	18	18	18	3'-8"	5
PS501			45	8'-8"	11
PS502	45			9'-6"	5



NOTES:

Pallets: All Prestressed Units shall be cast on concrete floored pallets.

Finish: Tops of Prestressed Units to be rough floated. At approximately time of initial set, entire top of Prestressed Units shall be scrubbed transversely with coarse wire brush to remove laitance and to produce a rough surface.

Concrete: Concrete for Prestressed Units shall be Florida Class P.

Cylinder Strength: at transfer of tensioning load the cylinder strength of Concrete shall be 4000 p.s.i.

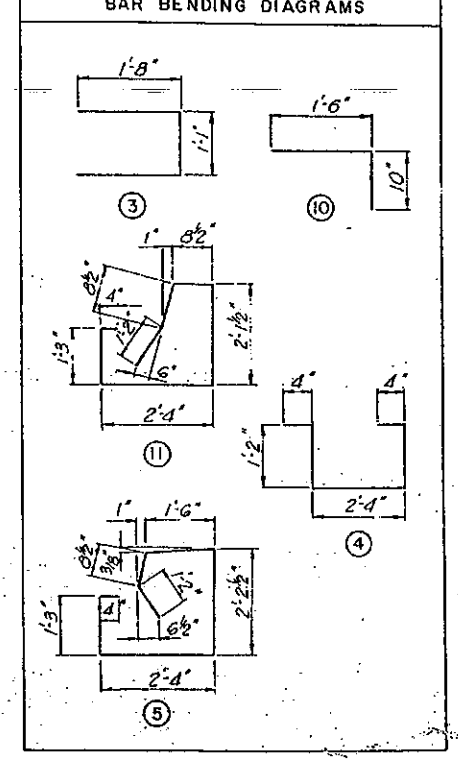
Side forms: Wood forms may be used for sides of Prestressed Units.

Strand Extension: All Strands shall extend 2 1/2' beyond ends of Prestressed Units.

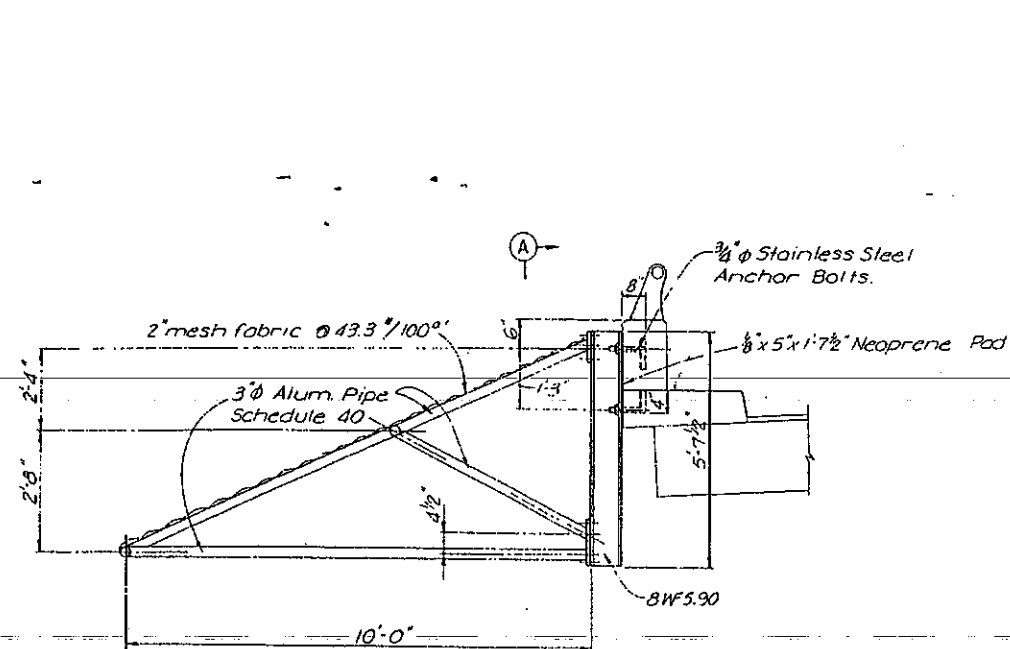
Handling: In the handling of Prestressed Units they must be maintained in an upright position at all times and must be picked up at ends to prevent damage.

Live Load: HS20-44

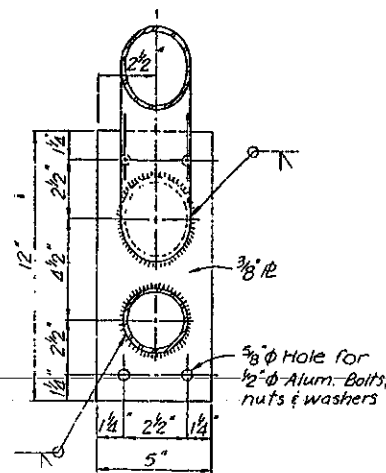
Shop Drawings: The Contractor shall submit shop drawings showing complete details of Slab Units including reinforcing steel to the Engineer for approval.



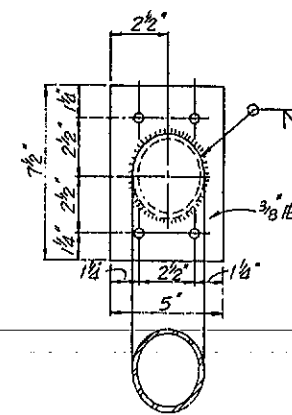
HOWARD, NEEDLES, TAMMEN & BERGENDOFF CONSULTING ENGINEERS KANSAS CITY ORLANDO NEW YORK					
TOWN OF BAY HARBOR ISLANDS					
BROAD CAUSEWAY-WEST BRIDGE PRESTRESSED SLAB DETAILS					
REVISIONS		COUNTY	STATE		
Date	Descriptions	GADE	FLORIDA		
	Designed by:	DL.S.	3-69	Recommended for Approval H.N.T.B.	
	Checked by:	J.R.C.	5-69		
	Quantity by:				
	Checked by:			Approved Town of Bay Harbor Islands	
	Traced by:			Drawing No. 7	



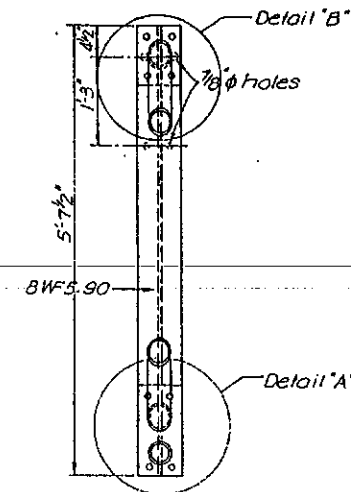
TYPICAL SECTION



DETAIL "A"

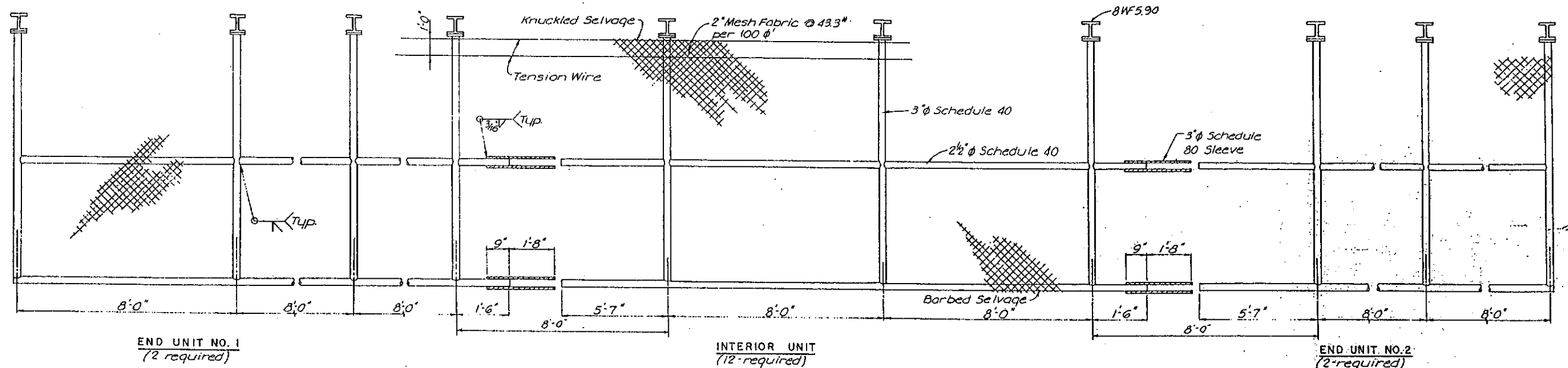


DETAIL "B"



SECTION A-A

NOTES:
The contractor shall submit shop drawings showing complete details for approval by the engineer.

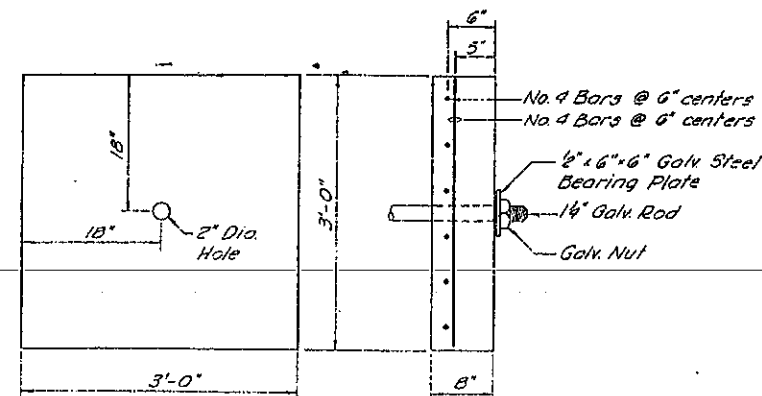


END UNIT NO. 1
(2 required)

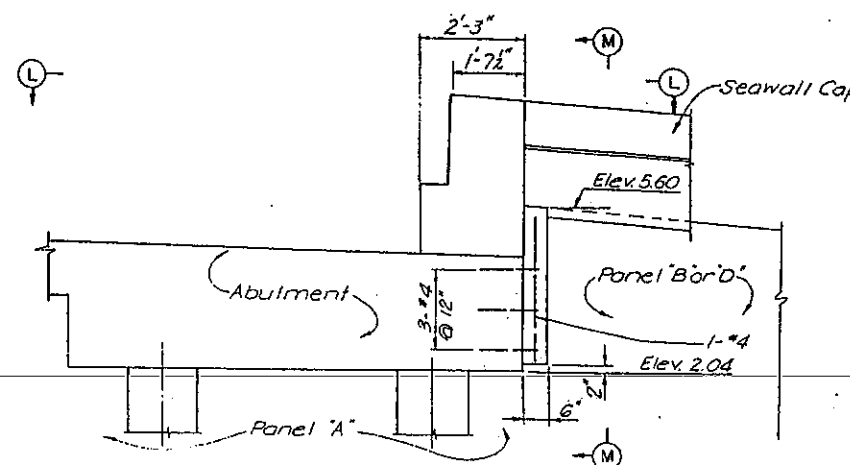
INTERIOR UNIT
(12 required)

END UNIT NO. 2
(2 required)

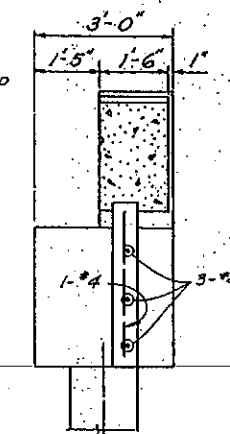
HOWARD, NEEDLES, TAMMEN & BERGENDOFF CONSULTING ENGINEERS KANSAS CITY ORLANDO NEW YORK			
TOWN OF BAY HARBOR ISLANDS			
BROAD CAUSEWAY WEST BRIDGE FISHING SCREEN DETAILS			
REVISIONS		COUNTY	STATE
Date	Descriptions	DADE	FLORIDA
		Monro	Genes
	Designed by D.L.S.	3-69	Date
	Checked by J.R.C.	8-69	Recommended for Approval H.N.T.B.
	Quantities by		Date
	Checked by		Approved Town of Bay Harbor Islands
	Traced by		Drawing No. 8 Index No.



DETAIL OF DEADMAN ANCHOR
1" = 1'-0"

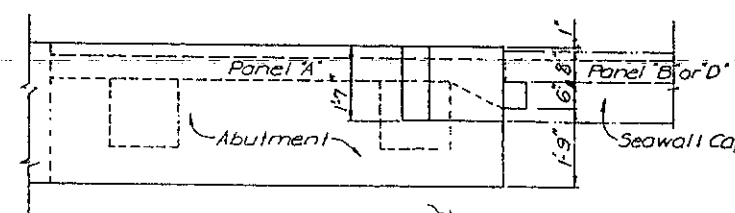


ELEVATION



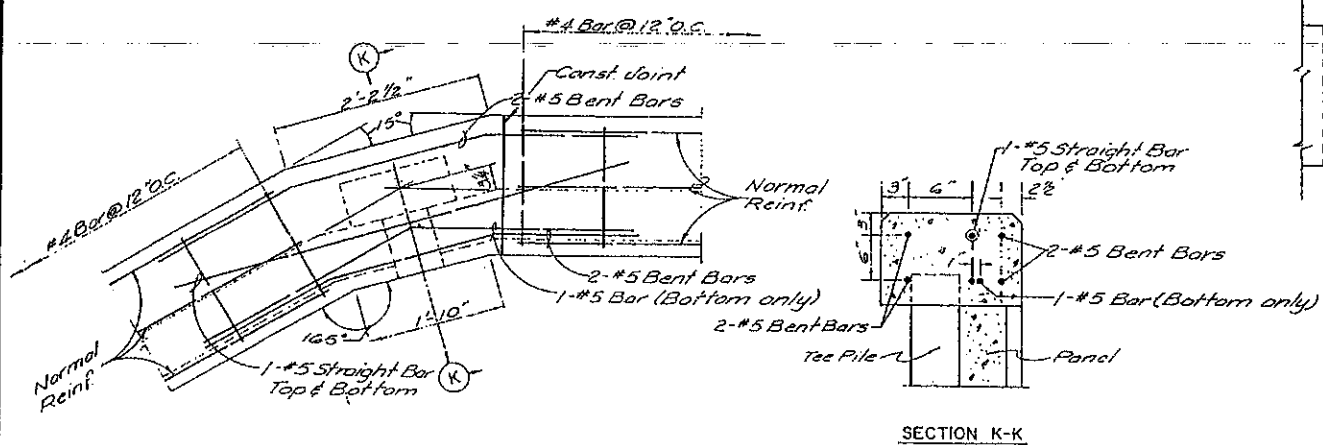
SECTION M-M

Note:
For all abutment details not shown see sheet No. 4



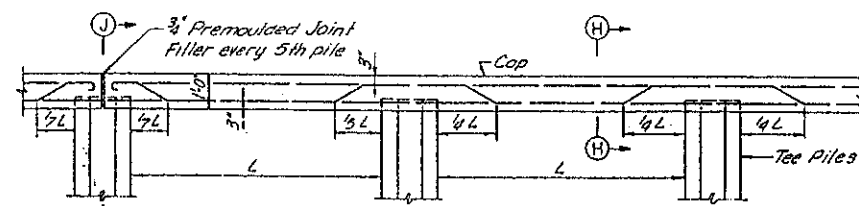
VIEW L-L

DETAIL OF ABUTMENT EXTENSION

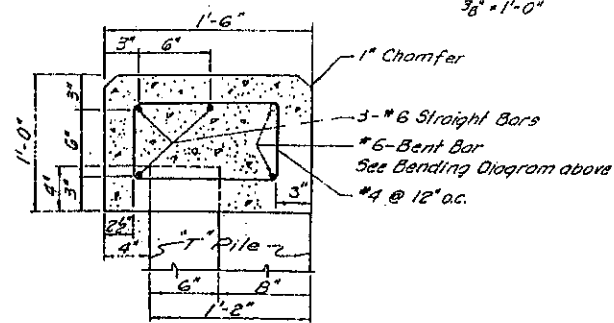


TYPICAL CORNER CAP REINFORCING
AT EAST END OF BRIDGE ONLY

SECTION K-K

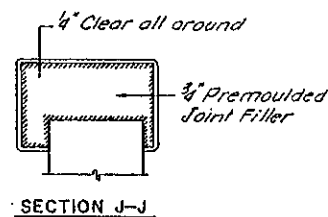


ELEVATION OF CAP
3/8" = 1'-0"

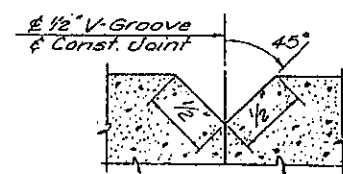


SECTION H-H
1/2" = 1'-0"

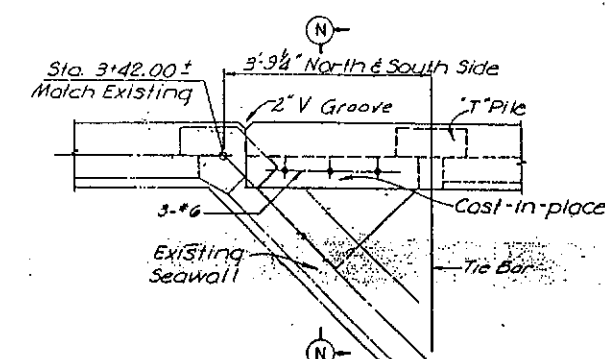
DETAIL OF CAP



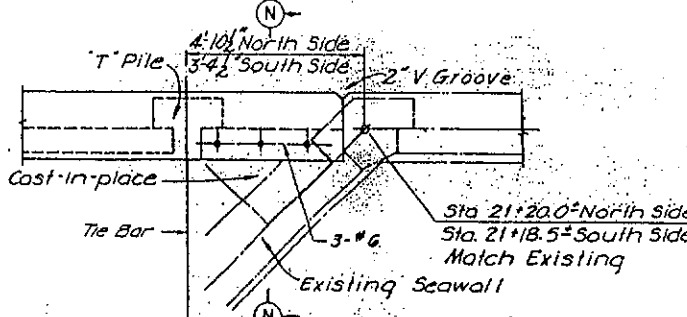
SECTION J-J



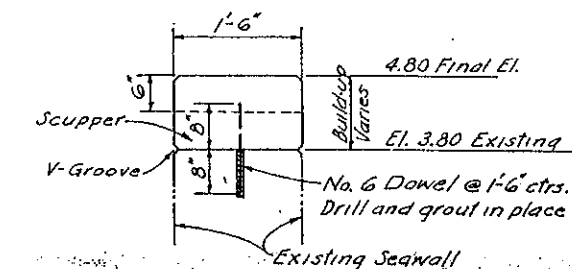
DETAIL OF V-GROOVE



DETAIL 'E'



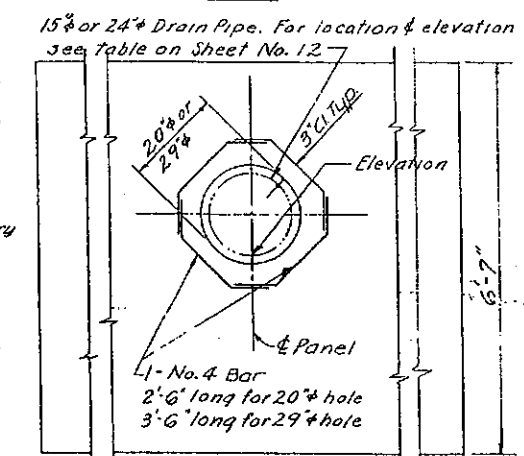
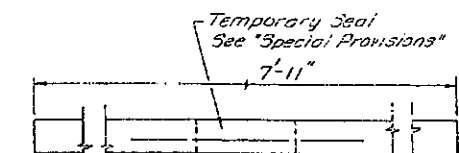
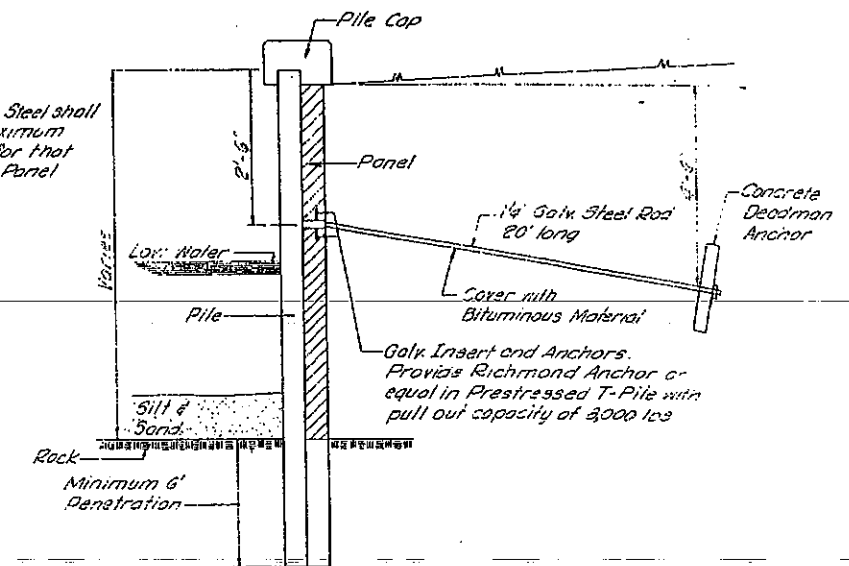
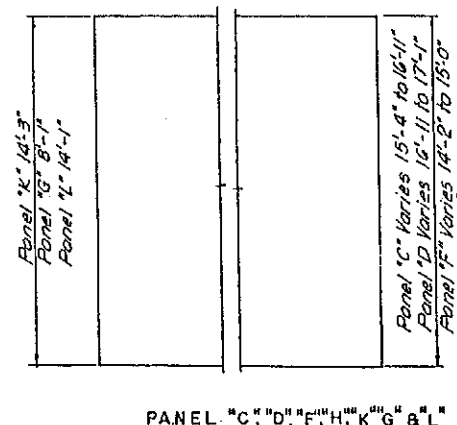
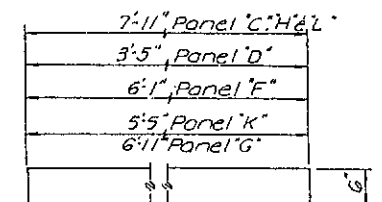
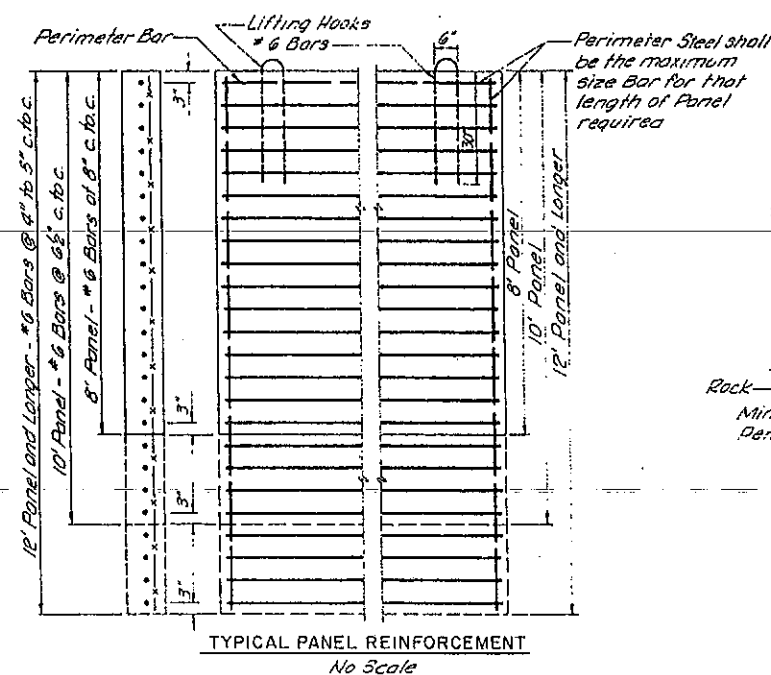
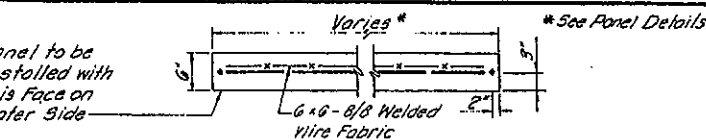
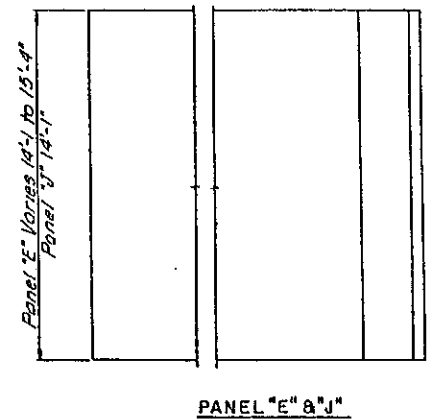
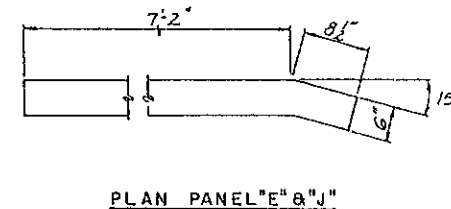
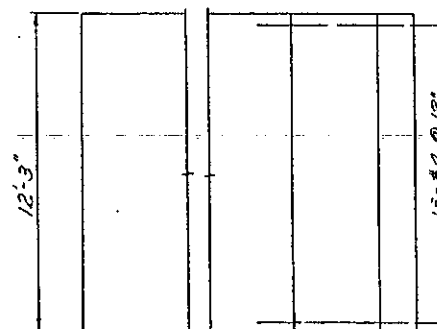
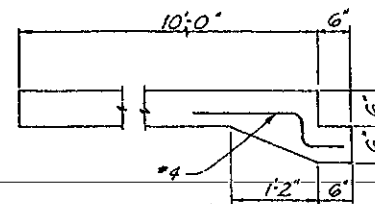
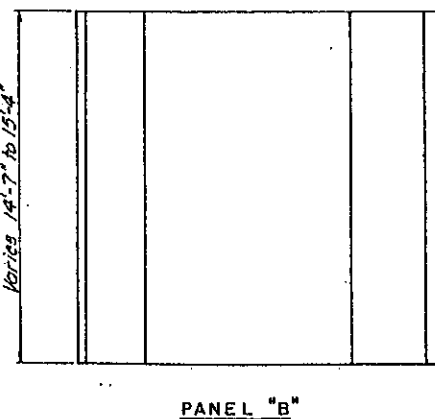
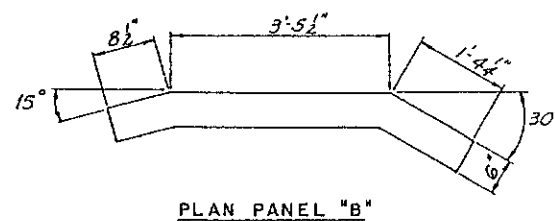
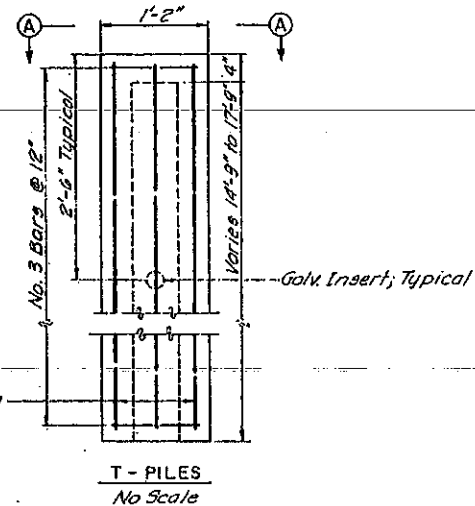
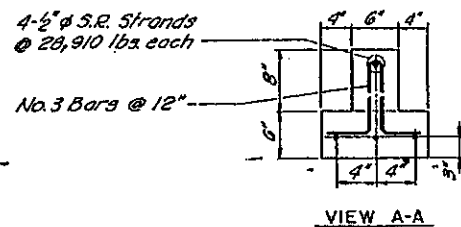
DETAIL 'F'



SECTION G-G
No Scale
CAP BUILD-UP

HOWARD, NEEDLES, TAMMEN & BERGENDOFF
CONSULTING ENGINEERS
KANSAS CITY, ORLANDO, NEW YORK
TOWN OF BAY HARBOR ISLANDS
BROAD CAUSEWAY SEAWALL
DETAILS

REVISIONS		COUNTY	STATE	DATE	
Date	Description	DATE	FLORIDA	DATE	
	Designed by	DLS	4-69	Recommended for Approval	H.N.T. & B.
	Checked by	CLP	5-69	Approved	Town of Bay Harbor Islands
	Quantities by				
	Traced by				



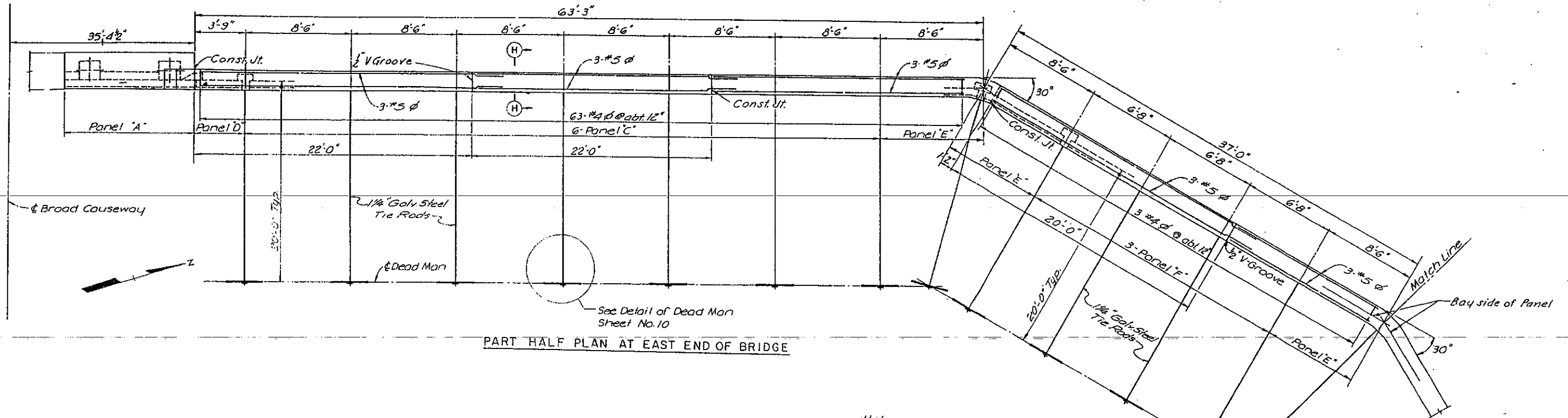
- NOTES:
- 1- Prestressing steel strands shall have a minimum yield strength of 270,000 p.s.i. Strands shall be 1/2"-7/8" wire galvanized, and shall impart an initial prestress load of 28,910 pounds each.
 - 2- Concrete for prestressed piles shall be class P air entrained. Minimum 28 day compressive strength shall be 5000 p.s.i. Concrete shall have attained 4,000 p.s.i. strength before prestress loads are applied.
 - 3- Concrete for precast seawall panels, deadman anchors, pile cap, etc., shall be class A air entrained with a minimum 28 day compressive strength of 3,000 p.s.i.
 - 4- All reinforcing steel (other than prestress steel) shall be ASTM A615 Grade 60. Bar sizes shall be as shown on the plans. Lap lengths shall be standard 24 bar dia.
 - 5- All precast or prestressed members shall have additional reinforcement where necessary to accommodate stresses due to being lifted out of forms and due to handling at the job site. Lifting eyes for panels and piles shall be such that they may be incorporated into pile cap.
 - 6- Galvanized inserts in piles shall be threaded to accept 1/4" connecting rod. Rod shall be greased and threaded into the full depth of the insert.
 - 7- Piles shall not be driven. Holes shall be pre-bored to a minimum six foot penetration in rock.
 - 8- Reinforcing Schedule including bar bending diagram shall be submitted to Engineer prior to fabrication.

NOTE:
For Panel Reinforcement
See Typical Detail.

HOWARD, NEEDLES, TAMMEN & BERGENDOFF
CONSULTING ENGINEERS
KANSAS CITY ORLANDO NEW YORK

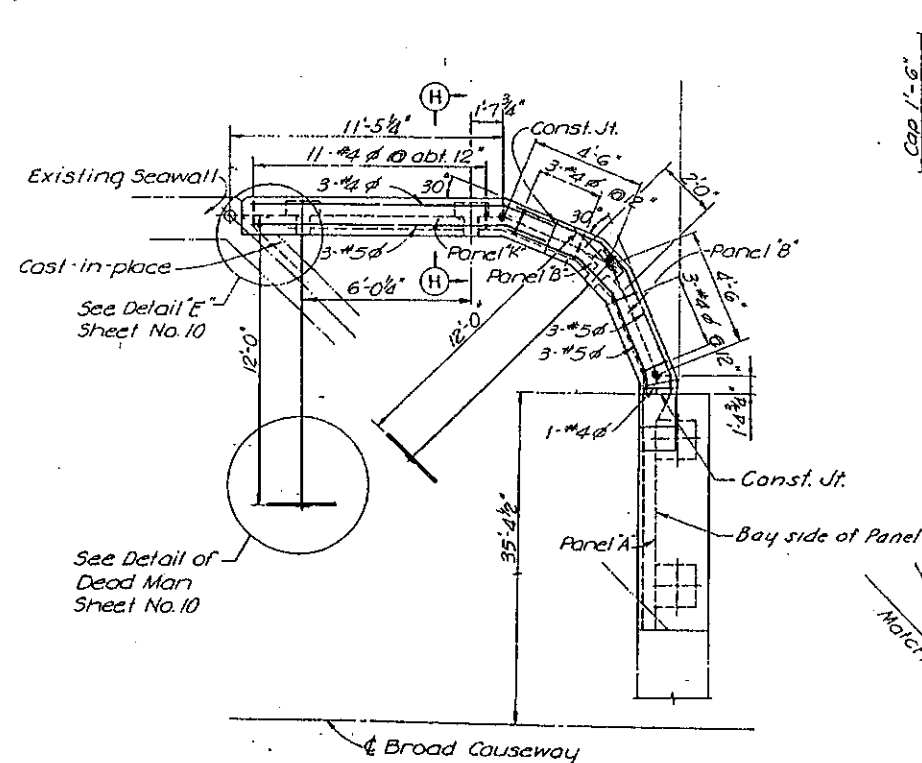
TOWN OF BAY HARBOR ISLANDS
BROAD CAUSEWAY SEAWALL
DETAILS

REVISIONS		COUNTY	STATE
Date	Description	DATE	FLORIDA
		Home	Date
		Detailed by	D.L.S. 4-89
		Checked by	C.E.R. 5-89
		Quantity by	
		Checked by	
		Traced by	
		Approved	Town of Bay Harbor Islands
		Drawing No.	11
		Index No.	17

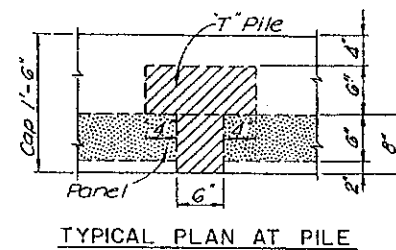


PART HALF PLAN AT EAST END OF BRIDGE

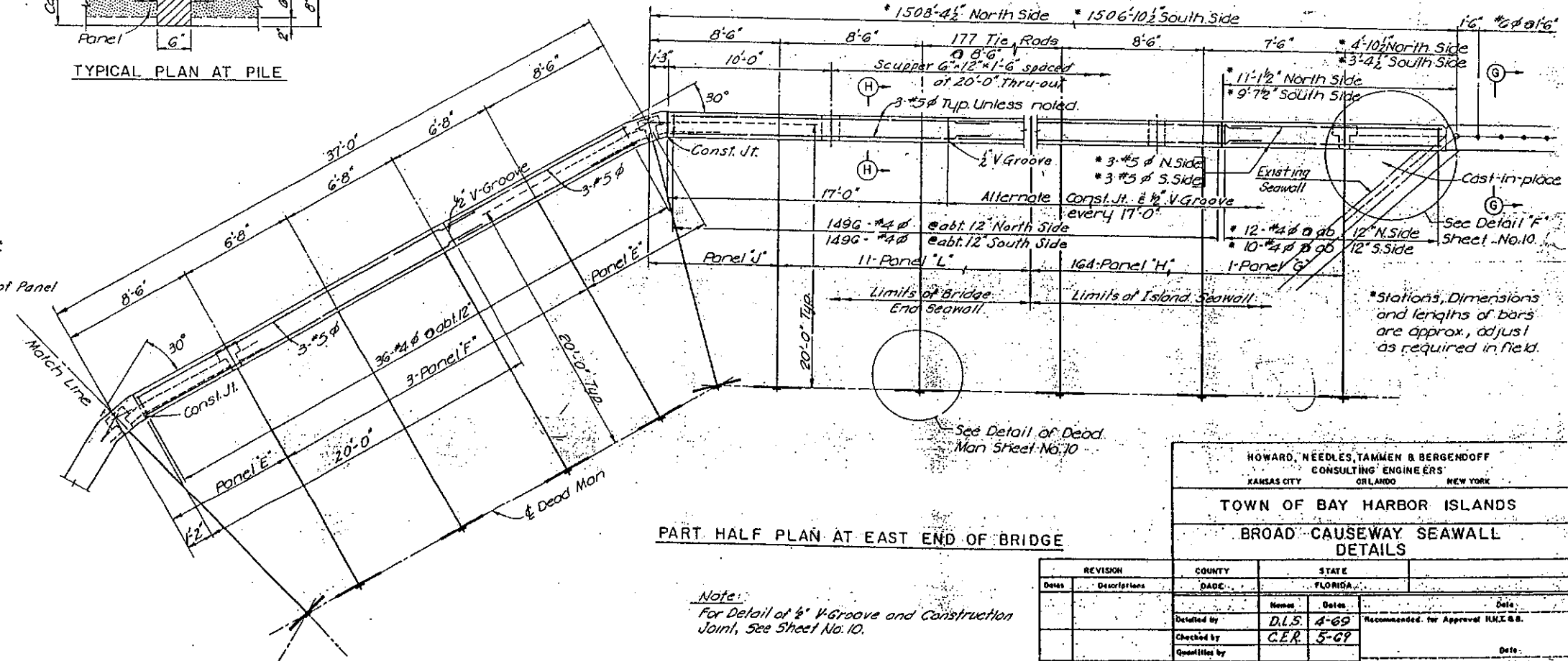
Note:
For Sections G-G and H-H
See Sheet No. 10.



HALF PLAN AT WEST END OF BRIDGE



TYPICAL PLAN AT PILE



PART HALF PLAN AT EAST END OF BRIDGE

Note:
For Detail of 1/2 V-Groove and Construction
Joint, See Sheet No. 10.

HOWARD, NEEDLES, TAMMEN & BERGENDOFF CONSULTING ENGINEERS KANSAS CITY ORLANDO NEW YORK			
TOWN OF BAY HARBOR ISLANDS			
BROAD CAUSEWAY SEAWALL DETAILS			
REVISION	COUNTY	STATE	
Date	FLORIDA		
Designed by	D.L.S.	Date	4-69
Checked by	C.E.R.	Date	5-69
Quantity by		Date	
Checked by		Date	
Traced by		Date	
Approved Town of Bay Harbor Islands Drawing No. 12 Index No.			

