

NOTE: A request form is available from the Deputy Town Clerk; please fill it in and return it prior to the start of the meeting if you would like to speak during public comment. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.

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

**REGULAR COUNCIL MEETING
AGENDA**

**March 20, 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, March 20, 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/88151791071>

Meeting ID: 881 5179 1071

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: 1 305 224 1968 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 881 5179 1071
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: at approximately 7:00p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Phyllis Shamis, Life Alliance Ambassador - Life Alliance Organ Recovery Agency

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER’S REPORT:

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

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

COMMITTEE REPORTS:

CONSENT AGENDA: Set for approximately 7:55 p.m. (Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)

2. Approval of the following Council Meeting Minutes:
 - A. Regular Council Meeting - February 1, 2023
 - B. Regular Council Meeting - March 8, 2023
 - C. Special Council Meeting - March 14, 2023
 - D. Regular Council Meeting - April 10, 2023
 - E. Special Council Meeting – May 1, 2023
 - F. Regular Council Meeting - May 10, 2023
 - G. Regular Council Meeting - June 14, 2023
 - H. Special Council Meeting - June 28, 2023
 - I. Special Council Meeting - July 27, 2023

- J. Regular Council Meeting - August 8, 2023
- K. Special Council Meeting - August 21, 2023
- L. First Budget Public Hearing - September 13, 2023
- M. Regular Council Meeting - September 13, 2023
- N. Broad Causeway Bridge Replacement Workshop - September 26, 2023
- O. Final Budget Public Hearing - September 27, 2023
- P. Broad Causeway Bridge Replacement Project -September 28, 2023
- Q. Special Council Meeting - September 27, 2023
- R. Regular Council Meeting - October 11, 2023

3. **Consideration and Approval** of a Resolution adopting Title VI Plan update for the Town of Bay Harbor Islands. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d). Enclosed are the updated Title VI Plan and the proposed resolution.

**A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF
THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING
TITLE VI PLAN UPDATE FOR THE TOWN OF BAY HARBOR
ISLANDS, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.**

4. **Consideration and Approval** of a resolution for Change Order No. 3 to a contract between the Town and Engineering Control Systems Corp. awarded October 19, 2022, for the BC-158 Broad Causeway Rehabilitation Construction Project. The Change Order is for \$245,000.00 to cover additional costs due to increased spall repairs and time extension of the contract because of weather days that delayed the project. Enclosed are the Change Order and proposed resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY
HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER
NUMBER 3 IN THE AMOUNT OF \$245,000 TO THE AGREEMENT
WITH ENGINEERING CONTROLS SYSTEMS CORP FOR THE BC-
158 SHEPARD BROAD CAUSEWAY REHABILITATION
CONSTRUCTION PROJECT BRIDGE; PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE
OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

5. **Consideration and Approval** of a resolution for Change Order No. 2 to a contract between the Town and BCC/Lakes Engineering awarded on February 10, 2020 for the BC-158 Broad Causeway Rehabilitation Construction project. The Change Order is for \$96,500.00 for construction time extension due to FDOT critical findings, increased repair spall repairs, and weather days resulting in delay of the project. Enclosed are the Change Order, the resolution, and other supporting documents.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, APPROVING
CHANGE ORDER NUMBER 2 TO THE AGREEMENT WITH
LAKES ENGINEERING FOR CONSTRUCTION
ENGINEERING INSPECTION SERVICES TO THE SHEPARD
BROAD CAUSEWAY BRIDGE REHABILITATION
PROJECT; PROVIDING FOR INCORPORATION OF
RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS;
AND PROVIDING FOR AN EFFECTIVE DATE.**

6. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the Village of Indian Creek and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE VILLAGE OF INDIAN CREEK FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution renewing the Mutual Aid Agreement and Joint Declaration between the Town of Medley and the Town of Bay Harbor Islands for shared police services. Enclosed are the proposed agreement and resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE TOWN OF MEDLEY FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

8. **Consideration and Approval** of a resolution for Budget Amendment No. 2 re-appropriating various funds carried forward from FY 2022-2023 to FY 2023-2024 to fund the cost of the projects that commenced during FY 2022-2023 and were not completed or were deferred until after September 30, 2023. Enclosed are the proposed resolution and supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2023/2024 BUDGET TO PROVIDE FOR CARRYFORWARDS FROM FISCAL YEAR 2023 TO FISCAL YEAR 2024; PROVIDING INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration and Approval** of a resolution **Ratifying** and **Approving** emergency service authorization to Transcore in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions, for the replacement of firewalls for Sunpass servers at Town Hall for an approximate amount of \$31,950.87. Enclosed is a copy of the price quote.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE TOWN MANAGER'S APPROVAL OF AN EMERGENCY PROCURMENT WITH TRANSORE FOR REPLACEMENT OF THE FIREWALLS FOR THE SUNPASS SERVERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

ORDINANCES ON SECOND READING:

10. **Consideration and Approval** of an ordinance on Second Reading amending Section 5 3/4-16 of the Town Code of Ordinances to change the name of the Litigation Committee to Mitigation Committee. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 5 ¾-16 OF THE TOWN CODE RENAMING THE LITIGATION COMMITTEE TO THE “MITIGATION COMMITTEE”; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

11. **Consideration and Approval** of an ordinance on Second Reading amending Sections 5-20 and 5-23 of the Town Code regarding the contents of preliminary site development plans. Sponsored by Council Member Teri D'Amico. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION, ARTICLE I, SECTION 5-20 ENTITLED “CONTENTS OF PRELIMINARY PLAN, PENALTY FOR NONCOMPLIANCE”, AND SECTION 5-23 ENTITLED “TIME FOR SUBMITTING OF FINAL WORKING PLANS”; 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

ORDINANCES ON FIRST READING:

12. **Consideration and Approval** of an ordinance on first reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe. Enclosed is a copy of the draft ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION / APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; PROVIDING FOR INCORPORATION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

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

DISCUSSION ITEMS:

13. **Discussion** and **Possible** action regarding non-renewal of the contract for the art festival. Sponsored by Mayor Elizabeth Tricoche.

ADJOURNMENT: Approximately 10:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.