

**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**

February 20, 2025  
9:00 AM

**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 Thursday, February 20, 2025, at 9:00 a.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/81081304352>

Meeting ID: 810 8130 4352

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: 810 8130 4352  
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 8:00 a.m. on the day of the meeting.

**CALL TO ORDER:At approximately 9:00 a.m.**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**SPECIAL PRESENTATION:**

1. **Employee** of the month of January - Marlon Martinez
2. **Legislative Updates** for the Town of Bay Harbor Islands - Devan Vilfrard, Office of State Senator Shevrin D. Jones, (SD-34)
3. **Introduction** of Police Surgeon Dr. Zev Neuwirth and Medical Liaison Mordechai Neuwirth

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

**TOWN MANAGER'S REPORT:**

**TOWN ATTORNEY'S REPORT:**

4. **Nuisance** lawsuit

**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.)*

5. **Consideration and Approval** of a resolution approving an Addendum to employment agreement with Lindsley Noel as Interim Town Manager and approving modifications to his Chief of Police employment agreement. Enclosed are the draft resolution and Exhibit A, Addendum to Interim Town Manager's Agreement. Sponsored by Council Member Stephanie Bruder

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN ADDENDUM TO THE CHIEF OF POLICE EMPLOYMENT CONTRACT WITH LINDSLEY NOEL TO FIX HIS COMPENSATION FOR SERVING AS INTERIM TOWN MANAGER; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.**

6. **Consideration and Approval** of the Second Addendum to the Chief of Police Employment Agreement between the Town of Bay Harbor Islands and Lindsley Noel. Enclosed are the draft resolution and Second Addendum.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA PROVIDING FOR APPROVAL OF THE SECOND ADDENDUM TO THE CHIEF OF POLICE EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND LINDSLEY NOEL; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

7. **Consideration and Approval** of a resolution authorizing Ardurra Group, Inc. to design the required repairs for the bascule spans for an amount not to exceed \$407,180. Sponsored by Council Member Stephanie Bruder.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDED AN ENGINEERING CONSULTING SERVICES CONTINUING CONTRACT TO ARDURRA GROUP, INC., IN AN AMOUNT NOT TO EXCEED \$407,180.00 TO DESIGN REPAIRS TO THE BROAD CAUSEWAY BASCULE BRIDGE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.**

8. **Consideration and Approval** of a resolution authorizing the Town Manager to apply for grant assistance under the Florida Inland Navigation District (FIND) Waterways Assistance Program to acquire a marine patrol boat. Sponsored by Mayor Joshua D. Fuller

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPLY FOR GRANT ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM TO ACQUIRE A MARINE PATROL BOAT; PROVIDING FOR**

**INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

9. **Consideration and Approval** of a resolution authorizing the Town Manager to apply for grant assistance under the Florida Inland Navigation District (FIND) Waterways Assistance Program for Phase II, construction and installation of a marine boat station that will be comprised of a 12k elevator lift to hold a patrol boat and a 5k station to mount two jet skis. Enclosed are the Staff Memo, draft resolution, Design and Permitting Plan, and BHI WAP Application/Boatlift. Sponsored by Mayor Joshua D. Fuller

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPLY FOR ASSISTANCE 2025 UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR THE TOWN OF BAY HARBOR ISLANDS BOAT LIFT STATION, PHASE II; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

10. **Consideration and Approval** of a resolution waiving competitive bidding for replacement of the condensing unit at the Morris N. Broad Community Center pursuant to Section 2-1.2(a)(8) of the Town Code, and approving and accepting a proposal in an amount of \$63,906.30 in favor of Debonair Mechanical Inc. to complete the project. Enclosed are the Staff Memo, draft resolution, and proposal. Sponsored by Council Member Stephanie Bruder.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA WAIVING COMPETITIVE BIDDING FOR REPLACEMENT OF THE CONDENSING UNIT AT THE MORRIS N. BROAD COMMUNITY CENTER PURSUANT TO SECTION 2-1.2(a)(8) OF THE TOWN CODE AND ACCEPTING A PROPOSAL FROM DEBONAIR MECHANICAL INC. IN THE AMOUNT OF \$63,906.30 TO COMPLETE THE PROJECT; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.**

11. **Consideration and approval** of a resolution approving a proposal from Rubin Turnbull and Associates to provide supplemental federal lobbying services to the Town. A copy of the resolution and the proposal, which is attached as Exhibit A, are enclosed. Sponsored by Mayor Joshua D. Fuller

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING THE WAIVER OF COMPETITIVE BIDDING PURSUANT TO SECTION 2-1.2(A)(8) OF THE TOWN CODE; ACCEPTING AND APPROVING THE PROPOSAL FROM RUBIN, TURNBULL AND ASSOCIATES FOR SUPPLEMENTAL FEDERAL LOBBYING SERVICES; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.**

12. **Consideration and Approval** of a resolution authorizing the Town Manager to prepare and issue a Request for Proposals (RFP) seeking a strategic partner to promote, operate and manage the Bay Harbor Islands Art Festival, subject to final approval by the Town Council. Sponsored by Mayor Joshua D. Fuller

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY**

**HARBOR ISLANDS, FLORIDA, AUTHORIZING THE TOWN MANAGER TO PREPARE AND ISSUE A REQUEST FOR PROPOSALS FOR A STRATEGIC PARTNER TO PROMOTE, OPERATE, AND MANAGE THE ART FESTIVAL; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.**

13. **Consideration** and Approval of a resolution authorizing the Town Manager to prepare and issue a competitive solicitation seeking proposals for a Public Private Partnership (P3) relating to the development of the new Town Hall complex, subject to final selection of a proposer by the Town Council. Sponsored by Mayor Joshua D. Fuller

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXPLORE POSSIBLE PUBLIC PRIVATE PARTNERSHIPS (P3), INCLUDING UNSOLICITED PROPOSALS, AND TO ISSUE A REQUEST FOR PROPOSALS SEEKING A STRATEGIC PARTNER AND PROPOSALS RELATING TO THE DEVELOPMENT OF THE NEW TOWN HALL COMPLEX; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCES ON SECOND READING:**

14. **Consideration** and **Approval** of an ordinance on Second 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 EXEMPTIONS AND ESTABLISHING DE-MINIMIS IMPACT THRESHOLDS FOR DEVELOPMENT APPROVAL REQUESTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

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

**ORDINANCES ON FIRST READING:**

16. **Consideration and Approval** of an ordinance on First Reading amending Chapter 19, Article 1 of the Town Code for Speed Detection Systems in School Zones. Enclosed are the Staff Memo and proposed ordinance. Sponsored by 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 THE USE OF SPEED DETECTION SYSTEMS TO ENFORCE SPEED LIMITS; AMENDING CHAPTER 19, ARTICLE I, RETITLING FROM RESERVED TO SECTION 19-1 "SPEED DETECTION SYSTEMS OF SCHOOL ZONES"; SECTION 19-2 DEFINITIONS; SECTION 19-3 AUTHORIZATION OF SPEED DETECTION SYSYEM, SECTION 19-4 "PUBLIC HEARING AND APPROVAL"; SECTION 19-5 "DETERMINATION OF HEIGHTENED SAFETY RISK"; 19-6 "PUBLIC AWARENESS"; SECTION 19-7 "SPEED DETECTION SYSTEM REQUIREMENTS"; SECTION 19-8 "ENFORCEMENT OF SPEED LIMITS"; SECTION 19-9 "APPEALS"; SECTION 19-10 "SPEED DETECTION SYSTEMS REPORTING REQUIREMENTS"; ESTABLISHING PROCEDURES FOR IMPLEMENTATION; PROVIDING FOR PUBLIC NOTICE AND AWARENESS CAMPAIGNS; PROVIDING FOR PENALTIES AND THE DISTRIBUTION OF FINES; PROVIDING FOR REPORTING REQUIREMENTS; 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 5-5.2 of the Town Code regarding notification to certain neighbors for seismic monitoring during construction of multi-family residential, commercial, and other non-residential construction sites. Enclosed is the proposed ordinance. 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 BY REVISING SECTION 5-5.2**

**PERTAINING TO NOTICE TO CERTAIN PROPERTY OWNERS REGARDING SEISMIC MONITORING DURING CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL, COMMERCIAL, AND OTHER NON-RESIDENTIAL CONSTRUCTION SITES IN THE TOWN; 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)*

**DISCUSSION ITEMS:**

18. Consideration and Approval of a resolution appointing members to the Design Review Board. Enclosed are the Staff Memo, applications for appointment and draft resolution. Sponsored by Council Member Eric Rappaport

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPOINTING SEVEN (7) MEMBERS TO THE DESIGN REVIEW BOARD; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

19. **Consideration and Approval** of a resolution appointing members to the Parks & Recreation Committee. Enclosed are the Staff Memo, applications for membership to the committee and the draft appointment resolution. Sponsored by Council Member Eric Rappaport

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPOINTING FIVE (5) MEMBERS AND TWO (2) ALTERNATES TO THE PARKS & RECREATION COMMITTEE; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

20. **Discussion and Possible** action regarding the remedy for the 92nd Street dog park regarding the East Bay Harbor entry gate and the perimeter fencing system. Review the permitting process for the ADA accessibility and design details. In addition, conduct a survey on social media, Town website and email to resident regarding hours of operation and safety concerns with the renovation. Enclosed are Dog Park Plans-Permit Revisions-As Built Photos. Sponsored by Council Member Teri D'Amico.

21. **Discussion and Possible** action on a request from the Village of Indian Creek for consideration of an interlocal agreement with Bay Harbor Islands to tap into the Town's transmission main at 91St Street, as they convert from septic tanks to a sanitary sewer system. Enclosed are Indian Creek request letter and Indemnification and Hold Harmless Agreement for purpose of testing. Sponsored by Mayor Joshua D. Fuller

22. **Discussion and Possible** action regarding vehicle coverings in the right-of-way in the residential district. Enclosed is the Staff Memo. Sponsored by Council Member Robert Yaffe.
23. **Discussion and Possible** action regarding rescheduling of the March 12, 2025 Town Council Meeting due to some members of the Town Council and staff attending the National League of Cities Conference in Washington, DC.
24. **Discussion and Possible** action regarding the Town Manager's search process. Sponsored by Council Member Teri D'Amico

**ADJOURNMENT:** Approximately 1:00 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.*