

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**

May 8, 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, May 8, 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/89122614603> Meeting ID:
891 2261 4603

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: 891 2261 4603

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 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Teacher of the Year - Ruth K. Broad K-8 Center – Silvia Mayorga
2. Rookie Teacher of the Year - Ruth K. Broad K-8 Center – Abigail Nagler

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 Deputy Town Clerk no later than the conclusion of "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.)

3. Approval of the following Council Meeting Minutes:
 - A. November 8, 2023 - Regular Council Meeting

4. **Consideration and Approval** of a Resolution ratifying the appointment of Christopher Benjamin as Special Magistrate to conduct Administrative Hearings on Code Violations for the Town of Bay Harbor Islands, pursuant to Section 5¾-3 of the Town Code. Enclosed is a copy of the proposed agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPOINTMENT OF CHRISTOPHER BENJAMIN, ESQ. OF INTERNATIONAL LAW PARTNERS, LLP AS SPECIAL MAGISTRATE TO CONDUCT ADMINISTRATIVE HEARINGS ON CODE VIOLATIONS FOR THE TOWN OF BAY HARBOR ISLANDS, PURSUANT TO ENFORCEMENT PROCEDURES SET FORTH IN SECTION 5 ¾-3 OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution approving a contract with Florida Drawbridge Inc. for a term of five (5) years, under the piggyback purchasing provisions, pursuant to Section 2-1.2(6) of the Town Code, for "drawbridge" repairs & maintenance services for the Broad Causeway drawbridge. Enclosed are the draft resolution and supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A CONTRACT WITH DRAWBRIDGE, INC. FOR DRAWBRIDGE REPAIRS AND MAINTENANCE SERVICES FOR THE BROAD CAUSEWAY DRAWBRIDGE, UNDER THE PIGGYBACK PURCHASING PROVISIONS PURSUANT TO SECTION 2-1.2(6) OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a Resolution for the Fifth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to August 31, 2024, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed are the proposed resolution and the Lease Extension agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE FIFTH 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.

7. **Consideration and Approval** of a Resolution authorizing the expenditure of \$30,000 to upgrade surveillance cameras throughout the Town and upgrade of the server to accommodate the additional data. The equipment and service will be obtained in accordance with the Town's procurement regulations. Sponsored by Council Member Stephanie Bruder.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, AUTHORIZING THE EXPENDITURE OF \$30,000 FOR UPGRADE OF SURVEILLANCE CAMERAS THROUGHOUT THE TOWN AND UPGRADE OF THE SERVICE TO ACCOMMODATE THE ADDITIONAL DATA; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Consideration and Approval** of a Memorandum of Agreement between the Town of Bay Harbor Islands, Florida Department of Transportation, and the Florida State Historic Preservation Officer regarding the Broad Causeway Bridge (FDOT Bridge No. 875101) replacement undertaking in substantially the form attached hereto as Exhibit A. Enclosed is the draft MOA.

9. **Consideration and Approval** of a resolution approving a contract with Samsara for a term of five (5) years, in the amount of \$24,043.50, for the purchase of an Automatic Vehicle Locating Service (AVL) to service 50 Town-owned vehicles, under the piggyback purchasing provisions, pursuant to Section 2- 1.2(6) of the Town Code. Enclosed are the draft resolution and supporting documents.

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
APPROVING A CONTRACT IN THE AMOUNT OF
\$24,043.50 WITH SAMSARA FOR A TERM OF FIVE
(5) YEARS FOR THE PURCHASE OF AN
AUTOMATIC VEHICLE LOCATING SERVICE FOR
TOWN VEHICLES, UNDER THE PIGGYBACK
PURCHASE PROVISION PURSUANT TO SECTION 2-
1.2(6) OF THE TOWN CODE; PROVIDING FOR
INCORPORATION OF RECITALS; AND SETTING
AN EFFECTIVE DATE.**

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

PUBLIC HEARING

10. **Consideration and Approval** of a request for a revision of a new commercial mixed-use building for "1177 Bay Harbor Islands, LLC" located at 1177 Kane Concourse, Lots 5-8 / Block 21 & Lots 6-14/ Block 21. A site development plan for the new commercial property was approved by the Planning & Zoning Board on August 20, 2019. The owner is requesting an increase from 54 dwelling units to 66 units. Also, they are submitting the east facade for review and approval. The Town's DRB reviewed & approved the 2024 Revisions by a 6-0 vote on 4/16/24, subject to the Town Planner's and staff's conditions. However, the Board strongly felt the 2023 east building facade design (score line rectilinear pattern) was preferable to the applicant's proposed 2024 design (paint). Enclosed are supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

11. **Discussion** for the purpose of hearing public comments with respect to an application for variances from Sections 23-12(6)(a)(iii), 23-12(6)(a)(v) and 23-12(8) of the Town Code for the construction of a linear dock that will extend 46 feet from the seawall cap, where the Code requires a maximum extension of 25 feet. The application for a variance is being requested by property owner Brett Reizen for the property located at 9424 West Broadview Drive, Lot 82 and West 11.85 feet of Lot 83, Block 23, Bay Harbor Islands, Florida. Enclosed are the variance application and other supporting documents.

12. **Approval or Denial** of a variance request for the property located at 9424 West Broadview Drive. In accordance with Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for a variance. An affirmative vote of five (5) Council Members are necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, Miami-Dade County Code, Florida Building Code, FEMA or any other applicable governing agency. Enclosed are supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

13. **Consideration and Approval** of an ordinance on Second Reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Enclosed is a copy of the proposed ordinance. Sponsored by Council Member Robert Yaffe and Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

14. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-5(f) and (k) of the Town Code regarding temporary construction fences. Sponsored by Council Member 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 CHAPTER 5 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "BUILDING AND CONSTRUCTION" BY REVISING SECTION 5-5(f) and (k) PERTAINING TO "TEMPORARY CONSTRUCTION FENCES" PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

15. **Consideration and Approval** of an ordinance on First Reading amending Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by Council Member Stephanie Bruder. Enclosed is 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 OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

16. **Consideration and Approval** of an ordinance on First Reading amending Section 5-2.2 of the Town Code pertaining to responsibility for payment of cost related to pre-construction survey and/or seismic monitoring required on neighboring properties within 300 feet of a construction site, in accordance with subsection Section 5-2.2(1). Sponsored by Vice Mayor Isaac Salver. Enclosed is 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 ARTICLE 1 OF CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION BY REVISING SECTION 5-5.2 CONSTRUCTION SITE MONITORING PERTAINING TO PAYMENT FOR PRE-CONSTRUCTION SURVEY AND/OR SEISMIC MONITORING, BY ADDING A NEW SUBSECTION D AND RENUMBERING SUBSECTION D AS SUBSECTION E, AND REVISING SAME; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

17. ~~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 add padel ball to the outdoor recreational game court facilities allowed in the Town, modifying fencing regulations and providing for noise mitigation to accommodate this sport. Sponsored by Mayor Fuller. Enclosed is the proposed ordinance.

~~AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(26) RELATED TO OUTDOOR RECREATIONAL GAME COURT FACILITIES TO CLARIFY AND EXPAND THE TYPES OF GAME COURT FACILITIES ALLOWED AND TO MODIFY FENCING ALLOWANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~STAFF RECOMMENDATION:~~ Council's Discretion

~~POLL VOTE~~

DEFERRED ITEMS:

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

18. **Discussion** and **Possible** action regarding a concept for a new Town Hall and Parking Facility. Sponsored by Council Member Stephanie Bruder.
19. **Consideration** and **Approval** of a member to the Mitigation Committee.

DISCUSSION ITEMS:

20. **Discussion** regarding Miami-Dade County's pending ordinance on scooters and electric bikes. Sponsored by Council Member Eric Rappaport.
21. **Discussion** and **Possible** action relating to the Town Manager's resignation tendered on April 8, 2024. Sponsored by Council Member Isaac Salver.

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.