

**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**

**AGENDA**

**REVISED**

November 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, November 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/85112507352>

Meeting ID: 851 1250 7352

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: **851 1250 7352**  
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. FLC University/Elected Municipal Officials (IEMO) II Certificate of Completion –  
Council Member Teri D'Amico

### **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA**

### **ITEMS: TOWN MANAGER’S REPORT:**

2. Presentation of TDR Annual Report pursuant to Section 23-22.2 of the Town Code.  
Town Planner Michael Miller

### **COUNCIL 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:** *(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. **Consideration and Approval** of the Regular Council Meeting dates for the 2025 calendar year. Enclosed is a list of the proposed dates.

4. **Consideration** and **Approval** of a Resolution renewing an agreement between the Town of Bay Harbor Islands and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level. Enclosed are the proposed agreement and draft resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA EXTENDING THE TERM OF THE PROFESSIONAL SERVICES AGREEMENT WITH DAVID CASERTA GOVERNMENT RELATIONS, INC. FOR STATE LOBBYING SERVICES FOR AN ADDITIONAL TERM OF NOVEMBER 1, 2024 THROUGH OCTOBER 31, 2025; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

5. **Consideration** and **Approval** of a Resolution regarding a Budget Amendment to the FY 2023-2024 Budget. Attached is a copy of the draft Resolution with supporting documents.

**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, 2023 AND ENDING SEPTEMBER 30, 2024, ADJUSTING REVENUES AND EXPENDITURES OF FUNDS ESTABLISHED AND REFLECTED HEREIN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

6. **Consideration** and **Approval** of a resolution regarding carry-forward appropriations from the 2023-2024 budget year into FY 2024-2025. Enclosed are the draft resolution and Finance Director's memorandum.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 1 FOR THE FISCAL YEAR 2024-2025 BUDGET TO PROVIDE FOR CARRYFORWARDS FROM FISCAL YEAR 2024 TO FISCAL YEAR 2025; PROVIDING INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

7. **Consideration** and **Approval** of a resolution to enter into an Interlocal Agreement with Miami-Dade County for publishing public notices on their website. Enclosed are the Staff Report, draft resolution, and interlocal agreement.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO THE PUBLICATION OF LEGAL ADVERTISEMENTS AND PUBLIC NOTICES ON MIAMI-DADE COUNTY'S PUBLICLY ACCESSIBLE WEBSITE; PROVIDING FOR INCORPORATION OF RECITALS, PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

8. **Consideration and Approval** of the issuance of a Request for Qualifications (RFQ) for a certified Local Agency Program (LAP) Engineering Consultant, as required by the Florida Department of Transportation (FDOT). Enclosed is the Staff Memo.
9. **Consideration and Approval** of the issuance of a Request for Qualifications (RFQ) for a General Contractor to perform minor tasks under the direction of the Director of Public Works. Enclosed is the Staff Memo.
10. **Consideration and Approval** of a resolution approving Task Order No. 001 with AtkinsRealis USA in the amount of \$250,000, to conduct Climate Change Vulnerability Assessment (CCVAs). Enclosed are the Staff Memo, Task Order, and draft resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A TASK ORDER IN THE AMOUNT OF \$250,000 WITH ATKINSREALIS USA, UNDER THE ENGINEERING CONSULTANT CONTINUING SERVICES AGREEMENT, TO COMPLETE THE TOWN'S VULNERABILITY ASSESSMENT PROJECT; PROVIDING FOR INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

11. **Consideration and Approval** of a resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Doral and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and draft resolution.

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

12. **Consideration and Approval** of a resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Florida City and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and draft resolution.

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

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

**ORDINANCES ON SECOND READING:**

13. **Consideration** and **Approval** of an ordinance on Second Reading amending Chapter 24, Section 16 related to the regulations of landscape requirements. Sponsored by Council Member Robert Yaffe. Enclosed are the proposed ordinance and Staff Memo.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF LANDSCAPE REQUIREMENTS, AMENDING CHAPTER 24 ENTITLED PROPERTY MAINTENANCE STANDARDS; AMENDING SECTION 24-16 ENTITLED MINIMUM LANDSCAPE STANDARDS, TO MODIFY THE LANDSCAPE STANDARDS; RETITLING SECTION 24-16.1 FROM "USE OF FERTILIZER" TO "TREE REMOVAL, PROTECTION, REPLACEMENT AND ABUSE"; SECTION 24-16.3 "DEFINITIONS"; RETITLING SECTION 24-16.10 FROM "MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER" TO "MAINTENANCE REQUIREMENTS"; SECTION 24-16.15 "ENFORCEMENT AND 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**

**ORDINANCES ON FIRST READING:**

14. **Consideration** and **Approval** of an ordinance on First Reading amending Section 12-21 of the Town Code regarding Definitions for Construction Activity. Enclosed are the Staff Memo and 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 NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-21 ENTITLED DEFINITIONS; 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)*

15. **Consideration and Approval** of a Resolution designating a weekday (Tuesday, Wednesday or Thursday prior to the election) for Early Voting, pursuant to Section 6-4 of the Town Code. Enclosed is the draft Resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DESIGNATING THE WEEKDAY FOR EARLY VOTING FOR THE APRIL 1, 2025 GENERAL ELECTION PURSUANT TO SECTION 6-4 OF THE TOWN CODE; AUTHORIZING THE TOWN CLERK TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

**DISCUSSION ITEMS:**

16. ~~**Discussion and Possible** action regarding an amendment to Section 23-4 of the Town Code to establish additional permitted uses in the RM-1 and RM-2 Zoning Districts. Enclosed are the proposed ordinance and draft language for consideration. Sponsored by Mayor Joshua D. Fuller~~
17. **Discussion and Possible** action regarding the License Agreements for Temporary Parking Space. Sponsored by Council Member Stephanie Bruder. Enclosed are the lease application documents.
18. **Discussion and Possible** action on adopting a set of rules for members of the Town Council, specifically regarding meetings and debate procedures, in accordance with Section 2.07 of the Town Charter. **Sponsored by Council Member Teri D'Amico.**

19. **Discussion** regarding Council Member Teri DiAmico's presentation on schematic design for the new Town Hall, Police Station, and the Parking Garage. Sponsored by Council Member Teri D'Amico.

**ADJOURNMENT:** Approximately 11:00 p.m.

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