

**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 8, 2025  
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 8, 2025, 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/89187101864>  
Meeting ID: 891 8710 1864

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 8710 1864  
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: Approximately 7:00 p.m.:**

## **PLEDGE OF ALLEGIANCE:**

## **ROLL CALL:**

## **SPECIAL PRESENTATION:**

1. Carmen Da Cruz, CITT Senior Executive Secretary - Citizens' Independent Transportation Trust. Enclosed is a copy of the presentation.
2. Vice President, Government Affairs, Eileen Damaso - Coastal Waste & Recycling. Enclosed is a copy of the recycling contract.

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

## **TOWN MANAGER'S REPORT:**

## **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 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 a resolution approving an employment agreement with Lindsley Noel as Interim Town Manager and approving modifications to his Chief of Police employment agreement.~~

~~A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT WITH INTERIM TOWN MANAGER LINDSLEY NOEL AND MODIFYING HIS POLICE CHIEF EMPLOYMENT AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.~~

4. **Consideration and Approval** of a resolution approving a combined voluntary cooperation and operational assistance Mutual Aid Agreement with Miami-Dade County Association of Chiefs of Police for Law Enforcement services. Enclosed are the proposed agreement and draft resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.**

5. **Consideration and Approval** of a resolution urging members of the Florida Legislature to support the 2025 Florida League of Cities Legislative Platform. Enclosed is the draft resolution. Sponsored by Mayor Joshua Fuller.

**A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2025 FLORIDA LEAGUE OF CITIES' LEGISLATIVE PLATFORM; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.**

6. **Consideration and Approval** of a resolution updating the signers on the Town's accounts with Bank of America. Enclosed is a draft resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING DEPOSITS AND WITHDRAWALS OF TOWN FUNDS IN ACCOUNTS WITH BANK OF AMERICA; PROVIDING FOR AN EFFECTIVE DATE.**

7. **Consideration and Approval** of a Resolution ratifying the appointment of Annette Epelbaum Cannon, Esq. 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; and approval of a proposed agreement for such services. Enclosed are the draft resolution, proposed agreement, and other supporting documents.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPOINTMENT OF ANNETTE EPELBAUM CANON 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 5¾-3 OF THE TOWN CODE; APPROVING AN AGREEMENT FOR THE RELATED SERVICES; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

**PUBLIC HEARING**

8. **Public Comment** regarding consideration of an ordinance on First Reading amending Section 23-4 of the Town Code to establish additional permitted uses in the RM-1 and RM-2 Multiple Family Districts. Sponsored by Mayor Joshua Fuller. Enclosed are the proposed ordinance and Staff Report.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 23 ENTITLED ZONING AND PLANNING; AMENDING ARTICLE I, SECTION 23-4 ENTITLED USE REGULATIONS, RM-1 AND RM-2 MULTIPLE FAMILY DISTRICTS; TO ESTABLISH ADDITIONAL PERMITTED USES IN THE RM-1 AND RM-2 MULTIPLE FAMILY DISTRICTS; PROVIDING FOR LIMITED COMMERCIAL USES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

9. **Approval** or **Denial** of the proposed ordinance on First Reading amending Section 23-4 of the Town Code providing for limited commercial uses in the RM-1 and RM-2 Zoning Districts.

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

**ORDINANCES ON SECOND READING:**

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

**ORDINANCES ON FIRST READING:**

11. **Consideration** and **Approval** of an ordinance on First Reading amending Section 11-8.2 of the Town Code regarding Adopted Levels of Service and Concurrency review requirements. Enclosed are the Staff Memo and proposed ordinance. Sponsored by Council Member Robert Yaffe.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 11-8.2 OF THE TOWN'S CODE OF ORDINANCES RELATED TO ADOPTED LEVELS OF SERVICE (LOS) AND CONCURRENCY REVIEW REQUIREMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING EXEMPTIONS AND ESTABLISHING DE-MINIMIS IMPACT THRESHOLDS FOR DEVELOPMENT APPROVAL REQUESTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

12. **Consideration and Approval** of an ordinance on First Reading amending Section 23-5 of the Zoning and Planning Code to prohibit the sale, leasing, rental, display or repair of automobiles, trucks, boats, trailers or recreational vehicles in the B-1 Business District. Enclosed are the Staff Memo and proposed ordinance. Sponsored by Mayor Joshua D. Fuller.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE LAND USES PERMITTED OR PROHIBITED IN THE B-1 BUSINESS DISTRICT; AMENDING SECTION 23-5 OF THE ZONING AND PLANNING CODE TO MODIFY THE LIST OF PROHIBITED USES IN THE B-1 BUSINESS DISTRICT TO INCLUDE THE SALE, LEASING, RENTAL, DISPLAY OR REPAIR OF AUTOMOBILES, TRUCKS, BOATS, TRAILERS OR RECREATIONAL VEHICLES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; 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 the Town's Policies & Procedures Manual. Enclosed is the Town of Bay Harbor Islands Employee Policies & Procedures Manual. Sponsored by Council Members Stephanie Bruder and Robert Yaffe.

14. ~~**Discussion and Possible Action** regarding weight restrictions on the bascule spans and approval of a resolution authorizing Ardurra Group, Inc. to design the required repairs for the bascule spans for an amount not to exceed \$200,000. Sponsored by Council Member Stephanie Bruder.~~

**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.*