

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, AWARDING 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.

AGENDA ITEM REPORT
February 20, 2025

ITEM NUMBER: 1.

ITEM: Employee of the month of January - Marlon Martinez

DESCRIPTION:

Marlon Martinez has been selected as the Employee of the Month for January 2025. The Employee of the Month Program recognizes an employee for their continuous exemplary efforts in serving our community.

Marlon Martinez was hired by the Town in February 2022 as a Records Specialist with the Town Clerk's Office and was later promoted to Business Development Specialist. He currently works with the Finance Department. Mr. Martinez is known for his excellent customer service and kind demeanor. He consistently demonstrates exceptional performance displaying strong teamwork and demonstrating a positive attitude. His dedication to the job and his positive attitude make a true difference in our community!

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no financial impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 2.

ITEM: Legislative Updates for the Town of Bay Harbor Islands - Devan Vilfrard, Office of State Senator Shevrin D. Jones, (SD-34)

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 3.

ITEM: Introduction of Police Surgeon Dr. Zev Neuwirth and Medical Liaison Mordechai Neuwirth

DESCRIPTION:

Zev Neuwirth, MD is a highly esteemed Internal Medicine Specialist in Bay Harbor Islands, FL, known for his exceptional dedication to patient care and unwavering commitment to service. Having graduated summa cum laude (highest honor) from USAT College of Medicine with both MD and MBBS degrees, Dr. Neuwirth brings a wealth of knowledge and expertise to his practice at Zev Neuwirth M.D. Consulting, LLC. He is affiliated with Memorial Regional Hospital, where he continues to make a profound impact on his patients' lives. As a board-certified Internal Medicine specialist who accepts various insurance plans and offers telehealth appointments, Dr. Neuwirth is not only a medical professional but a trusted partner in health and wellness.

As the dedicated Police Surgeon for the Bay Harbor Islands Police Department, Dr. Zev Neuwirth will extend his medical expertise beyond the hospital walls to serve those who protect and serve our community. In this vital role, Dr. Neuwirth ensures the health and well-being of law enforcement officers, providing specialized medical evaluations, emergency response support, and wellness programs tailored to the unique challenges faced by police personnel. His commitment underscores a deep dedication to community safety and officer health, reflecting his broader ethos of service and care.

As Police Surgeon, Dr. Neuwirth is dedicated to serving the health needs of law enforcement officers while maintaining high standards of physical health and reducing psychological stress and tension on the officers, allowing them to better perform their daily duties while serving our community.

Mordechai Neuwirth serves as the Director of Operations and Medical Liaison with Global Med – Bespoke Medical Solutions. He oversees strategic initiatives to enhance the efficiency and quality of healthcare delivery. As a Logistical Practice Coordinator, he excels at streamlining processes and ensuring that healthcare teams can focus on what matters most—patient care.

Mordechai Neuwirth is a dedicated Son, Husband and Father, and an experienced healthcare professional with a robust background in both clinical and business operations. With a deep commitment to the medical field, Mordechai attended medical school after having earned a bachelor's degree in biomedical sciences.

In addition to his medical experience and aptitude, Mordechai further holds a degree in business, which has enabled him to seamlessly bridge the gap between healthcare and operations. With a passion for improving healthcare systems and dedication to lifelong learning, Mordechai continues to make a positive impact by combining clinical knowledge with operational excellence.

Whether through leadership, innovation, or fostering collaborative relationships, he is committed

to advancing the healthcare field and supporting both teams and patients in achieving their best outcomes.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager
 Joseph Locke

ATTACHMENTS

1.	Staff Memo for Council Police Surgeon Dr. Zev Neuwirth
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TOWN OF BAY HARBOR ISLANDS POLICE DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Joseph Locke Interim Chief of Police
DATE:	January 27, 2025
SUBJECT:	Town of Bay Harbor Islands – Special presentation- Introduction of New Police Surgeon Dr. Zev Neuwirth and Medical Liaison Mordechai Neuwirth

RECOMMENDATION/PRESENTATION

Introduction of New Police Surgeon Dr. Zev Neuwirth and Medical Liaison Mordechai Neuwirth.

BACKGROUND / ANALYSIS

Zev Neuwirth, MD is a highly esteemed Internal Medicine Specialist in Bay Harbor Islands, FL, known for his exceptional dedication to patient care and unwavering commitment to service. Having graduated summa cum laude (highest honor) from USAT College of Medicine with both MD and MBBS degrees, Dr. Neuwirth brings a wealth of knowledge and expertise to his practice at Zev Neuwirth M.D. Consulting, LLC. He is affiliated with Memorial Regional Hospital, where he continues to make a profound impact on his patients' lives. As a board-certified Internal Medicine specialist who accepts various insurance plans and offers telehealth appointments, Dr. Neuwirth is not only a medical professional but a trusted partner in health and wellness.

As the dedicated Police Surgeon for the Bay Harbor Islands Police Department, Dr. Zev Neuwirth will extend his medical expertise beyond the hospital walls to serve those who protect and serve our community. In this vital role, Dr. Neuwirth ensures the health and well-being of law

enforcement officers, providing specialized medical evaluations, emergency response support, and wellness programs tailored to the unique challenges faced by police personnel. His commitment underscores a deep dedication to community safety and officer health, reflecting his broader ethos of service and care.

As Police Surgeon, Dr Neuwirth is dedicated to serving the health needs of law enforcement officers while maintaining high standards of physical health and reducing psychological stress and tension on the officers, allowing them to better perform their daily duties while serving our community.

Mordechai Neuwirth serves as the Director of Operations and Medical Liaison with Global Med – Bespoke Medical Solutions. He oversees strategic initiatives to enhance the efficiency and quality of healthcare delivery. As a Logistical Practice Coordinator, he excels at streamlining processes and ensuring that healthcare teams can focus on what matters most—patient care.

Mordechai Neuwirth is a dedicated Son, Husband and Father, and an experienced healthcare professional with a robust background in both clinical and business operations. With a deep commitment to the medical field, Mordechai attended medical school after having earned a bachelor's degree in biomedical sciences.

In addition to his medical experience and aptitude, Mordechai further holds a degree in business, which has enabled him to seamlessly bridge the gap between healthcare and operations. With a passion for improving healthcare systems and dedication to lifelong learning, Mordechai continues to make a positive impact by combining clinical knowledge with operational excellence.

Whether through leadership, innovation, or fostering collaborative relationships, he is committed to advancing the healthcare field and supporting both teams and patients in achieving their best outcomes.

EXECUTE

No Action

FINANCIAL ANALYSIS

There is no fiscal impact.

ATTACHMENTS

1. Town Memorandum

AGENDA ITEM REPORT
February 20, 2025

ITEM NUMBER: 4.

ITEM: Nuisance lawsuit

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS
None

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 5.

ITEM: 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

DESCRIPTION:

The Town of Bay Harbor Islands hosted a special council meeting to discuss the appointment of an Interim Town Manager. Consequently, Chief Lindsley Noel was unanimously appointed by the Town Council as the Interim Town Manager effective January 5, 2025, with a proposed annual salary of \$265,000 plus \$1,500 for clothing allowance. Currently, the Chief's salary is \$226,771 by contract with the Town. Due to the pause of Chief Noel's status as Chief of Police and transition to the position of Interim Town Manager, it is appropriate to modify the Chief of Police contract terms to account for the time he will not be serving in that capacity.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

FINANCIAL ANALYSIS (of proposed Interim Town Manager Contract)

Current Salary for Police Chief GL Line Item: 001.5120.400012.000 Regular Salaries & Wages=100% \$226,771

Proposed Salary for Interim Town Manager: \$265,000 (see payroll distribution below).

Clothing Allowance: \$1,500

Total Financial Impact for Interim Town Manager (1/5/25-4/1/25): **\$11,057.25**

Payroll Allocation for Additional Salary-Interim Manager January 5, 2025-April 1, 2025

001.5120.400012.000 Regular Salaries & Wages: 10% \$1,105.73

401.5415.400012.000 Regular Salaries & Wages: 65% \$7,187.21

402.5350.400012.000 Regular Salaries & Wages: 7% \$774.01

403.5330.400012.000 Regular Salaries & Wages: 6% \$663.44

404.5450.400012.000 Regular Salaries & Wages: 5% \$552.86

406.5380.400012.000 Regular Salaries & Wages: 7% \$774.01

Total Financial Impact for Interim Town Manager: \$11,057.25

Town Manager's Budget:

Funding from the Following Funds: 001,401,401,403,404,406

Regular Salaries & Wages \$255,000

Benefits and additional pay \$77,745.20

Total Amount Budgeted for Salary, Benefits, and additional pay: \$332,745.20

Encumbered Amount: \$162,654.45

Balance Remaining: \$170,090.75

NO FINANCIAL IMPACT FOR PROPOSED CHANGES TO THE CHIEF OF POLICE CONTRACT

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Resolution - Interim Town Manager - Lindsley Noel - February 13, 2025
2.	Addendum Interim Town Manager Contract - Exhibit A
3.	2023 Employment-Agreement Chief Lindsley Noel

RESOLUTION NO. _____

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.

WHEREAS, the Town Council has an immediate need for Interim Town Manager services; and

WHEREAS, the Town Council desires to appoint the Police Chief, Lindsley Noel, as Interim Town Manager, subject to the conditions and terms set forth in the attached Agreement, Exhibit A hereto; and

WHEREAS, it is in the best interest of the Town that the Council appoint Lindsley Noel as Interim Town Manager.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands, Florida, as follows:

Section 1. The above recitals are confirmed, adopted, and incorporated herein and made part of this reference.

Section 2. Lindsley Noel is hereby appointed as Interim Town Manager for the Town of Bay Harbor Islands until such time as the Council takes further action in regard to the position. As a condition of accepting said appointment, the Town Council agrees that during his tenure as Interim Town Manager, Lindsley Noel shall have the same protections he currently enjoys, as set forth in the attached Exhibit A.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 20th day of February 2025.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

**APPROVED AS TO
FORM AND LEGAL
SUFFICIENCY:**

GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit A

ADDENDUM TO CHIEF OF POLICE EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND LINDSLEY NOEL

This agreement is an addendum to the Chief of Police Employment Agreement entered into between the Town of Bay Harbor Islands (“TBHI”) and Lindsley Noel (“Noel”) entered into on the 23rd day of August 2023.

WHEREAS, TBHI and Noel entered into a Chief of Police Employment Agreement as set forth in above; and

WHEREAS, on January 5, 2025, pursuant to a vote of the Town Council, Noel was named the Interim Town Manager; and

WHEREAS, pursuant to his appointment, Noel is to exercise all duties of Town Manager as provided in the charter and as directed by the Council, while still being responsible for the performance of duties of Chief of Police; and

WHEREAS, the appointment of Noel as Interim Town Manager shall continue until further action by the Town Council to end this status, upon which Noel will revert solely to his position as Chief of Police without loss of any benefits (including longevity),

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL BAY HARBOR ISLANDS, AS FOLLOWS:

Section 1: The above recitals are confirmed, adopted, and incorporated herein and made part of this reference.

Section 2: As set forth above, while Noel is serving as Interim Town Manager, he shall perform such additional duties as Manager as are prescribed by the Charter and directed by the

Council. He shall continue as Interim Town Manager until the Council votes to end that status, at which time Noel will revert solely to the position of Chief of Police.

Section 3: While serving as Interim Town Manager Noel will receive a total of annualized compensation of Two Hundred Sixty-Five Thousand Dollars (\$265,000), which is \$40,122 above his existing base salary of \$224,878 as Chief of Police. The additional compensation shall be prorated for so long as Noel serves as Interim Town Manager. The Town shall pay Noel a one-time clothing allowance of Three Thousand Dollars (\$3,000) effective on the commencement date of this agreement. Otherwise, Noel shall continue to receive all other compensation, benefits and perks, of whatever nature, as he currently receives under his contract as Chief of Police.

Section 4: This Agreement shall be effective immediately, and retroactive until January 5th.

Lindsley Noel

Attest:

Yvonne P. Hamilton, CMC
Town Clerk

Joshua D. Fuller
Mayor

Approved as to Form and Legal Sufficiency:

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller, Esq.

**TOWN OF BAY HARBOR ISLANDS
CHIEF OF POLICE
EMPLOYMENT AGREEMENT**

This agreement is an Employment Agreement (the "agreement") made and entered into this 23rd day of August, 2023 between the Town of Bay Harbor Islands ("Town") and Lindsley Noel ("the Employee" or "Noel").

DEFINITIONS

For purposes of this agreement, "Chief of Police" shall have the same meaning as Section 166.0494, Fla. Stat. as amended.

RECITALS

The Town agrees to employ the services of the Employee as Chief of Police ("Chief") and the Employee wishes to continue employment as the Chief under the terms and conditions set forth herein.

Chief Noel has been employed by the Town since 2006, serving honorably as a member of the Bay Harbor Island Police Department ("BHIPD").

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Town and the Employee agree to the following:

SECTION 1. DUTIES AND HOURS OF WORK

1.1 The Town agrees to employ the Employee as Chief to perform the duties and exercise the powers as prescribed by State Law, the Town Charter and Town Code, the Collective Bargaining Agreement between the Town and the Dade County Police Benevolent Association for Police Officers ("CBA"), Bay Harbor Islands Police Department Policy ("BHIPD Policy"), and from time to time perform other legally permissible tasks and functions as assigned by the Chief of Police and/or Town Manager. The Chief agrees to perform these duties to the best of his abilities, in a professional fashion, with full decorum, as historically required of the Chief of the Town, and pursuant to the Code of Ethics of the International Association of Chiefs of Police, applicable local, county, state and federal ethics codes, and the Town's Employee Policies and Procedures Manual ("Employee Manual"), all of which may be amended from time to time.

1.2 The position of the Chief is an exempt position pursuant to the federal Fair Labor Standards Act. The Town Chief shall dedicate no less than an average of forty (40) hours per week in the performance of his duties hereunder at the Town of Bay Harbor Islands (unless remote work is approved by the Town Manager), to ensure the proper oversight of the Town's Police Department. The Chief shall make himself accessible to the Town Manager, Town employees, Town Agents, and Town residents. The Chief shall perform routine visits and oversight of various patrol shifts on weekends, as reasonably required. The Chief and/or his designee (e.g., Deputy Chief or Captain) shall also attend Town sponsored events held on weekends that require BHIPD Leadership presence. The Chief shall be on call 24 hours a day to respond to emergencies within the Town.

1.3 The Chief agrees to remain employed by the Town during the Term of this agreement. The Chief of Police acknowledges that outside or off duty employment is generally not allowed for

Employee: S.M.
Town Manager: [Signature]
Town Attorney: [Signature]

Bay Harbor Islands Police Department
Chief Employment Agreement
Page 1 of 7

this position and may not be approved; however, the Town Manager in her discretion may approve certain off duty assignments if in the best interests of the Town.

1.4 The Employee is a salaried full-time employee. As the Department Director, from time to time the Employee is also expected to work hours in excess of 40 hours per week to ensure the proper oversight of the department. This includes, but is not limited to attending Council meetings, participating in events, responding to emergencies and routine visits and oversight of the various patrol shifts.

SECTION 2. COMMENCEMENT DATE

2.1 This agreement shall commence on _____ ("Commencement Date") and continues for three (3) years.

SECTION 3. DISCIPLINARY MATTERS

3.1 Unless for cause, the Chief shall not be dismissed or disciplined resulting in loss of pay of benefits. Discipline shall be administered in accordance with BHIPD Policy, as amended from time to time, which are hereby incorporated by reference. Any disciplinary issues will be handled in accordance with this agreement, the Employee Manual, and Florida Law (e.g., Fla. Stat. s. 166.0494 (2023)). The Chief shall have all rights, privileges, and duties detailed under Florida Law.

3.2 Should the Town terminate the services of the Chief, within ten (10) business days after the termination requirements are met: 1) The Chief shall return to the Town Manager any and all Town property which the Chief has in his possession, use and/or control; 2) the Town shall pay the Chief any sum required by the Employee Manual and 3) the Town shall pay the Chief any sum required under this agreement. *See infra*, § 14 Inclusion Clause. The Chief shall also be paid a lump sum severance pay equal to twenty (20) weeks of his base salary ("Severance Pay") in exchange for the Chief's execution of a general release of all claims that the Chief may have against the Town, its Council Members, agents, attorneys, insurers, and employees for all matters relating to, arising out of, or concerning this agreement and the Chief's employment from the commencement date until the date of the general ("General Release"). The General Release shall be prepared by the Town Attorney.

3.3 **Demotion in lieu of Termination.** Should the Town Manager choose to terminate the Chief's employment as Chief of Police, the Chief shall have the option to return to the rank of Captain without loss of any benefits (including longevity pay) due to change in rank, including those detailed herein.

3.4 **Prevailing Party Attorney Fees.** If any action or proceeding is commenced to Construe or enforce this Agreement or the rights and duties of the parties hereunder, then the party prevailing in that action, and any appeal thereof, shall be entitled to recover its reasonable attorneys' fees and costs in that action or proceeding, as well as reasonable costs and fees of any appeal or action to enforce any judgment entered therein.

SECTION 4. RESIGNATION BY EMPLOYEE

4.1 If the Employee voluntarily resigns his position, the Employee shall give the Town at least sixty (60) days written notice prior to the effective date of such resignation.

Employee: SA.
Town Manager: [Signature]
Town Attorney: [Signature]

Bay Harbor Islands Police Department
Chief Employment Agreement
Page 2 of 7

SECTION 5. COMPENSATION SECTION

5.1 The employee's salary shall be at least One Hundred Ninety-Two Thousand, Five Hundred Sixty-Eight dollars and Fifty-Six cents (\$192,568.56 U.S.), as was budgeted in the October 1, 2023 Town Budget which shall be payable in regular installments at the same time as other Town employees are paid. This salary will continue until September 30, 2023, at which time the Chief's annual salary will increase to One Hundred Ninety-Six Thousand, One Hundred Seventeen Dollars (\$196,117.00) if the current budget is approved by the Council (or such sum as is approved in the budget by the Town Council).

5.2 The Employee may receive an annual raise in pay to his base salary based upon cost-of-living and merit as passed by the Council on an annual basis. This pay raise, if any, is effective the first pay period following the beginning of each fiscal year.

5.3 The Town Manager may increase the Employee's base salary in such amounts as may be permitted in the Town's Budget and on the basis of an annual performance evaluation of the Chief by the Town Manager. Such evaluation shall be in such form as the Manager deems appropriate and the first evaluation shall be conducted on the one-year anniversary of this Agreement, and, thereafter on each annual anniversary of this Agreement.

5.4 The Town agrees not to reduce the Chief's pay and benefits unless such is applied across-the-board. Any other reduction of pay shall be treated as a discipline.

SECTION 6. HEALTH, DENTAL, LIFE, VISION, AND DISABILITY INSURANCE

6.1 The Chief shall be eligible to participate in the Dental, Life, Health, Vision, and Disability insurance that are offered to the Town's Employees (including BHIPD Police Officers) pursuant to all terms and conditions of such insurance plans and policies required by the Town's insurance companies.

6.2 The Chief is presently enrolled in certain insurance plans. The parties agree that the execution of this agreement constitutes a qualifying life event allowing for a special enrollment period. The Special Enrollment Period will become effective on the Commencement Date and on the date this agreement is renewed by the Town Counsel. *See* Section 2.

6.3 Upon the Commencement Date, during any enrollment period, the Chief may participate in the Town's Health Insurance plan in accordance with Town Employee Manual.

SECTION 7. RETIREMENT/DEFERRED COMPENSATION

7.1 The Employee will continue with the Town's Retirement System as set forth Article VIII of the Town Code- Special Funds and Benefits for Policemen (as may be amended from time to time). The Chief shall be entitled to all Pension, Retirement, 457 plan(s), and D.R.O.P. Program Benefits for Police Officers. The Town shall not reduce any benefit earned under this provision, doing so shall be deemed a discipline and subject to Section 3 of this agreement.

7.2 Upon retirement (after twenty (20) years of service), the employee shall be presented with and receive his retiree badge, retiree ID, and his service issued handgun if in good standing at time of retirement.

SECTION 8. VACATION/SICK LEAVE, HOLIDAYS, PERSONAL DAYS

8.1 Sick Leave. The Employee shall be paid for Twelve (12) Sick days per year totaling Ninety-Six (96) hours per year. These hours accumulate and do not expire. Upon separation in good standing, unused sick time shall be cashed out in accordance with the Town Employee Manual but,

Employee: 84
Town Manager: [Signature]
Town Attorney: [Signature]

Bay Harbor Islands Police Department
Chief Employment Agreement

at no time shall this be reduced to less than fifty percent (50%) of unused sick in accordance with what other police officers receive.

8.2 Personal Days, Holidays and Vacation. The Employee shall receive personal days, paid holidays and paid vacation and related benefits in accordance with other police officers receive pursuant to their Collective Bargaining Agreement.

SECTION 9. PROFESSIONAL DEVELOPMENT/EDUCATIONAL ASSISTANCE

The Town agrees to pay reasonable professional dues for the Florida Police Chiefs Association (FPCA), Miami-Dade Association of Chiefs of Police, National Association of Black Leadership Executives (NOBLE), FBI National Academy Associates (FBINA), Police Executive Research Forum (PERF), and International Association of Chiefs of Police (IACP) as well as any mutually agreed upon travel costs to ensure that the Town remains in compliance with industry standards and best practices on the local, state and national level. The Employee shall not hold any office in any association without prior approval of the Town Manager's Office.

SECTION 10. ALLOWANCES SECTION

The Town agrees to provide the Chief with Educational Incentive Pay consistent with the Town Employee Manual.

SECTION 11. NOTICE SECTION

Notices pursuant to this Agreement shall be given by certified mail through the United States Postal Service delivery, address as follows:

Town: Town Manager
Attn: Maria Lasday
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Employee: Chief
Attn: Lindsley Noel
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Town Attorney:
Attn: Joseph Geller
Greenspoon Marder, LLP
200 East Broward Blvd, Ste 1800
Fort Lauderdale, FL 33301

SECTION 12. EQUIPMENT AND UNIFORMS

12.1 Automobile Allowance. The Town shall provide, insure, and maintain the Chief with a take home police automobile to use pursuant to BHIPD "Take Home" Policy.

12.2 Cellular Phone. The Town shall provide and maintain the Chief with a Town Cell Phone to use for Town business purposes. Upon separation, the Employee shall return the Cellular Phone.

Employee: S.M.
Town Manager: [Signature]
Town Attorney: [Signature]

Bay Harbor Islands Police Department
Chief Employment Agreement
Page 4 of 7

12.3 Laptop Computer. The Town shall provide and maintain the Chief with a Laptop Computer to use for Town business purposes. Upon separation, the Employee shall return the Laptop Computer.

12.4 Safety Equipment. The Town shall provide and maintain the Chief with all necessary safety equipment including, but not limited to, an approved bullet proof vest, firearm, taser, handcuffs, duty belt, handheld radio, and an ASP baton while performing the duties of the Chief.

12.5. Uniforms. The Town shall provide and maintain the Chief with all Police Officer uniforms required pursuant to the BHIPD Policy.

SECTION 13. INJURY IN THE LINE OF DUTY

13.1 If the Chief is injured in the line of duty and is entitled as a matter of law to receive Worker's Compensation benefits under the Florida Worker's Compensation Act, he shall receive those and any other benefits provided to employees provided to Police Department employees, including short-term disability insurance if available.

13.2 For on-duty injuries subject to the Florida Worker's Compensation Act where the Chief reaches Maximum Medical Improvement and is unable to perform his duties as Chief (even at a sedentary level), this employment may be terminated by either party so long as it does not violate section 440.205, F.S. and is compliant with sections 112.5321 and 166.0494, F.S. The Chief shall still be entitled to receive all benefits under the Florida Worker's Compensation Act including all Income Impairment Benefits to be paid pursuant to chapter 440, Florida Statutes. The Town agrees to continue to offer services under chapter 440, Florida Statutes while also providing all benefits detailed under this agreement. Any General Release prepared by the Town Attorney in exchange for any severance pay shall not include waivers of rights to benefits under chapter 440, F.S. *See Fla. Stat. § 440.20(11) (2023)*. Such a settlement requires a separate document as it is subject to separate terms and conditions, including judicial approval (aka "Washout Settlement"). *Id.*

13.3 At any time while the Chief is off-duty and being paid under Section 13.1, the Town may require a medical review officer to determine if the Chief is fit for duty. The Chief may also be examined by his own physician. If these medical opinions differ, a third physician shall be selected by the two examining physicians and the third physician's opinion shall be Binding.

SECTION 14. INCLUSION CLAUSE

14.1 Inclusion. This agreement allows for the Chief to avail himself of any employment benefit offered to other Town department directors pursuant to the Town Employee Manual.

SECTION 15. OTHER TERMS AND CONDITIONS

15.1 This Agreement supersedes any oral representation and/or other prior written agreements.

15.2 If any provisions, or any portion thereof, contained in this Agreement is held up to be unconstitutional, illegal, or invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

15.3 The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

15.4 The rights and obligations herein granted are personal in nature and cannot be transferred by the Employee.

Employee: 844.

Town Manager: 

Town Attorney: 

Bay Harbor Islands Police Department
Chief Employment Agreement

Page 5 of 7

15.5 This Agreement contains the entire agreement of the parties. It may not be changed orally, but only by an amendment in writing signed by the parties herein unless otherwise noted.

15.6 This agreement shall be governed by Florida law without considering conflict of laws provisions.

15.7 This agreement and/or any action(s) or inaction(s) taken pursuant to it, shall in no way affect, infringe, and/or alter any of the seniority rights, benefits, and/or privileges earned and granted to the Employee through, and including, the Commencement date.

15.8 Confidentiality and Personnel Records. The parties understand that the Chief is a public servant; that as a public servant, certain documents in the custody and control of Town are subject to public records which include the Chief by name; that such documents may be a public record subject to public record laws. Fla Const., art. I, § 24(a) (2022), Fla. Stat. § 119.07(1). Parties also agree that all documents which include the home address(es), personal telephone number(s), date of birth, and photograph(s) of the Chief is exempt from section 119.07(1) and s 24(a), Art. I of the State Constitution. Fla. Stat. § 119.071(4)(d)2.a. Effective on the Commencement Date of this Agreement forward, the Employee notifies the Town he does not authorize the Town to release any public record exempt documents to any person making such a request to the extent they include exempt records about him, his family members, and dependents.¹ The Town agrees to promptly notify the Employee should any public record seek public records about him, his family members, and/or his dependents; in doing so, the Town must give him a reasonable time (not to exceed 5 days) to contest the release of any public record to any person subject to F.S. 119.07(1) or Section 24(a), of Article I of the Florida Constitution that contains exempt information. The Town agrees to redact any document from public records to the extent they include exempt protected personal identifying information, confidential and/or otherwise protected information about the Employee, his family members, and dependents. Except for routine administrative material no paperwork will be inserted in the Employee's personnel file without a copy being provided to the Employee. Placing a copy in the Employee's departmental mailbox is sufficient to satisfy the requirements of this paragraph. Upon request, the Employee shall have the right to inspect his/her official personnel records wherever kept, during the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday. The Employee shall have the right to obtain from the Town duplicate copies, at the Chief's expense, of this record for his/her use. The Employee shall have the right to add to their Personnel records written refutation of any document or information contained therein which is considered by the employee to be derogatory or to contain incorrect or insufficient information.

15.9 Rules of Construction. This contract shall be construed based on the plain and ordinary meaning of the words contained herein. This contract shall not be read to favor any party based on who drafted the agreement or any provision thereof. All parties have been represented by counsel in the drafting of this agreement.

¹ At no time shall the public, including the media, be directly or indirectly furnished with the home address and telephone number of the Chief; the home address, telephone number, photograph, and place of employment of the Chief's dependents including his spouse or children; and the name or location of schools attended by the Chief's children.

Employee: 841.

Town Manager: 

Town Attorney: _____

Bay Harbor Islands Police Department
Chief Employment Agreement

Page 6 of 7

SIGNATURES

ATTESTS

Town Clerk: Yvonne P. Hamilton

Date 8/21/23

Town Attorney: Joseph Geller

Date 8/21/23

PARTIES

Town of Bay Harbor Islands,
by and through the
Town Manager: Maria Lasday

Date 8/21/23

Employee: Lindsley Noel

Date 8/23/2023

Employee: SN

Town Manager: [Signature]

Town Attorney: [Signature]

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 6.

ITEM: 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.

DESCRIPTION:

The Town of Bay Harbor Islands (“Town”) and Lindsley Noel (“Noel”) entered into a three-year Employment Agreement on or about August 22, 2023. The Employment Agreement is set to expire on August 22, 2026, and the Town and Noel desire to extend the terms of the Employment Agreement by three years through August 22, 2029;

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Resolution -Addendum No. 2 to the Chief of Police Lindsley Noel Employment Agreement
2.	Second Addendum Chief of Police Lindsley Noel Employment Agreement

RESOLUTION NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands (“Town”) and Lindsley Noel (“Noel”) entered into a three-year Employment Agreement on or about August 22, 2023; and

WHEREAS, the Employment Agreement is set to expire on August 22, 2026; and

WHEREAS, the Town and Noel desire to extend the terms of the Employment Agreement by three years through August 22, 2029; and

WHEREAS, the Town Council hereby finds the Second Addendum to the Chief of Police Employment Agreement between the Town and Noel attached hereto as Exhibit A, and made a part of this Resolution, to be in the best interest of the Town.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, THAT:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval. That the Town Council hereby approves and adopts the Second Addendum to Chief of Police Employment Agreement between the Town and Noel in substantially the form attached hereto as Exhibit “A,” extending the Chief of Police Employment Agreement for an additional three years through August 22, 2029.

Section 3. Authorization. That the Town Council hereby authorizes the Town Manager to do all things necessary to carry out the aims of this Resolution.

Section 4. Effective Date. That this Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 20th day of February, 2025.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.

**SECOND ADDENDUM TO CHIEF OF POLICE EMPLOYMENT AGREEMENT
BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND LINDSLEY NOEL**

This agreement is a second addendum to the Chief of Police Employment Agreement entered into between the Town of Bay Harbor Islands (“TBHI”) and Lindsley Noel (“Noel”) entered into on the 22nd day of August 2023.

WHEREAS, the Town of Bay Harbor Islands (“Town”) and Lindsley Noel (“Noel”) entered into a three-year Employment Agreement on or about August 22, 2023; and

WHEREAS, the Employment Agreement is set to expire on August 22, 2026; and

WHEREAS, the Town and Noel desire to extend the terms of the Employment Agreement by three years through August 22, 2029.

WHEREFORE, SECTION 2. COMMENCEMENT DATE is hereby amended as follows:

SECTION 2. COMMENCEMENT DATE AND TERM

2.1 This agreement shall commence on _____ (“Commencement Date”) and continues ~~for three (3) years~~ until August 22, 2029.

IN WITNESS WHEREOF, this Agreement has been executed this ____ day of _____ 2025.

Lindsley Noel

Attest:

Yvonne P. Hamilton, CMC
Town Clerk

Joshua D. Fuller
Mayor

Approved as to Form and Legal Sufficiency:

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller, Esq.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 7.

ITEM:

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.

DESCRIPTION:

Staff recommends that the Town Council approve an expenditure in an amount not to exceed \$407,180 in favor of Ardurra Group Inc. to design the necessary repairs for the bascule spans.

On October 7, 2024, FDOT informed the Town of Bay Harbor Islands by certified mail (copy enclosed) that the Bascule Spans (Movable Spans) of the Broad Causeway Intracoastal Waterway (ICWW) Bridge must be posted for the following weight restrictions:

SU Trucks: 14 Tons
C Trucks: 19 Tons
ST5 Trucks: 25 tons

SU, C, and ST5 represent various categories of trucks. The typical weights of these truck types are illustrated in the attached “Truck Axle and Weight Configuration”. To give some perspective as to the severity of the weight restrictions, the maximum weights from the “Truck Axle and Weight Configurations” are 35 Tons for SU trucks and 40 Tons for C and ST5 trucks. Therefore, the current weight restrictions are about 50% of the standard truck weights.

In accordance with the FDOT letter, the ICWW Bridge was posted for the recommended weight restrictions on November 7, 2024.

The Town currently has five (5) continuing engineering services contracts as follows: (1) 300 Engineering Group, LLC, (2) Calvin Giordano and Associates, (3) AtkinsRealis, (4) CHA Consulting Inc., and (5) Chen Moore and Associates. Bridge engineering is a specialized engineering service and none of the contracted firms has the relevant expertise in house. 300 Engineering Group was acquired by Ardurra Group Inc (Ardurra) on 6/30/2024, copy of letter attached. Of the five consultants Ardurra is believed to be the most qualified consultant to handle this project and have been prequalified by FDOT for major Steel Bridge Design. However, they are not prequalified by FDOT in movable bridge design. Accordingly, Ardurra will be partnering with Hardesty and Hanover LLP, (Hardesty), who is prequalified by FDOT for movable bridge designs, to submit a proposal to design the repairs to address the weight restrictions. Hardesty previously had a Continuing Bridge Engineering service contract with the Town and has extensive experience working on the ICWW bridge, including the bascule spans.

The FDOT inspection report that is associated with the weight restrictions is almost a year old. A prerequisite for detailed engineering repair plans will be an evaluation of the current state of deterioration. In my experience with this bridge, the rate of deterioration is significant due to the corrosively aggressive environment which is exacerbated by the low level of the ICWW bridge.

FDOT requires that before detailed designs are commenced an evaluation of the current state of deterioration, known as a Bridge Assessment Report (BAR), is performed. The Bridge Assessment Report will facilitate the production of more precise construction plans based on actual field

conditions. Accurate construction plans will reduce the need for change orders and therefore facilitate more prudent fiscal efficiency and a successful project.

It is expected that designs and technical specifications will be submitted by October 2025, at which time the construction repair project will be publicly advertised. Staff expects to make a recommendation for contract award to repair the bascule spans at the November 12, 2025, regular Council meeting.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

GL Line Item Number: 401.5415.400063.000

Total Amount Budgeted: \$17,529,668.23

Encumbered Amount: \$1,749,680.57

Balance Remaining: \$15,438,314.38

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
Improvements (Excluding Buildings)		401- Causeway Fund	401.5415.400063.000		\$17,529,668.23

Submitted By: Yvonne Hamilton, Town Clerk
Stephanie Bruder, Council Member

ATTACHMENTS

1.	Staff Memo RE Bascule Spans
2.	Resolution -Addura Group, Inc. - Bascule Repairs
3.	FDOT BC-160 Bridge 875101 Posting Letter & Posting Sign Notification
4.	Truck Classifications Bridge Load Rating, Permitting and Posting
5.	FDOT Prequal Adurra and Email



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager
FROM:	Randy L. Daniel, P.E., PMP, CFM - Town Engineer
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
DATE:	February 20, 2025
SUBJECT:	BC 164: Bascule Span – Design for Structural Repairs

RECOMMENDATION

Staff recommends that the Town Council approve an expenditure not to exceed \$407,180.00 in favor Ardurra Group Inc., to design repairs for the Bascule Spans.

BACKGROUND / ANALYSIS

On October 7, 2024, FDOT informed the Town of Bay Harbor Islands by certified mail (copy enclosed) that the Bascule Spans (Movable Spans) of the Broad Causeway Intracoastal Waterway (ICWW) Bridge must be posted for weight restrictions as follows:

SU Trucks: 14 Tons
C Trucks: 19 Tons
ST5 Trucks: 25 tons

SU, C, and ST5 represent various categories of trucks. The typical weights of these truck types are illustrated in the attached "Truck Axle and Weight Configuration". To give some

perspective as to the severity of the weight restrictions, the maximum weights from the “Truck Axle and Weight Configurations” are 35 Tons for SU trucks and 40 Tons for C and ST5 trucks. Therefore, the current weight restrictions are about 50% of the standard truck weights. In accordance with the FDOT letter, the ICWW Bridge was posted for the recommended weight restrictions on November 7, 2024.

EXECUTE

The Town currently has five (5) continuing engineering services contracts as follows: (1) 300 Engineering Group, LLC, (2) Calvin Giordano and Associates, (3) AtkinsRealis, (4) CHA Consulting Inc., and (5) Chen Moore and Associates. Bridge engineering is a specialized engineering service and none of the contracted firms has relevant expertise in house. 300 Engineering Group was acquired by Ardurra Group Inc (Ardurra) on 6/30/2024. Of the five consultants Ardurra is the most qualified consultant to handle this project and have been prequalified by FDOT for major Steel Bridge Design. However, they are not prequalified by FDOT in movable bridge design and has partnered with Hardesty and Hanover LLP, (Hardesty), who is prequalified by FDOT for movable bridge designs (see attached FDOT letter that prequalifies Ardurra for major bridge design, and an email regarding Ardurra’s preference to utilize Hardesty based on FDOT certification).

FDOT requires that before detailed designs are commenced an evaluation of the current state of deterioration, known as a Bridge Assessment Report (BAR), is performed. The Bridge Assessment Report will facilitate the production of more precise construction plans based on actual field conditions. Accurate construction plans will reduce the need for change orders and therefore facilitate more prudent fiscal efficiency and a more successful project.

Based on rough estimates, it is expected that designs and technical specifications, will be submitted by October 2025, at which time the project will be publicly advertised. Staff expects to make a recommendation for contract award to repair the bascule spans by the November 12, 2025, regular Council meeting.

It is possible that this construction schedule may be shortened based on the results of the Bridge Assessment Report.

FINANCIAL ANALYSIS

GL Line-Item Number:	401.5415.400063.000
Total Amount Budgeted:	\$17,529,668.23
Encumbered Amount:	\$1,749,680.57
Balance Remaining:	\$15,438, 314.38

ATTACHMENTS

1. FDOT letter requiring posting
2. Truck Axle and Weight Configuration Schematic
3. Letter re: Merger with Ardurra Group, Inc.
4. Proposal from Ardurra Group, Inc.
5. FDOT pre-qualification of Adurra and email requesting Hardesty as a partner.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDING 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.

WHEREAS, the Broad Causeway Draw Bridge has been posted for weight restrictions at the request of FDOT; and

WHEREAS, the Town solicited a proposal to design the repairs from one of the most qualified of the five (5) Continuing Engineering Services Consultants, based on the qualifications of the selected consultant 300 Engineering Group, which firm has merged with Ardurra Group, Inc; and

WHEREAS, the Town received a proposal in the amount of \$407,180.00 from Ardurra Group Inc., a copy of which is attached hereto as Exhibit A to design repairs for the bascule spans and produce bridge repair plans for construction; and

WHEREAS, the Town Manager recommends that the Town utilize the services of Ardurra Group, Inc., and believes that approval of this request is in the best interests of the Town and its citizens; and

WHEREAS, the Town Council agrees with the Manager's recommendation, and believes that it is in the best interest of the Town to accept the proposal from Ardurra Group, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Authorization of the Town Council. The Town Council accepts the proposal from Ardurra Group, Inc. attached hereto as Exhibit A, and authorizes the Town Manager to expend the sum of \$407,180.00 in favor of Ardurra Group, Inc., for the design of structural repairs for the bascule spans and the preparation of the associated bridge repair plans.

Section 3. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this 20th day of February 2025.

By: _____
Joshua D. Fuller, Mayor

ATTEST:

Yvonne P. Hamilton, Town Clerk

APPROVED AS TO FORM:

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller, Esq.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172-5800

JARED W. PERDUE, P.E.
SECRETARY

October 07, 2024

CERTIFIED MAIL

Mr. Rodney Carrero-Santana, PE, CFM, LEED AP.
Town Engineer - Public Works Department
Town of Bay Harbor Island
1030 95 Street
Bay Harbor Islands, FL 33154

RE: **Bridge No. 875101** (Broad Causeway DRAW)

Dear Mr. Carrero-Santana,

On January 01, 2024, the Department's consultant, Marlin Engineering, Inc., conducted a Bridge Inspection on the referenced structure under the Town of Bay Harbord Island jurisdiction. This inspection report shows an increase in deterioration on the bridge superstructure. Consequently, the Department performed a new Load Rating Analysis, and the results leads to the following weight posting recommendations:

SU Trucks: 14 tons

C Trucks: 19 tons

ST5 Trucks: 25 tons

The Town shall immediately install the weight limit signs and prohibit the use of the bridge to any vehicle exceeding the weight carrying capacity shown above. The location and construction of weight limit posting signs shall be in accordance with the FDOT Design Standard Plan Index No. 700-107 (copy attached). This standard index has been prepared to meet or exceed the requirement established in Section 2B-59 (Sign R12-5) of the Manual on Uniform Traffic Control Devices (MUTCD). Attached also find the necessary documents to complement Index No. 700-107.

You are hereby notified that it is the bridge owner's responsibility to implement the above referenced posting requirements within thirty (30) days from the date of the receipt of this letter, as per chapter 335 (335.074), Title XXVI of the Florida Statutes. If the County fails to post the bridge, FDOT will implement the posting requirements and assess the cost for posting to the County.

A digitally signed and sealed Load Rating Analysis is being mailed (certified) to the Town along with this letter.

Please, inform our office when the FDOT posting recommendations are fully implemented.

If you need additional information, please do not hesitate to contact me at (305) 470-5370.

Sincerely,

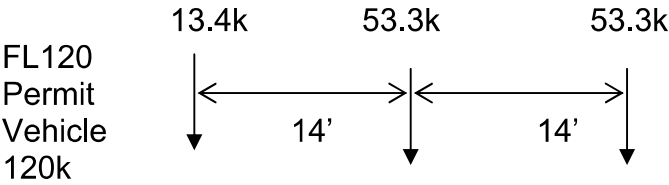
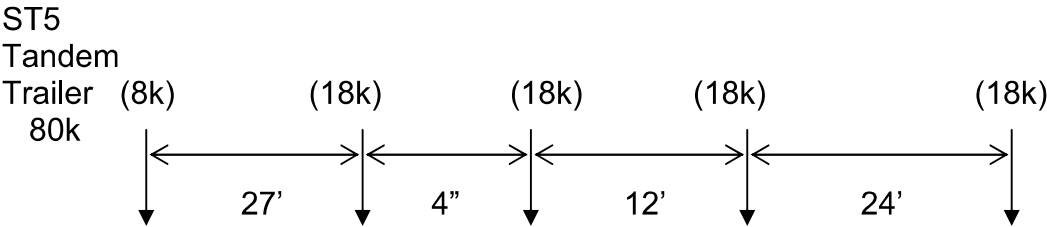


Pablo Orozco, P.E., MSCE,
District Structures Maintenance Engineer

CC: Renato Marrero, P.E., District Maintenance Engineer
Geidy Coello, P.E. Engineering Section Manager
Osiris Quintana, P.E. Bridge Load Rating Design Engineer
Giuseppe Noto, Load Rating Specialist
Carmen Parra, D6- Consultant Inspection Project Manager

TABLE 6-1
TRUCK AXLE AND WEIGHT CONFIGURATIONS

TRUCK TYPE	AXLE WEIGHTS AND SPACINGS
SU 2 34k	Diagram showing two axles. The first axle has a weight of 12k. The second axle has a weight of 22k. The distance between the two axles is 13'.
SU 3 66k	Diagram showing three axles. The first axle has a weight of 22k. The second axle has a weight of 22k. The third axle has a weight of 22k. The distance between the first and second axles is 11'. The distance between the second and third axles is 4'-2".
SU 4 70k	Diagram showing four axles. The first axle has a weight of 13.9k. The second axle has a weight of 18.7k. The third axle has a weight of 18.7k. The fourth axle has a weight of 18.7k. The distance between the first and second axles is 9'-2". The distance between the second and third axles is 4'-2". The distance between the third and fourth axles is 4'-2".
C 3 56k	Diagram showing three axles. The first axle has a weight of 12k. The second axle has a weight of 22k. The third axle has a weight of 22k. The distance between the first and second axles is 10'. The distance between the second and third axles is 20'.
C 4 73.3k	Diagram showing four axles. The first axle has a weight of 7.3k. The second axle has a weight of 22k. The third axle has a weight of 22k. The fourth axle has a weight of 22k. The distance between the first and second axles is 10'. The distance between the second and third axles is 21'-10". The distance between the third and fourth axles is 4'-2".
C 5 80.0 k	Diagram showing five axles. The first axle has a weight of 10k. The second axle has a weight of 20 k. The third axle has a weight of 20 k. The fourth axle has a weight of 15 k. The fifth axle has a weight of 15 k. The distance between the first and second axles is 10'. The distance between the second and third axles is 4.2". The distance between the third and fourth axles is 17.7'. The distance between the fourth and fifth axles is 4.2'.





Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

February 14, 2024

Walfrido Pevida, Manager
ARDURRA GROUP, INC.
8600 NW 17th Street, Suite 200
Doral, Florida 33126

Dear Mr. Pevida:

The Florida Department of Transportation has reviewed your application for prequalification package and determined that the data submitted is adequate to technically prequalify your firm for the following types of work:

- Group 2 - Project Development and Environmental (PD&E) Studies
- Group 3 - Highway Design - Roadway
 - 3.1 - Minor Highway Design
 - 3.2 - Major Highway Design
 - 3.3 - Controlled Access Highway Design
- Group 4 - Highway Design - Bridges
 - 4.1.1 - Miscellaneous Structures
 - 4.1.2 - Minor Bridge Design
 - 4.2.1 - Major Bridge Design - Concrete
 - 4.2.2 - Major Bridge Design - Steel
 - 4.2.3 - Major Bridge Design - Segmental
- Group 5 - Bridge Inspection
 - 5.4 - Bridge Load Rating
- Group 6 - Traffic Engineering and Operations Studies
 - 6.1 - Traffic Engineering Studies
 - 6.2 - Traffic Signal Timing
 - 6.3.1 - Intelligent Transportation Systems Analysis and Design
 - 6.3.2 - Intelligent Transportation Systems Implementation
 - 6.3.3 - Intelligent Transportation Traffic Engineering Systems Communications
- Group 7 - Traffic Operations Design
 - 7.1 - Signing, Pavement Marking and Channelization
 - 7.2 - Lighting
 - 7.3 - Signalization

- Group 8 - Survey and Mapping
 - 8.1 - Control Surveying
 - 8.2 - Design, Right of Way & Construction Surveying
 - 8.4 - Right of Way Mapping
- Group 10 - Construction Engineering Inspection
 - 10.1 - Roadway Construction Engineering Inspection
 - 10.3 - Construction Materials Inspection
- Group 11 - Engineering Contract Administration and Management
- Group 13 - Planning
 - 13.4 - Systems Planning
 - 13.5 - Subarea/Corridor Planning
 - 13.6 - Land Planning/Engineering
 - 13.7 - Transportation Statistics
- Group 15 - Landscape Architect

Your firm is now technically prequalified with the Department for Professional Services in the above referenced work types. The overhead audit has been accepted, and your firm may pursue projects in the referenced work types with fees of any dollar amount. This status shall be valid until June 30, 2025, for contracting purposes.

Approved Rates

Home/ Branch Overhead	Field Overhead	Facilities Capital Cost of Money	Premium Overtime	Reimburse Actual Expenses	Home Direct Expense	Field Direct Expense
170.68%*	73.04%*	0.303%*	Reimbursed	No	4.40%*	4.20%*^

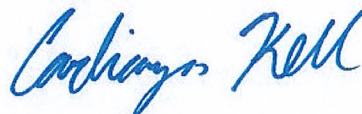
*Interim Rates

^Rent and utilities excluded from field office rate. These costs will be directly reimbursed on contracts that require the consultant to provide field office.

Per Title 23, U.S. Code 112, there are restrictions on sharing indirect cost rates. Refer to Code for additional information.

Should you have any questions, please feel free to contact me by email at carliayn.kell@dot.state.fl.us or by phone at 850-414-4597.

Sincerely,



Carliayn Kell
Professional Services
Qualification Administrator

Randy Daniel

From: Rodolfo E. Remon <reremon@300eng.com>
Sent: Tuesday, November 26, 2024 7:19 PM
To: Randy Daniel; Fausto Vargas-Reyes
Cc: David Hernandez; Diego Jimenez; Sandra Siefken; Paola Davalos
Subject: RE: Bascule Span Repairs
Attachments: Ardurra Group, Inc. 2.14.24 3.pdf

Randy

Hello

As discussed today, we are interested in doing this project for the Town. Ardurra is the parent company of 300 Engineering. We would like to obtain confirmation that we can proceed with it even though Ardurra is not certified by the FDOT on Category 4.4: Movable Span Bridge. We do hold many bridge design categories (listed on the attached letter). If we are approved to proceed, we would need to bring a specialty subconsultant. Below please find a list of potential firms certified on Category 4.4 by the FDOT.

The information contained herein is not the Department's official record.						
Consultant	Mailing Address	Contact Person	Telephone Number	Unlimited/ Technical	DBE	Small Bus.
HARDESTY & HANOVER, LLC	3250 W COMMERCIAL BLVD, #348 FT. LAUDERDALE, FL 33309	MICHAEL SILENO	(954)835-9119	Unlimited	N	N
HDR ENGINEERING, INC.	315 E ROBINSON ST, STE 400 ORLANDO, FL 32801	STEVE FERRELL	(407)420-4211	Unlimited	N	N
HNTB CORPORATION	200 COLONIAL CENTER PKWY, STE200 COLONIAL TOWN PARK LAKE MARY, FL 32746	DOUGLAS ALLEN	(404)946-5769	Unlimited	N	N
MODJESKI AND MASTERS, INC.	100 STERLING PKWY, STE 302 MECHANICSBURG, PA 17050	MICHAEL BRITT	(717)790-9565	Unlimited	N	N
PARSONS TRANSPORTATION GROUP INC.	201 E PINE ST, STE 900 ORLANDO, FL 32801	RHET SCHMIDT	(407)702-6800	Unlimited	N	N
STV INCORPORATED	5200 BELFORT RD, STE 400 JACKSONVILLE, FL 32256	J.KEITH JACKSON	(904)730-9777	Unlimited	N	N
TRANSYSTEMS CORPORATION D/B/A TRANSYSTEMS CORPORATION CONSULTANTS	200 E ROBINSON ST, STE 600 ORLANDO, FL 32801	BO SANCHEZ	(321)436-7172	Unlimited	N	N
WSP USA INC.	5411 SKYCENTER DR, STE 650 TAMPA, FL 33607	ROBERT CLIFFORD	(813)520-4444	Unlimited	N	N

We have worked with Hardesty & Hanover, LLC on previous projects. They are willing to participate as a subconsultant, if approved by the City.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 8.

ITEM: 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

DESCRIPTION:

Staff recommends that the Town Council authorizes the Town Manager to apply for grant assistance under the Florida Inland Navigation District Waterways Assistance Program to acquire a new marine patrol boat.

The Town of Bay Harbor Island's current marine patrol vessel has reached its end of life and will soon need to be decommissioned. Having one boat that frequently encounters out of service events severely restricts the Police Department's ability to appropriately respond to boating incidents and emergencies, particularly as the Bill Bird/Haulover Marina is the busiest marina in all of Miami-Dade County. Furthermore, the Town must maintain a state of readiness for emergency disasters or weather events due to its location on a major evacuation state road, which services multiple jurisdictions. Therefore, the acquisition of a new marine patrol boat will enhance boating safety in public access areas and increase emergency response readiness on the Intercoastal waterway.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

Recognizing the marine patrol boat as indispensable emergency service equipment, the Town has allocated the entire cost of \$250,000 to the Five-Year Capital Plan within the Town's adopted budget to be spent on FY 2025-2026. As a direct consequence, this allocation will have a financial impact on the FY 2025-2026 budget. Additionally, grant funds will contribute significantly, providing a 50% match for the total cost of the boat, thereby easing the financial burden on the Town's resources.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager
 Joseph Locke

ATTACHMENTS

1.	Staff Memo for Council FIND-Boat
2.	February Resolution -FIND Grant Patrol Boat
3.	Town of Bay Harbor Islands-WAP Application-Vessel



TOWN OF BAY HARBOR ISLANDS POLICE DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Joseph Locke Chief of Police
DATE:	January 24, 2025
SUBJECT:	Town of Bay Harbor Islands – 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. Enclosed are the application and proposed resolution.

RECOMMENDATION

Staff recommend that the Town Council authorizes the Town Manager to apply for grant assistance under the Florida Inland Navigation District Waterways Assistance Program to acquire a new marine patrol boat.

BACKGROUND/ANALYSIS

The Town of Bay Harbor Island's current marine patrol vessel has reached its end of life and will soon need to be decommissioned. Having one boat that frequently encounters out of service events severely restricts the Police Department's ability to appropriately respond to boating incidents and emergencies, particularly as the Bill Bird/Haulover Marina is the busiest marina in all of Miami-Dade County. Furthermore, the Town must maintain a state of readiness for emergency disasters or weather events due to its location on a major evacuation state road, which services multiple jurisdictions. Therefore, the acquisition of a

new marine patrol boat will enhance boating safety in public access areas and increase emergency response readiness on the Intercoastal waterway.

EXECUTE

Grant funds will be available after October 1, 2025.

Resolution Wording:

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

FINANCIAL ANALYSIS

The marine patrol boat was identified by the Town as an important emergency service equipment. As such, the full cost was placed as an itemized cost in the Town's FY26 general funds budget. Therefore, there is no fiscal impact for the acquisition. Furthermore, grant funds will provide a 50% match of the total cost for the boat.

ATTACHMENTS

1. Town Memorandum
2. FIND Waterways Assistance Program Grant Application
3. Resolution

ATTACHMENT E-5

RESOLUTION NO. _____

**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.**

WHEREAS, the Town of Bay Harbor Islands is interested in carrying out the following described project for the enjoyment and safety of the citizenry of Bay Harbor Islands and the State of Florida;

Project Title: Marine Patrol Boat-Town of Bay Harbor Islands

Total Estimated Cost: \$250,000.00

Brief Description of Project: The project consists of the acquisition of a marine patrol vessel that will help the Bay Harbor Islands Police Department enhance visibility in public access spaces, respond reliably to boating incidents and calls for service, and provide assistance to citizens on the waterway; and

WHEREAS, Florida Inland Navigation District (“FIND”) financial assistance is required for the program mentioned above.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS:**

That the project described above be authorized,

AND, be it further resolved that said Town of Bay Harbor Islands make application to the Florida Inland Navigation District in the amount of 50% of the actual cost of the project on behalf of said Bay Harbor Islands.

AND, be it further resolved by the Town of Bay Harbor Islands that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the program in the manner described in the proposal and any plans and specifications attached thereto, unless prior approval for any change has been received from the District.
3. That it has the ability to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Bay Harbor Islands for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The project described above is hereby authorized by the Town Council, and the Town Manager is authorized to apply for grant assistance from the Florida Inland Navigation District, and to do any and all other things which may be necessary to effectuate this project.

Section 3. If any provision, section, phrase, or word of this Resolution is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions, sections, phrases or words of this Resolution shall remain in full force and effect.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED this 20th day of February 2025.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**



WATERWAYS ASSISTANCE PROGRAM APPLICATION PACKAGE

Part 2. Attachment E



**Florida
Inland
Navigation
District**

FY 2025-2026

WATERWAYS ASSISTANCE PROGRAM
APPLICATION PACKAGE
Part 2. Attachment E

**SUBMIT THE APPLICATION INFORMATION IN
THE ORDER LISTED ON THE CHECKLIST.
(See Attachment E-1)**

Applications must be received by the District by 4:30 p.m. on March 28, 2025.

Application Submission:

Electronic copies: two separate PDF files per instructions):

PDF #1: Items 1-8 and PDF #2: Items 9-11



Electronic submission via email to:

CKelley@aicw.org

(pdf file size 15MB or less)

Application must be received by the deadline, no exceptions.

Attachment E - Applicant Tips Sheet

(Mistakes Common to the application process and how to avoid them)

SCHEDULING

The new application is available by January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 28th of March; Property control/Technical sufficiency items – 14th of May, Permits – 16th of September. (Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)

PROPERTY CONTROL VERIFICATION

Please have your attorney complete and sign the form in the application verifying applicant property control. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. (Staff suggestion: Resolve this requirement outside the application “window”.)

PROJECT COSTS ELIGIBILITY

Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. (Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline.)

COST-SHARE

Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. (Staff suggestion: You may want to organize project elements in a certain manner for easier accounting.)

PRE-AGREEMENT EXPENSES

Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible. Note: Pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. (Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).

SUBMITTED MATERIALS & JUNE PRESENTATION

The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Board's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. NOTE: Make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation. (Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation!)

ELECTRONIC SUBMISSIONS

Grant applications are ONLY being accepted by email. Grant applications shall be submitted via email as two (2) pdf attachments (**15mb max size and see attachment instructions on the next page**). Make sure to label your pdf attachments with the applicant and project title. You will receive a confirmation email letting you know that your application has been received. Email your completed application to CKelley@aicw.org

Applications must be received by the District by 4:30 p.m. on March 28, 2025.

ATTACHMENT E-1

Waterways Assistance Program FY2025

Applicant Checklist

Project Title:	Marine Patrol Boat - Town of Bay Harbor Islands
Applicant:	Town of Bay Harbor Islands

This checklist and the other items listed below in items 1 through 11 constitute your application. The required information shall be submitted in the order listed.

Electronic copies (2 separate PDF files per instructions – PDF File 1: Items 1-8, PDF File 2: Items 9-11) shall be emailed (15mb maximum file size) to CKelley@aicw.org. Applications must be received by the deadline, no exceptions.

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) (NOTE: For District Commissioner initials ONLY!) (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)	_____	_____
2. Application Checklist Attachment E-1 (Form No. 25-10, 2 pages) (Form must be signed and dated)	☒	☐
3. Application and Evaluation Worksheet Attachment E-2 (Form No. 25-15) (First Page of Form Must be Signed)	☒	☐
4. Project Cost Estimate Attachment E-3 (Form No. 25-20, 1 page) (Must be on District form)	☒	☐
5. Project Timeline Attachment E-4 (Form No. 25-25, 1 page)	☒	☐
6. County/City Location Map	☒	☐
7. Project Boundary Map	☒	☐
8. Clear and Detailed Site Development Plan Map	☐	☒

Continued on Next Page

	<u>YES</u>	<u>NO</u>
9. Official Resolution Form Attachment E-5 (Form No. 25-30, 2 pages)(Resolution must be on District Form and includes items 1-6)	☒	☐
10. Attorney's Certification (Land Ownership) Attachment E-6 (Form No. 25-35, 1 page)	☐	☒
11. Copies of all Required Permits: ACOE, DEP, WMD (Requirement of Construction & Dredging Projects)	☐	☒

The undersigned, as applicant, acknowledges that Items 1 through 11 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, March 28, 2025. By May 14, 2025, my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 11 is due to the District no later than September 16, 2025. If the information in Item 11 is not submitted to the District office by September 16, 2025, I am aware that my application will be removed from any further funding consideration by the District.

_____	_____
Print Liaison Name	Title
_____	_____
Liaison Signature	Date

FIND OFFICE USE ONLY	
Date Received:	_____
Local FIND Commissioner Review	_____
All Required Supporting Documents:	_____
Applicant Eligibility:	_____
Project Eligibility	_____ Available Score: _____
Compliance with Rule 66B-2 F.A.C.:	_____

Eligibility of Project Cost:	_____

ATTACHMENT E-2

Waterways Assistance Program FY2025

Application and Evaluation Worksheet

Local Sponsor: Spencer Crowley	Department: Police/Public Safety
Project Title: Marine Patrol Boat - Town of Bay Harbor Islands	Use "Phase I" for Design Projects. Use "Phase II" for Construction if you received FIND funding for Phase I Work.
Project Director: Andrew Troncoso	Email: atroncoso@bayharborislands.net
Grant Liaison: (If Different from Director) Ann Marie Singh	Email: amsingh@bayharborislands.net
Mailing Address: 1030 95th Street, Unit 4	
City: Bay Harbor Islands	Zip Code: 33154
Phone Number: (305) 866-6241	
Project Address: 1030 95th Street, Unit 4	
Requested FIND Funding:	\$125,000
Eligible Matching Funds Amount:	\$125,000
Match Percentage:	50
Total Project Costs:	\$250,000
Applicant's Funding Source:	General Fund Revenue FY26 Budget

Lindsley Noel

Applicant Signature Certifying the Above Information

Print Name

Project Summary: Maximum 200 Words

The Town of Bay Harbor Islands seeks funding for a marine patrol boat to enhance boating safety in public access areas and increase emergency response readiness on the Intercoastal waterway. The Town's current marine patrol vessel has reached its end of life and will soon need to be decommissioned. Having one boat that frequently encounters out of service events severely restricts the Town's ability to appropriately respond to boating incidents and emergencies, particularly as the Bill Bird/Haulover Marina is the busiest marina in all of Miami-Dade County. Furthermore, the Town must maintain a state of readiness for emergency disasters or weather events due to its location on a major evacuation state road, which services multiple jurisdictions.

Lastly, the Town is currently in the process of a large capital improvement project, which encompasses building a bridge and broad causeway. A part of the plan is a coral reef area and diving section for the public to enjoy. The Police Department will therefore increase its coverage area for minimizing risk to the public engaged in waterway activities. As such, the additional vessel will ensure the Department is able to meet the demands of increased water activities and public safety.

1. Priority Category:

- a) Choose one priority category of this project from the application instructions based upon the predominant cost of the project elements.

Waterway boating safety programs and equipment

- b) Explain how the project fits into this priority category

The Town's current marine patrol vessel has reached its end of service life and will soon need to be decommissioned. Having one boat that frequently encounters out of service events severely restricts the Town's ability to appropriately respond to boating incidents and emergencies on the waterway.

- c) Explain how the project relates to the District's Waterways and the mission of the Florida Inland Navigation District.

The Town is located on a major evacuation state road (uniformly known as S.R. 922) that is surrounded by the Intercoastal Waterway. Therefore, it is important that the Town has a reliable marine patrol vessel to respond reliably to natural disasters, weather events, and boating emergencies.

2. Ownership of Project Site:

Own ☒ Leased ☐ Other ☐

If leased or other, please describe lease or terms and conditions:

3. Has the District previously provided assistance funding to this project or site?

Yes ☐ No ☒

4. If yes, please list the project name, number and funding amount received:

N/A

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.) if applicable?

Importantly, there are various public recreational uses and access to the waterways surrounding the Town including the Bill Bird Marina, which is the busiest marina in Miami Dade County, with 12 boat ramp lanes and 155 boat slips.

6. How many additional ramps, slips, parking spaces or other access features will be added by this project, and what is the approximate number of registered vessels estimated to use the constructed project?

No additional access features will be added by this project, as this request is for equipment to enhance boating safety.

7. Public Usage & Benefits:

- a) What public access or navigational benefit to the District's waterways will result from this project? How will this project enhance public access to the District's waterways, and what specific navigational benefits will it provide to the community?

The benefit of this project will be to enhance safe access and maintain boating safety on the Intercoastal waterway. This will be accomplished by increasing visibility and responding reliably to emergency incidents on the bay waters, particularly in high volume areas such as the Haulover Inlet.

- b) What is the current demand for public access or navigation facilities in the area, and how does this project address unmet needs or improve upon existing facilities?

Miami Dade County has the second highest number of reportable boating accidents and fatalities in the State. Specifically, the Town continues to experience heightened activity at the Marina and Haulover Sandbar and Inlet, and has been unable to reliably respond to incidents and citizen complaints.

- c) How does the project fit within regional or local maritime management plans, public access initiatives, or comprehensive plans, and how does it contribute to broader public usage goals?

The Town is on a major evacuation state road that is surrounded by bay waters, and maintaining a state of readiness is crucial to public access and safety. Additionally, increasing visibility, enforcing boating safety and securing municipal boundaries contribute to overall public safety.

- d) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use in the area of this site?

The project area contains restricted zones for public safety and manatee protection implemented on the local, county, and state level.

8. Fees & Maintenance:

Are there any fees associated with the use of this facility?

Yes ☐

No ☒

If answered Yes:

a) List or provide a fee schedule.

N/A

b) Provide a listing of the fees charged by similar facilities, public and private, in the project area.

N/A

c) Pursuant to Rule 66B-2.004(11), if there are any fees, please explain how these fees are tracked and what they are used for.

N/A

d) Clearly demonstrate how the project will continue to be maintained and funded after initial funding is completed.

The marine patrol boat was identified by the Town as an important emergency service equipment. As such, it was placed as an itemized cost in the Town's FY26 general funds budget.

9. Please list all Environmental Resource Permits required for this project:

Agency	Y/N	Date Applied	Date Received
Water Management District	N		
Dept of Environmental Protection	N		
USACE	N		

10. a) Construction

This question is to be answered only if this application is for a **Construction** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

PERMITTING:

- Have all required environmental permits been applied for? (USACE, DEP and WMD) If permits are NOT required, explain why not.
- Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.
- For Phase I design, permitting, and engineering projects, please provide a general cost estimate for the future Phase II construction work.

CONSTRUCTION TECHNIQUES:

- What is the design life of the project and proposed materials?
- What considerations, if any, have been made for storm surge and hurricane impacts in the design and life span of this project?

Construction Project: Maximum 200 Words (Address all bullet points above)

10. b) Environmental Education

This question is to be answered only if this application is for an **Environmental Education** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

DILIGENCE:

- Who is the primary target audience or user group for the project and how were they identified?
- How have the needs of the target audience been evaluated and met?
- How many people will the program serve on an annual basis? What will be the measurable results?
- Describe the materials and project deliverables to be produced by this project.
- Describe the plan for dissemination of the materials produced through the project,

EXPERIENCE & QUALIFICATIONS:

- Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.
- What previous projects of this nature have been completed by the program manager?

PROJECT GOALS:

- What are the long-term goals of this project as it relates to the ICW?
- What is the expected duration/frequency of this program?

Environmental Education Project: Maximum 400 Words (Address all bullet points above)

10. c) Law Enforcement

This question is to be answered only if this application is for a **Law Enforcement** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

WATERWAY RELATIONSHIP:

- Describe how the project will enhance boating access, safety, or enforcement efforts on the waterway, and address the identified needs or benefits for public safety.

EXPERIENCE & QUALIFICATIONS:

- List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.

DELIVERABLES:

- Describe the project deliverables and why this particular law enforcement vessel, equipment or facility improvements was selected or are necessary.

AREA OF COVERAGE

- What is the range or area of coverage for this project?

Law Enforcement Project: Maximum 200 Words (Address all bullet points above)

The Town of Bay Harbor Islands seeks to replace an outdated marine patrol vessel to patrol Biscayne Bay Intercoastal Waterway. The current boat has reached its end of life and is frequently out of service, reducing our ability to respond to citizen calls for service and emergency events. Moreover, the Town must maintain a state of readiness for emergency disasters or weather events due to its location on a major evacuation state road, which services multiple jurisdictions. The purchase of a marine patrol boat will help the Police Department respond reliably to boating incidents and provide assistance to citizens on the waterway. Andrew Troncoso will be the assigned marine patrol officer tasked with project implementation. He is newly appointed to the role but has a wealth of firearms safety and training experience. He has received marine patrol field training and is scheduled to complete the Marine Law Enforcement Training Program with Miami-Dade County. Project deliverables we anticipate achieving include increased police visibility and enforcement activities, particularly in the Haulover sandbar and inlet area where we have noticed a sharp rise in nuisance complaints and citizen assist calls.

10. d) Inlet or Public Navigation

This question is to be answered **only** if this application is for an **Inlet or Public Navigation** dredging project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

WATERWAY RELATIONSHIP:

- Will the project inhibit sediment inflow into, or reduce the dredging frequency of the Intracoastal Waterway channel?
- How does the project directly benefit the Intracoastal Waterway channel?
- Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.

PUBLIC ACCESS

- Describe in brief detail how the project will enhance public access to or from the Intracoastal Waterway? List the upstream publicly accessible facilities with improved access because of this project.

BENEFICIAL PROJECT ELEMENTS:

- Describe any economic benefits to be realized by implementing this project.

PROJECT MAINTENANCE:

- When was this area last dredged? What is the expected frequency of future dredging? Where will the dredged material be relocated to?

Inlet or Public Navigation Project: Maximum 200 Words (Address all bullet points above)

10. e) Beach Renourishment

This question is to be answered **only** if this application is for a **Beach Renourishment** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

WATERWAY RELATIONSHIP:

- Describe how the District and other navigation interests will benefit from the implementation of this project.

VIABILITY:

- Is the project site defined as critically eroded area by a statewide beach management plan?
- Cite the quantifiable rate of erosion in this area.
- Is the project an important component of an overall beach management effort?

PUBLIC BENEFITS:

- Are there quantifiable public benefits demonstrated by the project?
- Is there adequate public access to the project area? Please describe location and amount.

PROJECT FUNDING:

- Describe any assistance funding from other sources.
- Clarify the availability of long-term funding for this project.

Beach Renourishment Project: Maximum 200 Words (Address all bullet points above)

11. Disaster Relief

This question is to be answered **only** if this application is for repairs/construction of waterways facilities damaged by a declared natural disaster.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

STORM DAMAGE EVALUATION:

- List the State of Emergency declaration order or proclamation & the name and date of the storm/event. [Pursuant to State of emergency declared under Chapter 252, F.S.]
- Describe the extent of the damage that was caused due to the storm/event and any Construction/Resiliency Improvements planned for the project.
- What is the current status of your FEMA paperwork for the project?

PROJECT FUNDING:

- Describe the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair

Disaster Relief Project: Maximum 200 Words (Address all bullet points above)

ATTACHMENT E-3

Waterways Assistance Program FY2025

PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	Marine Patrol Boat - Town of Bay Harbor Islands
Applicant:	Town of Bay Harbor Islands

Project Elements <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	Total Estimated Cost	Applicant's Cost (To the nearest \$50)	FIND Cost (To the nearest \$50)
Marine Patrol Boat	250,000	125,000	125,000

**TOTALS =	250,000	125,000	125,000
-------------------	---------	---------	---------

ATTACHMENT E-4
Waterways Assistance Program FY2025
PROJECT TIMELINE

Project Title:	Marine Patrol Boat - Town of Bay Harbor Islands
Applicant:	Town of Bay Harbor Islands Police Department

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction. NOTE: All funded activities must begin AFTER October 1st or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses.

The timeline of this project will be as follows:

Months 1-6: Contract execution and manufacturer selection.

Months 1-6: Marine Patrol Officer training with Miami Dade Public Safety Institute

Months 7-24: Purchase of the vessel.

ATTACHMENT E-5
RESOLUTION FOR ASSISTANCE 2025
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE Town of Bay Harbor Islands is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of Bay Harbor Islands
and the State of Florida:

Project Title Marine Patrol Boat-Town of Bay Harbor Islands

Total Estimated Cost \$ 250,000

Brief Description of Project: The project consists of the acquisition of a marine patrol vessel that will help the Bay Harbor Islands Police Department enhance visibility in public access spaces, respond reliably to boating incidents and calls for service, and provide assistance to citizens on the waterway.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Town of Bay Harbor Islands
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said Town of Bay Harbor Islands
(Name of Agency)
make application to the Florida Inland Navigation District in the amount of 50 % of the
actual cost of the project in behalf of said Town of Bay Harbor Islands
(Name of Agency)

AND, be it further resolved by the Town of Bay Harbor Islands
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Bay Harbor Islands for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Town Council of the Town of Bay Harbor Islands at a legal meeting
(Agency Governing Board)
held on this 12 day of February 2025.

Attest

Signature

Title

Title

ATTACHMENT E-6

ATTORNEYS CERTIFICATION OF TITLE 2025

(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE (City or County) ATTORNEY
(ADDRESS)

(Date), 2025

To WHOM IT MAY CONCERN:

I, (Name), an the Attorney for the (City or County), Florida, I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from _____ to the (City or County) conveying _____ (Type of interest, i.e.. Fee simple, easement, 30-year lease, etc.) in the following described property:

(Brief Legal Description of Property)

I have also examined a document showing that this property is listed on the tax rolls as belonging to the (City or County). Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "(Name of Property as Referenced in the WAP Application)".

I Certify that the (City or County) does in fact (Own, Lease, etc.) this property for _____ years.

Sincerely,

(Name)

Attorney, (City or County)

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 9.

ITEM: 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

DESCRIPTION:

Staff recommend that the Town Council authorize the Town Manager to apply for grant assistance under the Florida Inland Navigation District Waterways Assistance Program to complete the construction and installation of the adjoining elevated boat lifts that will hold a marine patrol boat and two jet skis.

The Town of Bay Harbor Islands seeks to install two adjoining elevated lifts that will house a new marine patrol boat and two jet skis. This will be the first dedicated marine patrol station in the Town of Bay Harbor Islands, ensuring the rapid response of police personnel for water rescue operations, emergency disasters, and weather events.

Two grant applications will be submitted concurrently under the Florida Inland Navigation District Waterways Assistance Program to address an outdated marine patrol boat and an inexistent boat lift. The current recommendation is for the construction and installation (Phase 2) of a boat lift station.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

To complete Phase 2 of the boat lift installation, general revenue fund revenues will be utilized along with a 50% grant match, totaling approximately \$25,000. This allocation will have a financial impact on the FY 2025-2026 Budget.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager

Joseph Locke

ATTACHMENTS

1.	Staff Memo for Council FIND Grant Application Boat Lift revised
2.	Resolution -Boat Lift Station, Town of Bay Harbor Islands, Phase II
3.	Design and Permitting Plan - 9600 W Broadview Dr-Boatlift
4.	Town of Bay Harbor Islands-WAP Application-Boatlift



**TOWN OF BAY HARBOR ISLANDS
POLICE DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Joseph Locke Chief of Police
DATE:	January 24, 2025
SUBJECT:	Town of Bay Harbor Islands – 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.

RECOMMENDATION

Staff recommends that the Town Council authorizes the Town Manager to apply for grant assistance under the Florida Inland Navigation District Waterways Assistance Program to complete the construction and installation of the adjoining elevated boat lifts that will hold a marine patrol boat and two jet skis.

BACKGROUND/ANALYSIS

The Town of Bay Harbor Islands seeks to install two adjoining elevated lifts that will house a new marine patrol boat and two jet skis. This will be the first dedicated marine patrol station in the Town of Bay Harbor Islands, ensuring the rapid response of police personnel for water rescue operations, emergency disasters, and weather events.

Two grant applications will be submitted concurrently under the Florida Inland Navigation District Waterways Assistance Program to address an outdated marine patrol boat and an inexistent boat lift. The current recommendation is for the construction and installation (Phase 2) of a boat lift station.

EXECUTE

Grant funds will be available after October 1, 2025.

Resolution Wording:

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 FOR PHASE II, CONSTRUCTION OF TWO ADJOINING ELEVATED BOAT LIFTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

General revenue funds in combination with a 50% grant match will be used to complete Phase 2 of the boat lifts installation.

ATTACHMENTS

1. Town Memorandum
2. Resolution
3. FIND Waterways Assistance Program Grant Application
4. Design and Permitting Plan

ATTACHMENT E-5

RESOLUTION NO. _____

**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.**

WHEREAS, the Town of Bay Harbor Islands is interested in carrying out the following described project for the enjoyment and safety of the citizenry of Bay Harbor Islands and the State of Florida;

Project Title: Town of Bay Harbor Islands Boat Lift Station, Phase II

Total Estimated Cost: \$50,000

Brief Description of Project: The project seeks funding for Phase II to include the construction and installation of an adjoining 12k and 5k elevated lift to hold one marine patrol vessel and two jet skis, as well as a small ramp; and

WHEREAS, Florida Inland Navigation District (“FIND”) financial assistance is required for the program mentioned above.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS:**

That the project described above be authorized,

AND, be it further resolved that said Town of Bay Harbor Islands make application to the Florida Inland Navigation District in the amount of 50 % of the actual cost of the project on behalf of said Bay Harbor Islands.

AND, be it further resolved by the Town of Bay Harbor Islands that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the program in the manner described in the proposal and any plans and specifications attached thereto, unless prior approval for any change has been received from the District.
3. That it has the ability to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Bay Harbor Islands for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The project described above is hereby authorized by the Town Council, and the Town Manager is authorized to apply for grant assistance from the Florida Inland Navigation District, and to do any and all other things which may be necessary to effectuate this project.

Section 3. If any provision, section, phrase, or word of this Resolution is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions, sections, phrases or words of this Resolution shall remain in full force and effect.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED this 20th day of February 2025.

JOSHUA D. FULLER, MAYOR

ATTEST:

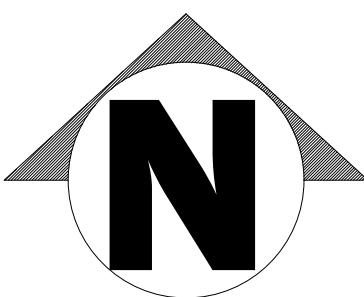
YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

INSTALL 12K AND 5K ELEVATOR LIFTS

9600 W BROADVIEW DR, BAY HARBOR ISLANDS



PROJECT LOCATION

SITE DATA / PROJECT LOCATION:

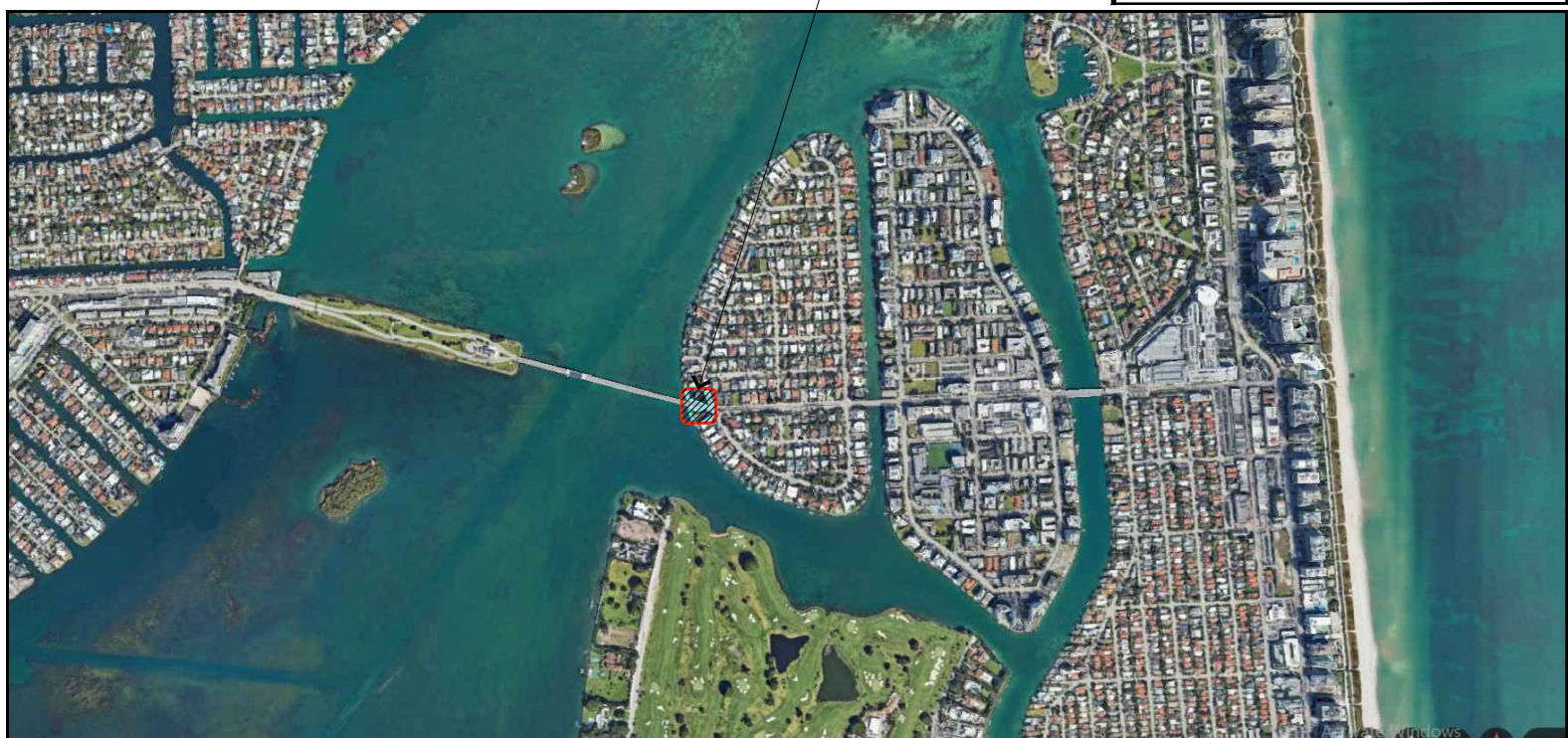
SITE ADDRESS: 9600 W BROADVIEW DR, BAY HARBOR ISLANDS

PARCEL NO.: 13-2227-001-4520

LEGAL DESC.: -

OWNER / S: TOWN OF BAY HARBOR ISLANDS

ZONING: SINGLE FAMILY RESID (0100)



A LOCATION MAP
C-01 SCALE: NTS.

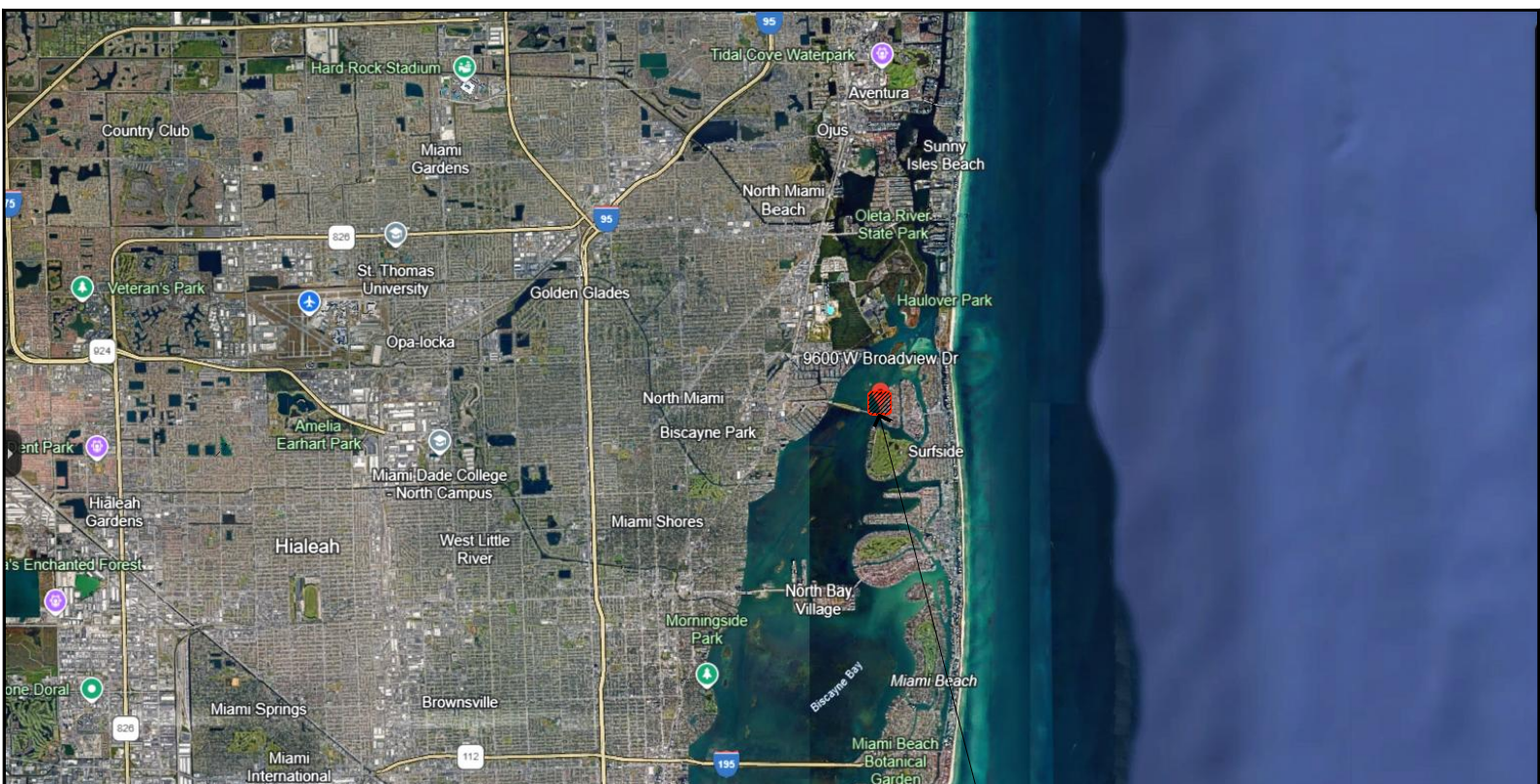
DRAWING INDEX:

- C - 01 PROJECT INFORMATION
- C - 02 SITE PLAN 01
- C - 03 SITE PLAN 02
- C - 04 DETAILED SECTIONS

SCOPE OF WORK:

NEW CONSTRUCTION

- INSTALL 12K ELEVATOR LIFT ON EX. SEAWALL/CAP
- INSTALL 5K DUAL PWC ELEVATOR LIFT ON EX. SEAWALL/CAP



B VICINITY MAP
C-01 SCALE: NTS.

PROJECT LOCATION



**RAPID PERMITS AND
ENGINEERING**

ADDRESS: PO Box 510573, Key Colony Beach,
FL 33051
CONTACT: 305-916-1400
EMAIL : info@rapidpermitting.com

PROJECT TITLE:

**INSTALL 12K AND 5K
ELEVATOR LIFTS**
9600 W BROADVIEW DR,

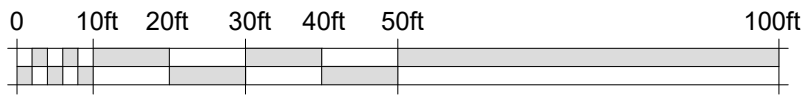
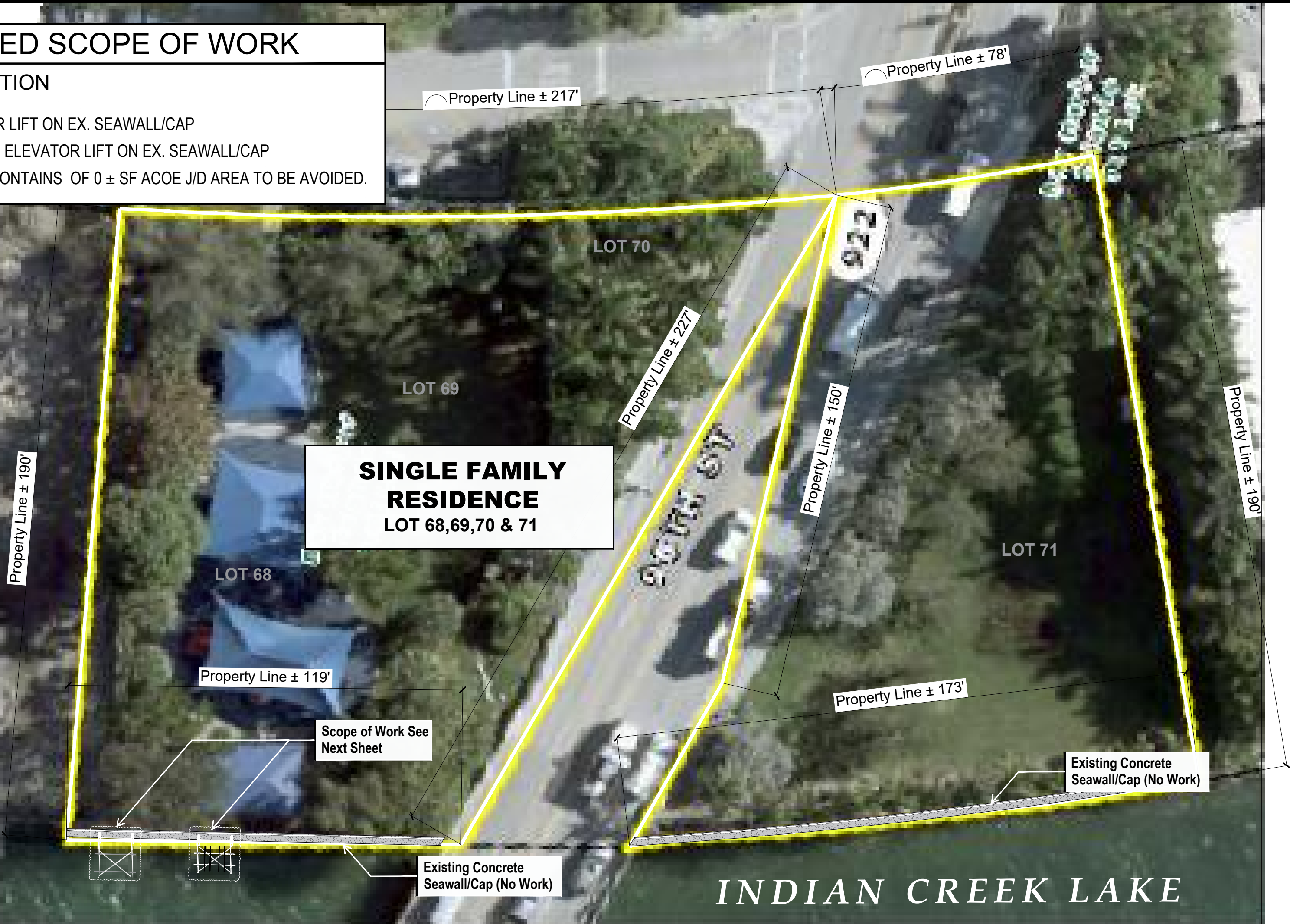
LOCATION : 9600 W BROADVIEW DR, BAY HARBOR ISLANDS
Parcel ID - 00386571-004700

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
01	Cover Sheet	11 - 13 - 2024	PROJECT INFORMATION	C 01 04
02	Cover Sheet	11 - 19 - 2024		
			DATE: 11/13/2024	

PROPOSED SCOPE OF WORK

NEW CONSTRUCTION

- INSTALL 12K ELEVATOR LIFT ON EX. SEAWALL/CAP
- INSTALL 5K DUAL PWC ELEVATOR LIFT ON EX. SEAWALL/CAP
- SUBJECT PROPERTY CONTAINS OF 0 ± SF ACOE J/D AREA TO BE AVOIDED.



9600 W BROADVIEW DR,
SITE PLAN 01

C-02

SCALE: 4" = 100'

N



**RAPID PERMITS AND
ENGINEERING**

ADDRESS: PO Box 510573, Key Colony Beach,
FL 33051
CONTACT: 305-916-1400
EMAIL : info@rapidpermitting.com

PROJECT TITLE:

**INSTALL 12K AND 5K
ELEVATOR LIFTS**
9600 W BROADVIEW DR,

LOCATION : 9600 W BROADVIEW DR, BAY HARBOR ISLANDS
Parcel ID - 00386571-004700

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
01	Site Plan 01	11 - 13 - 2024	SITE PLAN	C 02 05
02	Site Plan 01	11 - 15 - 2024		
03	Site Plan 01	11 - 19 - 2024		
			DATE: 11/13/2024	



**SINGLE FAMILY
RESIDENCE**
LOT 68,69,70 & 71

Install 12K Elevator Lift
on Ex. Seawall/Cap

Property Line ± 119'

Existing Steel Fence
(No Work)

Existing Concrete
Seawall/Cap (No Work)

Install 5K Dual PWC
Elevator Lift on Ex.
Seawall/Cap

Riparian Line

INDIAN CREEK LAKE

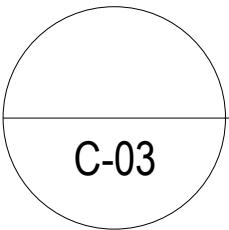
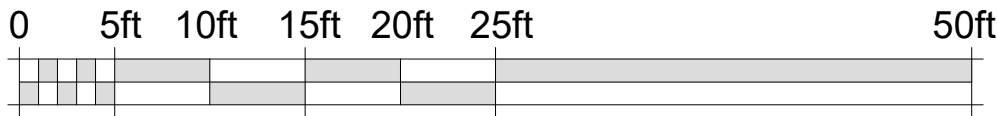
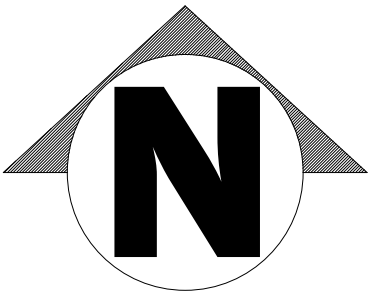
PROPOSED SCOPE OF WORK

NEW CONSTRUCTION

- INSTALL 12K ELEVATOR LIFT ON EX. SEAWALL/CAP
- INSTALL 5K DUAL PWC ELEVATOR LIFT ON EX. SEAWALL/CAP
- SUBJECT PROPERTY CONTAINS OF 0 ± SF ACOE J/D AREA TO BE AVOIDED.

9600 W BROADVIEW DR,
SITE PLAN 02

SCALE: 5" = 50'



**RAPID PERMITS AND
ENGINEERING**

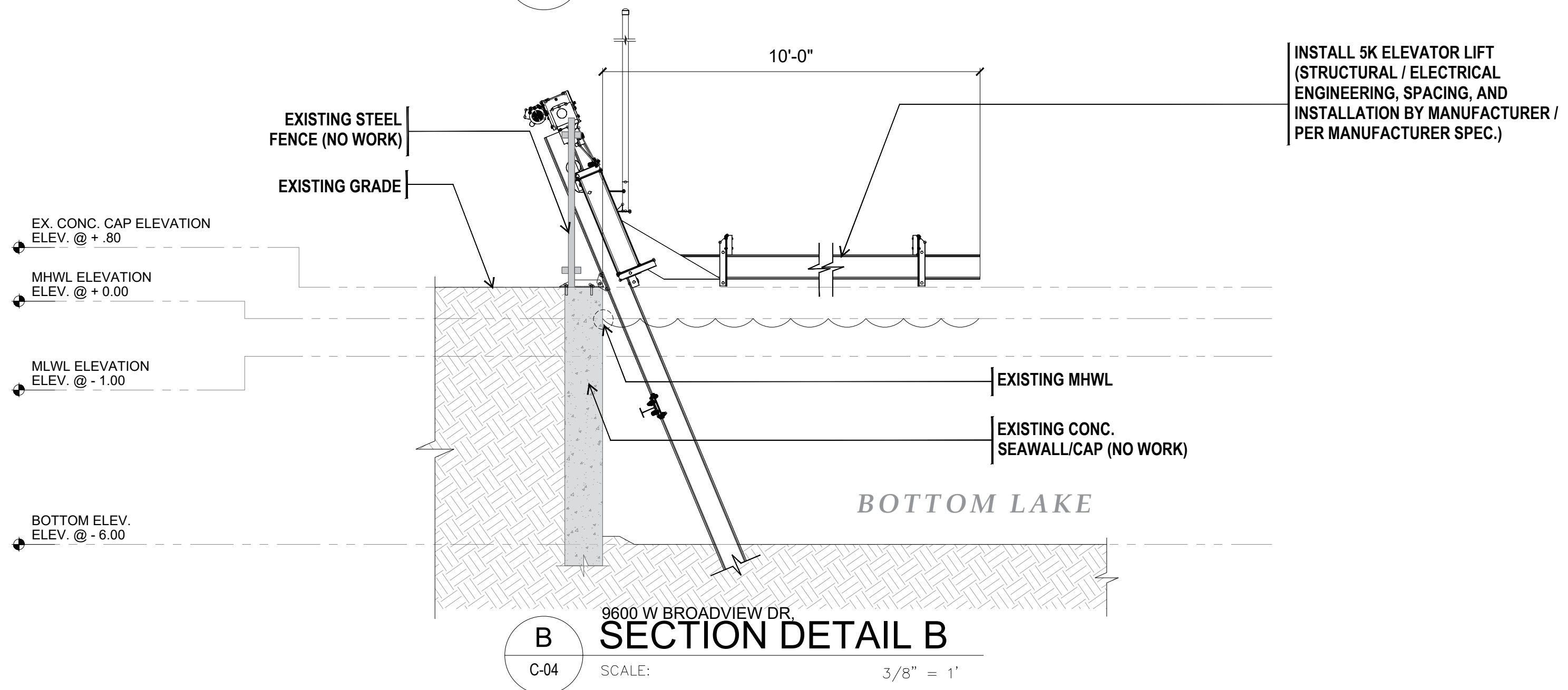
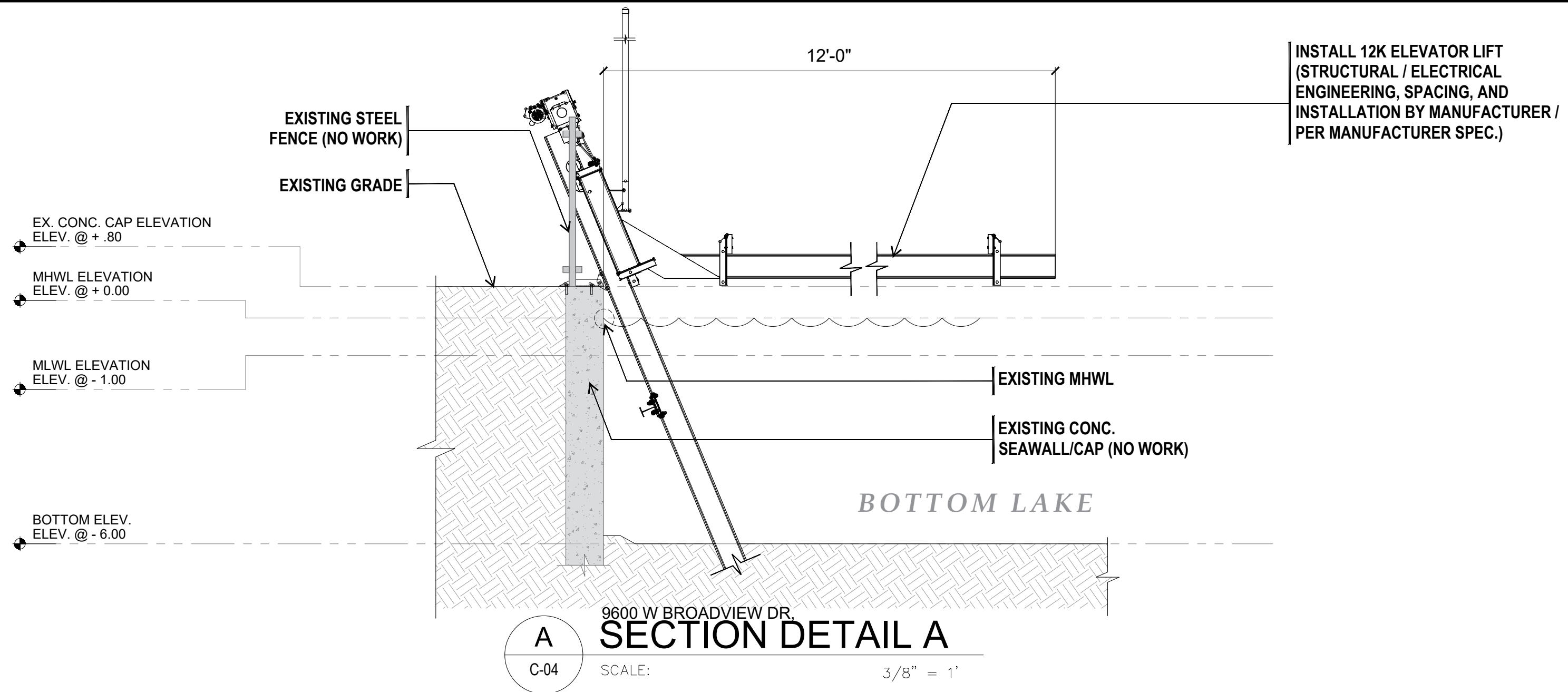
ADDRESS: PO Box 510573, Key Colony Beach,
FL 33051
CONTACT: 305-916-1400
EMAIL: info@rapidpermitting.com

PROJECT TITLE:

**INSTALL 12K AND 5K
ELEVATOR LIFTS**
9600 W BROADVIEW DR,

LOCATION : 9600 W BROADVIEW DR, BAY HARBOR ISLANDS
Parcel ID - 00386571-004700

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
01	Site Plan 02	11 - 13 - 2024	SITE PLAN	C 03 04
02	Site Plan 02	11 - 15 - 2024		
03	Site Plan 02	11 - 19 - 2024		
			DATE: 11/13/2024	



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 510573, Key Colony Beach, FL 33051
CONTACT: 305-916-1400
EMAIL: info@rapidpermitting.com

PROJECT TITLE:

INSTALL 12K AND 5K ELEVATOR LIFTS
9600 W BROADVIEW DR,

LOCATION : 9600 W BROADVIEW DR, BAY HARBOR ISLANDS
Parcel ID - 00386571-004700

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
01	Detailed Sections	11 - 13 - 2024	DETAILED SECTIONS	C 04 04
02	Detailed Sections	11 - 15 - 2024		
03	Detailed Sections	11 - 18 - 2024		
			DATE: 11/13/2024	



WATERWAYS ASSISTANCE PROGRAM APPLICATION PACKAGE

Part 2. Attachment E



**Florida
Inland
Navigation
District**

FY 2025-2026

WATERWAYS ASSISTANCE PROGRAM
APPLICATION PACKAGE
Part 2. Attachment E

**SUBMIT THE APPLICATION INFORMATION IN
THE ORDER LISTED ON THE CHECKLIST.
(See Attachment E-1)**

Applications must be received by the District by 4:30 p.m. on March 28, 2025.

Application Submission:

Electronic copies: two separate PDF files per instructions):

PDF #1: Items 1-8 and PDF #2: Items 9-11



Electronic submission via email to:

CKelley@aicw.org

(pdf file size 15MB or less)

Application must be received by the deadline, no exceptions.

Attachment E - Applicant Tips Sheet

(Mistakes Common to the application process and how to avoid them)

SCHEDULING

The new application is available by January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 28th of March; Property control/Technical sufficiency items – 14th of May, Permits – 16th of September. (Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)

PROPERTY CONTROL VERIFICATION

Please have your attorney complete and sign the form in the application verifying applicant property control. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. (Staff suggestion: Resolve this requirement outside the application “window”.)

PROJECT COSTS ELIGIBILITY

Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. (Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline.)

COST-SHARE

Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. (Staff suggestion: You may want to organize project elements in a certain manner for easier accounting.)

PRE-AGREEMENT EXPENSES

Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible. Note: Pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. (Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).

SUBMITTED MATERIALS & JUNE PRESENTATION

The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Board's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. NOTE: Make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation. (Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation!)

ELECTRONIC SUBMISSIONS

Grant applications are ONLY being accepted by email. Grant applications shall be submitted via email as two (2) pdf attachments (**15mb max size and see attachment instructions on the next page**). Make sure to label your pdf attachments with the applicant and project title. You will receive a confirmation email letting you know that your application has been received. Email your completed application to CKelley@aicw.org

Applications must be received by the District by 4:30 p.m. on March 28, 2025.

ATTACHMENT E-1

Waterways Assistance Program FY2025

Applicant Checklist

Project Title:	Town of Bay Harbor Islands Boat Lift Station, Phase II
Applicant:	Town of Bay Harbor Islands

This checklist and the other items listed below in items 1 through 11 constitute your application. The required information shall be submitted in the order listed.

Electronic copies (2 separate PDF files per instructions – PDF File 1: Items 1-8, PDF File 2: Items 9-11) shall be emailed (15mb maximum file size) to CKelley@aicw.org.

Applications must be received by the deadline, no exceptions.

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) (NOTE: For District Commissioner initials ONLY!) (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)	_____	_____
2. Application Checklist Attachment E-1 (Form No. 25-10, 2 pages) (Form must be signed and dated)	☒	☐
3. Application and Evaluation Worksheet Attachment E-2 (Form No. 25-15) (First Page of Form Must be Signed)	☒	☐
4. Project Cost Estimate Attachment E-3 (Form No. 25-20, 1 page) (Must be on District form)	☒	☐
5. Project Timeline Attachment E-4 (Form No. 25-25, 1 page)	☒	☐
6. County/City Location Map	☒	☐
7. Project Boundary Map	☒	☐
8. Clear and Detailed Site Development Plan Map	☒	☐

Continued on Next Page

	<u>YES</u>	<u>NO</u>
9. Official Resolution Form Attachment E-5 (Form No. 25-30, 2 pages)(Resolution must be on District Form and includes items 1-6)	☒	☐
10. Attorney's Certification (Land Ownership) Attachment E-6 (Form No. 25-35, 1 page)	☒	☐
11. Copies of all Required Permits: ACOE, DEP, WMD (Requirement of Construction & Dredging Projects)	☒	☐

The undersigned, as applicant, acknowledges that Items 1 through 11 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, March 28, 2025. By May 14, 2025, my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 11 is due to the District no later than September 16, 2025. If the information in Item 11 is not submitted to the District office by September 16, 2025, I am aware that my application will be removed from any further funding consideration by the District.

_____	_____
Print Liaison Name	Title
_____	_____
Liaison Signature	Date

FIND OFFICE USE ONLY	
Date Received:	
Local FIND Commissioner Review	
All Required Supporting Documents:	
Applicant Eligibility:	
Project Eligibility	Available Score:
Compliance with Rule 66B-2 F.A.C.:	
Eligibility of Project Cost:	

ATTACHMENT E-2

Waterways Assistance Program FY2025

Application and Evaluation Worksheet

Local Sponsor: Spencer Crowley	Department: Police/Public Safety
Project Title: Town of Bay Harbor Islands Boat Lift, Phase I	Use "Phase I" for Design Projects. Use "Phase II" for Construction if you received FIND funding for Phase I Work.
Project Director: Andrew Troncoso	Email: atroncoso@bayharborislands.net
Grant Liaison: (If Different from Director) Ann Marie Singh	Email: amsingh@bayharborislands.net
Mailing Address: 1030 95th Street, Unit 4	
City: Bay Harbor Islands	Zip Code: 33154
Phone Number: (305) 866-6241	
Project Address: 1030 95th Street, Unit 4	
Requested FIND Funding:	\$25,000
Eligible Matching Funds Amount:	\$25,000
Match Percentage:	50
Total Project Costs:	\$50,000
Applicant's Funding Source:	General Fund Revenue FY26 Budget

Lindsley Noel

Applicant Signature Certifying the Above Information

Print Name

Project Summary: Maximum 200 Words

The Town of Bay Harbor Islands seeks funding for the construction and installation of a marine boat station that will include a 12k elevator lift to hold a patrol boat and a 5k station to mount two jet skis. Funds will provide the first dedicated marine patrol boat lift in the Town, ensuring the rapid response of marine patrol personnel for water rescue operations, boating law enforcement, emergency disasters, and weather events.

The Town is comprised of two barrier islands surrounded by the Intercoastal Waterway (ICW). It is also located on a major evacuation state road, which services multiple jurisdictions. Therefore, the Town must maintain a state of readiness for emergency disasters and weather events. Currently, the Town does not have a designated boat lift station for marine patrol, which severely restricts its ability to appropriately respond to boating incidents and emergencies. Additionally, the Bill Bird Marina at Haulover Park is the busiest marina in all of Miami-Dade County, with Haulover Park receiving over 1 million visitors per year. It is imperative that the Town is able to provide effective and efficient marine emergency response across the waterways, having such a high volume of public visitors.

1. Priority Category:

- a) Choose one priority category of this project from the application instructions based upon the predominant cost of the project elements.

Waterway boating safety programs and equipment

- b) Explain how the project fits into this priority category

Currently, the Town does not have a designated boat lift station for marine patrol operations, which severely restricts its ability to appropriately respond to boating incidents and emergencies on the intercoastal waterway. The boat lift station will therefore enhance public safety on the ICW.

- c) Explain how the project relates to the District's Waterways and the mission of the Florida Inland Navigation District.

The Town's responsibility is to ensure safe passage on segments of the Intercoastal Waterway, and to maintain a state of readiness during emergencies, as the broad causeway bridge is on a main evacuation route for surrounding jurisdictions.

2. Ownership of Project Site:

Own ☒ Leased ☐ Other ☐

If leased or other, please describe lease or terms and conditions:

3. Has the District previously provided assistance funding to this project or site?

Yes ☐ No ☒

4. If yes, please list the project name, number and funding amount received:

N/A

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.) if applicable?

Importantly, there are various public recreational uses and access to the waterways surrounding the Town including the Bill Bird Marina, which is the busiest marina in Miami Dade County, with 12 boat ramp lanes and 155 boat slips.

6. How many additional ramps, slips, parking spaces or other access features will be added by this project, and what is the approximate number of registered vessels estimated to use the constructed project?

The proposed scope of work includes the installation of an adjoining 12k and 5k elevated lift to hold one marine patrol vessel and two jet skis, as well as a small ramp.

7. Public Usage & Benefits:

- a) What public access or navigational benefit to the District's waterways will result from this project? How will this project enhance public access to the District's waterways, and what specific navigational benefits will it provide to the community?

The benefit of this project will be to enhance emergency response and boating safety on the Intercoastal waterway. This will be accomplished by increasing patrol and responding reliably to emergency incidents on the waterway, particularly in high volume areas such as Haulover Inlet and the sandbar.

- b) What is the current demand for public access or navigation facilities in the area, and how does this project address unmet needs or improve upon existing facilities?

The Town continues to experience heightened activity at the Haulover Marina, sandbar and inlet. Having a designated boat lift station allows marine patrol to rapidly deploy and respond to emergencies, as well as provide consistent patrol of the waterway to reduce the risk of speeding and accidents.

- c) How does the project fit within regional or local maritime management plans, public access initiatives, or comprehensive plans, and how does it contribute to broader public usage goals?

The Town is on a major evacuation state road that is surrounded by segments of the ICW, and maintaining a state of readiness is crucial to public access and safety. Moreover, increasing visibility, enforcing boating safety and securing municipal boundaries contribute to overall public safety.

- d) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use in the area of this site?

The project area contains restricted zones for public safety and manatee protection that has been implemented on the local, county, and state level.

8. Fees & Maintenance:

Are there any fees associated with the use of this facility?

Yes ☐

No ☒

If answered Yes:

a) List or provide a fee schedule.

N/A

b) Provide a listing of the fees charged by similar facilities, public and private, in the project area.

N/A

c) Pursuant to Rule 66B-2.004(11), if there are any fees, please explain how these fees are tracked and what they are used for.

N/A

d) Clearly demonstrate how the project will continue to be maintained and funded after initial funding is completed.

The Town will provide a 50% match using general funds. The Town will also maintain the boat lift including through regular inspections and cleanings.

9. Please list all Environmental Resource Permits required for this project:

Agency	Y/N	Date Applied	Date Received
Water Management District	N		
Dept of Environmental Protection	Y	January 1, 2025	
USACE	N		

10. a) Construction

This question is to be answered only if this application is for a **Construction** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

PERMITTING:

- Have all required environmental permits been applied for? (USACE, DEP and WMD) If permits are NOT required, explain why not.
- Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.
- For Phase I design, permitting, and engineering projects, please provide a general cost estimate for the future Phase II construction work.

CONSTRUCTION TECHNIQUES:

- What is the design life of the project and proposed materials?
- What considerations, if any, have been made for storm surge and hurricane impacts in the design and life span of this project?

Construction Project: Maximum 200 Words (Address all bullet points above)

10. b) Environmental Education

This question is to be answered only if this application is for an **Environmental Education** project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

DILIGENCE:

- Who is the primary target audience or user group for the project and how were they identified?
- How have the needs of the target audience been evaluated and met?
- How many people will the program serve on an annual basis? What will be the measurable results?
- Describe the materials and project deliverables to be produced by this project.
- Describe the plan for dissemination of the materials produced through the project,

EXPERIENCE & QUALIFICATIONS:

- Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.
- What previous projects of this nature have been completed by the program manager?

PROJECT GOALS:

- What are the long-term goals of this project as it relates to the ICW?
- What is the expected duration/frequency of this program?

Environmental Education Project: Maximum 400 Words (Address all bullet points above)

10. c) Law Enforcement

This question is to be answered only if this application is for a Law Enforcement project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

WATERWAY RELATIONSHIP:

- Describe how the project will enhance boating access, safety, or enforcement efforts on the waterway, and address the identified needs or benefits for public safety.

EXPERIENCE & QUALIFICATIONS:

- List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.

DELIVERABLES:

- Describe the project deliverables and why this particular law enforcement vessel, equipment or facility improvements was selected or are necessary.

AREA OF COVERAGE

- What is the range or area of coverage for this project?

Law Enforcement Project: Maximum 200 Words (Address all bullet points above)

The ICW provides safe transit for thousands of vessels annually through bay waters that surround the Town. The marine patrol unit ensures enforcement of laws on the ICW to maintain public safety and the safety of marine life. Having a dedicated boat lift in Town would support the rapid deployment of marine personnel for water rescue operations, emergency disasters, and weather events that impact surrounding waterways. Since the Town is also located on a major evacuation state road that services multiple jurisdictions, it is important that it is prepared to rapidly respond during emergency events.

The Town has contracted with J and T Marine Contractors and Rapid Permitting to complete Phase II (construction). Both have extensive experience with marine construction projects. The project design is complete and DEP permitting was initiated January 1, 2025 and will be completed March 1, 2025. Project deliverables we anticipate achieving include increased police visibility and enforcement activities, particularly in the Haulover sandbar and inlet area where we have noticed a sharp rise in nuisance complaints and citizen assist calls for service. The primary coverage area for the project is Biscayne Bay and interconnecting channels.

10. d) Inlet or Public Navigation

This question is to be answered **only** if this application is for an **Inlet or Public Navigation** dredging project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

WATERWAY RELATIONSHIP:

- Will the project inhibit sediment inflow into, or reduce the dredging frequency of the Intracoastal Waterway channel?
- How does the project directly benefit the Intracoastal Waterway channel?
- Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.

PUBLIC ACCESS

- Describe in brief detail how the project will enhance public access to or from the Intracoastal Waterway? List the upstream publicly accessible facilities with improved access because of this project.

BENEFICIAL PROJECT ELEMENTS:

- Describe any economic benefits to be realized by implementing this project.

PROJECT MAINTENANCE:

- When was this area last dredged? What is the expected frequency of future dredging? Where will the dredged material be relocated to?

Inlet or Public Navigation Project: Maximum 200 Words (Address all bullet points above)

10. e) Beach Renourishment

This question is to be answered only if this application is for a Beach Renourishment project.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

WATERWAY RELATIONSHIP:

- Describe how the District and other navigation interests will benefit from the implementation of this project.

VIABILITY:

- Is the project site defined as critically eroded area by a statewide beach management plan?
- Cite the quantifiable rate of erosion in this area.
- Is the project an important component of an overall beach management effort?

PUBLIC BENEFITS:

- Are there quantifiable public benefits demonstrated by the project?
- Is there adequate public access to the project area? Please describe location and amount.

PROJECT FUNDING:

- Describe any assistance funding from other sources.
- Clarify the availability of long-term funding for this project.

Beach Renourishment Project: Maximum 200 Words (Address all bullet points above)

11. Disaster Relief

This question is to be answered **only** if this application is for repairs/construction of waterways facilities damaged by a declared natural disaster.

In the summary box at the bottom of this page, please address each of the bullet points listed below to maximize your score for this competitive grant application.

STORM DAMAGE EVALUATION:

- List the State of Emergency declaration order or proclamation & the name and date of the storm/event. [Pursuant to State of emergency declared under Chapter 252, F.S.]
- Describe the extent of the damage that was caused due to the storm/event and any Construction/Resiliency Improvements planned for the project.
- What is the current status of your FEMA paperwork for the project?

PROJECT FUNDING:

- Describe the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair

Disaster Relief Project: Maximum 200 Words (Address all bullet points above)

ATTACHMENT E-3

Waterways Assistance Program FY2025

PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	Town of Bay Harbor Islands Boat Lift Station, Phase II
Applicant:	Town of Bay Harbor Islands

Project Elements <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	Total Estimated Cost	Applicant's Cost (To the nearest \$50)	FIND Cost (To the nearest \$50)
Boat Lift	50,000	25,000	25,000

**TOTALS =	50,000	25,000	25,000
-------------------	--------	--------	--------

ATTACHMENT E-4
Waterways Assistance Program FY2025
PROJECT TIMELINE

Project Title:	Town of Bay Harbor Islands Boat Lift Station, Phase II
Applicant:	Town of Bay Harbor Islands

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction. NOTE: All funded activities must begin AFTER October 1st or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses.

The timeline of this project will be as follows:

Months 1-6: Contract Execution
Months 7-24: Construction

ATTACHMENT E-5
RESOLUTION FOR ASSISTANCE 2025
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE Town of Bay Harbor Islands is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of Bay Harbor Islands
and the State of Florida:

Project Title Town of Bay Harbor Islands Boat Lift Station, Phase II

Total Estimated Cost \$ 50,000

Brief Description of Project:

The project seeks funding for Phase II to include the construction and installation of an adjoining 12k and 5k elevated lift to hold one marine patrol vessel and two jet skis, as well as a small ramp.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Town of Bay Harbor Islands
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said Town of Bay Harbor Islands
(Name of Agency)
make application to the Florida Inland Navigation District in the amount of 50 % of the
actual cost of the project in behalf of said Town of Bay Harbor Islands
(Name of Agency)

AND, be it further resolved by the Town of Bay Harbor Islands
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Bay Harbor Islands for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Town Council of the Town of Bay Harbor Islands at a legal meeting
(Agency Governing Board)
held on this 12 day of February 2025.

Attest

Signature

Title

Title

ATTACHMENT E-6

ATTORNEYS CERTIFICATION OF TITLE 2025

(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE (City or County) ATTORNEY
(ADDRESS)

(Date), 2025

To WHOM IT MAY CONCERN:

I, (Name), an the Attorney for the (City or County), Florida, I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from _____ to the (City or County) conveying _____ (Type of interest, i.e.. Fee simple, easement, 30-year lease, etc.) in the following described property:

(Brief Legal Description of Property)

I have also examined a document showing that this property is listed on the tax rolls as belonging to the (City or County). Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "(Name of Property as Referenced in the WAP Application)".

I Certify that the (City or County) does in fact (Own, Lease, etc.) this property for _____ years.

Sincerely,

(Name)

Attorney, (City or County)

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 10.

ITEM: 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.

DESCRIPTION:

RECOMMENDATION

Waive competitive bidding based on critical need, and approve the amount of \$63,906.30 in favor of Debonair Mechanical Incorporated to complete the project.

BACKGROUND / ANALYSIS

Air conditioning for the community center is provided by a 30-ton split system. The air handlers are located in the mechanical room of the parking garage and the condenser is located outside on the ramp to the second floor, hence the "split system". The coils in the condenser unit are subjected to the corrosive marine environment and have deteriorated to the extent that continued repairs are no longer cost effective.

As a result of the deteriorated coils, the air conditioning at the community center is virtually nonfunctional and does not cool. All users of this facility are impacted, but the young and the elderly are most affected. It is believed that the high temperatures, which are expected to get higher as we approach summer, could lead to health issues in the vulnerable populations. This situation is therefore deemed to be an emergency.

EXECUTE

In 2016, the Town entered into a contract with Debonair Mechanical Incorporated (Debonair) to provide regular monthly inspections for the air conditioning system at the Community Center. At the time the town solicited bids for ongoing maintenance services and selected Debonair through a competitive selection process. Although the contract expired the town continued to use Debonair to service the Community Center AC, based on the terms of the original contract.

Debonair has serviced the air conditioning system for the Community Center for almost 10 years. During this time, they have been found to be responsible, professional, and honest with the dispensation of their services.

In addition, Debonair's price to replace the condenser unit is deemed very competitive.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

GL Line-Item Number: 001.5190.400062.000

Total Revised Budget: \$130,750

Encumbered Amount: \$66,750

Balance Remaining: \$64,000

To efficiently cover this expense, we propose reallocating \$63,906.30 from the budget initially designated for awning replacement, under the same GL line item. This thoughtful reallocation ensures the availability of necessary funding while maintaining fiscal responsibility and without requiring additional resources.

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
Buildings		General Fund	001.5190.400062.000		\$130,750

Submitted By: Yvonne Hamilton, Town Clerk
 Stephanie Bruder, Council Member

ATTACHMENTS

1.	Staff Memo - Community Center Condenser Unit -
2.	Resolution - Debonair - Community Center Condensing Unit
3.	Proposal from Debonair Mechanical Inc.



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager
FROM:	Randy L. Daniel, P.E., PMP, CFM - Town Engineer
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
DATE:	February 20, 2025
SUBJECT:	Emergency Replacement of Air Condition Condenser Unit at Morris N. Broad Community Center

RECOMMENDATION

Waive competitive bidding based on the emergency that has been created by the nonfunctional AC system and approve a proposal in the amount of \$63,906.30 in favor of Debonair Mechanical Incorporated to complete the project.

BACKGROUND / ANALYSIS

Air conditioning for the community center is provided by a 30-ton split system. The air handlers are located in the mechanical room in the parking garage and the condenser unit is located outside on the ramp to the second floor, hence the “split system”. The coils in the condenser unit are subjected to the corrosive marine environment and have deteriorated to the extent that continued repairs are no longer cost effective.

As a result of the deteriorated coils, the air conditioning at the community center is nonfunctional and does not cool efficiently. All users of this facility are impacted but the young and the elderly are most impacted. It is believed that the high temperatures, which are

expected to increase as we approach summer, could lead to health issues in the vulnerable populations. This situation is therefore deemed to be an emergency.

EXECUTE

In 2016, the Town entered into a contract with Debonair Mechanical Incorporated to provide regular monthly inspections for the air conditioning system at the Community Center. At the time the town solicited bids for ongoing maintenance services and selected Debonair through a competitive selection process. Although the contract expired the town continued to use Debonair Mechanical Inc., based on the terms of the original contract.

Debonair Mechanical Inc. has serviced the air conditioning system for the community center for almost 10 years. During this time, they have been found to be responsible, professional, and honest with the dispensation of their services.

In addition, Debonair's price to replace the condenser unit replacement is deemed very competitive.

FINANCIAL ANALYSIS

GL Line-Item Number: 001.5190.400062.000

Total Revised Budget: \$130,750

Encumbered Amount: \$66,750

Balance Remaining: \$64,000

ATTACHMENTS

Staff Memo

Draft Resolution

Proposal from Debonair Mechanical, Inc.

RESOLUTION NO. _____

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.

WHEREAS, the condensing unit at the community center has malfunctioned significantly requiring immediate professional attention due to critical issue of the lack of cooling; and

WHEREAS, Debonair Mechanical Inc. has been servicing the condensing unit since 2016; and

WHEREAS, it is recommended that the Town Council accepts a proposal in the amount of \$63,906.30 from Debonair Mechanical Inc. for the Community Center Condensing Unit Replacement project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

Section 3. The Town Council hereby waive competitive bidding and accepts a proposal from Debonair Mechanical, Inc. in the amount of \$63,906.30 to replace the condensing unit at the community center.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED and ADOPTED this 20th day of February 2025.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**



Proposal 63822HQRev1

Bill to: Bay Harbor Island
1030 95th Street
Bay Harbor Island, FL 33154

Date: February 7th 2025
Service Area: Community Center
1175 95th Street
Bay Harbor Island, FL 33154

Attn: Randy L. Daniel **Phone:** 786.881.3615 **Email:** rdaniel@bayharborislands-fl.gov

We hereby submit specifications and estimates for: **Replacement of the Condenser unit, which serves the community center.** Which includes the following:

Scope of work:

- Secure and prep work area, remove all barriers in order to gain access to equipment.
- Lock/tag out local disconnect.
- Recover refrigerant from unit following all EPA regulations.
- **Furnish and install (1) New 30-Ton Trane Condenser with anti-corrosion coating (outdoor unit). Model # RAUJC304B_ 3A D, via forklift.**
- **Furnish and install (4) new matching TXV's at Air handler (indoor unit).**
- Set and secure new unit with proper tie-downs per wind scope.
- Make all necessary piping connections, pressure test, evacuate existing line set
- Add proper levels of new **(R-454B)** refrigerant to compensate long line set.
- Make all necessary electrical and wiring repairs, including new electrical components.
- Verify all pre-start checks.
- Ensure proper control sequence.
- Conduct start up and monitor new components for proper functions.
- Above task includes necessary labor during normal working hours, **hauling/ clean up,** supervision, and startup to complete all work inclusive of this agreement.
- Prior service calls, code changes or upgrades not included in this proposal, permits will be billed at cost.

Excluded:

- Any piping, insulation, fittings or valves not associated with the above scope of work.
- Any premium time labors.
- Any parts not listed in the above scope of work.
- General construction service: Drywall painting and or patching. Ceiling tile and or grid removal and or replacement.
- Pipe modifications of any kind other than the connection at the equipment.
- DebonAir Mechanical is not responsible if any water valves do not hold and additional work is incurred.
- Fire Dampers, Fire/Smoke Dampers, Interlocks, and/or repairs to existing.
- Replacement or repair of existing pumps including but not limited to seals, motors, bases, inserts or couplings.

DebonAir Mechanical, Inc.

13972 NW 60th Ave • Miami Lakes, FL 33014

Dade: (305) 826-2240 • Toll Free: (800) 447-1562 • Fax: (305) 826-2966

CMC051447



Proposal 63822HQRev1

Date: February 7th 2025

Note:

This machine is 15+ yrs old and is currently operating at 50% cooling capacity. The unit is equipped with tandem compressors and 1 of 2 is defective (grounded). The 2nd compressor is susceptible to failure. This machine has also had multiple repairs in the past, including leak repairs made to condenser coils. This condition is borderline poor and if not properly addressed can cause long unexpected downtimes. ***see separate health report for more details.**

*****Current lead time on new CU is 8 weeks*****

MANUFACTURER'S DISCLOSURE: ALL LEAD TIMES AND PRICING ARE SUBJECT TO CHANGE UP TO THE DATE OF SHIPPING. DebonAir will advise the Customer of any delays or increases in writing with a copy of the manufacturer's notice. It will be the Customer's responsibility to pay the difference within a timely manner or be subject to restocking or penalties fees. DebonAir Mechanical will provide manufacturer's letter of price increase specific for each project for the customer's files.

Warranty:

Manufacturer to provide a limited warranty of 5 years on compressor one and 1 year on parts, DebonAir to provide a 1-year labor service during normal working hours.

We propose hereby to furnish material and labor-complete in accordance with these specifications, for the sum of:

Sixty-Three Thousand Nine Hundred Six Dollars & thirty cents.... \$63,906.30

Terms:

50% upon signing & 50% upon completion of work.

DebonAir Authorized Signature: Revens Joseph **Date:** 2-7-2025

Note: This proposal may be withdrawn by us if not accepted within thirty (30) days. This proposal is also subject to price modifications after thirty (30) days.

Acceptance of Proposal: The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. In the event DebonAir Mechanical, Inc. employs an attorney to enforce this agreement or to collect any delinquent payments, customer agrees to pay all costs of court and reasonable attorney fees incurred or expended by DebonAir Mechanical, Inc., including appeals. You understand and agree that DebonAir shall be entitled to a mechanic's lien and an equitable lien to secure payment to DebonAir for services rendered hereunder.

DebonAir Mechanical, Inc.

13972 NW 60th Ave • Miami Lakes, FL 33014

Dade: (305) 826-2240 • Toll Free: (800) 447-1562 • Fax: (305) 826-2966

CMC051447



Proposal 63822HQRev1

Date: February 7th 2025

Payment by check or electronic transfer is preferred. If payment is made by credit card, a 3% convenience fee will be added to the total amount of the proposal.

Approval Signature: _____ ***Date:*** _____

Printed: _____ ***Title:*** _____

DebonAir Mechanical, Inc.

13972 NW 60th Ave • Miami Lakes, FL 33014

Dade: (305) 826-2240 • Toll Free: (800) 447-1562 • Fax: (305) 826-2966

CMC051447

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 11.

ITEM: 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

DESCRIPTION:

Rubin Turnbull and Associates is a well-known lobbying and consulting firm, able to provide assistance to the Town to supplement its federal lobbying efforts. At the request of the Town, they have submitted a proposal for supplemental federal lobbying services. The services provided by this company are unique to that entity, based on both experience and personal relationships, such that the Town Council finds it to be in the best interests of the Town to waive any competitive bidding or solicitation for the proposal from RTA, and to accept the proposal. The cost for this service will be \$15,000 per month plus agreed upon expenses.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

GL Line Item Number: 401.5415.400031.000

Total Amount Budgeted for Lobbyist: \$100,000

Encumbered Amount: \$33,000

Balance Remaining: \$67,000

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	RT Federal Contract BHI
2.	RTA Federal Proposal for BHI



Contract For Services

AGREEMENT

THIS AGREEMENT is dated as of February 1, 2025 by and between The Town of Bay Harbor Islands (Client), and Rubin, Turnbull, & Associates (“Rubin Turnbull” or the “Firm”) a Florida company with an address at 401 East Las Olas Blvd, Suite 130-447 Fort Lauderdale, Florida 33301

WITNESSETH:

For and in consideration of the terms and conditions set forth below, the parties hereto agree as follows:

1. **Services:** Client hereby retains and engages the Firm to render to Client advice, representation and assistance from time to time as requested by Client during the term of this Agreement to include, but not limited to, the following:

Provide assistance and/or direction to Client on matters of policy and funding to replace the Broad Causeway Bridge before the White House and Executive agencies of the U.S. Government, the U.S. House of Representatives, and the U.S. Senate;

Draft and produce other necessary materials as appropriate for specified and relative presentations;

The Firm hereby accepts such engagement and agrees to render such services upon the terms and conditions hereinafter set forth.

2. **Term:** The term of this Agreement shall commence on **February 15, 2025** and end on February 15, 2026. Following this expiration date, the Agreement shall continue on a month-to-month basis until terminated pursuant to the terms hereof.

3. **Compensation:**

- a. As compensation for the performance by the Firm of its obligations under this Agreement, Client agrees to pay the Firm \$15,000 each month during the term of the contract for its services as outlined above. Payment shall be made on the first day of each month, by Client to the Firm.
- b. Expenses as actually incurred by the Firm and in performance of services under this agreement and directly attributable thereto shall be billed to Client by the Firm as



incurred and shall be paid by the Client, provided that any expense shall be pre-approved by Client.

- c. **Non-payment.** Client acknowledges that any failure to make timely payments of any fees and expenses set forth in this Agreement constitutes a material breach hereof. Should the Client allow its account to fall more than sixty (60) days in arrears, the Firm retains the option of suspending its services called for in this Agreement until payment arrangements are made to the satisfaction of the Firm. For fees and expenses not paid when due, the Firm reserves the right to charge a late payment fee of one and one-half percent (1.5%) per month or the maximum rate permitted by applicable law, whichever is less, from the due date until the overdue amounts are paid.

4. **Compliance with the Law:** Each party will comply with the requirements of all applicable laws, rules, regulations and orders of any governmental authority.

5. **No Agency:** It is understood that the Firm is to act as a consultant and advisor to Client and is not an agent of or co-venturer with Client in any respect. The Firm will have no right, authority or power to act for or on Client's behalf.

6. **Publicity:** Neither the Firm nor Client shall participate in or allow any media releases of any kind, including but not limited to interviews with representatives of any publication, television station or network, or radio station or radio network, to publicize the Firm's relationship with Client without prior approval of both the Firm and Client.

7. **Modification:** No modification, amendment, or waiver of any of the provisions of this Agreement shall be effective unless made in writing specifically referring to this Agreement and signed by each of the parties hereto.

8. **Limitation of Liability; Indemnification:**

- a. IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, OR PUNITIVE DAMAGES, EVEN IF IT HAS ADVANCE NOTICE OF THE POSSIBILITY OF SUCH DAMAGES. EXCEPT IN THE EVENT OF THE FIRM'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, IN NO EVENT SHALL THE FIRM BE LIABLE TO CLIENT, WHETHER IN CONTRACT, TORT OR OTHERWISE, IN AN AMOUNT IN EXCESS OF THE FEE PAID TO THE FIRM DURING THE TWELVE MONTHS BEFORE THE EVENT GIVING RISE TO LIABILITY.
- b. The Client will indemnify and hold harmless the Firm and its owners, officers, and employees, (each, a "the Firm Indemnified Party") against any damage, cost, loss or



expenditure (including but not limited to attorney's fees and costs, costs related to responding to discovery or subpoenas, and costs related to responding to governmental investigations) the the Firm Indemnified Party actually incurs as a result of or arising out from a) any materials or information provided to the Firm by or on behalf of Client; b) any negligence or willful misconduct by Client; c) any non-negligent act or omission of the Firm undertaken at the instruction of, or with the approval of, the Client; or d) Client's violation of applicable law.

9. Additional Representations and Warranties:

- a. Client represents that no fees, expenses, or other amounts paid to the Firm in connection with this Agreement shall be paid from any Federal appropriated funds.
- b. Client recognizes that the Firm may periodically be required to file government disclosure forms which may require Client's signature, input, or approval. Client agrees to cooperate in the Firm's efforts to file these disclosures, including, but not limited to, providing timely signatures on disclosure forms provided by the Firm and by truthfully and timely providing all information requested by the Firm for the completion and filing of such disclosures. To the extent that any entity other than the Client (including but not limited to real parties in interest or members of any association or coalition) contributes in excess of \$5,000 per quarter toward the Firm's lobbying activities, and actively participates in the planning, supervision, or control of the Firm's lobbying activities, the Client agrees to provide full information about any such entity at the outset of this Agreement, and agrees to provide any changes or updates to such information within seven (7) days of such changes having occurred.
- c. In connection with the services performed for Client, the Firm will not take any action that might be in violation of the provisions of anti-corruption laws, including but not limited to the United States Foreign Corrupt Practices Act and all applicable federal, state and local anti-corruption/bribery laws, and will not offer, pay, promise to pay or authorize the payment of any money or anything of value to any government official or employee or any political party, party official or candidate for political office for the purpose of inducing or rewarding any favorable action in any commercial transaction or in any governmental matter.
- d. The Client agrees that pursuant to the Lobbying Disclosure Act, it shall, if applicable, provide the name, address, principal place of business, amount of any contribution greater than \$5,000 to the activities undertaken by the Firm hereunder, and approximate percentage of ownership in the Client of any foreign entity that: holds at least 20% equitable ownership in the Client; or directly or indirectly, in whole or major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the Client. Such information shall be provided to the Firm at the outset of this Agreement and the Client shall provide updated information within seven (7) days of any changes



to the previously-provided information.

- e. The Client represents and warrants that all Services provided by the Firm hereunder will directly further the bona fide commercial, industrial, or financial operations of the Client, and that no such Services are or will be undertaken to benefit or promote the public or political interests of any “government of a foreign country” or “foreign political party,” as defined at 22 U.S.C. Section 611.
- f. The Client represents and warrants that it is not conveying and will not convey, directly or indirectly, any request, direction, or instruction to the Firm from any “government of a foreign country” or “foreign political party,” as defined at 22 U.S.C. Section 611.

10. **Entire Agreement:** This instrument constitutes the entire Agreement of the parties with respect to the subject matter written contained herein.

11. **Choice of Law; Venue:** This agreement shall be governed by and construed in accordance with the laws of the District of Columbia. Both parties consent to the venue and jurisdiction of an appropriate court located in Washington, D.C. for the resolution of any disputes related to or arising out of this Agreement. TO THE MAXIMUM EXTENT PERMITTED BY LAW, EACH PARTY HEREBY WAIVES THE RIGHT TO TRIAL BY JURY FOR ANY DISPUTES ARISING OUT OF OR RELATED TO THIS AGREEMENT.

12. **Severability; Blue Pencil:** If any term or provision of this Agreement is deemed invalid, illegal, or unenforceable under applicable laws or regulation of any jurisdiction, the validity, legality and enforceability of the remaining provisions contained therein shall not in any way be affected or impaired thereby. Should any provision in this Agreement be deemed overbroad, a court shall be authorized to modify that provision to the extent minimally necessary to render it legally permissible, while giving affect to the intent of the Parties.

13. **Survival:** The following sections of this Agreement (including all respective subparts) shall continue in full force and effect notwithstanding any termination or expiration hereof: Sections 7, 8, 9, 10, 11, 12.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year above written.

CLIENT

By: _____

Name: _____

Title: _____



Date: _____

Rubin, Turnbull, & Associates

By: _____

Name: _____

Title: _____

Date: _____



To: Hon. Josh Fuller, Mayor, Town of Bay Harbor Islands

From: Rubin, Turnbull & Associates

Date: February 1, 2025

RE: Proposal for Federal Lobbying

Thank you for the opportunity to provide the following proposal for your consideration. As we discussed, we are honored to be considered to assist the Town of Bay Harbor Islands in its pursuit of federal grant funding to replace the Broad Causeway Bridge. We look forward to the opportunity to discuss this proposal in detail and answer any questions.

Rubin, Turnbull & Associates

Firm Background

Rubin, Turnbull and Associates, was founded by William D. Rubin in 1992 and is a leading government relations firm with offices in Washington, D.C., Tallahassee, Tampa, Panama City, Miami-Dade, Fort Lauderdale and Palm Beach. Rubin, Turnbull and Associates became the first Tallahassee lobbying firm to have a female namesake when Heather Turnbull was elevated to managing partner in 2019.

We specialize in providing advocacy, insight and direction that helps businesses successfully navigate through all levels of the often-arduous government process. Serving as a liaison between those we represent and the government, we provide our clients with the access, intel and guidance needed to meet and often exceed their goals and objectives.

Our team takes great pride in the reputation we have built tirelessly advocating on behalf of all our clients in the highest ethical and professional manner. With our winning combination of public policy and advocacy know-how, decades of experience and critical relationships at every level of the political process, we achieve success for those we represent time and time again.

Our Approach

We wanted to take a moment to highlight what sets our firm apart in our industry. A key distinction at Rubin, Turnbull & Associates is our commitment to leveraging the collective expertise of our entire team, rather than relying solely on individual members. This diversity of perspectives allows us to provide comprehensive and well-rounded solutions tailored to our clients' needs.

By harnessing each member's strengths, we bring a wealth of knowledge and fresh insights to every project and put our clients in the best position to win. Our collaborative method fosters innovative strategies that effectively address your specific requirements, enhances efficiency, and ensures timely results.

We also prioritize open communication and client collaboration, actively involving you throughout the process to ensure your vision is understood and integrated into our work.

At our firm, you can expect a collaborative partnership that utilizes our team's collective talents to achieve your goals. As we continue our relationship, we look forward to expanding what our entire team can do to help BHI. For more information on our team, please visit: www.rubinturnbull.com/team.

Federal Lobbying and Consulting

As we discussed previously, we would propose a federal engagement that would complement your existing lobbying efforts in Washington, D.C. We are very experienced working on teams with other firms and consultants and are confident we will be very valuable to BHI's federal efforts at the highest levels of the Trump Administration. Jodi Davidson and Bill Rubin would jointly serve as lead for our firm on this engagement, working closely with our new Vice President of Federal Affairs, Caroline Wiles. Our team would be responsible for the following:

- Representing BHI before the senior staff of the White House and the leadership of the agencies and offices of the federal Executive Branches.
- Coordinating with BHI leadership to identify policy and messaging priorities and targets for relationship building in the Trump Administration; laying out and implementing strategies for outreach and advocacy to accomplish goals.
- Arranging and attending any introductions and meetings between federal appointees or offices and BHI leadership; coordinating follow up information hand-off to other team members.

- Monitoring other federal-level initiatives, including administration policy priorities, regulations and agency rulemaking that may affect BHI in its pursuit of federal funds to replace the Broad Causeway Bridge; facilitating meetings and opportunities to offer input to ensure that decision makers have a clear understanding of BHI's needs and the regional importance of the bridge.
- Facilitating opportunities for other regional stakeholders to weigh in on the importance of the bridge to local residents, the regional economy and safety of residents using the bridge and in the local area.

Proposed Fees & Expenses

For the services outlined above, we would propose the following monthly fees:

- Federal Lobbying and Consulting Services - \$15,000/month plus agreed upon expenses.

We would propose a contract term of 12 months. Upon expiration of the term, the Town of Bay Harbor Islands could choose to continue the agreement month-to-month or renew for a new term.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 12.

ITEM: 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

DESCRIPTION:

The Town of Bay Harbor Islands has successfully initiated and run the Bay Harbor Islands Art Festival for several years. However, the contract with the vendor who assisted in running the Art Festival has now expired. The Town Council wishes to initiate a selection process for a new strategic partner to assist in promoting, operating and managing the Art Festival. This resolution will authorize the Town Manager to prepare and issue a Request for Proposals (RFP) for a strategic partner to promote, operate, and manage the Art Festival, subject to final approval by the Town Council of the partner to be chosen.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact to prepare the RFP.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 13.

ITEM: 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

DESCRIPTION:

The Town is planning to develop a new Town Hall complex to be constructed on the site of the previous Town Hall. The Town has received one or more unsolicited proposals to act as a strategic partner in the redevelopment of the new Town Hall complex. The Town wishes to explore available interest in possible Public Private Partnerships (P3) related to the redevelopment of the Town Hall complex.

This resolution will authorize the Town Manager to explore possible Public Private Partnerships (P3), including unsolicited proposals, and to issue a Request for Proposals (RFP) seeking a strategic partner and proposals relating to the development of the new Town Hall complex, subject to Town Council selection of the proposer.

RECOMMENDED ACTION:

Approve

FINANCIAL ANALYSIS:

There is no fiscal impact to prepare the RFP.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 14.

ITEM: 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.

DESCRIPTION:

Staff recommends that the Town Council approve an ordinance amending Section 11-8.2 of the Town Code to clarify concurrency review requirements for single-family homes. The amendment exempts single-family homes from concurrency review for public facilities like transportation and utilities but mandates compliance with stormwater management and drainage regulations to maintain the Town's adopted level of service (LOS) for drainage. The change aims to streamline the permitting process for single-family homes while ensuring that stormwater runoff does not negatively impact the local drainage system. It emphasizes the need for proper stormwater retention, especially when site elevation is raised, to safeguard the environment and public infrastructure. The Town will review stormwater plans and conduct inspections to ensure compliance with these updated requirements

PREVIOUS MEETING VOTE:

Mayor Joshua Fuller - Yes
Vice Mayor Isaac Salver - Yes
Council Member Stephanie Bruder - Yes
Council Member Teri D'Amico - Yes
Council Member Molly Diallo - Yes
Council Member Eric Rappaport - Yes
Council Member Robert Yaffe - Yes

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Robert Yaffe, Council Member

ATTACHMENTS

1.	Staff Memo for Council Agenda Items 2nd
2.	Ordinance - Section 11-8.2 Levels of Service and Concurrency Review Requirements



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager Evelyn Herbello, Deputy Town Manager
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	February 12, 2025
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances Section 11-8.2 Adopted levels of service shall not be degraded below standards.

RECOMMENDATION

Staff recommend that the Town Council approve the attached Ordinance amending Section 11-8.2 of the Town Code, which provides clarification on concurrency review requirements for single-family homes. The amendments ensure that single-family homes are exempt from concurrency review but still subject to stormwater management requirements to maintain the adopted level of service for drainage.

BACKGROUND

The Town of Bay Harbor Islands has established levels of service (LOS) standards to ensure the efficient and sustainable operation of public facilities, including transportation, utilities, and stormwater management. These standards ensure that development does not negatively impact public services or degrade the adopted LOS below the specified thresholds.

The Town’s Code of Ordinances, Section 11-8.2, currently requires that all development applications, including rezoning requests, changes to the future land use map (FLUM), and building permits, demonstrate that proposed developments will not degrade the

adopted LOS. However, mitigation may be allowed with Town approval if degradation occurs. Additionally, certain types of developments are subject to concurrency review, which is processed through the Town's Concurrency Management System (CMS).

The proposed updates to the ordinance are aimed at providing more specific guidance for single-family homes. Currently, single-family homes built on platted single-family lots are exempt from undergoing concurrency review. However, this exemption does not extend to stormwater management or drainage, which must still be addressed in relation to the LOS for these properties. The updated ordinance clarifies that while single-family homes are not required to undergo a concurrency review for public facilities like transportation or utilities, they must still comply with the Town's drainage and stormwater retention requirements in order to maintain the level of service standards, especially when the elevation of the site is raised.

These updates are designed to ensure that the Town's environmental standards are upheld, particularly regarding stormwater management, while also streamlining the process for the construction of single-family homes.

ANALYSIS

The proposed amendments to Section 11-8.2 of the Town Code focus on clarifying the concurrency review requirements for single-family homes and specifying the stormwater management requirements for these properties.

1. Concurrency Review Exemption for Single-Family Homes:

- Single-family homes constructed on platted single-family lots are exempt from concurrency review. This means these properties will not be required to undergo a detailed analysis regarding their impact on public facilities such as transportation and utilities, which typically delay the development approval process. This change is designed to streamline the permitting process and reduce administrative burdens for homeowners and developers.
- However, the exemption from concurrency review is not absolute. Specifically, the proposed amendments make clear that drainage, or stormwater management, must still be addressed in accordance with the Town's Code, Miami-Dade County regulations, and the Florida Building Code. The Town's stormwater management regulations are designed to ensure that developments do not contribute to degradation of the level of service (LOS) related to drainage and water retention, maintaining the environmental standards of the community.
- The ordinance requires that if the elevation of the site is raised during construction, proper stormwater retention systems must be designed and implemented to manage the runoff. This ensures that these residential developments do not negatively impact the local drainage system and water quality.

2. Clarification of Level of Service (LOS) for Single-Family Homes:

- The updated ordinance ensures that stormwater management remains a priority, particularly in areas where site grading is raised. Even though single-family homes are exempt from general concurrency review, it is critical that their development does not adversely affect stormwater runoff or exceed the capacity of existing drainage infrastructure.

- By maintaining stormwater retention requirements, the ordinance ensures that developments will not contribute to increased flooding risks or negatively impact the surrounding community's drainage system, thereby safeguarding public infrastructure and maintaining the adopted level of service for stormwater management.

EXECUTE

To implement the proposed revisions effectively, the following steps will be taken:

1. For single-family home developments, the Town will review the submitted stormwater and drainage plans to ensure compliance with the Town's Code, Miami-Dade County regulations, and the Florida Building Code.
2. Town staff will conduct inspections during and after construction to verify that the stormwater management systems are implemented as per the approved plans and meet the necessary standards.
3. Any discrepancies found during inspections will require corrective actions to ensure the property's stormwater management system is fully compliant with the regulations.

CONCLUSION

The proposed amendments to Section 11-8.2 are beneficial in clarifying and streamlining the development approval process for single-family homes while ensuring that critical stormwater management requirements are upheld. The exemption from concurrency review for single-family homes will make the permitting process more efficient and reduce unnecessary delays. At the same time, by maintaining stormwater management standards, the Town will ensure that new developments do not degrade drainage infrastructure or negatively affect the community's stormwater management systems.

It is recommended that the Town Council adopt the proposed resolution to amend Section 11-8.2 of the Town Code, as it provides clear, detailed guidance for single-family lots, while ensuring that essential public service standards, particularly in relation to drainage and stormwater management, are maintained.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

2nd Draft Ordinance

ORDINANCE NO. ___

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.

WHEREAS, the Town of Bay Harbor Islands originally adopted levels of service (LOS) standards for the efficient and sustainable operation of public facilities; and

WHEREAS, the Town Council has determined that certain types of developments should be exempt from concurrency review or subject to de-minimis impact thresholds; and

WHEREAS, the Town Council desires to amend Section 11-8.2 of the Town Code to incorporate these exemptions and impact thresholds.

WHEREAS, the Town desires to ensure that all new development or redevelopment does not degrade the adopted levels of service below the specified standards unless approved mitigation is provided; and

WHEREAS, after studying of the existing Code provisions, the Town Council finds that a need exists to modify the existing Code provisions; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Code of Ordinances is hereby amended to modify Chapter 11 entitled "Land Development Regulations" by amending Article I entitled "General Provisions", as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 8th day of January 2025

PASSED on Second Reading this 12th day of February 2025.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC TOWN
CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP TOWN
ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 12 - LAND DEVELOPMENT REGULATIONS

ARTICLE I. – GENERAL PROVISIONS

Sec. 11-8.2. Adopted levels of service shall not be degraded below standards.

- (a) *General rule.* All applications for development orders, including but not limited to rezoning, changes to the future land use map (FLUM) designation and building permits shall demonstrate that the proposed development does not degrade the adopted level of service (LOS) below the adopted standard as specified below, unless mitigation as approved by the town and is provided. All development approval requests, other than those listed below shall be subject to concurrency review and processed through the concurrency management system (CMS).
- (b) *Exceptions.* Notwithstanding the provisions of subsection (a) of this section, the following types of development projects shall be exempt from concurrency review by the town:
 - (1) Single-family homes built on a platted single-family lots are not required to undergo a concurrency review. However, the site must be designed to retain all stormwater on-site in accordance with the requirements of the Town's Code, Miami-Dade County regulations, and the Florida Building Code.
 - (2) Redevelopment of commercial development does not result in an increase in the gross building floor area of the project.
 - (3) All multi-family properties which do not increase the overall number of allowable bedrooms and unit total existing at the time of the redevelopment.
 - (4) Notwithstanding other provisions of this article, applications for development orders that will not have an impact on the affected public facilities, as determined by the town, are also exempt from concurrency requirements.
 - (5) De-minimis impacts. A development which meets any of the following de-minimis impact thresholds is also exempt from the requirements of this article, but only to the extent stated in an applicable certificate of exemption:
 - a. An impact that would not affect more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the town's planner and/or traffic consultant.
 - b. An impact for which the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility does not exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility.
 - c. An impact that would not exceed the adopted level of service standard of any affected designated hurricane evacuation routes.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 15.

ITEM: 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.

DESCRIPTION:

The Town's Zoning Code (Chapter 23) contains numerous Land Development Regulations (LDRs) affecting all lands within the Town. Each Zoning District has a section with lists of "Permitted" Uses, some Districts have lists of uses that require a "Special Review" by holding a Public Hearing by the Town Council prior to issuance of a Business Tax Receipt (BTR), and the 8-1 Business District has a section with a list of "Prohibited" Uses. The section of the B-1 Business District Code contains a brief list of specifically "Prohibited" uses, and a provision that states: "Any use not specifically listed, unless permitted by the Town Council." This means any use not listed as "Permitted" or that requires a "Special Use" approval is "Prohibited".

The proposed ordinance will clarify that the sale, leasing, rental, display or repair of automobiles, trucks, boats, trailers or recreational vehicles is not a permitted use in the B-1 Business District.

PREVIOUS MEETING VOTE:

Mayor Joshua Fuller - Yes
Vice Mayor Isaac Salver - Yes
Council Member Stephanie Bruder - Yes
Council Member Teri D'Amico - Yes
Council Member Molly Diallo - Yes
Council Member Eric Rappaport - Yes
Council Member Robert Yaffe - Yes

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	BHI B-1 Dist Prohibited Uses Auto TC Staff Report Dec 18 2024
2.	BHI Draft Ord B-1 District - Auto Uses Dec 2024

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Councilmembers
Jenice Rosado – Town Manager
Town of Bay Harbor Islands

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: December 18th, 2024

Subject: Town of Bay Harbor Islands
Proposed Zoning and Planning Code Revision
B-1 Business District – Prohibited Uses - Automotive Related
MMPA Acct. No. 01-0702-0500A

ISSUE:

The Town's Zoning Code (Chapter 23) contains numerous Land Development Regulations (LDRs) affecting all lands within the Town. Each Zoning District has a section with lists of "Permitted" Uses, some Districts have lists of uses that require a "Special Review" by holding a Public Hearing by the Town Council prior to issuance of a Business Tax Receipt (BTR), and the B-1 Business District has a section with a list of "Prohibited" Uses. The section of the B-1 Business District Code contains a brief list of specifically "Prohibited" uses, and a provision that states: "Any use not specifically listed, unless permitted by the Town Council." This means any use not listed as "Permitted" or that requires a "Special Use" approval is "Prohibited".

The Town was recently contacted through a law firm inquiring if an "Automotive Display Use possibly including Sales & Leasing activities" might be allowed at ground level within a building facing Kane Concourse. MMPA opined that such a use was not allowed by right nor via Subsection 23-5(14) as such a use would likely not be considered similar to any permitted use listed. We note the CBTS site was formerly occupied by the Ocean Cadillac Automobile Dealership. About 20 years ago when the Town updated many of its original LDRs, Auto Dealers were removed from the Code (the existing use was grandfathered). No specific location was mentioned in the recent discussions. In discussing this with the Town's administration some concern was raised about the appropriateness of such a land use.

MMPA was instructed to research this matter and draft some possible Zoning Code text amendment language for consideration at the January 2025 Town Council meeting banning such uses. Please see the attached draft Ordinance text.

ORDINANCE NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands originally adopted a Zoning and Planning Code in 1957 to regulate and restrict the erection, construction, reconstruction, alteration, location and use of buildings, structures, land and water, for trade, business, residence or other purposes, and the location thereof, and to regulate the size of buildings and other structures hereafter erected or altered, to regulate and determine the size and dimensions of yards, courts and other open spaces, to regulate off-street parking, to limit the percentage of lot coverage, and other such regulations; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to regulate the proper redevelopment of lands within the Town, and amends its Codes accordingly; and

WHEREAS, after studying the existing Code provisions, the Town Council finds that a need exists, and it is necessary and desirable to modify the types of land uses permitted or prohibited in the B-1 Business District to specially include a prohibition of the sale, leasing, rental, display or repair of automobiles, trucks, boats, trailers or recreational vehicles; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Zoning and Planning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Zoning and Planning Code is hereby amended to amend Section 23-5 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, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 8th day of January, 2025.

PASSED on Second Reading this 20th day of February, 2025.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT “A”

The Town of Bay Harbor Islands, Florida Code of Ordinances is hereby amended as follows: CHAPTER 23

ZONING AND PLANNING

ARTICLE I. ZONING REGULATIONS

Sec. 23-5. - Use regulations, B-1 Business district.

Intent. The purpose of the district is to provide appropriate land development regulations for the business/mixed-use properties on the eastern island of the town. The lots about the Kane Concourse, the main roadway within the town. This area is the most urban in form with higher intensity development, narrow setbacks, on-street and/or garage parking facilities. The district regulations provide guidelines to encourage desired land uses such as restaurants and retail shops at street grade with other uses, including residential uses, above or behind the Kane Concourse frontage uses.

Permitted uses. In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

- (1) Multiple-family dwellings including
- (1a) – (13)
- (14) Other similar uses as may be permitted by the town council, provided that such uses are compatible with and do not adversely affect the character of the district.
- (15) Activities occurring on the rooftop of the building shall be subject to the following restrictions:

Prohibited uses. In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any of the following uses: Thrift shops or stores selling secondhand merchandise; pawn stores, gas stations; the sale, leasing, rental, display or repair of automobiles, trucks, boats, trailers or recreational vehicles; tattoo parlors or body piercing; check cashing stores; psychic or fortune tellers; flea markets; adult entertainment establishments; shops or stores selling dogs and cats; any use not specifically listed, unless permitted by the town council. Notwithstanding the above, bona fide antique or vintage stores selling clothing, accessories, jewelry and furnishings may be permitted by the town council so long as such stores are compatible with and do not adversely affect the character of the district. Antique and vintage sale items, as opposed to thrift or secondhand stores, are characterized as items from earlier periods of time. By way of example (in 2011), vintage items are typically from the time period prior to 1980 and antique items are typically from the time period prior to 1920 having some intrinsic value.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 16.

ITEM: 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.

DESCRIPTION:

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 18, Article 1, retitled reserved to Section 19-1 “Speed Detection Systems for Enforcement of School Zone Speed Limits.”, retitled reserved to Section 19-2 entitled “Definitions”; retitled reserved to Section 19-3 entitle Authorization of Speed Detection Systems,” retitled reserved Section 19-4 entitle “Public Hearing and Approval”, retitled reserved Section 19-5 “Determination of Heightened Safety Risk,” retitled reserved Section 19-6“Public Awareness,” retitled reserved Section 19-7 Speed Detection System Requirements”, retitled reserved Section 19-8 entitle “Enforcement of Speed Limits”, retitled reserved Section 19-9 entitle “Appeals”, and retitled reserved Section 19-10 entitle Speed Detection Systems Reporting Requirements “. These systems will help enforce the posted speed limits, thereby enhancing safety for students, parents, and pedestrians in these areas.

The Town of Bay Harbor Islands commissioned RedSpeed to conduct a one-day traffic study to assess speeding violations in school zones around Ruth K. Broad Bay Harbor K-8 Center. The purpose of this study was to gather data on traffic behavior and identify areas with heightened safety risks, particularly where speeding violations are prevalent.

The study revealed significant traffic violations, with more than 200 drivers exceeding the posted speed limit by over 10 mph in the top one school zone, specifically along Kane Concourse (96th Street) and West Bay Harbor Drive. These results indicate the need for additional measures to ensure compliance with school zone speed limits and improve overall traffic safety.

The traffic study provided the following data for violations exceeding 10 mph over the speed limit in each of the school zones:

Street Number of Violators (Exceeding 10+ mph over speed limit)

Kane Concourse (96th Street) 680

West Bay Harbor Drive 118

Bay Harbor Terrace 12

93rd Street 3

95th Street 3

94th Street 0

The data indicates that Kane Concourse (96th Street) has the highest frequency of violations, with 680 incidents of speeding recorded. West Bay Harbor Drive follows with 118 violations. These two streets are in close proximity to Ruth K. Broad Bay Harbor K-8 Center, posing a heightened safety risk for students, parents, and pedestrians.

Given the severity of the violations on these streets, there is a clear need for enhanced

enforcement. Speed detection systems are an effective tool for monitoring and enforcing speed limits in school zones. These systems will automatically capture violations, reducing the reliance on manual enforcement and improving the Town's ability to deter speeding in real-time.

If the Town Council approves this recommendation, staff will proceed with the following actions:

1. Installation of Speed Detection Systems:
 - o 96th Street and West Bay Harbor Drive will be prioritized for the installation of speed detection systems based on the traffic study data.
 - o Systems will be configured to operate during critical school zone times, including before and after school sessions and breakfast programs.
2. Public Awareness Campaign:
 - o The Town will notify the public about the speed detection systems through a comprehensive campaign. This will include:
 - ☐ Signage installation in accordance with Florida Department of Transportation specifications.
 - ☐ Public notices in local newspapers and the Town website.
 - ☐ Distribution of flyers to schools and residents within 1 mile of the affected school zones.
 - ☐ A 30-day warning period where violators will only receive warnings, not penalties.
3. Enforcement and Penalties:
 - o After the warning period, speed violations detected by the systems will result in a civil penalty of \$100, as specified in the ordinance.
 - o Violations will be supported by photographic or video evidence, which can be reviewed by the vehicle owner online.
 - o Fines Collected:
 - ☐ \$20 will be allocated to the State General Revenue Fund;
 - ☐ \$60 will go to the Town of Bay Harbor Islands for public safety initiatives;
 - ☐ \$12 will be allocated to the Miami-Dade School District for school security initiatives, for student transportation, or to improve the safety of student walking conditions.
 - ☐ \$3 will be directed to the Department of Law Enforcement Criminal Justice standards and Training Trust Fund.
 - ☐ \$5 will be allocated to the School Crossing Guard Recruitment and Retention Program.
4. Vendor Agreement and System Maintenance:
 - o The Town will enter into agreements with selected vendor(s) for the installation, operation, and maintenance of the speed detection systems. Vendor contracts will be reviewed by the Town Council as per the ordinance requirements.
5. Annual Reporting:
 - o The Town will submit an annual report to the Florida Department of Highway Safety and Motor Vehicles, detailing the number of violations, contested cases, and safety improvements.

The traffic study clearly highlights the need for enhanced speed enforcement in the school zones surrounding Ruth K. Broad Bay Harbor K-8 Center. The installation of speed detection systems on Kane Concourse (96th Street) and West Bay Harbor Drive is a proactive measure to address the safety concerns raised by the study. By automating speed enforcement, the Town will ensure that speed limits are more consistently followed, reducing the risk of accidents and improving safety for children and other pedestrians.

Staff recommends that the Town Council approve the ordinance to implement speed detection systems, as well as the associated public awareness campaign, and the vendor agreements necessary to make these systems operational. This initiative will significantly improve public safety and ensure that school zones remain safe for students and the broader community.

RECOMMENDED ACTION:
Council's Discretion

FINANCIAL ANALYSIS:
FINANCIAL ANALYSIS

GL Line-Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Stephanie Bruder, Council Member

ATTACHMENTS

1.	Staff Memo for Council Agenda Items Red light school zone
2.	Speed Detection Ordinance FINAL
3.	FPCA Endorses RedSpeed
4.	HB657 - clean version
5.	RedSpeed Solar Solution
6.	Bay Harbor Islands Booklet



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager Evelyn Herbello, Deputy Town Manager
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	February 20, 2025
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances Chapter 19; Article 1 for Speed Detection Systems in School Zones.

RECOMMENDATION

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 19, Article 1, retitling reserved to Section 19-1 “Speed Detection Systems for Enforcement of School Zone Speed Limits.”, retitling reserved to Section 19-2 entitled “Definitions”; retitling reserved to Section 19-3 entitle “Authorization of Speed Detection Systems,” retitling reserved Section 19-4 entitle “Public Hearing and Approval”, retitling reserved Section 19-5 “Determination of Heightened Safety Risk,” retitling reserved Section 19-6 “Public Awareness,” retitling reserved Section 19-7 “Speed Detection System Requirements”, retitling reserved Section 19-8 entitle “Enforcement of Speed Limits”, retitling reserved Section 19-9 entitle “Appeals”, and retitling reserved Section 19-10 entitle “Speed Detection Systems Reporting Requirements”. These systems will help enforce the posted speed limits, thereby enhancing safety for students, parents, and pedestrians in these areas.

BACKGROUND

The Town of Bay Harbor Islands commissioned RedSpeed to conduct a one-day traffic study to assess speeding violations in school zones around Ruth K. Broad Bay Harbor K-8 Center. The purpose of this study was to gather data on traffic behavior and identify areas with

Staff Report – Speed Detection Systems in School Zones Ordinance

heightened safety risks, particularly where speeding violations are prevalent. The study revealed significant traffic violations, with more than 200 drivers exceeding the posted speed limit by over 10 mph in the top one school zone, specifically along Kane Concourse (96th Street) and West Bay Harbor Drive. These results indicate the need for additional measures to ensure compliance with school zone speed limits and improve overall traffic safety.

ANALYSIS

The traffic study provided the following data for violations exceeding 10 mph over the speed limit in each of the school zones:

Street	Number of Violators (Exceeding 10+ mph over speed limit)
Kane Concourse (96th Street)	680
West Bay Harbor Drive	118
Bay Harbor Terrace	12
93rd Street	3
95th Street	3
94th Street	0

The data indicates that Kane Concourse (96th Street) has the highest frequency of violations, with 680 incidents of speeding recorded. West Bay Harbor Drive follows with 118 violations. These two streets are in close proximity to Ruth K. Broad Bay Harbor K-8 Center, posing a heightened safety risk for students, parents, and pedestrians.

Given the severity of the violations on these streets, there is a clear need for enhanced enforcement. Speed detection systems are an effective tool for monitoring and enforcing speed limits in school zones. These systems will automatically capture violations, reducing the reliance on manual enforcement and improving the Town's ability to deter speeding in real-time.

EXECUTE

If the Town Council approves this recommendation, staff will proceed with the following actions:

1. Installation of Speed Detection Systems:
 - 96th Street and West Bay Harbor Drive will be prioritized for the installation of speed detection systems based on the traffic study data.
 - Systems will be configured to operate during critical school zone times, including before and after school sessions and breakfast programs.
2. Public Awareness Campaign:
 - The Town will notify the public about the speed detection systems through a comprehensive campaign. This will include:
 - Signage installation in accordance with Florida Department of Transportation specifications.
 - Public notices in local newspapers and the Town website.
 - Distribution of flyers to schools and residents within 1 mile of the affected school zones.
 - A 30-day warning period where violators will only receive warnings, not penalties.
3. Enforcement and Penalties:

- After the warning period, speed violations detected by the systems will result in a civil penalty of \$100, as specified in the ordinance.
- Violations will be supported by photographic or video evidence, which can be reviewed by the vehicle owner online.
- Fines Collected:
 - \$20 will be allocated to the State General Revenue Fund;
 - \$60 will go to the Town of Bay Harbor Islands for public safety initiatives;
 - \$12 will be allocated to the Miami-Dade School District for school security initiatives, for student transportation, or to improve the safety of student walking conditions.
 - \$3 will be directed to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund;
 - \$5 will be allocated to the School Crossing Guard Recruitment and Retention Program.
- 4. Vendor Agreement and System Maintenance:
 - The Town will enter into agreements with selected vendor(s) for the installation, operation, and maintenance of the speed detection systems. Vendor contracts will be reviewed by the Town Council as per the ordinance requirements.
- 5. Annual Reporting:
 - The Town will submit an annual report to the Florida Department of Highway Safety and Motor Vehicles, detailing the number of violations, contested cases, and safety improvements.

CONCLUSION

The traffic study clearly highlights the need for enhanced speed enforcement in the school zones surrounding Ruth K. Broad Bay Harbor K-8 Center. The installation of speed detection systems on Kane Concourse (96th Street) and West Bay Harbor Drive is a proactive measure to address the safety concerns raised by the study. By automating speed enforcement, the Town will ensure that speed limits are more consistently followed, reducing the risk of accidents and improving safety for children and other pedestrians.

Staff recommends that the Town Council approve the ordinance to implement speed detection systems, as well as the associated public awareness campaign, and the vendor agreements necessary to make these systems operational. This initiative will significantly improve public safety and ensure that school zones remain safe for students and the broader community.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1ST Ordinance
REDSPEED Traffic report.

ORDINANCE NO. ___

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 SYSEYEM, 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.

WHEREAS, the Town of Bay Harbor Islands desires to implement speed detection systems in school zones to enhance public safety, reduce speeding violations, and provide an additional enforcement mechanism in areas with heightened safety risks; and

WHEREAS, the Town of Bay Harbor Islands is committed to ensuring the health, safety, and welfare of its residents and visitors, particularly children in school zones, by promoting compliance with speed limits and reducing violations in those areas; and

WHEREAS, the Town Council has determined that the use of speed detection systems in school zones is necessary to address these safety risks; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Code of Ordinances is hereby amended

to modify Chapter 19 entitled "Traffic" by amending Article I entitled "In General", section 19-1 through 19-10 "Speed Detection System as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of this Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 20th day of February 2025.

PASSED on Second Reading the TBA.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 19 - TRAFFIC

ARTICLE I. – IN GENERAL-

Sec. 19-1. – ~~Reserved~~. Speed Detection Systems for Enforcement of School Zone Speed Limits.

The purpose and intent of this ordinance is to enhance public safety by utilizing speed detection systems to enforce speed limits in designated school zones. The primary objective is to reduce the risk of traffic-related incidents and injuries, particularly in school zones, by ensuring that speed limits are adhered to by motorists. The ordinance mandates the installation and maintenance of speed detection systems in school zones to monitor and enforce the speed limits established in Section 316.1895 of the Florida Statutes. This approach directly targets school zones as a critical area for traffic safety, aiming to ensure safer roadways for students and the surrounding community.

Sec. 19-2. – ~~Reserved~~. Definitions.

For the purposes of this ordinance, the following definitions apply:

1. Speed Detection System: A system that uses radar, LiDAR, or other electronic means to monitor and record the speed of motor vehicles operating within a specified area, particularly school zones.
2. School Zone: An area defined by the town as a school zone for the purposes of speed enforcement, where speed limits are reduced for the safety of children and pedestrians.
3. Traffic Infraction Enforcement Officer: A person authorized by the Town to issue traffic citations for violations under this ordinance. These officers may be designated staff within the local government or contracted personnel.
4. Violation: Any instance of exceeding the speed limit in a designated school zone as enforced by a speed detection system.

Sec. 19-3- ~~Reserved~~. Authorization of Speed Detection Systems

- 1) The Town Council is hereby authorized to implement speed detection systems within the jurisdiction of the Town. These systems shall be installed and operated in accordance with the placement and installation specifications established by the Florida Department of Transportation, as amended, and will be used to enforce speed violations as outlined in Chapter 316, Florida Statutes. The Town shall install and maintain these systems within designated school zones to monitor and enforce the speed limits set forth in Section 316.1895 of the Florida Statutes. The systems must be capable of capturing both photographs and videos of vehicles exceeding the speed limit, including recording the speed at which each vehicle is traveling.
 - a) The systems will operate during the hours when the reduced speed limits for school

zones are in effect, specifically:

- i) Within 30 minutes before and after the start of a regularly scheduled breakfast program;
 - ii) Within 30 minutes before and after the start of a regularly scheduled school session;
 - iii) During the entirety of a regularly scheduled school session; and
 - iv) Within 30 minutes before and after the end of a regularly scheduled school session.
- b) The speed detection systems shall only issue violations for vehicles exceeding the speed limit by more than 10 miles per hour.
- 2) **Vendor Agreement(s).** The Town Council is authorized to enter into agreements with one (1) or more vendors for the placement, installation, operation, and maintenance of speed detection systems, in accordance with the provisions of Chapter 316 governing speed detection systems, and subject to any other applicable state laws. These agreements shall ensure that the services provided are consistent with the implementation and enforcement of this ordinance.
- a) All vendor(s) must provide the Town with written notice by December 31 of each year that such records have been destroyed in pursuant to F.S. § Section 316.1895.

Sec. 19-4- Reserved. Public Hearing and Approval.

- 1) Prior to the installation of any speed detection system, the Town Council shall hold a public hearing to consider traffic data and other evidence supporting the installation and operation of the system. The Town Council must determine that the school zone where the speed detection system is to be installed constitutes a heightened safety risk that warrants additional enforcement measures.
- 2) The Town Council must approve all contracts and contracts renewals during a public hearing, and may not be placed on a consent agenda.

Sec. 19-5- Reserved. Determination of Heightened Safety Risk

Speed detection systems are authorized for use at the following locations, based on the Town Council's findings after considering traffic data provided in the "School Zone Speed Report for the Town," prepared by RedSpeed, Florida, LLC After reviewing this data and any other relevant evidence presented at the public hearing held on [insert date], the Town Council hereby finds that the following school zones, where speed detection systems are to be placed or installed, present a heightened safety risk that warrants additional enforcement measures pursuant to F.S. § 316.008(9):

1. Ruth K. Broad K-8 Center, with speed detection systems to be installed at the following locations:
 - o Kane Concourse, between West Bay Harbor Drive and East Bay Harbor Drive
 - o West Bay Harbor Drive, between 93rd Street and 95th Street
 - o 95th Street
 - o 93rd Street

Sec. 19-6- Reserved. Public Awareness

- 1) The Town shall notify the public of the use of speed detection systems by posting signage in accordance with the specifications established by the Florida Department of Transportation (FDOT), including the time period during which the school zone speed limits will be enforced. The signage must meet the FDOT placement and installation requirements.
- 2) **Campaign Notice Requirements.** Before enforcement begins, the Town shall:
 - a) Publish notices in local newspapers and on the Town website;
 - b) Distribute flyers to schools and residents within 1 mile of affected zones;
 - c) Issue warnings only during the first 30 days of operation.

Sec. 19.-7 - Reserved- Speed Detection System Requirements.

- 1) System Compliance:
 - a) Speed detection systems used in the Town must comply with all applicable state laws and regulations, including those set forth in Florida Statutes, s. 316.1906.
 - b) The system must be capable of performing self-tests at least once every 30 days to ensure its accuracy.
 - c) An independent calibration test of the system must be conducted at least once every 12 months.
 - d) Documentation of the self-test and calibration results must be maintained and made available as required by law.
- 2) Data Retention: Photographs, videos, and any other evidence captured by the speed detection system will be retained for a period of 90 days following the final disposition of the related violation. After this period, the records must be destroyed pursuant to F.S. § Section 316.1895.
- 3) Traffic Infraction Enforcement Officers. Pursuant to Section 316.1896 Florida Statutes, a traffic infraction enforcement officer under Section 316.640 Florida Statutes is authorized to issue a uniform traffic citation(s) for violations of Sections 316.1895 and 316.183, Florida Statutes, as authorized by 316.008(9) Florida Statutes.
 - a) Training Requirements. Traffic infraction enforcement officers shall complete training through Florida's Selective Traffic Enforcement Program (STEP) or equivalent

Sec. 19.8- Reserved. Enforcement of Speed Limits.

- 1) **Use of Speed Detection Systems.** The Town of Bay Harbor Islands shall install and maintain speed detection systems within designated school zones to monitor and enforce the speed limits established in Section 316.1895 of the Florida Statutes. These systems must be capable of capturing both photographs and videos of vehicles exceeding the speed limit, including recording the speed at which each vehicle is traveling. The speed detection systems will operate during the hours when the reduced speed limits in school

zones are in effect, ensuring continuous enforcement of speed limits during critical times for student safety.

- 2) **Issuance of Violations:** When a speed violation is detected, a notice of violation will be issued to the registered owner of the vehicle involved within 30 days by first class mail. This notice will include evidence such as photographs or videos of the violation, along with data detailing the speed at which the vehicle was traveling. Additionally, the notice will provide instructions for contesting the violation, including information on how to request a hearing to address the matter. The notice will include the following:
 - a) A photograph or other recorded image showing the license plate of the vehicle, along with the date, time, and location of the violation. The maximum speed at which the vehicle was traveling within the school zone and the posted speed limit in the school zone at the time of the violation.
 - b) The notice will inform the owner of their right to review the photograph or video captured by the speed detection system, as well as the evidence of the vehicle's speed. This evidence shall constitute a rebuttable presumption that the vehicle was used in violation of Section 316.1895 or Section 316.183 of the Florida Statutes.
 - c) The notice will specify the time, location, or website where the photograph, video, and speed evidence can be examined and observed by the vehicle owner.
 - d) Notwithstanding any other law, a person who receives a notice of violation under this section may request a hearing within 30 days of receiving the notice or may choose to pay the penalty specified in the notice.
- 3) **Penalty.** Violations detected by the speed detection system shall result in a civil penalty of \$100, as provided in Section 318.18(3)(d), Florida Statutes.
 - a) Any additional penalties for contested cases or late payments will be determined based on the requirements outlined in Florida Statutes, specifically s. 318.18(3)(d).
 - b) Points may not be imposed for a violation of unlawful speed as provided in s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896. Additionally, a violation of these statutes when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

Sec. 19.9- Reserved. Appeals

- 1) A violator who has been served with a notice shall elect either to:
 - a) Pay the civil penalty in the manner and within the time indicated on the notice; or
 - b) A request for a hearing will be held before the special magistrate to appeal the decision of the Law Enforcement Officer which resulted in the issuance of the fine.
- 2) Any violator who receives a notice of violation may request a hearing to contest the ticket. Requests must be made within 30 days, as the date will be stated in the notice. Upon receipt of a hearing request, the clerk to the special magistrate shall schedule the hearing and notify the petitioner by mail.
- 3) The hearing will be conducted in accordance with the procedures established by Section 316.0083(5). During the hearing, the petitioner may present evidence to challenge the violation, including questioning the validity of the speed detection system. All testimony provided at the hearing will be given under oath and recorded. The local hearing officer

will review the evidence presented and determine whether the violation occurred. The officer has the authority to uphold, dismiss, or adjust the penalty for the violation based on the findings.

- 4) The special magistrate will issue a final administrative order including the determination and if the notice of violation is upheld, must require the violator to pay the penalty and hearing fee not to exceed hundred (100) dollars.
 - a) The final administrative order must be mailed to the violator by first-class mail.

Sec. 19.10- Reserved. Speed Detection Systems Reporting Requirements.

1. The Town, with the assistance of the Town's vendor(s), shall submit an annual report to the Florida Department of Highway Safety and Motor Vehicles, detailing the results of the speed detection system program, including the number of violations issued, contested, upheld, dismissed, and paid.
2. The report shall also include information on the location of each speed detection system, the times of enforcement, and the public safety objectives achieved.
3. Comply with the reporting requirements set forth in Section 316.0776 and 316.1896, Florida Statutes, as they may be amended.

Sec. 19-11-19.19- Reserved.



Announcing FPCA's New Preferred Partnership with RedSpeed

Chiefs and Law Enforcement Members,

The Florida Police Chiefs Association is proud to announce a new Preferred Corporate Partnership with RedSpeed. RedSpeed has been an FPCA business partner and significant sponsor for many years.

With the addition of RedSpeed, we have a partner with leadership in the area of photo enforcement camera systems designed to improve traffic safety and reduce speeding by up to 95% in school zones. RedSpeed's programs are totally turnkey and violator-funded with no out-of-pocket cost to the municipal government. RedSpeed is the only company in the industry that offers both LIDAR and 3D object tracking radar, infrared (no flash) low-light operation, self-service video archive¹ and a real-time feed that integrates into your preferred ALPR providers such as Flock as an additional crime-fighting tool. RedSpeed offers a complimentary needs assessment including free traffic studies to assist in your program evaluation.

As we all know, Florida is one of the most dangerous states in the country for pedestrians and we were proud to advocate for the passage of HB657, a new law for photographic enforcement in school speed zones. Our hope is that these programs will aid departments changing driving behavior and saving lives. **RedSpeed has an excellent track record in the industry for reducing speeding, saving lives and helping departments solve crimes.**

We know each department will make procurement decisions based on their own needs and what is best for their communities. **We hope that you will consider RedSpeed as part of your decision-making process, knowing they carry FPCA's endorsement.**

FPCA will be marketing on behalf of Red Speed USA as they are a vetted and endorsed provider with whom we are proud to partner. The Association currently only has four total Preferred Corporate Partners, which are organizations which offer special member benefits or have a contractual relationship with the FPCA. They are featured on the FPCA website, home page and under our Resources section. With the addition of RedSpeed, FPCA has preferred providers in the areas of automated traffic enforcement, insurance, training/policies/procedures, and promotional testing instruments.

We encourage you to contact RedSpeed's Senior Vice President, Greg Parks, for an in-person demonstration and to receive free traffic studies as part of a complimentary needs assessment:

Greg.Parks@redspeed.com

(913) 575-2912 (mobile)

Additional Resources – many will be added to FPCA website:

www.redspeed.com (main site and video with program features on landing page)

https://www.youtube.com/watch?v=_KQuOKFV9rU (Pinecrest PSA sample)

¹ Consistent with HB657 provisions allowing for use of video for proving civil or criminal liability incidental to photo-enforcement.

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2023 Legislature

1
2 An act relating to enforcement of school zone speed
3 limits; amending s. 316.003, F.S.; revising and
4 providing definitions; amending s. 316.008, F.S.;
5 authorizing a county or municipality to enforce the
6 speed limit in a school zone at specified periods
7 through the use of a speed detection system; providing
8 a rebuttable presumption; authorizing a county or
9 municipality to install, or contract with a vendor to
10 install, a speed detection system in a school zone;
11 requiring a county or municipality to enact an
12 ordinance to authorize placement or installation of
13 such system; requiring the county or municipality to
14 consider certain evidence and make a certain
15 determination at a public hearing; amending s.
16 316.0776, F.S.; specifying conditions for the
17 placement or installation of speed detection systems;
18 requiring the Department of Transportation to
19 establish certain specifications by a specified date;
20 requiring a county or municipality that installs a
21 speed detection system to provide certain notice to
22 the public; providing signage requirements; requiring
23 a county or municipality that has never conducted a
24 school zone speed detection system program to conduct
25 a public awareness campaign before commencing

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CS/CS/HB 657, Engrossed 1

2023 Legislature

26 enforcement using such system; limiting penalties in
27 effect during the public awareness campaign; requiring
28 a county or municipality to place a specified annual
29 report on the agenda of a regular or special meeting
30 of its governing body; requiring approval by the
31 governing body at a regular or special meeting before
32 contracting or renewing a contract to place or install
33 such system; providing for public comment; prohibiting
34 such report, contract, or contract renewal from being
35 considered as part of a consent agenda; providing
36 requirements for a written summary of such report;
37 requiring a report to the Department of Highway Safety
38 and Motor Vehicles; prohibiting compliance with
39 certain provisions from being raised in a proceeding
40 challenging a violation; creating s. 316.1894, F.S.;
41 requiring a law enforcement agency with jurisdiction
42 over a county or municipality conducting a school zone
43 speed detection system program to use certain funds to
44 administer the School Crossing Guard Recruitment and
45 Retention Program; providing purposes; requiring
46 program design and management at the discretion of the
47 law enforcement agency; creating s. 316.1896, F.S.;
48 authorizing a county or municipality to authorize a
49 traffic infraction enforcement officer to issue
50 uniform traffic citations for certain violations;

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CS/CS/HB 657, Engrossed 1

2023 Legislature

51 providing construction; providing notice requirements
52 and procedures; authorizing a person who receives a
53 notice of violation to request a hearing within a
54 specified timeframe; defining the term "person";
55 providing for waiver of challenge or dispute as to the
56 delivery of the notice of violation; requiring a
57 county or municipality to pay certain funds to the
58 Department of Revenue; providing for the distribution
59 of funds; providing requirements for issuance of a
60 uniform traffic citation; providing for waiver of
61 challenge or dispute as to the delivery of the uniform
62 traffic citation; providing notice requirements and
63 procedures; specifying that the registered owner of a
64 motor vehicle is responsible and liable for paying a
65 uniform traffic citation; providing exceptions;
66 requiring an owner of a motor vehicle to furnish an
67 affidavit under certain circumstances; specifying
68 requirements for such affidavit and procedures
69 relating thereto; providing a criminal penalty for
70 submitting a false affidavit; providing that certain
71 photographs or video and evidence of speed are
72 admissible in certain proceedings; providing a
73 rebuttable presumption; providing construction;
74 providing requirements and procedures for hearings;
75 prohibiting the use of a speed detection system for

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CS/CS/HB 657, Engrossed 1

2023 Legislature

76 remote surveillance; providing construction;
77 specifying requirements of and prohibitions on the use
78 of recorded video and photographs captured by a speed
79 detection system; requiring municipalities and
80 counties to submit an annual report to the Department
81 of Highway Safety and Motor Vehicles in a form and
82 manner specified by the department; authorizing the
83 department to require quarterly submission of data;
84 providing report requirements; requiring counties and
85 municipalities to retain certain records for a
86 specified period; requiring the department to submit a
87 summary report to the Governor and Legislature;
88 amending s. 316.1906, F.S.; revising the definition of
89 the term "officer"; providing self-test requirements
90 for speed detection systems; requiring a law
91 enforcement agency operating a speed detection system
92 to maintain a log of results of the system's self-
93 tests and to perform independent calibration tests of
94 such systems; providing for the admissibility of
95 certain evidence in certain proceedings; amending s.
96 318.18, F.S.; providing a civil penalty for a speed
97 limit violation in a school zone; providing for
98 distribution thereof; providing conditions under which
99 a case may be dismissed; amending s. 322.27, F.S.;
100 prohibiting points from being imposed against a driver

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CS/CS/HB 657, Engrossed 1

2023 Legislature

license for certain infractions enforced by a traffic infraction enforcement officer; prohibiting such infractions from being used to set motor vehicle insurance rates; amending ss. 316.306, 316.640, 318.14, 318.21, and 655.960, F.S.; conforming cross-references and provisions to changes made by the act; amending s. 316.650, F.S.; revising the period during which certain traffic citation data must be provided to a court having jurisdiction over the alleged offense; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (82) through (109) of section 316.003, Florida Statutes, are renumbered as subsections (83) through (110), respectively, subsections (38) and (64) are amended, and a new subsection (82) is added to that section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(38) LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic

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CS/CS/HB 657, Engrossed 1

2023 Legislature

126 citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~
127 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
128 a notice of violation issued pursuant to s. 316.0083 or s.
129 316.1896. The charter county, noncharter county, or municipality
130 may use its currently appointed code enforcement board or
131 special magistrate to serve as the local hearing officer. The
132 department may enter into an interlocal agreement to use the
133 local hearing officer of a county or municipality.

134 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
135 provided in paragraph (88)(b) ~~(87)(b)~~, any privately owned way
136 or place used for vehicular travel by the owner and those having
137 express or implied permission from the owner, but not by other
138 persons.

139 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
140 system used to detect a motor vehicle's speed using radar or
141 LiDAR and to capture a photograph or video of the rear of a
142 motor vehicle that exceeds the speed limit in force at the time
143 of the violation.

144 Section 2. Subsection (9) is added to section 316.008,
145 Florida Statutes, to read:

146 316.008 Powers of local authorities.—

147 (9)(a) A county or municipality may enforce the applicable
148 speed limit on a roadway properly maintained as a school zone
149 pursuant to s. 316.1895:

150 1. Within 30 minutes before through 30 minutes after the

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CS/CS/HB 657, Engrossed 1

2023 Legislature

151 start of a regularly scheduled breakfast program;

152 2. Within 30 minutes before through 30 minutes after the
153 start of a regularly scheduled school session;

154 3. During the entirety of a regularly scheduled school
155 session; and

156 4. Within 30 minutes before through 30 minutes after the
157 end of a regularly scheduled school session

158
159 through the use of a speed detection system for the detection of
160 speed and capturing of photographs or videos for violations in
161 excess of 10 miles per hour over the speed limit in force at the
162 time of the violation. A school zone's compliance with s.
163 316.1895 creates a rebuttable presumption that the school zone
164 is properly maintained.

165 (b) A county or municipality may place or install, or
166 contract with a vendor to place or install, a speed detection
167 system within a roadway maintained as a school zone as provided
168 in s. 316.1895 to enforce unlawful speed violations, as
169 specified in s. 316.1895(10) or s. 316.183, on that roadway.

170 (c) A county or municipality must enact an ordinance in
171 order to authorize the placement or installation of a speed
172 detection system on a roadway maintained as a school zone as
173 authorized by this subsection. As part of the public hearing on
174 such proposed ordinance, the county or municipality must
175 consider traffic data or other evidence supporting the

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CS/CS/HB 657, Engrossed 1

2023 Legislature

176 installation and operation of each proposed school zone speed
177 detection system, and the county or municipality must determine
178 that the school zone where a speed detection system is to be
179 placed or installed constitutes a heightened safety risk that
180 warrants additional enforcement measures pursuant to this
181 subsection.

182 Section 3. Subsection (3) is added to section 316.0776,
183 Florida Statutes, to read:

184 316.0776 Traffic infraction detectors; speed detection
185 systems; placement and installation.—

186 (3) A speed detection system authorized by s. 316.008(9)
187 may be placed or installed in a school zone on a state road when
188 permitted by the Department of Transportation and in accordance
189 with placement and installation specifications developed by the
190 Department of Transportation. The speed detection system may be
191 placed or installed in a school zone on a street or highway
192 under the jurisdiction of a county or a municipality in
193 accordance with placement and installation specifications
194 established by the Department of Transportation. The Department
195 of Transportation must establish such placement and installation
196 specifications by December 31, 2023.

197 (a) If a county or municipality places or installs a speed
198 detection system as authorized by s. 316.008(9), the county or
199 municipality must notify the public that a speed detection
200 system may be in use by posting signage indicating photographic

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CS/CS/HB 657, Engrossed 1

2023 Legislature

201 or video enforcement of the school zone speed limits. Such
202 signage shall clearly designate the time period during which the
203 school zone speed limits are enforced using a speed detection
204 system and must meet the placement and installation
205 specifications established by the Department of Transportation.
206 For a speed detection system enforcing violations of s. 316.1895
207 or s. 316.183 on a roadway maintained as a school zone, this
208 paragraph governs the signage notifying the public of the use of
209 a speed detection system.

210 (b) If a county or municipality begins a school zone speed
211 detection system program in a county or municipality that has
212 never conducted such a program, the respective county or
213 municipality must make a public announcement and conduct a
214 public awareness campaign of the proposed use of speed detection
215 systems at least 30 days before commencing enforcement under the
216 speed detection system program and must notify the public of the
217 specific date on which the program will commence. During the 30-
218 day public awareness campaign, only a warning may be issued to
219 the registered owner of a motor vehicle for a violation of s.
220 316.1895 or s. 316.183 enforced by a speed detection system, and
221 liability may not be imposed for the civil penalty under s.
222 318.18(3)(d).

223 (c) A county or municipality that operates one or more
224 school zone speed detection systems must annually report the
225 results of all systems within the county's or municipality's

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CS/CS/HB 657, Engrossed 1

2023 Legislature

jurisdiction by placing the report required under s.
316.1896(16) (a) as a single reporting item on the agenda of a
regular or special meeting of the county's or municipality's
governing body. Before a county or municipality contracts or
renews a contract to place or install a speed detection system
in a school zone pursuant to s. 316.008(9), the county or
municipality must approve the contract or contract renewal at a
regular or special meeting of the county's or municipality's
governing body.

1. Interested members of the public must be allowed to
comment regarding the report, contract, or contract renewal
under the county's or municipality's public comment policies or
formats, and the report, contract, or contract renewal may not
be considered as part of a consent agenda.

2. The report required under this paragraph must include a
written summary, which must be read aloud at the regular or
special meeting, and the summary must contain, for the same time
period pertaining to the annual report to the department under
s. 316.1896(16) (a), the number of notices of violation issued,
the number that were contested, the number that were upheld, the
number that were dismissed, the number that were issued as
uniform traffic citations, and the number that were paid and how
collected funds were distributed and in what amounts. The county
or municipality must report to the department that the county's
or municipality's annual report was considered in accordance

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CS/CS/HB 657, Engrossed 1

2023 Legislature

251 with this paragraph, including the date of the regular or
252 special meeting at which the annual report was considered.

253 3. The compliance or sufficiency of compliance with this
254 paragraph may not be raised in a proceeding challenging a
255 violation of s. 316.1895 or s. 316.183 enforced by a speed
256 detection system in a school zone.

257 Section 4. Section 316.1894, Florida Statutes, is created
258 to read:

259 316.1894 School Crossing Guard Recruitment and Retention
260 Program.—The law enforcement agency having jurisdiction over a
261 county or municipality conducting a school zone speed detection
262 system program authorized by s. 316.008(9) must use funds
263 generated pursuant to s. 316.1896(5)(e) from the school zone
264 speed detection system program to administer the School Crossing
265 Guard Recruitment and Retention Program. Such program may
266 provide recruitment and retention stipends to crossing guards at
267 K-12 public schools, including charter schools, or stipends to
268 third parties for the recruitment of new crossing guards. The
269 School Crossing Guard Recruitment and Retention Program must be
270 designed and managed at the discretion of the law enforcement
271 agency.

272 Section 5. Section 316.1896, Florida Statutes, is created
273 to read:

274 316.1896 Roadways maintained as school zones; speed
275 detection system enforcement; penalties; appeal procedure;

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CS/CS/HB 657, Engrossed 1

2023 Legislature

276 privacy; reports.—

277 (1) For purposes of administering this section, a county
278 or municipality may authorize a traffic infraction enforcement
279 officer under s. 316.640 to issue uniform traffic citations for
280 violations of ss. 316.1895 and 316.183 as authorized by s.
281 316.008(9), as follows:

282 (a) For a violation of s. 316.1895 in excess of 10 miles
283 per hour over the school zone speed limit which occurs within 30
284 minutes before through 30 minutes after the start of a regularly
285 scheduled breakfast program.

286 (b) For a violation of s. 316.1895 in excess of 10 miles
287 per hour over the school zone speed limit which occurs within 30
288 minutes before through 30 minutes after the start of a regularly
289 scheduled school session.

290 (c) For a violation of s. 316.183 in excess of 10 miles
291 per hour over the posted speed limit during the entirety of a
292 regularly scheduled school session.

293 (d) For a violation of s. 316.1895 in excess of 10 miles
294 per hour over the school zone speed limit which occurs within 30
295 minutes before through 30 minutes after the end of a regularly
296 scheduled school session.

297
298 Such violation must be evidenced by a speed detection system
299 described in ss. 316.008(9) and 316.0776(3). This subsection
300 does not prohibit a review of information from a speed detection

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CS/CS/HB 657, Engrossed 1

2023 Legislature

301 system by an authorized employee or agent of a county or
302 municipality before issuance of the uniform traffic citation by
303 the traffic infraction enforcement officer. This subsection does
304 not prohibit a county or municipality from issuing notices as
305 provided in subsection (2) to the registered owner of the motor
306 vehicle for a violation of s. 316.1895 or s. 316.183.

307 (2) Within 30 days after a violation, notice must be sent
308 to the registered owner of the motor vehicle involved in the
309 violation specifying the remedies available under s. 318.14 and
310 that the violator must pay the penalty under s. 318.18(3)(d) to
311 the county or municipality, or furnish an affidavit in
312 accordance with subsection (8), within 30 days after the date of
313 the notice of violation in order to avoid court fees, costs, and
314 the issuance of a uniform traffic citation. The notice of
315 violation must:

316 (a) Be sent by first-class mail.

317 (b) Include a photograph or other recorded image showing
318 the license plate of the motor vehicle; the date, time, and
319 location of the violation; the maximum speed at which the motor
320 vehicle was traveling within the school zone; and the speed
321 limit within the school zone at the time of the violation.

322 (c) Include a notice that the owner has the right to
323 review, in person or remotely, the photograph or video captured
324 by the speed detection system and the evidence of the speed of
325 the motor vehicle detected by the speed detection system which

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CS/CS/HB 657, Engrossed 1

2023 Legislature

326 constitute a rebuttable presumption that the motor vehicle was
327 used in violation of s. 316.1895 or s. 316.183.

328 (d) State the time when, and the place or website at
329 which, the photograph or video captured and evidence of speed
330 detected may be examined and observed.

331 (3) Notwithstanding any other law, a person who receives a
332 notice of violation under this section may request a hearing
333 within 30 days after the notice of violation or may pay the
334 penalty pursuant to the notice of violation, but a payment or
335 fee may not be required before the hearing requested by the
336 person. The notice of violation must be accompanied by, or
337 direct the person to a website that provides, information on the
338 person's right to request a hearing and on all costs related
339 thereto and a form used for requesting a hearing. As used in
340 this subsection, the term "person" includes a natural person,
341 the registered owner or co-owner of a motor vehicle, or the
342 person identified in an affidavit as having actual care,
343 custody, or control of the motor vehicle at the time of the
344 violation.

345 (4) If the registered owner or co-owner of the motor
346 vehicle; the person identified as having care, custody, or
347 control of the motor vehicle at the time of the violation; or an
348 authorized representative of the owner, co-owner, or identified
349 person initiates a proceeding to challenge the violation, such
350 person waives any challenge or dispute as to the delivery of the

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CS/CS/HB 657, Engrossed 1

2023 Legislature

351 notice of violation.

352 (5) Penalties assessed and collected by the county or
353 municipality authorized to collect the funds provided for in
354 this section, less the amount retained by the county or
355 municipality pursuant to paragraph (b) and paragraph (e) and the
356 amount remitted to the county school district pursuant to
357 paragraph (d), must be paid to the Department of Revenue weekly.
358 Such payment must be made by means of electronic funds transfer.
359 In addition to the payment, a detailed summary of the penalties
360 remitted must be reported to the Department of Revenue.
361 Penalties to be assessed and collected by the county or
362 municipality as established in s. 318.18(3)(d) must be remitted
363 as follows:

364 (a) Twenty dollars must be remitted to the Department of
365 Revenue for deposit into the General Revenue Fund.

366 (b) Sixty dollars must be retained by the county or
367 municipality and must be used to administer speed detection
368 systems in school zones and other public safety initiatives.

369 (c) Three dollars must be remitted to the Department of
370 Revenue for deposit into the Department of Law Enforcement
371 Criminal Justice Standards and Training Trust Fund.

372 (d) Twelve dollars must be remitted to the county school
373 district in which the violation occurred and must be used for
374 school security initiatives, for student transportation, or to
375 improve the safety of student walking conditions. Funds remitted

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CS/CS/HB 657, Engrossed 1

2023 Legislature

under this paragraph must be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions.

(e) Five dollars must be retained by the county or municipality for the School Crossing Guard Recruitment and Retention Program pursuant to s. 316.1894.

(6) A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 30 days after notification under subsection (2), if the registered owner has not requested a hearing as authorized under subsection (3), and if the registered owner has not submitted an affidavit in accordance with subsection (8).

(a) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the uniform traffic citation.

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CS/CS/HB 657, Engrossed 1

2023 Legislature

401 (b) In the case of joint ownership of a motor vehicle, the
402 uniform traffic citation must be mailed to the first name
403 appearing on the motor vehicle registration, unless the first
404 name appearing on the registration is a business organization,
405 in which case the second name appearing on the registration may
406 be used.

407 (c) The uniform traffic citation mailed to the registered
408 owner of the motor vehicle involved in the infraction must be
409 accompanied by the information described in paragraphs (2) (b),
410 (2) (c), and (2) (d) .

411 (7) The registered owner of the motor vehicle involved in
412 the violation is responsible and liable for paying the uniform
413 traffic citation issued for a violation of s. 316.1895 or s.
414 316.183 unless the owner can establish that:

415 (a) The motor vehicle was, at the time of the violation,
416 in the care, custody, or control of another person;

417 (b) A uniform traffic citation was issued by law
418 enforcement to the driver of the motor vehicle for the alleged
419 violation of s. 316.1895 or s. 316.183; or

420 (c) The motor vehicle's owner was deceased on or before
421 the date of the alleged violation, as established by an
422 affidavit submitted by the representative of the motor vehicle
423 owner's estate or other identified person or family member.

424 (8) To establish such facts under subsection (7), the
425 registered owner of the motor vehicle must, within 30 days after

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

426 the date of issuance of the notice of violation or the uniform
427 traffic citation, furnish to the appropriate governmental entity
428 an affidavit setting forth information supporting an exception
429 under subsection (7).

430 (a) An affidavit supporting the exception under paragraph
431 (7) (a) must include the name, address, date of birth, and, if
432 known, the driver license number of the person who leased,
433 rented, or otherwise had care, custody, or control of the motor
434 vehicle at the time of the alleged violation. If the motor
435 vehicle was stolen at the time of the alleged violation, the
436 affidavit must include the police report indicating that the
437 motor vehicle was stolen.

438 (b) If a uniform traffic citation for a violation of s.
439 316.1895 or s. 316.183 was issued at the location of the
440 violation by a law enforcement officer, the affidavit must
441 include the serial number of the uniform traffic citation.

442 (c) If the motor vehicle's owner to whom a notice of
443 violation or a uniform traffic citation has been issued is
444 deceased, the affidavit must include a certified copy of the
445 owner's death certificate showing that the date of death
446 occurred on or before the date of the alleged violation and one
447 of the following:

448 1. A bill of sale or other document showing that the
449 deceased owner's motor vehicle was sold or transferred after his
450 or her death but on or before the date of the alleged violation.

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

451 2. Documented proof that the registered license plate
452 belonging to the deceased owner's motor vehicle was returned to
453 the department or any branch office or authorized agent of the
454 department after his or her death but on or before the date of
455 the alleged violation.

456 3. A copy of the police report showing that the deceased
457 owner's registered license plate or motor vehicle was stolen
458 after his or her death but on or before the date of the alleged
459 violation.

460
461 Upon receipt of the affidavit and documentation required under
462 paragraphs (b) and (c), or 30 days after the date of issuance of
463 a notice of violation sent to a person identified as having
464 care, custody, or control of the motor vehicle at the time of
465 the violation under paragraph (a), the county or municipality
466 must dismiss the notice or citation and provide proof of such
467 dismissal to the person who submitted the affidavit. If, within
468 30 days after the date of a notice of violation sent to a person
469 under subsection (9), the county or municipality receives an
470 affidavit under subsection (10) from the person sent a notice of
471 violation affirming that the person did not have care, custody,
472 or control of the motor vehicle at the time of the violation,
473 the county or municipality must notify the registered owner that
474 the notice or citation will not be dismissed due to failure to
475 establish that another person had care, custody, or control of

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CS/CS/HB 657, Engrossed 1

2023 Legislature

476 the motor vehicle at the time of the violation.

477 (9) Upon receipt of an affidavit under paragraph (8)(a),
478 the county or municipality may issue the person identified as
479 having care, custody, or control of the motor vehicle at the
480 time of the violation a notice of violation pursuant to
481 subsection (2) for a violation of s. 316.1895 or s. 316.183. The
482 affidavit is admissible in a proceeding pursuant to this section
483 for the purpose of providing evidence that the person identified
484 in the affidavit was in actual care, custody, or control of the
485 motor vehicle. The owner of a leased motor vehicle for which a
486 uniform traffic citation is issued for a violation of s.
487 316.1895 or s. 316.183 is not responsible for paying the uniform
488 traffic citation and is not required to submit an affidavit as
489 specified in subsection (8) if the motor vehicle involved in the
490 violation is registered in the name of the lessee of such motor
491 vehicle.

492 (10) If a county or municipality receives an affidavit
493 under paragraph (8)(a), the notice of violation required under
494 subsection (2) must be sent to the person identified in the
495 affidavit within 30 days after receipt of the affidavit. The
496 person identified in an affidavit and sent a notice of violation
497 may also affirm that he or she did not have care, custody, or
498 control of the motor vehicle at the time of the violation by
499 furnishing to the appropriate governmental entity within 30 days
500 after the date of the notice of violation an affidavit stating

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CS/CS/HB 657, Engrossed 1

2023 Legislature

such.

(11) The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) The photograph or video captured by a speed detection system and the evidence of the speed of the motor vehicle detected by a speed detection system which are attached to or referenced in the uniform traffic citation are evidence of a violation of s. 316.1895 or s. 316.183 and are admissible in any proceeding to enforce this section. The photograph or video and the evidence of speed detected raise a rebuttable presumption that the motor vehicle named in the report or shown in the photograph or video was used in violation of s. 316.1895 or s. 316.183.

(13) This section supplements the enforcement of ss. 316.1895 and 316.183 by a law enforcement officer and does not prohibit a law enforcement officer from issuing a uniform traffic citation for a violation of s. 316.1895 or s. 316.183.

(14) A hearing under this section must be conducted under the procedures established by s. 316.0083(5) and as follows:

(a) The department must publish and make available electronically to each county and municipality a model request for hearing form to assist each county or municipality administering this section.

(b) A county or municipality electing to authorize traffic

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CS/CS/HB 657, Engrossed 1

2023 Legislature

526 infraction enforcement officers to issue uniform traffic
527 citations under subsection (6) must designate by resolution
528 existing staff to serve as the clerk to the local hearing
529 officer.

530 (c) A person, referred to in this subsection as the
531 "petitioner," who elects to request a hearing under subsection
532 (3) must be scheduled for a hearing by the clerk to the local
533 hearing officer. The clerk must furnish the petitioner with
534 notice sent by first-class mail. Upon receipt of the notice, the
535 petitioner may reschedule the hearing up to two times by
536 submitting a written request to reschedule to the clerk at least
537 5 calendar days before the day of the scheduled hearing. The
538 petitioner may cancel his or her appearance before the local
539 hearing officer by paying the penalty assessed under subsection
540 (2), plus the administrative costs established in s.
541 316.0083(5)(c), before the start of the hearing.

542 (d) All testimony at the hearing must be under oath and
543 must be recorded. The local hearing officer must take testimony
544 from a traffic infraction enforcement officer and the petitioner
545 and may take testimony from others. The local hearing officer
546 must review the photograph or video captured by the speed
547 detection system and the evidence of the speed of the motor
548 vehicle detected by the speed detection system made available
549 under paragraph (2)(b). Formal rules of evidence do not apply,
550 but due process must be observed and govern the proceedings.

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CS/CS/HB 657, Engrossed 1

2023 Legislature

551 (e) At the conclusion of the hearing, the local hearing
552 officer must determine whether a violation under this section
553 occurred and must uphold or dismiss the violation. The local
554 hearing officer must issue a final administrative order
555 including the determination and, if the notice of violation is
556 upheld, must require the petitioner to pay the penalty
557 previously assessed under subsection (2), and may also require
558 the petitioner to pay county or municipal costs not to exceed
559 the amount established in s. 316.0083(5) (e). The final
560 administrative order must be mailed to the petitioner by first-
561 class mail.

562 (f) An aggrieved party may appeal a final administrative
563 order consistent with the process provided in s. 162.11.

564 (15) (a) A speed detection system in a school zone may not
565 be used for remote surveillance. The collection of evidence by a
566 speed detection system to enforce violations of ss. 316.1895 and
567 316.183, or user-controlled pan or tilt adjustments of speed
568 detection system components, do not constitute remote
569 surveillance. Recorded video or photographs collected as part of
570 a speed detection system in a school zone may only be used to
571 document violations of ss. 316.1895 and 316.183 and for purposes
572 of determining criminal or civil liability for incidents
573 captured by the speed detection system incidental to the
574 permissible use of the speed detection system.

575 (b) Any recorded video or photograph obtained through the

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CS/CS/HB 657, Engrossed 1

2023 Legislature

use of a speed detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor of a speed detection system must provide the county or municipality with written notice by December 31 of each year that such records have been destroyed in accordance with this subsection.

(c) Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a speed detection system in a school zone is not the property of the manufacturer or vendor of the speed detection system and may be used only for the purposes of this section.

(16) (a) Each county or municipality that operates one or more speed detection systems must submit a report by October 1, 2024, and annually thereafter, to the department which identifies the public safety objectives used to identify a school zone for enforcement under this section, reports compliance with s. 316.0776(3)(c), and details the results of the speed detection system in the school zone and the procedures for enforcement. The information from counties and municipalities must be submitted in a form and manner determined by the department, which the department must make available to the counties and municipalities by August 1, 2023, and the department may require data components to be submitted quarterly. The report must include at least the following:

1. Information related to the location of each speed detection system, including the geocoordinates of the school

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CS/CS/HB 657, Engrossed 1

2023 Legislature

601 zone, the directional approach of the speed detection system,
602 the school name, the school level, the times the speed detection
603 system was active, the restricted school zone speed limit
604 enforced pursuant to s. 316.1895(5), the posted speed limit
605 enforced at times other than those authorized by s. 316.1895(5),
606 the date the systems were activated to enforce violations of ss.
607 316.1895 and 316.183, and, if applicable, the date the systems
608 were deactivated.

609 2. The number of notices of violation issued, the number
610 that were contested, the number that were upheld, the number
611 that were dismissed, the number that were issued as uniform
612 traffic citations, and the number that were paid.

613 3. Any other statistical data and information related to
614 the procedures for enforcement which is required by the
615 department to complete the report required under paragraph (c).

616 (b) Each county or municipality that operates a speed
617 detection system is responsible for and must maintain its
618 respective data for reporting purposes under this subsection for
619 at least 2 years after such data is reported to the department.

620 (c) On or before December 31, 2024, and annually
621 thereafter, the department must submit a summary report to the
622 Governor, the President of the Senate, and the Speaker of the
623 House of Representatives regarding the use of speed detection
624 systems under this section, along with any legislative
625 recommendations from the department. The summary report must

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CS/CS/HB 657, Engrossed 1

2023 Legislature

626 include a review of the information submitted to the department
627 by the counties and municipalities and must describe the
628 enhancement of safety and enforcement programs.

629 Section 6. Paragraph (d) of subsection (1) of section
630 316.1906, Florida Statutes, is amended, and subsection (3) is
631 added to that section, to read:

632 316.1906 Radar speed-measuring devices; speed detection
633 systems; evidence, admissibility.—

634 (1) DEFINITIONS.—

635 (d) "Officer" means any:

636 1. "Law enforcement officer" who is elected, appointed, or
637 employed full time by any municipality or the state or any
638 political subdivision thereof; who is vested with the authority
639 to bear arms and make arrests; and whose primary responsibility
640 is the prevention and detection of crime or the enforcement of
641 the penal, criminal, traffic, or highway laws of the state;

642 2. "Part-time law enforcement officer" who is employed or
643 appointed less than full time, as defined by an employing
644 agency, with or without compensation; who is vested with
645 authority to bear arms and make arrests; and whose primary
646 responsibility is the prevention and detection of crime or the
647 enforcement of the penal, criminal, traffic, or highway laws of
648 the state; ~~or~~

649 3. "Auxiliary law enforcement officer" who is employed or
650 appointed, with or without compensation; who aids or assists a

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CS/CS/HB 657, Engrossed 1

2023 Legislature

651 full-time or part-time law enforcement officer; and who, while
652 under the direct supervision of a full-time or part-time law
653 enforcement officer, has the authority to arrest and perform law
654 enforcement functions; or

655 4. "Traffic infraction enforcement officer" who is
656 employed or appointed, with or without compensation, and
657 satisfies the requirements of s. 316.640(5) and is vested with
658 authority to enforce violations of ss. 316.1895 and 316.183
659 pursuant to s. 316.1896.

660 (3) A speed detection system is exempt from the design
661 requirements for radar or LiDAR units established by the
662 department. A speed detection system must have the ability to
663 perform self-tests as to its detection accuracy. The system must
664 perform a self-test at least once every 30 days. The law
665 enforcement agency, or an agent acting on behalf of the law
666 enforcement agency, operating a speed detection system must
667 maintain a log of the results of the system's self-tests. The
668 law enforcement agency, or an agent acting on behalf of the law
669 enforcement agency, operating a speed detection system must also
670 perform an independent calibration test on the speed detection
671 system at least once every 12 months. The self-test logs, as
672 well as the results of the annual calibration test, are
673 admissible in any court proceeding for a uniform traffic
674 citation issued for a violation of s. 316.1895 or s. 316.183
675 enforced pursuant to s. 316.1896. Notwithstanding subsection

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CS/CS/HB 657, Engrossed 1

2023 Legislature

676 (2), evidence of the speed of a motor vehicle detected by a
677 speed detection system compliant with this subsection and the
678 determination by a traffic enforcement officer that a motor
679 vehicle is operating in excess of the applicable speed limit is
680 admissible in any proceeding with respect to an alleged
681 violation of law regulating the speed of motor vehicles in
682 school zones.

683 Section 7. Paragraphs (d) through (h) of subsection (3) of
684 section 318.18, Florida Statutes, are redesignated as paragraphs
685 (e) through (i), respectively, and a new paragraph (d) is added
686 to that subsection to read:

687 318.18 Amount of penalties.—The penalties required for a
688 noncriminal disposition pursuant to s. 318.14 or a criminal
689 offense listed in s. 318.17 are as follows:

690 (3)

691 (d)1. Notwithstanding paragraphs (b) and (c), a person
692 cited for a violation of s. 316.1895(10) or s. 316.183 for
693 exceeding the speed limit in force at the time of the violation
694 on a roadway maintained as a school zone as provided in s.
695 316.1895, when enforced by a traffic infraction enforcement
696 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
697 collected under this paragraph must be distributed as follows:

698 a. Twenty dollars must be remitted to the Department of
699 Revenue for deposit into the General Revenue Fund.

700 b. Seventy-seven dollars must be distributed to the county

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

701 for any violations occurring in any unincorporated areas of the
702 county or to the municipality for any violations occurring in
703 the incorporated boundaries of the municipality in which the
704 infraction occurred, to be used as provided in s. 316.1896(5).

705 c. Three dollars must be remitted to the Department of
706 Revenue for deposit into the Department of Law Enforcement
707 Criminal Justice Standards and Training Trust Fund to be used as
708 provided in s. 943.25.

709 2. If a person who is mailed a notice of violation or a
710 uniform traffic citation for a violation of s. 316.1895(10) or
711 s. 316.183, as enforced by a traffic infraction enforcement
712 officer under s. 316.1896, presents documentation from the
713 appropriate governmental entity that the notice of violation or
714 uniform traffic citation was in error, the clerk of court or
715 clerk to the local hearing officer may dismiss the case. The
716 clerk of court or clerk to the local hearing officer may not
717 charge for this service.

718 Section 8. Paragraph (d) of subsection (3) of section
719 322.27, Florida Statutes, is amended to read:

720 322.27 Authority of department to suspend or revoke driver
721 license or identification card.—

722 (3) There is established a point system for evaluation of
723 convictions of violations of motor vehicle laws or ordinances,
724 and violations of applicable provisions of s. 403.413(6)(b) when
725 such violations involve the use of motor vehicles, for the

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CS/CS/HB 657, Engrossed 1

2023 Legislature

determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
 - a. Not causing or resulting in serious bodily injury to or death of another—4 points.
 - b. Causing or resulting in serious bodily injury to or death of another—6 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted

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CS/CS/HB 657, Engrossed 1

2023 Legislature

751 speed—4 points.

752 c. Points may not be imposed for a violation of unlawful
753 speed as provided in s. 316.1895 or s. 316.183 when enforced by
754 a traffic infraction enforcement officer pursuant to s.
755 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
756 when enforced by a traffic infraction enforcement officer
757 pursuant to s. 316.1896 may not be used for purposes of setting
758 motor vehicle insurance rates.

759 6. A violation of a traffic control signal device as
760 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
761 However, no points shall be imposed for a violation of s.
762 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
763 stop at a traffic signal and when enforced by a traffic
764 infraction enforcement officer. In addition, a violation of s.
765 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
766 stop at a traffic signal and when enforced by a traffic
767 infraction enforcement officer may not be used for purposes of
768 setting motor vehicle insurance rates.

769 7. All other moving violations (including parking on a
770 highway outside the limits of a municipality)—3 points. However,
771 no points shall be imposed for a violation of s. 316.0741 or s.
772 316.2065(11); and points shall be imposed for a violation of s.
773 316.1001 only when imposed by the court after a hearing pursuant
774 to s. 318.14(5).

775 8. Any moving violation covered in this paragraph,

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

776 excluding unlawful speed and unlawful use of a wireless
777 communications device, resulting in a crash—4 points.

778 9. Any conviction under s. 403.413(6)(b)—3 points.

779 10. Any conviction under s. 316.0775(2)—4 points.

780 11. A moving violation covered in this paragraph which is
781 committed in conjunction with the unlawful use of a wireless
782 communications device within a school safety zone—2 points, in
783 addition to the points assigned for the moving violation.

784 Section 9. Paragraph (a) of subsection (3) of section
785 316.306, Florida Statutes, is amended to read:

786 316.306 School and work zones; prohibition on the use of a
787 wireless communications device in a handheld manner.—

788 (3)(a)1. A person may not operate a motor vehicle while
789 using a wireless communications device in a handheld manner in a
790 designated school crossing, school zone, or work zone area as
791 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
792 shall only be applicable to work zone areas if construction
793 personnel are present or are operating equipment on the road or
794 immediately adjacent to the work zone area. For the purposes of
795 this paragraph, a motor vehicle that is stationary is not being
796 operated and is not subject to the prohibition in this
797 paragraph.

798 2. Effective January 1, 2020, a law enforcement officer
799 may stop motor vehicles and issue citations to persons who are
800 driving while using a wireless communications device in a

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

handheld manner in violation of subparagraph 1.

Section 10. Paragraph (a) of subsection (5) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14. In addition, any such traffic infraction enforcement officer may issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

826 ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
827 316.183 ~~s. 316.0083~~, any sheriff's department or police
828 department of a municipality may designate employees as traffic
829 infraction enforcement officers. The traffic infraction
830 enforcement officers must be physically located in the county of
831 the respective sheriff's or police department.

832 Section 11. Paragraphs (a) and (c) of subsection (3) of
833 section 316.650, Florida Statutes, are amended to read:

834 316.650 Traffic citations.—

835 (3)(a) Except for a traffic citation issued pursuant to s.
836 316.1001, ~~or s. 316.0083~~, or s. 316.1896, each traffic
837 enforcement officer, upon issuing a traffic citation to an
838 alleged violator of any provision of the motor vehicle laws of
839 this state or of any traffic ordinance of any municipality or
840 town, shall deposit the original traffic citation or, in the
841 case of a traffic enforcement agency that has an automated
842 citation issuance system, the chief administrative officer shall
843 provide by an electronic transmission a replica of the citation
844 data to a court having jurisdiction over the alleged offense or
845 with its traffic violations bureau within 5 business days after
846 issuance to the violator.

847 (c) If a traffic citation is issued under s. 316.0083 or
848 s. 316.1896, the traffic infraction enforcement officer shall
849 provide by electronic transmission a replica of the traffic
850 citation data to the court having jurisdiction over the alleged

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

851 offense or its traffic violations bureau within 5 business days
852 after the date of issuance of the traffic citation to the
853 violator. If a hearing is requested, the traffic infraction
854 enforcement officer shall provide a replica of the traffic
855 notice of violation data to the clerk for the local hearing
856 officer having jurisdiction over the alleged offense within 14
857 days.

858 Section 12. Subsection (2) of section 318.14, Florida
859 Statutes, is amended to read:

860 318.14 Noncriminal traffic infractions; exception;
861 procedures.—

862 (2) Except as provided in ss. 316.1001(2), and 316.0083,
863 and 316.1896, any person cited for a violation requiring a
864 mandatory hearing listed in s. 318.19 or any other criminal
865 traffic violation listed in chapter 316 must sign and accept a
866 citation indicating a promise to appear. The officer may
867 indicate on the traffic citation the time and location of the
868 scheduled hearing and must indicate the applicable civil penalty
869 established in s. 318.18. For all other infractions under this
870 section, except for infractions under s. 316.1001, the officer
871 must certify by electronic, electronic facsimile, or written
872 signature that the citation was delivered to the person cited.
873 This certification is prima facie evidence that the person cited
874 was served with the citation.

875 Section 13. Subsections (4), (5), and (15) of section

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CS/CS/HB 657, Engrossed 1

2023 Legislature

318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—

All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(4) Of the additional fine assessed under s. 318.18(3)(g) ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must be remitted to the Department of Revenue for deposit in the Grants and Donations Trust Fund of the Division of Blind Services of the Department of Education, and 60 percent must be distributed pursuant to subsections (1) and (2).

(5) Of the additional fine assessed under s. 318.18(3)(g) ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent must be remitted to the Department of Revenue for deposit in the Grants and Donations Trust Fund of the Division of Vocational Rehabilitation of the Department of Education, and 40 percent must be distributed pursuant to subsections (1) and (2).

(15) Of the additional fine assessed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of the moneys received from the fines shall be appropriated to the Agency for Health Care Administration as general revenue to provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries. The remaining 50 percent of the moneys received from the enhanced fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be

ENROLLED

CS/CS/HB 657, Engrossed 1

2023 Legislature

remitted to the Department of Revenue and deposited into the Department of Health Emergency Medical Services Trust Fund to provide financial support to certified trauma centers in the counties where enhanced penalty zones are established to ensure the availability and accessibility of trauma services. Funds deposited into the Emergency Medical Services Trust Fund under this subsection shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as calculated using the hospital discharge data collected pursuant to s. 408.061.

Section 14. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(88) (a) ~~s. 316.003(87) (a)~~ or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 15. This act shall take effect July 1, 2023.

REDSPEED INTRODUCES GROUNDBREAKING SOLAR-POWERED SPEED CAMERA TECHNOLOGY

KEY BENEFITS

- + Flexible location**
- + Dramatically expedited installation over electric-powered alternatives**
- + Low maintenance**
- + Renewable energy**
- + More sustainable**

RedSpeed is proud to be the first photo enforcement company in Florida to introduce solar-powered camera technology, paving the way toward a greener more sustainable future of the photo enforcement industry.

CONTACT

GREG PARKS

913 575 2912

GREG.PARKS@REDSPEED.COM

RedSpeed



School Zone Speed Study

Conducted by RedSpeed for Town of Bay Harbor Islands
September 24th, 2024



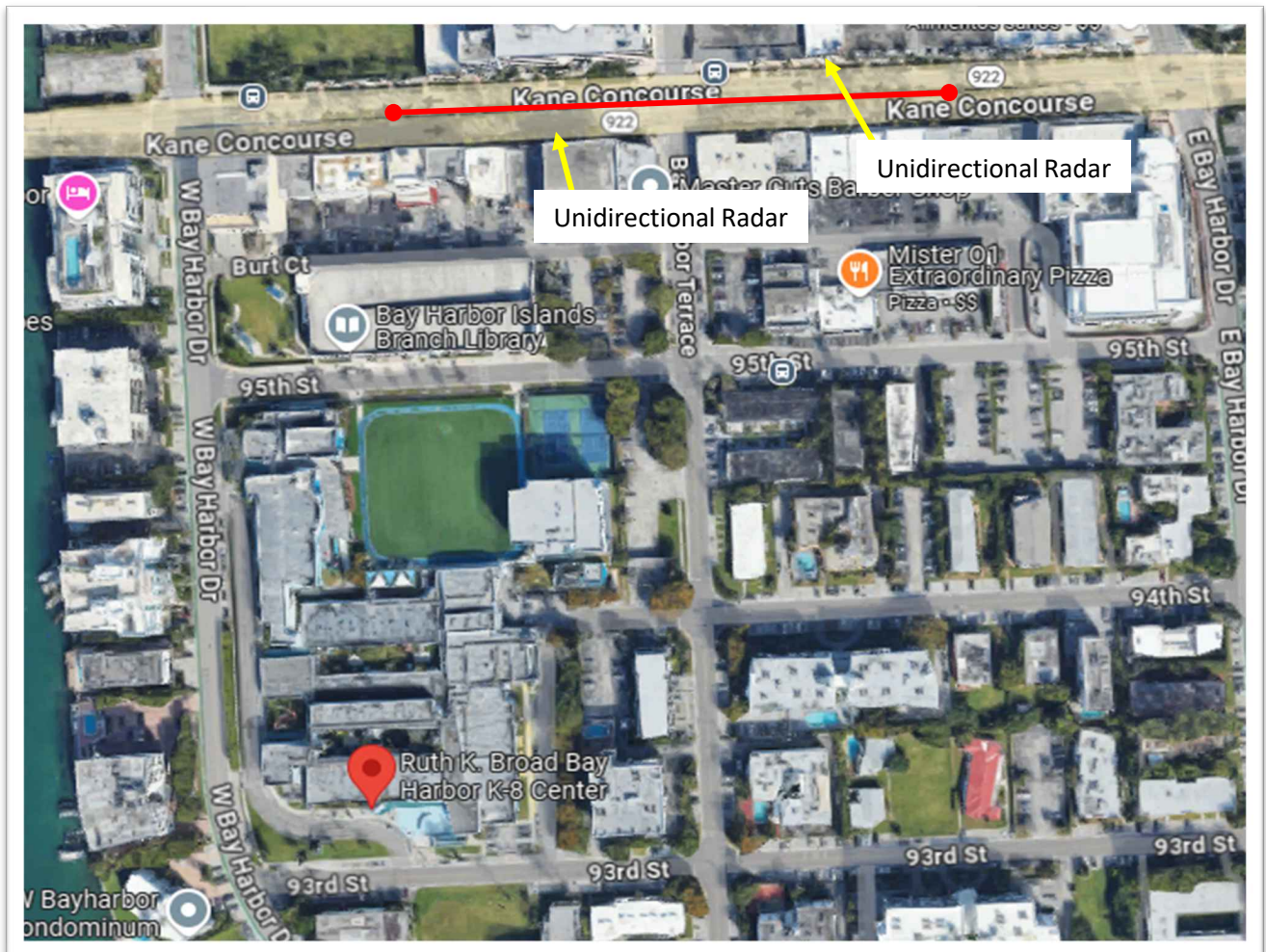
During a One-day traffic study conducted by RedSpeed for Town of Bay Harbor Islands, it was found that more than 200 drivers exceeded the posted speed limit by over 10 mph in each of the top *one* (1) school zone listed below.

Schools Studied	Street	Violators 10+ over
RUTH K. BROAD BAY HARBOR K-8 CENTER	96 St	680
RUTH K. BROAD BAY HARBOR K-8 CENTER	W. Bay Harbor Dr	118
RUTH K. BROAD BAY HARBOR K-8 CENTER	Bay Harbor Terrace	12
RUTH K. BROAD BAY HARBOR K-8 CENTER	93 St	3
RUTH K. BROAD BAY HARBOR K-8 CENTER	95 St	3
RUTH K. BROAD BAY HARBOR K-8 CENTER	94 St	0

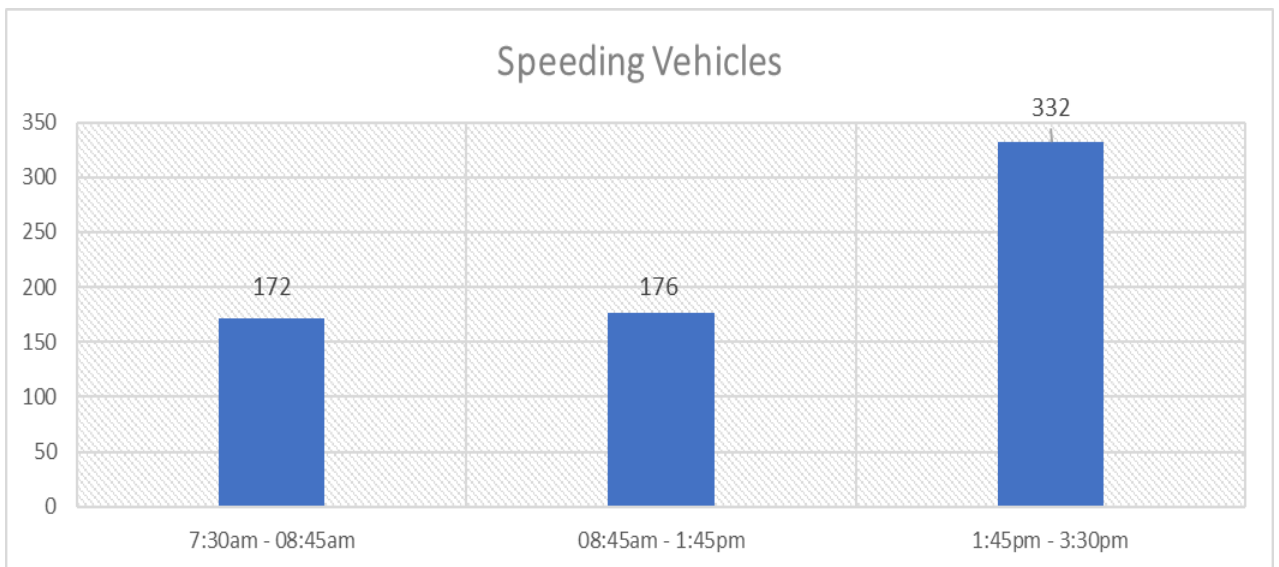
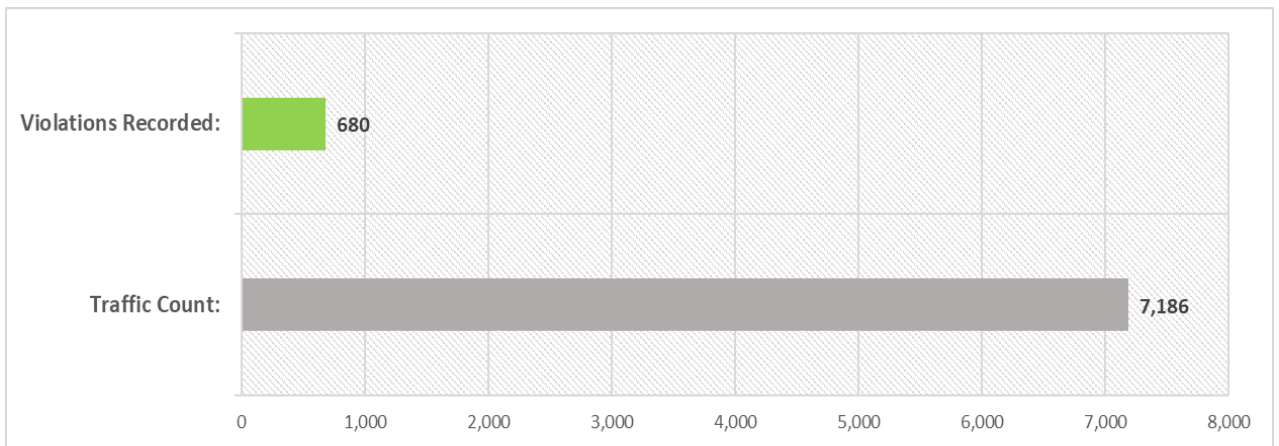
Florida Schools Speed Study

Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands

STUDY LOCATION: 96 ST	
SCHOOL ZONE SPEED LIMIT (During Enforced Hrs):	15 MPH
SPEED LIMIT (During Normal Hrs):	25 MPH
VIOLATION TRIGGER SPEED:	26 MPH and 36 MPH (Respectively)
SCHOOL ZONE HOURS OF OPERATION:	7:30 AM – 8:45 AM / 1:45 PM – 3:30 PM
STUDY DATE & TIME:	09-24-2024, 6:00 AM – 6:00 PM
TRAFFIC STUDY VEHICLE COUNT:	7,186
WEATHER CONDITIONS:	FAIR, NO RAIN
# OF LANES:	ONE LANE IN EACH DIRECTION (Both Lanes)
DIRECTION:	WESTBOUND – EASTBOUND
VIOLATIONS DETECTED:	680



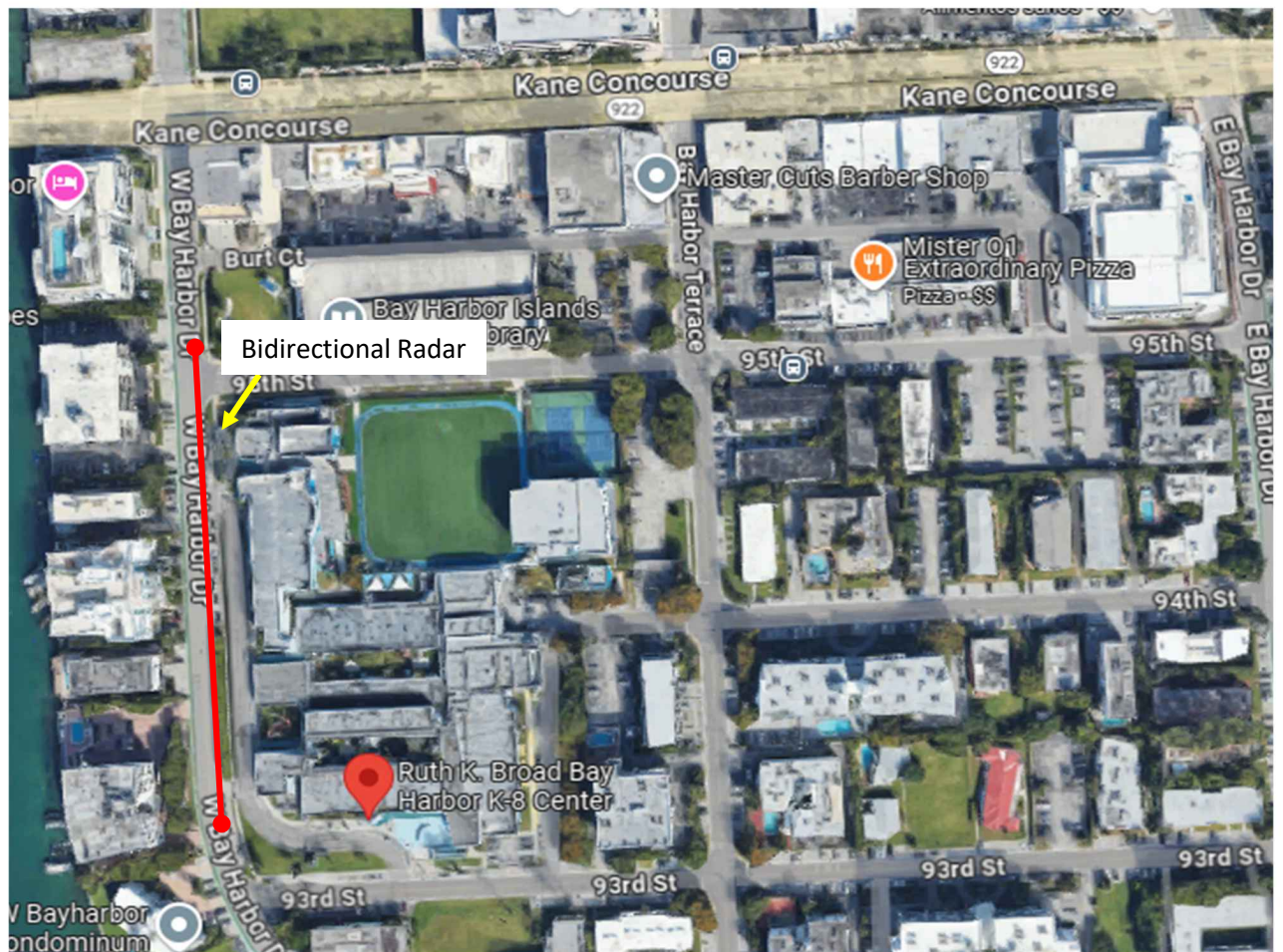
Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands



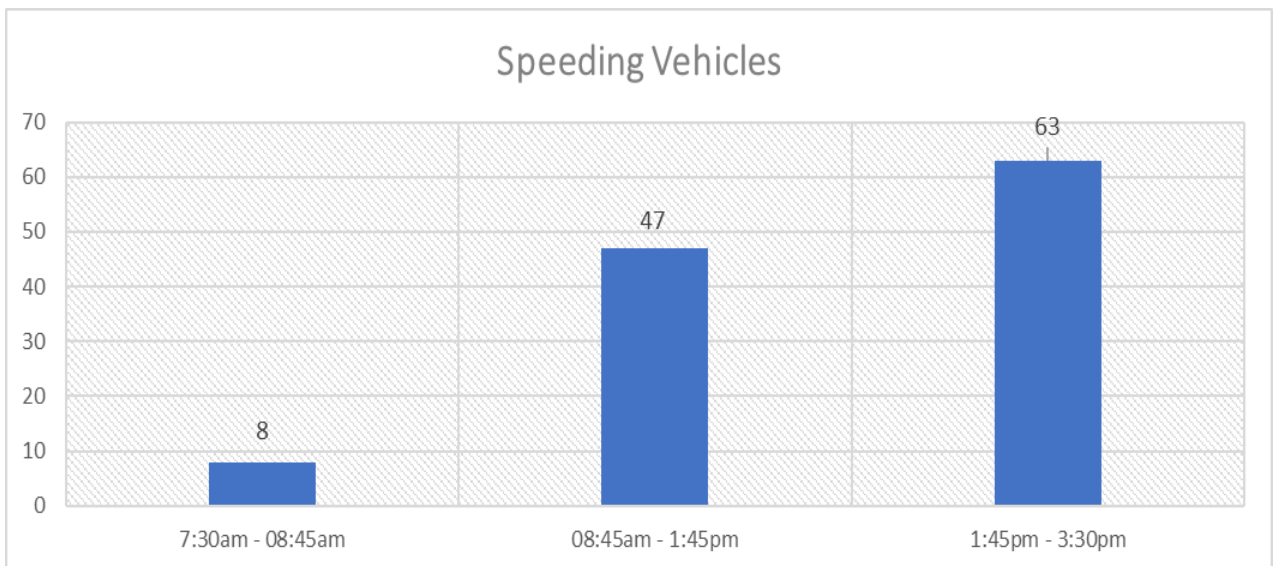
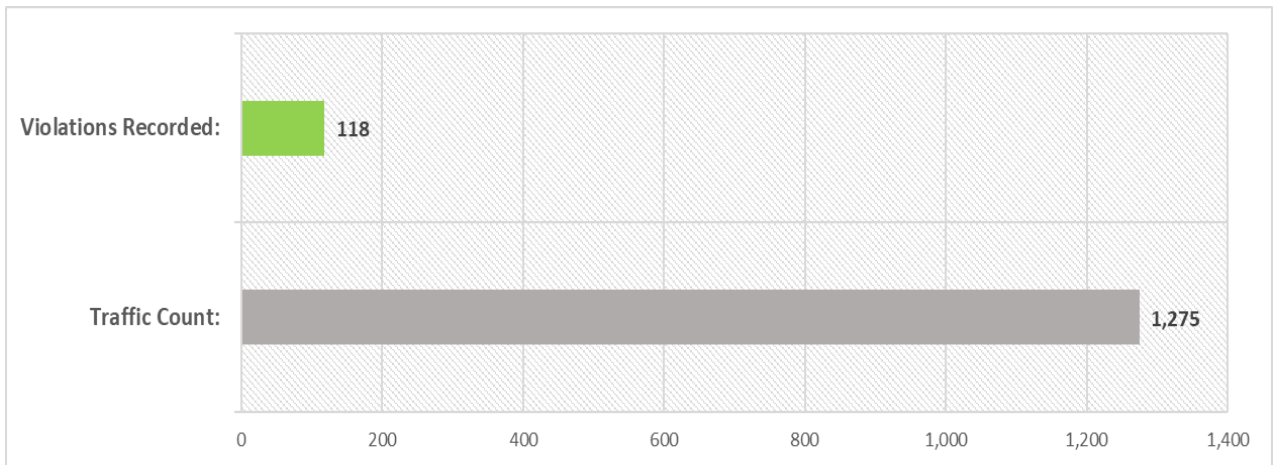
	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	Total
26+ MPH	86	86	0	0	0	0	55	190	86	503
36+ MPH	0	2	39	36	40	34	25	1	0	177
Total	86	88	39	36	40	34	80	191	86	680

Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands

STUDY LOCATION: W. BAY HARBOR DR	
SCHOOL ZONE SPEED LIMIT (During Enforced Hrs):	15 MPH
SPEED LIMIT (During Normal Hrs):	25 MPH
VIOLATION TRIGGER SPEED:	26 MPH and 36 MPH (Respectively)
SCHOOL ZONE HOURS OF OPERATION:	7:30 AM – 8:45 AM / 1:45 PM – 3:30 PM
STUDY DATE & TIME:	09-24-2024, 6:00 AM – 6:00 PM
TRAFFIC STUDY VEHICLE COUNT:	1,275
WEATHER CONDITIONS:	FAIR, NO RAIN
# OF LANES:	ONE LANE IN EACH DIRECTION (Both Lanes)
DIRECTION:	NORTHBOUND – SOUTHBOUND
VIOLATIONS DETECTED:	118



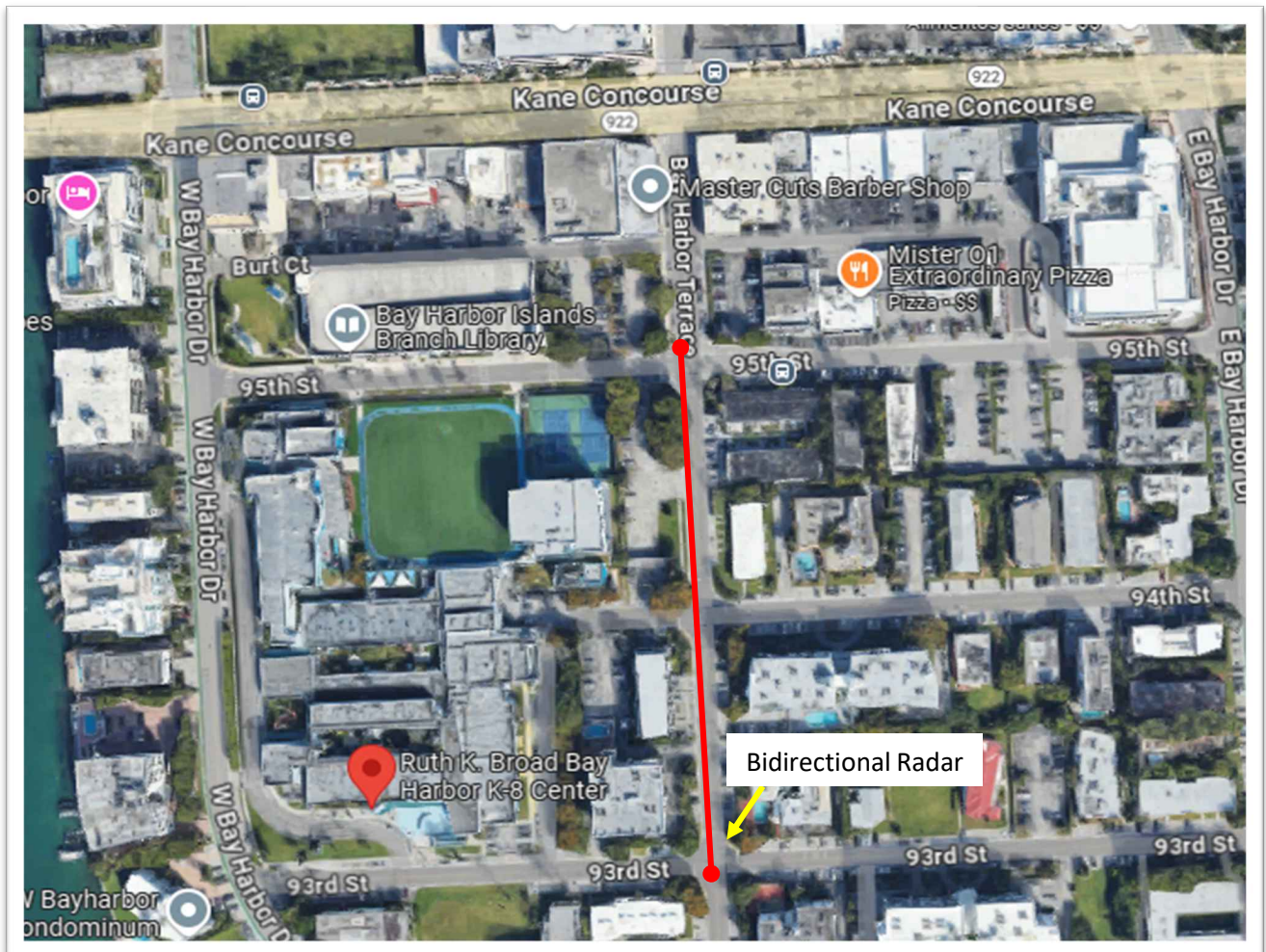
Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands



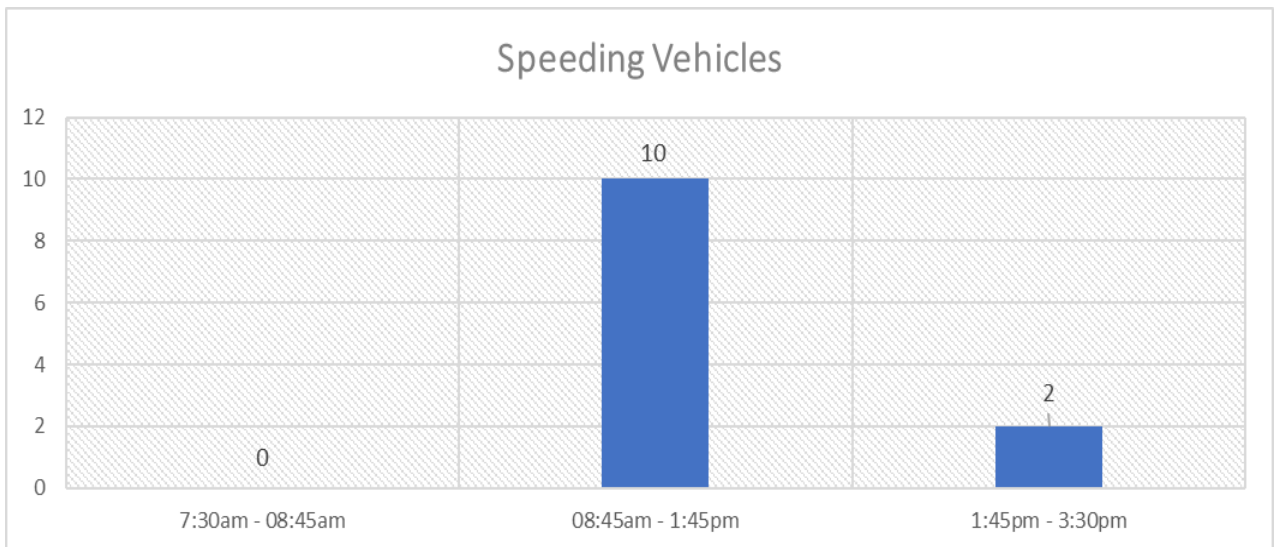
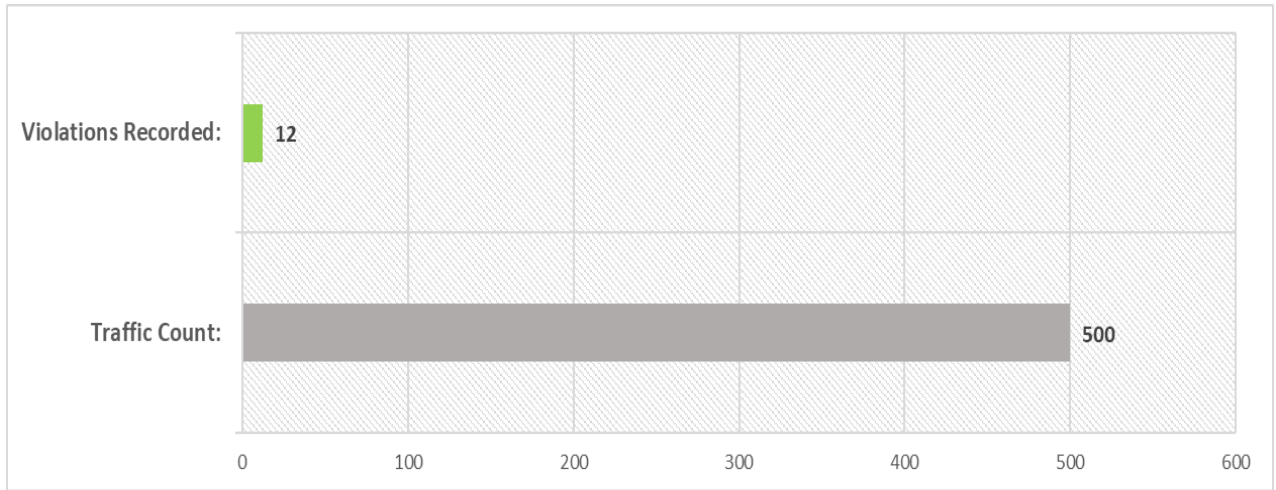
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26+ MPH	1	7	0	0	0	0	12	37	14	71
36+ MPH	0	1	11	9	6	13	7	0	0	47
Total	1	8	11	9	6	13	19	37	14	118

Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands

STUDY LOCATION: BAY HARBOR TERRACE	
SCHOOL ZONE SPEED LIMIT (During Enforced Hrs):	15 MPH
SPEED LIMIT (During Normal Hrs):	25 MPH
VIOLATION TRIGGER SPEED:	26 MPH and 36 MPH (Respectively)
SCHOOL ZONE HOURS OF OPERATION:	7:30 AM – 8:45 AM / 1:45 PM – 3:30 PM
STUDY DATE & TIME:	09-24-2024, 6:00 AM – 6:00 PM
TRAFFIC STUDY VEHICLE COUNT:	500
WEATHER CONDITIONS:	FAIR, NO RAIN
# OF LANES:	ONE LANE IN EACH DIRECTION (Both Lanes)
DIRECTION:	NORTHBOUND – SOUTHBOUND
VIOLATIONS DETECTED:	12



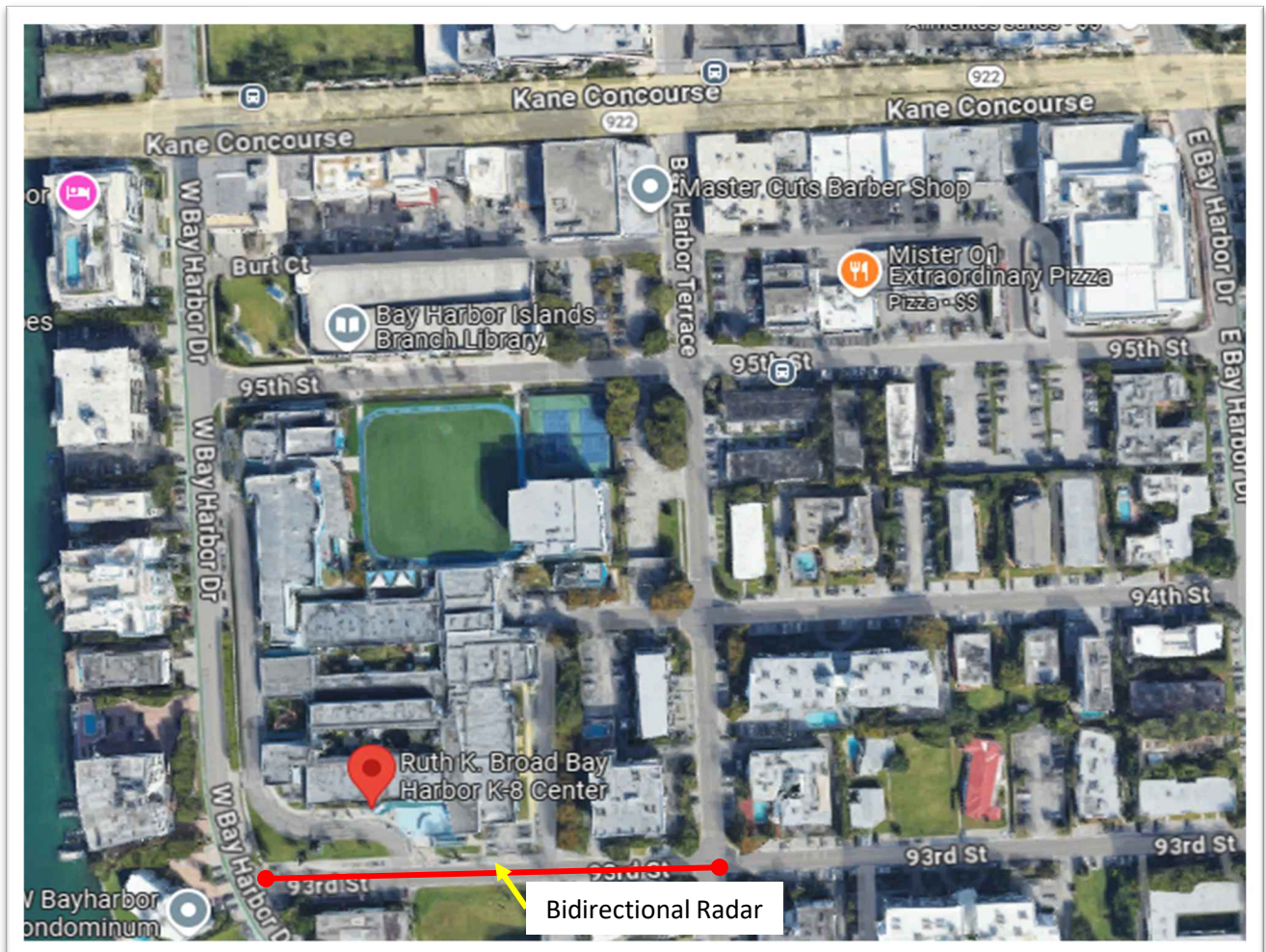
Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands



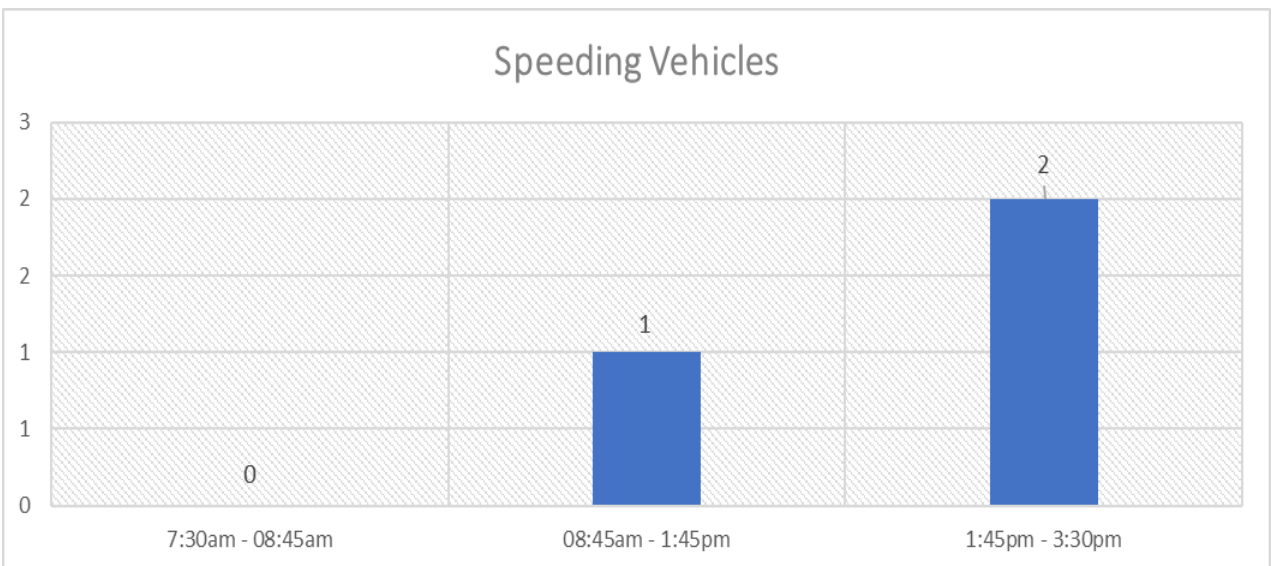
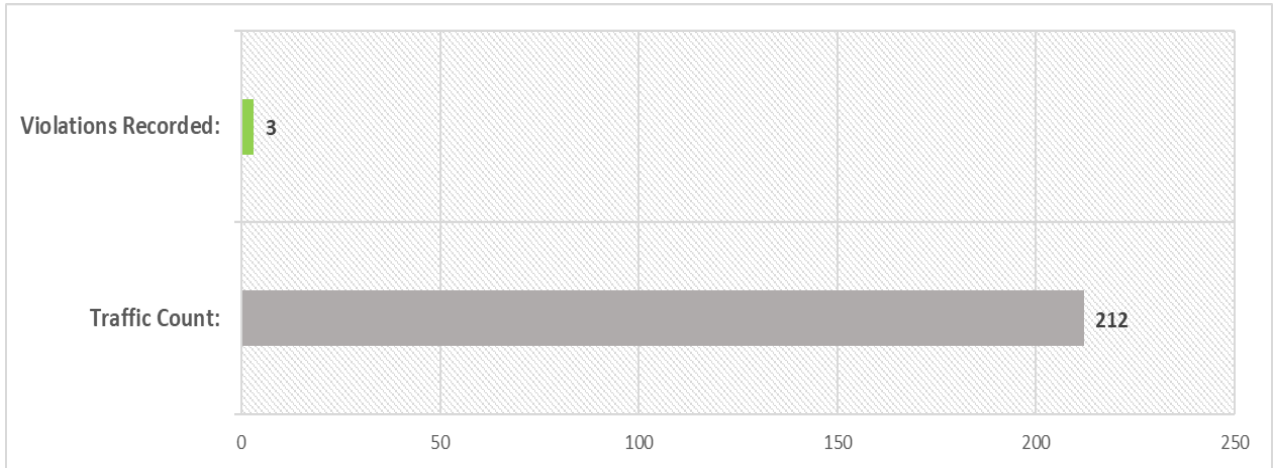
	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	Total
26+ MPH	0	0	0	0	0	0	0	2	0	2
36+ MPH	0	2	4	2	0	1	1	0	0	10
Total	0	2	4	2	0	1	1	2	0	12

Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands

STUDY LOCATION: 93 ST	
SCHOOL ZONE SPEED LIMIT (During Enforced Hrs):	15 MPH
SPEED LIMIT (During Normal Hrs):	25 MPH
VIOLATION TRIGGER SPEED:	26 MPH and 36 MPH (Respectively)
SCHOOL ZONE HOURS OF OPERATION:	7:30 AM – 8:45 AM / 1:45 PM – 3:30 PM
STUDY DATE & TIME:	09-24-2024, 6:00 AM – 6:00 PM
TRAFFIC STUDY VEHICLE COUNT:	212
WEATHER CONDITIONS:	FAIR, NO RAIN
# OF LANES:	ONE LANE IN EACH DIRECTION (Both Lanes)
DIRECTION:	WESTBOUND – EASTBOUND
VIOLATIONS DETECTED:	3



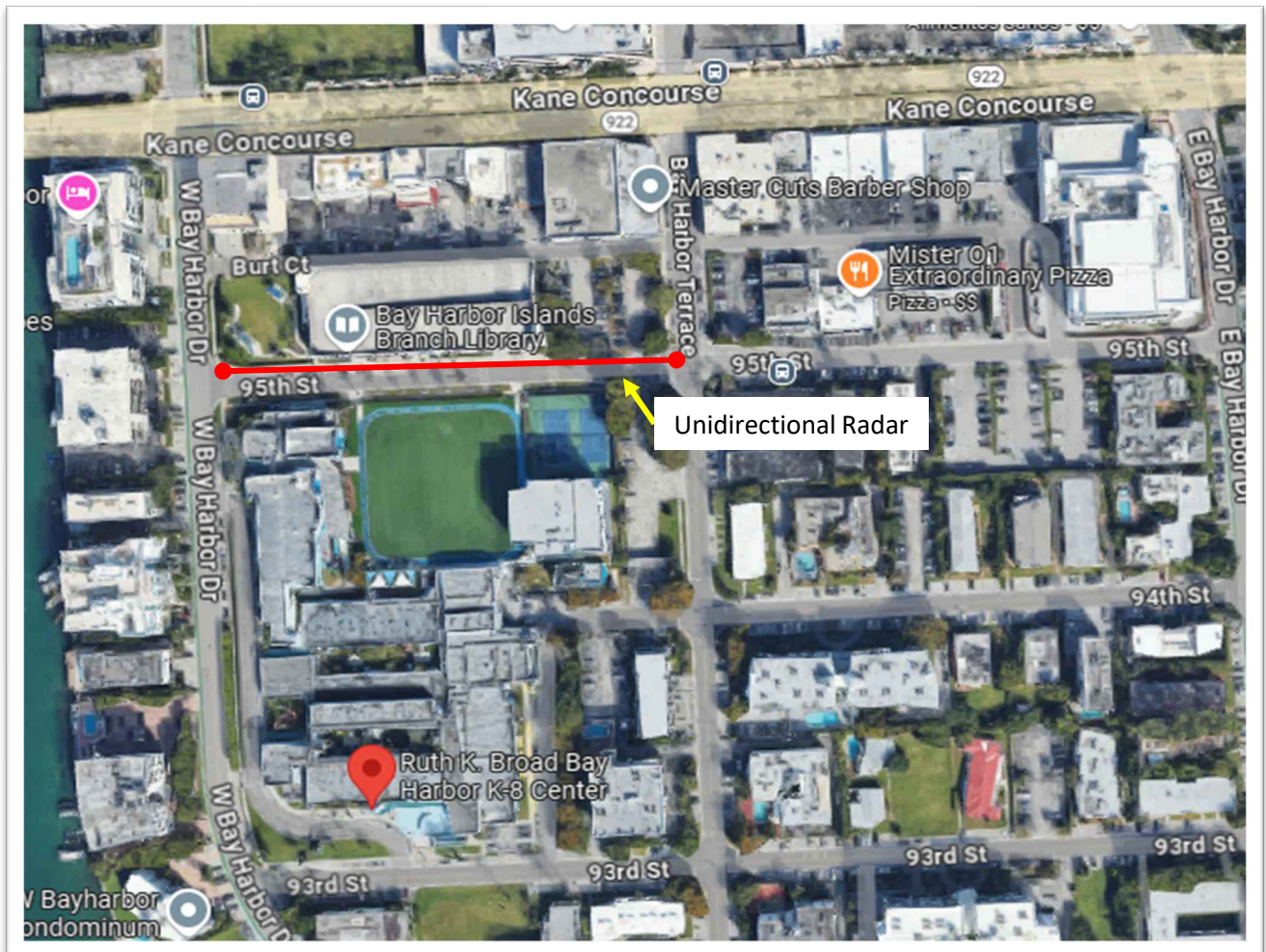
Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands



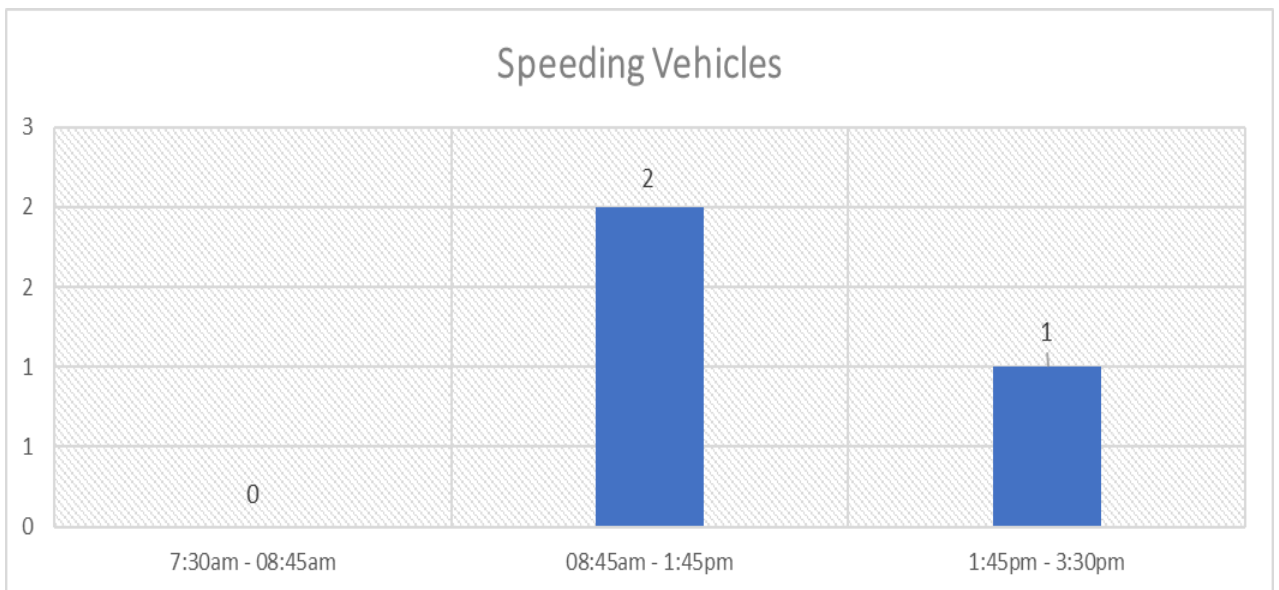
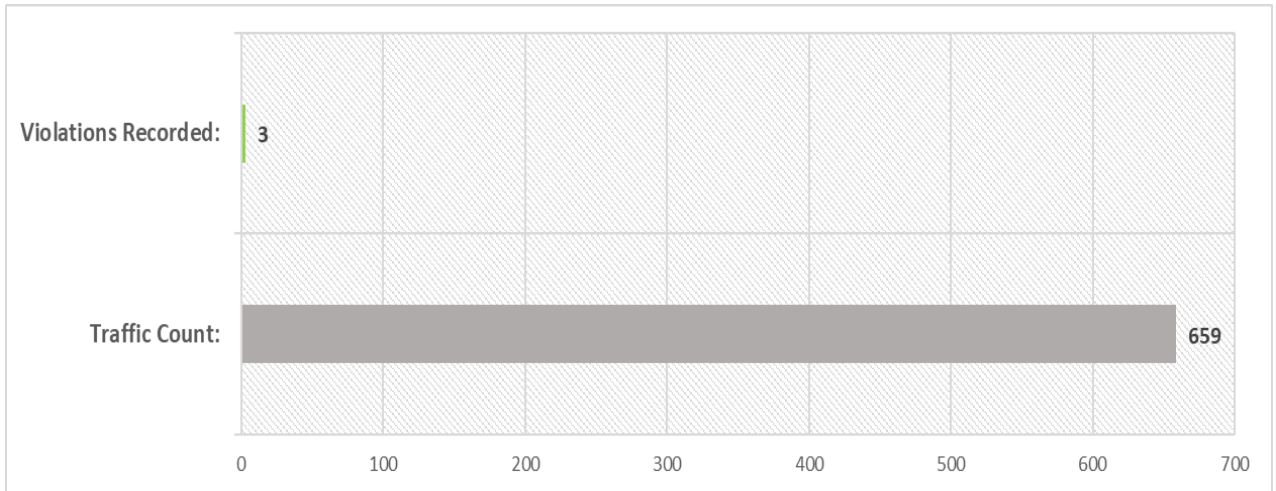
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26+ MPH	0	0	0	0	0	0	0	2	0	2
36+ MPH	0	0	0	1	0	0	0	0	0	1
Total	0	0	0	1	0	0	0	2	0	3

100

STUDY LOCATION: 95 ST	
SCHOOL ZONE SPEED LIMIT (During Enforced Hrs):	15 MPH
SPEED LIMIT (During Normal Hrs):	25 MPH
VIOLATION TRIGGER SPEED:	26 MPH and 36 MPH (Respectively)
SCHOOL ZONE HOURS OF OPERATION:	7:30 AM – 8:45 AM / 1:45 PM – 3:30 PM
STUDY DATE & TIME:	09-24-2024, 6:00 AM – 6:00 PM
TRAFFIC STUDY VEHICLE COUNT:	659
WEATHER CONDITIONS:	FAIR, NO RAIN
# OF LANES:	ONE LANE IN ONE DIRECTION
DIRECTION:	EASTBOUND
VIOLATIONS DETECTED:	3



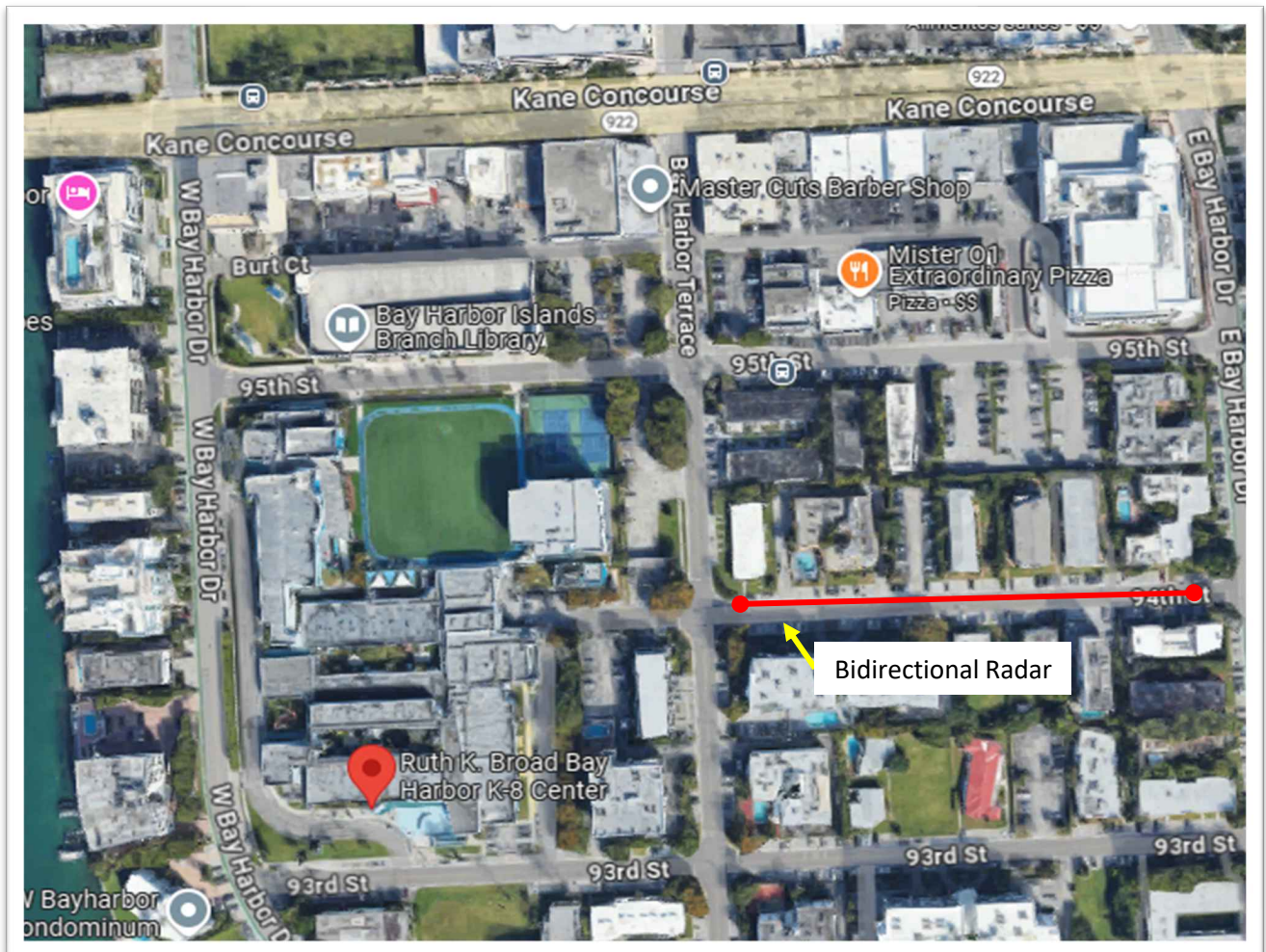
Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands



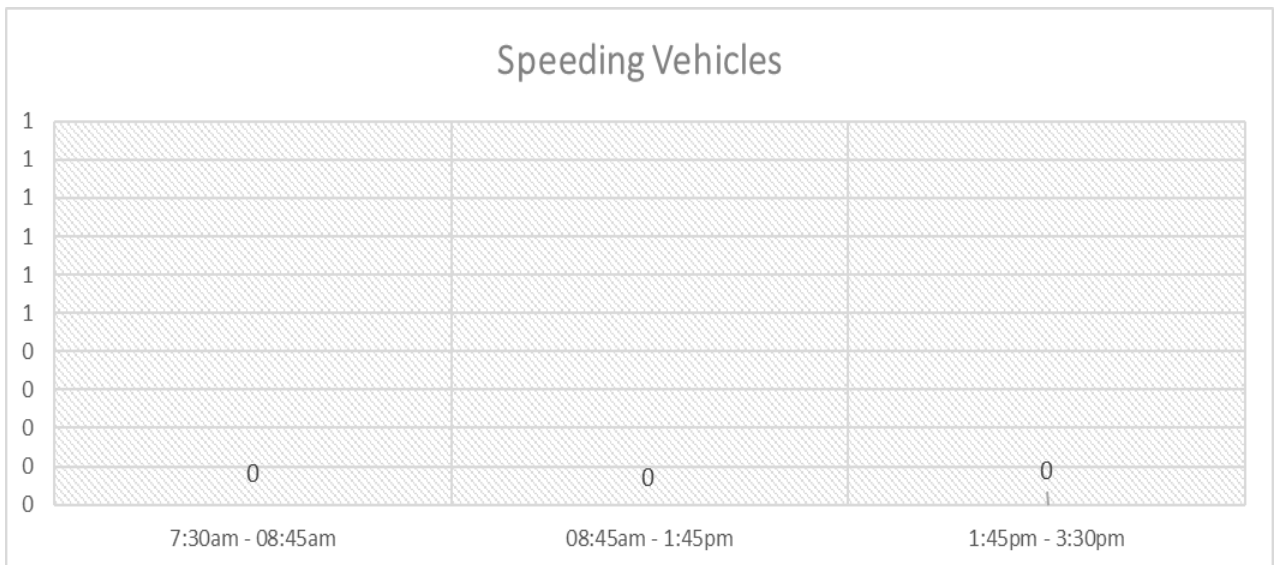
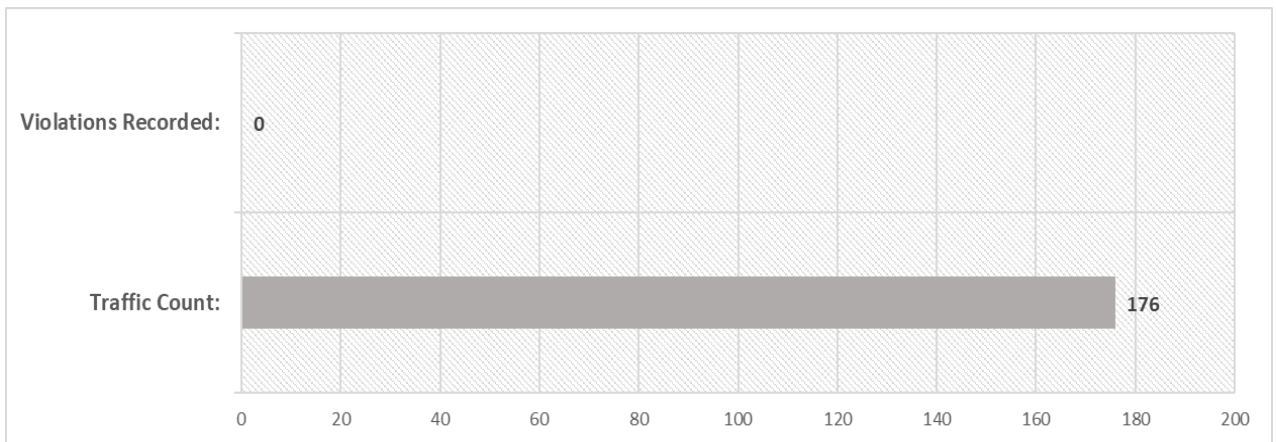
	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	Total
26+ MPH	0	0	0	0	0	0	0	0	1	1
36+ MPH	0	0	0	0	0	1	1	0	0	2
Total	0	0	0	0	0	1	1	0	1	3

Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands

STUDY LOCATION: 94 ST	
SCHOOL ZONE SPEED LIMIT (During Enforced Hrs):	15 MPH
SPEED LIMIT (During Normal Hrs):	25 MPH
VIOLATION TRIGGER SPEED:	26 MPH and 36 MPH (Respectively)
SCHOOL ZONE HOURS OF OPERATION:	7:30 AM – 8:45 AM / 1:45 PM – 3:30 PM
STUDY DATE & TIME:	09-24-2024, 6:00 AM – 6:00 PM
TRAFFIC STUDY VEHICLE COUNT:	176
WEATHER CONDITIONS:	FAIR, NO RAIN
# OF LANES:	ONE LANE IN EACH DIRECTION (Both Lanes)
DIRECTION:	WESTBOUND – EASTBOUND
VIOLATIONS DETECTED:	0



Ruth K. Broad Bay Harbor K-8 Center, Bay Harbor Islands



	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	Total
26+ MPH	0	0	0	0	0	0	0	0	0	0
36+ MPH	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 17.

ITEM: 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.

DESCRIPTION:

The town requires the developer or contractor to provide notice to property owners within 300 feet of a multi-family residential, commercial, and other non-residential construction sites in the town with an offer for seismic monitoring in order to address impacts from development and construction for the protection of the neighboring properties. Questions have arisen about the notice provisions of the ordinance. This amendment is intended to revamp the notice requirements, to make them more definite and to expedite notice for the benefit of all parties.

The proposed ordinance on First Reading seeks to amend Section 5-5.2 of the Town Code. New language to the ordinance is indicated by underlining and deleted information is shown by strikethrough.

Protection of neighbors. Prior to demolition, support of excavation, investigation pits or dewatering operations, and new foundations and piling work, the owner or contractor shall notify each neighbor within 300 feet of the site in writing, and describe the following owner and contractor requirements and offers for monitoring. The notice shall provide that any neighbor may accept and approve any or all of the following offered protections by providing written consent to the owner or contractor no more than ~~seven~~ 15 business days from the date of receipt of the owner or contractor's notification.

Notification shall be by hand delivery or email to a verified email address, with proof of delivery of whichever method is utilized. A copy shall also be sent by certified mail, postage prepaid, return receipt requested, or by recognized same day or overnight courier, with proof of delivery of whichever method is utilized. The designated period within which the owner is required to comply with such Notice to Owner shall begin as of the date Notice to Owner is received, as set forth above, and verified by the proof of delivery.

The Notice to Owner shall be addressed to the Owner shown on the Miami-Dade County assessment roll of the building.

If the applicable neighbor does not respond within seven 15 business days of receipt of the notice or elects not to accept the provisions stated below, then the neighbor will be responsible for monitoring their own property:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
 Robert Yaffe, Council Member

ATTACHMENTS

1.	Ordinance - Construction Site Monitoring Notification(59756501.2)
----	---

ORDINANCE NO. _____

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.

WHEREAS, the Town of Bay Harbor Islands adopted the first Building and Construction Code for the community in 1961; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper re-development of lands within the Town, and amends its Codes accordingly; and

WHEREAS, after studying of the existing Code provisions, the Town Council finds that a need exists to modify the existing Code provisions, and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Building and Construction Code is hereby amended to modify Section 5-5.2 entitled "Construction Site Monitoring", as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 20th day of February, 2025.

PASSED on Second Reading this ____ day of _____, 2025.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER ESQ.

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 5 – Buildings and Construction

ARTICLE I. – IN GENERAL

Sec. 5-5. - Construction site operations.

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses arising as a result of unauthorized access to construction sites, or from loose and unsecured materials at construction sites during emergency weather conditions, to minimize exposure and prohibit activities which may pose a danger to persons located off the construction site, from debris, materials or activities carried on at the construction site by enacting the following regulations.

(a) *Definitions.* The following words or phrases when used in this section shall have the meanings ascribed to them herein:

(1) *Construction site* includes all sites where new construction, renovations, or additions take place, other than just interior work that is not visible to the exterior of the premises, and any construction that shall include excavation or exposure of the interior of an existing structure. A construction site shall not include paving or repaving of a driveway, or other re-surfacing and/or minor interior renovations or construction that is not exposed to the elements.

(2) *Secure*, in reference to items, includes fastening down or removing all hazardous objects, including but not limited to, such as construction shacks, temporary toilets, roofing tile, building materials, trash, forms, insecure structures, and temporary electric service poles. The term "secure" as applied to construction site access, includes protecting the construction site, during the hours described herein in paragraph (i), by way of locked fence surrounding the perimeter of the site and/or the provision of a security.

(b) *Debris control.* A construction site shall be maintained in a neat and orderly manner. A trash enclosure, dumpster, or other container shall be maintained in the construction site at all times. Loose debris shall be placed within the enclosure. A cover shall be maintained over such debris containers during periods when no construction activity is taking place and at the end of each construction day.

(c) *Erosion and run-off control.* In compliance with the town's National Pollution Discharge Elimination System (NPDES) permit requirements, prior to beginning any clearing, grubbing, or construction activities, as part of the building permit process, the contractor shall submit a plan (Erosion and Sediment Control Plan) detailing the location and handling of materials, soils and outlining the actions that will be taken to prohibit run-off of dirt, sand, fluids, vegetation or any other item into the town's stormwater system or onto adjacent property and waterways. Piles of soil, or any other methods approved by the town, shall provide for a containment area to reduce run-off.

(d) *Temporary bathroom facilities.* Temporary bathroom facilities shall be placed at a location that minimizes visibility from off-site. Any such facility shall be located behind a temporary construction fence, which shall completely screen the construction site on all sides. The bathroom facilities shall be maintained in sanitary condition and emptied on a regular basis. Failure to do so will constitute a violation of this section. No temporary bathroom facility may be kept on a construction site unless construction activities are actively occurring.

(e) *Vegetation maintenance.* Vegetation such as grass, shrubs, trees and groundcovers shall be maintained in such a fashion so that the construction site does not appear overgrown or unkempt. Within 30 days of demolition of an existing structure, the construction site must be sodded and properly maintained, until such time as a construction fence is erected and construction activity begins.

(f) *Temporary construction fence.* A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be six feet chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. A fence permit is required to be issued for the temporary construction fence, and the fence installed, inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit.

(1) A temporary construction fence will be required for all new construction and substantial renovations.

(2) Work being done within the unit is exempt from this requirement. However, if a temporary bathroom facility and/or a dumpster is to be located on-site, the temporary construction fence must be installed.

(3) Work on pools, pool installations or substantial renovations will require a temporary construction fence at all times to avoid health and safety hazards. Also pools undergoing renovations and new pools being installed must be emptied of accumulated water at all times.

(g) *Construction staging plan.* The owner, occupant or user of any construction site for a commercial and multifamily project, shall be required to present a plan to the town manager or his/her designee for approval prior to the issuance of a building permit by the building official. The plan shall include, but shall not be limited to, the following elements:

(1) Parking provisions for construction workers.

(2) General traffic and detours including specific routes to and from the construction site.

(3) Delivery and location of cranes.

(4) Delivery and storage of materials.

(5) Use of state certified flaggers with state approval equipment and/or off-duty police officers. Off-duty police officers will be required for the following activities: a complete street closure for more than one hour, a concrete pour lasting more than six hours, when cranes are delivered and set-up and when they are being removed from the construction site, and any other activity as may be required by the town manager or his designee. Certified flaggers may be used for normal deliveries and short time single lane closures.

(6) Construction fencing with visual/dust barrier.

(7) Construction signs.

(8) Temporary construction trailer approval required by the town manager in subsection [23-4\(7\)](#), provided:

a. The location of any trailer provides for safe and efficient completion of the project with minimal disruption to existing residents, businesses, parking or traffic flows, and to ensure that public services and facilities are available.

b. No more than one trailer is permitted per development site.

- c. No trailer may exceed one-story/12 feet in height above grade.
- d. No trailer may exceed 530 square feet in size.
- e. The location of the trailer shall be approved by the town manager to minimize the impact on neighboring properties.
- f. The trailer and all related temporary facilities shall be removed from the site prior to the issuance of a certificate of occupancy.
- g. Construction trailers are permitted to be located on a neighboring staging area if proof is submitted that the property owner agrees to its proposed location.

(9) Temporary sales office approval is required at the discretion of the town council in subsection [23-4](#)(7), provided:

- a. The location of any office provides for safe and efficient completion of the project with minimal disruption to existing residents, businesses, parking or traffic flows, and to ensure that public services and facilities are available.
- b. No office may exceed one-story / 12 feet in height above grade.
- c. The office and all related temporary facilities must be removed prior to the issuance of a certificate of occupancy.

(10) Use of meter parking spaces.

(11) Use of right-of-way.

(12) Provisions for pedestrian safety and pedestrian paths.

(13) Location of construction dumpsters and temporary bathroom facilities.

(14) Any other issues which may uniquely relate to a particular construction site.

Staging plans shall be required for single family, multi-family and commercial projects.

The construction staging plan shall be presented to the town in the form of site plans, location maps, critical path diagrams, and explanatory commentary. The building and zoning department will coordinate the review of the construction staging plan with the

public works department, town engineer, police department, building official, town planner, code compliance department and town manager's office. No permit shall be issued on a construction project which requires a construction staging plan, until such plan has been approved by all the appropriate departments.

(h) *Job site maintenance.* The owner, occupant or user of a Construction Site shall complete job site maintenance, on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following:

- (1) Sweeping of public roadways which are directly affected by construction site dust, debris or activities;
- (2) Pick up and disposal of litter at or generated by the construction site;
- (3) Washing down of any street signs or public facilities which are impacted by dust or debris from the construction site activity;
- (4) Stacking of construction materials in a manner which assures that the materials and the material packaging shall not fall or be transported into any canals, drainage facilities or other water bodies in the vicinity of adjacent to the site;
- (5) Watering of exposed loose earth at the site so as to minimize off-site transport of particulate matter.
- (6) Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the construction site.

(i) *Job site security.* The owner, occupant or user of a construction site shall secure the construction site from unauthorized access between the hours of 6:00 p.m. and 9:00 a.m. of the next day by the use of a locked fence and/or security, assuming construction activities are occurring during the day. In the event that a hurricane watch is issued by the United States Weather Bureau, the owner, occupant or user of a construction site shall comply with the requirements of section 8-16 of the Miami Dade County Code, by taking all steps necessary to secure the construction site, including removal or securing of hazardous or loose objects.

(j) *Parking.* Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the construction site, shall not be parked off of the construction site except in the area or location which shall be first approved in writing by the town manager or his/her designee. Parking areas within the construction site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public street or right-of-way are not blocked;

that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated.

(k) *Public right-of-way.* Any construction vehicles or equipment involved in construction at a construction site which block a public roadway or right-of-way shall require a town right-of-way use permit and approval, with appropriate conditions, as issued by the town manager or his/her designee, 72 hours in advance of any such activities which impact a public right-of-way.

(l) *Netting.* All structures exceeding 30 feet in height shall provide a dust/debris netting barrier erected in such a way to completely surround the structure. Structures being erected on waterfront lots and exceeding 20 feet in height shall provide a dust/debris netting barrier on the portion of the structure facing the water. The type of netting material shall be identified in the construction staging plan and is subject to town approval.

(m) *Enforcement.* Failure to abide by the provisions of this section shall constitute a violation of the Town Code. Each day that a violation continues shall be deemed a separate violation. Any owner, occupant or user of a construction site who fails to correct a violation of this section, after being given notice by the town, shall have a fine imposed in the amount of \$250.00 for a first violation and \$500.00 for a subsequent or repeat violation. If the violation is corrected within the time prescribed in the notice, then the fine shall be waived unless the violation is irreparable or irreversible in nature.

Sec. 5-5.1. - Demolition of structures.

(a) No demolition may occur within the town without first obtaining a demolition permit from the town that has satisfied all requirements set forth herein. For all demolition within the town, the following items shall be completed and submitted to the building department prior to the issuance of a demolition permit (that is required prior to commencement of demolition activity):

(1) A site management plan that includes: a plan for the demolition of the structure(s); the location of utilities; location of temporary bathroom facilities; tree identification and disposition; site grading; pedestrian protection (if applicable - when sidewalks exist); adjoining property protection; dust control; runoff control, including but not limited to, a gravel bed at the entry to the site; fencing and screening; site security; and a demolition schedule.

(2) Proof of a notice of application for the demolition permit posted in a prominent location on the site for public inspection. Proof of written notice to the

owners of adjoining buildings advising them that the demolition is to occur at least five (5) days prior to the start of demolition.

(3) Proof of rodent control at the site provided by a license professional company (photographic evidence of rodent traps or other method of controlling rodents might be required at the time of the application).

(4) Proof that the demolition site is enclosed on all sides with a temporary six-foot chain link fence with screening material. (A fence permit is also required to be issued, and the fence installed, inspected, and the fence permit must be closed-out by the building department prior to a demolition permit being issued.)

(5) Proof that single unit A/C systems have been evacuated to avoid Freon leaking into the atmosphere, (when applicable).

(6) Any additional documents that may be required by the building department including, but not limited to, a survey of the property, letter of disconnect from FPL, water and sewer capping, letter of disconnect from gas company (when applicable), approval of outside agencies (when applicable) such as the department of regulatory and economic resources (for asbestos, when applicable), department of health, department of environmental protection, etc.

(b) All demolition sites shall be dust controlled by hosing of debris with water.

(c) All demolition sites shall comply with the town's noise ordinance and hours of construction. No demolition activity is permitted on Saturdays, Sundays or legal holidays.

(d) All equipment used during demolition must be contained within the site, unless the town manager approves an alternative location within the town.

(e) The town manager may require other documentation or impose additional requirements for any other matters that may relate to a particular site.

Sec. 5-5.2. – Construction Site Monitoring

The following shall be required for all multi-family residential, commercial, and other non-residential construction sites in the Town during all phases of construction, unless waived or not required by the town manager based on specific site conditions or terms of development. Single-family and two-family (duplex) residential developments are expressly exempt. These regulations are intended to address impacts from development and construction sites for the protection of neighboring properties.

- (1) *Protection of neighbors.* Prior to demolition, support of excavation, investigation pits or dewatering operations, and new foundations and piling work, the owner or contractor shall notify each neighbor within 300 feet of the site in writing, and describe the following owner and contractor requirements and offers for monitoring. The notice shall provide that any neighbor may accept and approve any or all of the following offered protections by providing written consent to the owner or contractor no more than ~~seven~~ 15 business days from the date of receipt of the owner or contractor's notification.

Notification shall be by hand delivery or email to a verified email address, with proof of delivery of whichever method is utilized. A copy shall also be sent by certified mail, postage prepaid, return receipt requested, or by recognized same day or overnight courier, with proof of delivery of whichever method is utilized. The designated period within which the owner is required to comply with such Notice to Owner shall begin as of the date Notice to Owner is received, as set forth above, and verified by the proof of delivery.

The Notice to Owner shall be addressed to the Owner shown on the Miami-Dade County assessment roll of the building.

If the applicable neighbor does not respond within ~~seven~~ 15 business days of receipt of the notice or elects not to accept the provisions stated below, then the neighbor will be responsible for monitoring their own property:

a. *Pre-construction Survey.* Owner or contractor shall retain a licensed state registered structural engineer to perform a pre-construction survey of any consenting neighbor's building(s) within 300 feet of the site. The preconstruction survey shall include videography, photography, and narration to document the existing condition of the building and note apparent physical issues such as cracks, spalling, water intrusion, and deterioration. The licensed professional engineer shall use measuring devices such as dated scaled pencil marks or Avanguard monitors placed on cracks greater than the width of a credit card. A report of the inspection with a copy of the videography, photographs, and narration shall be provided to the neighbor prior to commencing construction. As a condition to issuance of a temporary or permanent certificate of occupancy, the owner or contractor shall retain the same or similar licensed state registered structural engineer to perform a post-construction survey of the neighbor's building upon completion of the structural shell construction or topping of the last horizontal slab at the site. The post-construction survey shall note any damage identified in the pre-construction survey and shall make a determination as to what extent such damage has worsened due to contractor's construction activities at the site, and any new or additional apparent damage to the neighbor's building due to construction activities at the site above and beyond what was documented in the pre-

construction survey. Any additional damage shall be analyzed by the licensed state registered structural engineer to determine if it is the direct result of the adjacent construction at the site and not the result of a normal structure's wear and tear, lack of maintenance or ongoing construction related activities at the neighbor's building. The findings and determination of the post-construction survey shall be provided to the neighbor and the building official in a signed and sealed document prior to issuance of a temporary or permanent certificate of occupancy. Notwithstanding the findings and determination of the post construction survey, the building official shall be under no obligation to take any action and may issue a temporary or permanent certificate of occupancy upon confirmation of compliance with all applicable requirements of the Florida Building Code. Upon completion of the post construction inspection and survey, the contractor shall be afforded a reasonable time to perform any repairs deemed their responsibility within 180 days.

b. *Seismic monitoring.* Prior to demolition and continuing through any construction activity that involves driving piles, interlocked sheeting, grouting or any form of dynamic compaction, the owner or contractor shall have a third-party specialty monitoring firm install vibration-sensing equipment, such as seismic monitors, on any consenting neighbor's property within 300 feet of the construction site. The equipment shall be monitored electronically and forwarded to the consenting neighbor on a weekly basis. The seismic monitor(s) shall also be able to be monitored via the internet by the owner, contractor, consenting neighbor, or any property owner upon which a seismic monitor is placed. The monitoring equipment may not be removed prior to the topping of the last horizontal slab at the site.

c. *Water table monitoring.* Where the method of "support of excavation" construction does not result in the construction site being cut off and sealed into the rock from all abutting property, owner or contractor shall, prior to issuance of the first building permit, including a demolition permit, retain a third-party company to install monitoring wells such as piezometers on-site within one foot of any abutting neighbor's property. Monthly reports of the water table monitoring shall be provided to each neighbor.

d. Nothing in this subsection (f)(1) shall require supervisory action or enforcement by the town, and, notwithstanding this subsection (f)(1), the town may issue a temporary or permanent certificate of occupancy upon the building official's confirmation of compliance with all applicable requirements of the Florida Building Code.

(2) *Contact information; complaints.* Owner or contractor shall provide contact information to the town manager for the designated manager or supervisor on duty for construction operations on the site. Owner or contractor shall maintain an interactive

website and provide a telephone contact number for 24-hour access during construction and provide a response within 24 hours of the posting of any complaint by a neighbor to the website. The website URL will be posted on the construction site fence by the owner or contractor so as to provide notice to town residents and the public. Owner or contractor shall provide weekly reports of complaints filed and their resolution to the town manager.

(3) *Restoration of adjacent roadways.* Owner and contractor shall restore all adjacent roadways damaged by construction to town and FDOT standards prior to issuance of a certificate of occupancy. Owner or contractor shall maintain adjacent rights-of-way in a clean, passable condition throughout all construction and shall immediately repair divots and potholes that appear thereon.

(4) *Building permit expiration.* In the event the owner or contractor obtains a building permit and the permit expires, the subject property shall comply with section 24-17 entitled "abandoned real or personal property" of this Code, including but not limited to, the posting of a bond to defray the cost the town may incur if required to secure and maintain the site, if necessary, and as may be required by the building official.

(5) *Demolition plan; recycling.* Upon application of a demolition permit, owner or contractor shall simultaneously submit a demolition plan to the town manager and town building official that meets all federal, state, and local requirements, including all requirements of this section, provides for a containment barrier to retain and mitigate dust debris on the site, and provides for as much recycling of the demolition material as possible (given possible hazardous / unsuitable material). Additionally, a debris removal schedule and the results of any environmental tests shall be provided to the neighbors and the town building official. Warning / danger signs shall be provided in conspicuous places on the construction fence.

(6) *Permit requirements of other jurisdictions.* The owner and contractor shall comply with all applicable conditions and permit requirements of the county's department regulatory and environmental resources, the county fire/rescue department, the water and sewer department, Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and all other applicable regulatory agencies, prior to and during construction of the project.

(7) *Compliance.* Any person violating the provisions of this section and/or receiving notice from the town's building official or town manager to comply with this section shall not fail or neglect to promptly comply. Failure to adhere to the requirements of this section may result in the suspension or revocation of the building permit, the suspension of work, fines or liens, and/or other enforcement actions pursuant to Chapter 5¾, Code Enforcement, of this Code.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 18.

ITEM: 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

DESCRIPTION:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Final-Staff Memo for Council - Appointment of Members to the Design Review Board---
2.	1106 - Design Review Board Appointment
3.	Janet Adler
4.	Alan Bebachik
5.	Kai Chen
6.	Jed Frankel
7.	Steven Hurwitz
8.	Susan Kelly-Gilbert
9.	Simon Kouhana
10.	Frances Neuhut
11.	Alexander Rindner



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager Evelyn Herbello, Deputy Town Manager
CC:	Joseph S. Geller, Esq., Consultant Town Attorney
FROM:	Yvonne P. Hamilton, CMC Town Clerk
DATE:	February 20, 2025
SUBJECT:	Appointment of Members to the Design Review Board

RECOMMENDATION:

Staff recommends the Town Council consider appointments to the Design Review Board for the 2025-2027 Term in accordance with Ordinance No. 1106. Below are the names of individuals who have submitted their applications for consideration:

Janet Adler, 10350 W Bay Harbor Drive, BS in Education, Real Estate Broker/Janet Adler Realty, Ltd

Alan Bebachik, 1025 92nd Street, BA Civil Engineering, VP of Business Development

Kai Chen, 9940 W Bay Harbor Drive, BA of Architecture, Luxury Sales Associates/Real Estate

Jed Frankel, 1231 99th Street, Juris Doctor (previously Assistant General Counsel)/Co-Founder-Hills Funky Baker

Steven Hurwitz, 1211 102nd Street, MBA, BA History, Senior Managing Director/Real Estate Broker

Susan Kelly-Gilbert, 9341 E Bay Harbor Drive, BA Marketing/Business Administration/Retired-Evening Post Industries/ Florida Licensed Landscape Architect, Arborist, Publishing

Simon Kouhana, 9800 W Bay Harbor Drive, Owner/Property Management Company

Frances Neuhut, 9920 W Broadview Drive, BS in Business Technology and Health Care Manager, Real Estate (Self Employed)

Alexander Rindner, 9841 E Broadview Drive, Master's in Real Estate, BA in Marketing and Management, Principal, Regal Communities/Real Estate Development/Construction

These applicants have submitted the required documents.

BACKGROUND:

The Design Review Board was established to review and recommend plans and programs for the orderly growth and development of the Town.

On September 12, 2024 the Town Council adopted Ordinance No. 1106 revising the appointment and membership process to the Design Review Board.

The board vacancies were posted on the town's website and published in newsletters. Individuals who applied prior to adoption of the new ordinance were invited to submit the required information.

ELIGIBILITY:

The Design Review Board shall consist of seven (7) members who must meet at least one of the following criteria. They must be currently employed full-time in, or have been employed full-time in the past in:

- i. Florida licensed PE or professional experience in engineer;
- ii. Florida-licensed architect or professional experience in architecture;
- iii. Florida-licensed attorney with professional experience in land use and zoning law;
- iv. Certified planner (AICP) or professional experience in urban and regional planning;

- v. Florida-licensed general contractor or a construction management professional, construction project manager, construction superintendent or construction estimator;
- vi. Registered interior designer or professional experience in interior design;
- vii. Florida-licensed landscape architect, arborist or professional experience in horticulture;
- viii. Education and/or experience in sustainability and resiliency, which may include environmental science;
- ix. Florida- licensed broker or real estate;
- x. Other related profession.

All members must be residents of the Town for a minimum of one (1) year. Each member of the design review board shall serve for a two-year term on a staggered basis. Effective. As a one-time adjustment in, three of the seven members appointed by the Town Council will be selected randomly through a lottery process to serve one-year terms. Following these 2025 appointments, all subsequent members will be appointed to serve two-year terms.

ANALYSIS:

The mandatory Board/Committee Application for appointed individuals are included for your reference.

Each Town council member is permitted to submit one or more persons as candidates for consideration by the town council for appointments to the Design Review Board. Board Members shall be appointed by a majority vote of the council present at the meeting.

ATTACHMENTS

Mandatory Board/Committee Application packets

ORDINANCE NO. 1106

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 5-23.01 OF THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE DESIGN REVIEW BOARD; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE II ENTITLED DESIGN REVIEW BOARD; SECTIONS 5-23.01 ENTITLED DESIGN REVIEW BOARD MEMBERSHIP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted the Design Review Board on September 10, 2021, to review and evaluate applications as to whether the designs of the new development, redevelopment and/or improvements within the town is compatible with existing development; and

WHEREAS, the Town of Bay Harbor Islands desires to amend the Town Code to update the regulations concerning the appointment of Board members; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and if felt to be appropriate amends the Town's Land Development Code regulations accordingly; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Building and Construction Code is hereby amended to modify Sections 5-23.-01 related to the planning, design and zoning board approval, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

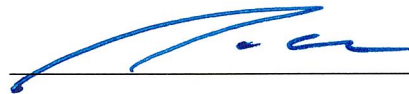
Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

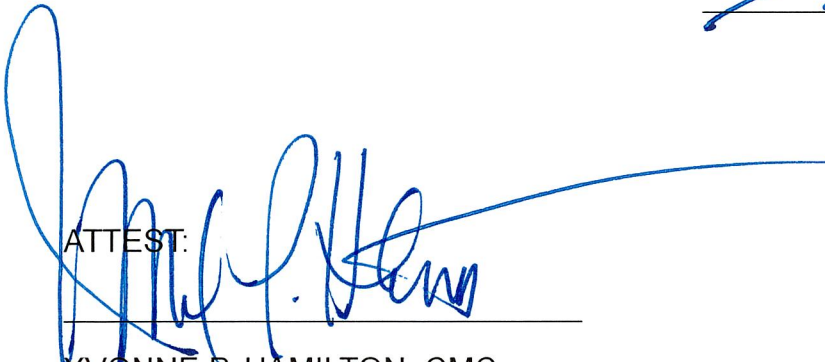
Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 14th day of August 2024.

PASSED on Second Reading this 12th day of September 2024.



JOSHUA D. FULLER
MAYOR



ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

Sec. 5-23.01. - Design Review Board Membership.; ~~appointment; vacancies; terms; removal; meetings; officers; and quorum.~~

- a) *Members.* ~~Effective November 30th, 2021, the planning and zoning board which heretofore existed, shall be retitled as the design review board consisting of seven members. Up to five of the members shall be presently employed full time or were employed full time in the field of engineering, architecture, land use and zoning law, city planning, construction, or any other field which substantially relates to the planning and development of real estate. The Design Review Board, formerly known as the Planning and Zoning Board until its renaming on November 30, 2021, shall be composed of seven (7) members. To apply, the following requirements must be met:~~
- 1) ~~Seven (7) members must meet at least one of the following criteria. They must be currently employed full-time in, or have been employed full-time in the past in:~~
 - i. ~~Florida licensed PE or professional experience in engineer;~~
 - ii. ~~Florida-licensed architect or professional experience in architecture;~~
 - iii. ~~Florida-licensed attorney with professional experience in land use and zoning law;~~
 - iv. ~~Certified planner (AICP) or professional experience in urban and regional planning;~~
 - v. ~~Florida-licensed general contractor or a construction management professional, construction project manager, construction superintendent or construction estimator;~~
 - vi. ~~Registered interior designer or professional experience in interior design;~~
 - vii. ~~Florida-licensed landscape architect, arborist or professional experience in horticulture;~~
 - viii. ~~Education and/or experience in sustainability and resiliency, which may include environmental science;~~
 - ix. ~~Florida- licensed broker or real estate;~~
 - x. ~~Other related profession.~~
 - 2) ~~The professional two remaining All members shall must be residents of the town for a minimum of one (1) year. and they are not required to possess any professional license or professional designation.~~
 - 3) Each member of the design review board shall serve for a two-year term unless they resign, are no longer able to serve, or are otherwise removed as set forth in subsection (d).

- b) *Staggered board Term.* ~~The design review board shall be a staggered board. As such, as a one-time event in 2020, three of the seven appointed members appointed by the town council (who shall be selected randomly through a lottery type drawing") shall serve on the design review board for a one-year term. After the 2020 appointments, each member shall be appointed to serve on the design review board for two (2) year terms as set forth in subsection (a), above.~~ Effective January 2025, all members of the Design Review Board must submit a new application to be considered for reappointment. The Design Review Board will operate on a staggered term basis. As a one-time adjustment in 2025, three of the seven members appointed by the Town Council will be selected randomly through a lottery process to serve one-year terms. Following these 2025 appointments, all subsequent members will be appointed to serve two-year terms as outlined in subsection (a) above.
- c) *Appointment to the Design Review Board.* Each Town council member shall submit one ~~or more~~ persons as candidates for consideration by the town council for appointment to the Design Review Board. All candidates are required to complete the Town's advisory board/committee application. Both new candidates and current members seeking reappointment must submit the necessary documentation. Along with the completed application, candidates must provide a cover letter, a resume, and evidence of their professional qualifications. If applicable, candidates must also include their license number. The members of the Design Review Board shall be appointed by resolution by the Town Council. All application documents must be emailed to the Town Clerk before any deadline.
- 1) The Town Council shall appoint seven (7) board members by the majority vote of the Council present at the meeting. In order for a candidate to be appointed to the design review board, the candidate must meet the membership requirement of subsection (a) and must be approved by at least four (4) town council members.
 - 2) The Town Council shall take into consideration a candidate's educational, technical, and professional experience. The candidate's profession, degrees, and training in engineering, architecture, planning, or other mobility safety matters shall be taken into consideration by the Town Council when appointing members.
- d) *Vacancies.* ~~Should a design review board member resign, lose the residency requirement of subsection (b), be removed pursuant to subsection (d), or otherwise~~

~~not be able to serve on the design review board for whatever reason, the member's vacancy shall be filled pursuant to subsection (b). In the event that a Design Review Board member resigns, fails to meet the residency requirement specified in subsection (b), is removed in accordance with subsection (e), or is otherwise unable to fulfill their duties, the Town Clerk shall issue a public notice to announce the vacancy. The Town Council shall then appoint a new member to fill the position by a majority vote of the Council members present at the meeting.~~

- e) ~~Removal of members.~~ The Town Council, upon vote of at least five (5) Council members, may remove any Design Review Board member, with or without cause, at any time. Any member who misses three (3) consecutive regularly scheduled design review board meetings or misses five (5) meetings in any 12-month period may be removed from the design review board. The Town Council may remove any member of the Design Review Board at any time, with or without cause, by a vote of at least five (5) Council members. A member may be removed if they miss three (3) consecutive regularly scheduled meetings or a total of five (5) meetings within any 12-month period.
- f) *Meetings.* One regularly scheduled Design Review Board meeting shall be scheduled monthly, in the evening on the first Tuesday of every month, or, if a different meeting date is deemed necessary, then the meeting can be rescheduled to a date to be selected by the board chair or the town manager, except that no regularly scheduled meetings shall be held in the months of July and December. If additional meeting(s) are desired, the chairperson, or ~~at least~~ a minimum of two (2) members of the board, or the mayor, or ~~at least~~ a minimum of two (2) Town Council members, may request a meeting, subject to availability and approval by a majority of the board members. The Town Clerk shall be responsible for publishing public notice of all Design Review Board meetings.
 - 1) No item may be discussed for longer than 45 minutes ~~absent a successful~~ without a motion to extend the time for discussion time, which shall be done only in increments not to exceed 15 minutes.
 - 2) Meetings of the Design Review Board shall conclude by 11:00 p.m., provided that any item which has begun to be heard by the board before 11:00 p.m. shall be allowed to proceed until there is a board vote on the item (subject to the 45 minutes limit established above). Any unfinished business shall be deferred to the next meeting.
 - 3) There will be a two (2) minute time limit for each speaker during public comments.
- g) *Officers.* One member shall be elected by the Design Review Board as chairperson. One member shall be elected by the Design Review Board as vice-chairperson. The

chairperson and vice-chairperson shall serve a term of one (1) year. A new election shall occur at the conclusion of the one (1) year term. In the event that the chairperson position becomes vacant within the one-year term, the vice-chairperson shall be appointed as chairperson for the duration of the prior chairperson's term and the Design Review Board shall elect a member to the vice-chairperson position for the duration of the prior vice-chairperson's term. The chairperson shall preside at overall Design and Review Board meetings. In the chairperson's absence, the vice-chairperson shall preside. ~~The chairperson~~ Town Clerk shall submit ~~any and all~~ reports and recommendations of the Design Review Board to the Town Council, ~~at the following month's Council meeting. The town shall provide a secretary for the design review board,~~ and The Town Clerk shall be the custodian of all records, books, and journals of the design review board.

- h) *Quorum.* Four (4) present members shall constitute a quorum.
- i) *Attendance.* ~~Any members who miss three (3) consecutive regularly scheduled Design Review Board meetings or miss five (5) meetings in any twelve (12) month period may be removed from the design review board.~~
- j) [Rules, regulations.] The Town Council shall promulgate such rules and regulations as may be reasonably necessary to govern the operations of the design review board in the performance of its duties. Proper public meeting decorum shall occur, with respect for landowners, developers, board members, speakers and design professionals. In the absence of contrary rules approved by the town as to any matter, Robert's Rules of Order, Newly Revised, shall govern.



D

TOWN OF BAY HARBOR ISLANDS
APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

Please completely fill out & return this application to the Town Clerk's Office for processing

Town of Bay Harbor Islands
1030 95th Street, Trailer 2
Bay Harbor Islands, FL 33154
(305)-866-6241

Your service to our Town is earnestly solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Board/Committees for which you wish to be considered:

☐ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☐ New Appointment ☒ Re-submission ☐ If you currently serve on a Board, please state which Board: **Design Review I**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Janet Adler** E-Mail: **JanetAdlerbhi@gmail.com** Residency Years: 11-15 years

Residential Address **10350 W Bay Harbor Drive** Bay Harbor Islands, FL Zip Code: 33154

Telephone number: **212 427 3809** Cell number: **917 834 2246** Business number: **212 427 3809**

EDUCATION:

High School: **New Rochelle High School** Location: **New York City**

College: **Mills College** Location: **New York City**

Year Completed: **1993** Degree: **BS** Major: **Education**

Other professional or technical training (Name of School, course name, etc.) **Real Estate School, New York City**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **...Janet Adler Realty, Ltd,**

Address: **318 E 89th Street,**

Title: **President** Years of Service: **1993**

If you are applying for the **Design Review Board**, please check one of the following professions. Education and/or experience in sustainability and resiliency

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Over 31 years in the real estate industry, involving buying, selling, and leasing properties. Skills: Expertise in market analysis, property valuation, negotiation, and client relationship management. Achievements: Successful completion of numerous real estate transactions, including residential, and investment properties. Licensing: Holding a valid real estate broker license, with continuous education to stay updated on industry regulations and trends. Co-op and condominium Board Membership: Role: Serving on the board of a cooperative and condominium housing corporation, which involves making decisions about the management and maintenance of the property. Responsibilities: Participating in board meetings, reviewing financial statements, approving budgets, and addressing resident concerns. Governance: Ensuring compliance with bylaws, regulations, and legal requirements, and working collaboratively with other board members and property management. Community Engagement: Engaging with residents to understand their needs and improve the living environment within the co-op and condominium.

I (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Janet Adler

Digitally signed by Janet Adler
DN: cn=Janet Adler, o=Janet Adler Realty,
Ltd, ou, email=JAdler115@aol.com, c=US
Date: 2024.12.03 21:28:19 -05'00'

12/3/24

Signature of Applicant

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: Perfect

Absent: Perfect

Years served: 15 + ye

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | ☐ SEAT 7 | | | |

JANET ADLER
10350 W Bay Harbor Drive
Bay Harbor Islands, Fl. 33154
(212) 427 3809 – (917) 834 2246
Janet@Janetadlerrealty.com

WORK EXPERIENCE

REAL ESTATE BROKER

1995 - present

Janet Adler Real Estate

Janet Adler Real Estate was incorporated in 1995 to accommodate a developing referral business and has consistently had a combination of sales and rentals in the multi millions of dollars both in Manhattan, Brooklyn and Las Vegas, Nevada. Running the company has entailed networking, advertising, establishing pricing, negotiating, having board packages completed in a timely manner, directing open houses and closing the sale. Keeping abreast of the market via classes and literature has been an important function of the job.

SALES ASSOCIATE – ASSOCIATE BROKER

1991 - 1995

Feathered Nest

During the first months at Feathered Nest I developed a sales manual for the company which was given to all of the employees. The following years I learned the buildings, rented a number of apartments, became an associate broker and started to emerge as a sales broker. .

DISTRICT MANAGER

1971 - 1990

ADLER BUSINESS MACHINES

I was the first female District Manager working for a National Company in America. I covered three States; part of New York, all of New Jersey and all of Connecticut. My responsibilities included representing the company to major corporations, assigning dealers to an area and setting their goals. I was also responsible for the training of their salespeople with our product line. I was fortunate to win a number of sales contests which afforded me the opportunity to travel to a number of different Countries. My territory had the largest sale in the history of the company; 7,000 typewriters to The Aetna Insurance Company. During the 21 years I was with Adler Business Machines the company was merged or sold three times. When it was sold to Olivetti the management decided to discontinue all outside sales personnel.

TRAINING COORDINATOR

1969 - 1971

Adler Business Machines

My responsibilities included training the sales people working in the dealerships in the Northeastern States from Vermont to Washington, DC. I represented the company at major conventions and presented new products to the industry and to major accounts. During that time I opened both Sikorsky Aircraft and Xerox Corporation amongst others.

JANET ADLER

10350 W Bay Harbor Drive
Bay Harbor Islands, Fl. 33154
(212) 427 3809 – (917) 834 2246
Janet@Janetadlerrealty.com

PERSONAL EXPERIENCE

I moved to Bay Harbor in 2012 for the second time. I first moved to Bay Harbor in 1957 and am pleased to see that the building I moved in to over 60 years ago still stands. In 2016 my partner and I started a Farmers Market in Bay Harbor. I have been on the Board of Island Pointe for four (4) terms. I joined Planning and Zoning just before the name was changed to Design and Review



TOWN OF BAY HARBOR ISLANDS

APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

Please completely fill out & return this application to the Town Clerk's Office for processing

Town of Bay Harbor Islands
1030 95th Street, Trailer 2
Bay Harbor Islands, FL 33154
(305)-866-6241

Your service to our Town is earnestly solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Board/Committees for which you wish to be considered:

☒ Design Review Board
 ☐ Parks & Recreation Committee
 ☐ Charter & Ordinance Committee
 ☐ Sustainability & Resiliency
 Application is for:
 ☐ New Appointment
 ☒ Re-submission
 ☐ If you currently serve on a Board, please state which Board: **Design Review**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Alan Bechchik** E-Mail: **abebchik@gmail.com** Residency Years: **11-15 years**

Residential Address **1025 92nd St Apt 806** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: Cell number: **3053189016** Business number:

EDUCATION:

High School: **Michael Krop** Location: **Gainesville, FL**

College: **University of Florida** Location: **Gainesville, FL**

Year Completed: **1** Degree: **Bachelors of Art** Major: **Civil Engineering**

Other professional or technical training (Name of School, course name, etc.)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Inforgie**

Address: **1950 S Ocean Dr, Hallandale**

Title: **VP of Business Developer** Years of Service: **1**

If you are applying for the **Design Review Board**, please check one of the following professions. Florida licensed PE or professional experience in engineering ☒

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

I am a civil engineer that started my career in the construction industry as a project manager with a graduate degree in Construction Project Management and a MBA.

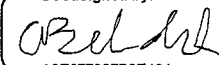
Enter any specific expertise and/ or abilities.

Have been serving in the Planning and Zonning since 2016 and currently serving as the vice chair

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
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- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

DocuSigned by:

Signature of Applicant

2/11/2025
Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: Perfect
Years served: 15 + ve

Absent: Perfect

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
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Elected:

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| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

Alan Bebachik
1025 92nd St | Miami, FL 33154
(305) 318-9016 | abebchik@gmail.com

EDUCATION

THE UNIVERSITY OF CHICAGO BOOTH SCHOOL OF BUSINESS

Master of Business Administration

Chicago, IL
Sep 2013 – Aug 2015

NORTHWESTERN UNIVERSITY

Master of Science in Project Management

Evanston, IL
Sep 2011 – Jun 2012

UNIVERSITY OF FLORIDA

Bachelor of Science in Civil Engineering

Gainesville, FL
Aug 2005 – Dec 2009

EXPERIENCE

Inforge

Vice President of Business Development and Partnerships

Miami, FL
Feb 2024 – Present

- Lead Business Development, Partnerships and Marketing at Inforge, a Salesforce Consulting partner

NOWPORTS

Country Manager

Miami, FL
Oct 2022 – Sept 2023

- Launched the US market for Nowports, a logi-tech unicorn based in Mexico. Managing Sales, Operations, Marketing, Finance, Procurement, HR with full 7 digit P&L ownership. Manage a team with presence in the US, Mexico, Colombia and Chile
- Managed to deliver 97% of our sales quota in the first six months of operations contributing to 70% of our sales volume
- Delivered our operating model for the US market, being fully compliant with the Department of Transportation on all modalities of transportation (Ocean, Air and Ground)
- Over execution of our forecast in gross profit forecast by 28% and EBITDA by 25% by rightshoring our team for lean operations
- Awarded the key to the city by Mayor Levine Cava in partnership with the Beacon Council being a project company in Miami

THE ROUNDS

General Manager

Miami, FL
Mar 2022 – Oct 2022

- Launched the Miami market for The Rounds, overseeing Operations, Marketing, and Business Development with full P&L ownership. Manage an organization of over 40 FTE
- Responsible for innovation in our market, from expanding into new modalities of transportation, to being the first market to stand up reverse logistics of our operations
- Led our Lifecycle Marketing and Product teams, growing Average Order Value by 10% MOM by shipping new product features and coordinating weekly marketing campaigns for all of the company's members

GOOGLE

Launch Program Manager LATAM

Miami, FL
Jul 2021 – Mar 2022

- Responsible for launching all new and expansions Google Nest Hardware products across the LATAM region
- Coordinate new product launches end-to-end across 50 different cross-functional teams in 12 different countries
- Drive the strategy and growth for the region, navigate the organization in order to unblock problems and keep projects on schedule and on budget helping drive a portfolio of over \$50M in revenue

SPIN

General Manager

Miami, FL
Aug 2020 – Jul 2021

- Responsible for leading the Florida Operations across nine markets. Own the P&L and manage a team of over 100 FTE
- Responsible for launching four new markets from the ground up from forecasting, to RFP response, to launch coordination
- Grew revenue by 250% since joining the company by launching new markets and growing our presence in existing markets
- Manage our relationships with city officials and university partners throughout the state while representing the company with the press or any type of media coverage in our markets

UBER

General Manager

Miami, FL
Mar 2020 – Jul 2020

- Responsible for launching Uber Works marketplace for South Florida. Grew revenue 100% each week in first months
- Provide temporary workers to businesses with flexible on-demand job opportunities while maintaining our fill rates at over 98%
- Hired, onboarded, trained, and supervised a team of 10 FTEs - conducting weekly one-on-ones and coaching on progress

- Own and manage our P&L. Carve out strategic initiatives with the other Uber business lines while actively supporting and managing our sales funnel

AVINODE GROUP

Miami, FL

Business Operations & Strategy Manager

May 2018 – Mar 2020

- Responsible for setting up the PMO for Avinode Group's two largest business units and delivering a cross functional portfolio of projects throughout the project lifecycle – driving projects from discovery, design, build, adoption, review, and closing
- Increased revenue yield by 20% after launching a revenue operations team. Conducted extensive research to define our pricing and packaging structure using Max/Diff analysis, linear programming, and Van Westendorp analysis
- Launched Paynode, the world's first Fintech solution for the private aviation industry, by leveraging partnerships with global financial providers. Led the product and business development teams
- Established the charter and strategy definition of our Customer Success group working with the product, sales, support and marketing teams to grow our Customer Success capabilities. Projects included: NPS survey deployment, in-system product tours, in-system chat implementation, deploying a new on-demand webinar tool, and launching a customer online academy
- Defined Scedaero's commercial strategy, customer segmentation, and execution, reducing our lead cycle time by 2 months
- Transition the company from on-premise telephony system to a global cloud VoIP solution saving \$10,000 in annual costs

SONDER

Miami, FL

Operations Manager

Jul 2017 – May 2018

- Substantially Improved NPS by 50% in first three months by conducting in-depth data analysis and by training the team
- Created dashboards to monitor recurrent obstacles at check-in and to analyze properties that were underperforming. Reduced direct costs by 35% by renegotiating contracts with telecom and other vendors

CAPGEMINI

Chicago, IL

Project Manager

Jan 2017 – Jul 2017

- Lead the Project Management Office for a six-year, \$158 million engagement with a Fortune 500 cruise line
- Developed short-term strategic plan and managed cross-functional executive team through the "Managed in Place" phase, successfully transitioning 168 employees to Capgemini
- Capgemini top performer in years 2013, 2014, 2016, and awarded excellence performance incentive in year 2014

Service Delivery Manager (Acting)

Mar 2014 – Jan 2017

- Collaborated with the CIO of a major transportation company to support business users through ERP application management; guided team to evaluate and identify opportunities to reduce IT costs
- Supervised off-shore consulting team to ensure efficient delivery of KPIs while maintaining contribution margins

Senior Application Analyst

Jul 2012 – Mar 2014

- Re-engineered on-boarding process for all of business unit accounts, increasing internal staffing turnaround
- Interacted with clients in a distributed service model and worked daily with team members in India, England and Guatemala
- Co-founded HOLA—first Hispanic employee resource group at Capgemini—and was appointed as national lead

BEDECO

Miami, FL

Project Manager

Jan 2010 – Aug 2011

- Managed construction of residential and commercial building projects valued at over \$10MM, completing projects on schedule and on budget by managing a team of cross-functional contractors

ADDITIONAL

- Native Spanish; fluent Hebrew; conversational Portuguese



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(305)-866-6241

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☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **KAI K. CHEN** E-Mail: **kaichenmiami@gmail.com** Residency Years: **2 years**

Residential Address **9940 W BAY HARBOR DR UNIT 6ES** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **305 307 4080** Cell number: **305 307 4080** Business number: **305 307 4080**

EDUCATION:

High School: **Great Neck South High**

Location:

GREAT NECK, NY

College: **Pratt Institute School of Architecture**

Location:

BROOKLYN, NY

Year Completed:

1999

Degree: **Bachelor of Architecture**

Major: **Architecture**

Other professional or technical training (Name of School, course name, etc.)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Cosmore Real Estate Group**

Address: **1200 Brickell Ave, Ste 1103**

Title: **Luxury Sales Associate**

Years of Service: **2022 - CURRENT**

If you are applying for the **Design Review Board**, please check one of the following professions. Florida- licensed broker or real estate

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

20+ Years Senior Project Architect/Lead Designer - Hi-End Res

Enter any specific expertise and/or abilities.

Please refer to candidate Cover Letter and Resume

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Signature of Applicant

2/11/2025

Date

OFFICE USE ONLY

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Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
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Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | ☐ SEAT 7 | | | |

KAI CHEN

9940 W BAY HARBOR DR 6ES MIAMI, FL 33154
305-307-4080 • kaichenmiami@gmail.com

January 19, 2024

COVER LETTER

Dear Yvonne Hamilton,

Herewith this cover letter please find my resume.

I am writing to express my interest in the BHI Design Review Board position as a resident volunteer and ally to my community.

I am a former New York City boutique high-end residential architect with 20+ years of experience in designing and building luxury homes with a niche specialization in NYC condo gut renovations and all the politics that entails.

I bought a unit in Kai Condo on Bay Harbor Islands in mid July 2021 as a remote investment from NYC but quickly fell in love with BHI and Miami as a place where my soul feels good. I came to my better senses and decided to move from NY to Miami for a healthier and sunnier life after an arduous yet thrilling (at times) career in high-pressure, high-stakes architecture.

I am a year into my second act in a new career as real estate agent to parley my years of architectural knowledge to help people find their dream home. Recently, I've had to intensively research condo units and schedule many showings for a client interested in purchasing a home on BHI which has helped me gain insight to the character of our neighborhood in relation to what others want it to become; the hard part is balancing preservation amid imminent expansion.

It is with this idea and spirit that I volunteer my experience and ask if I can be of service to the current BHI Design Review Board of my beloved hamlet.

Please let me know if you would like to meet me in person or other board members; I'm a 5-minute walk away!

Thank you in advance for your time and consideration.

Very best,



Kai Chen
305-307-4080 Kaichenmiami@gmail.com

Enclosure: Kai Chen Resume 1-19-2023 (1 page)

KAI CHEN

9940 W BAY HARBOR DR 6ES MIAMI, FL 33154
305-307-4080 • kaichenmiami@gmail.com

PROFESSIONAL EXPERIENCE

Real Estate Agent | **Luxury Sales Associate**
Cosmore Real Estate Group 2023 to Current

- Establishing myself as a diligent agent who does the footwork and research in earnest advocacy for my clients and customers.
- Having fun using my architectural background to help people search and find their dream home or sturdy investment.

Self-Employed Day Trader | **Principal**
East-Ninth Investors LLC 2018 to 2023

- Learned the highs and lows of managing my own money.
- Delighted in travel.

Senior Project Architect | **Lead Designer** | **Mentor to Junior Staff**
Antonelli Architects, PLLC 2001 to 2018

- Designed and managed projects for the firm's high-profile clients from I-bank CEOs to actors.
- Seasoned at client presentation meetings and formed joyously candid relationships with them.
- Specialized in gaining expedited approvals for complex projects involving condo boards, management companies, and condo reviewing architects and engineers as well as NYC DOB permit filing.
- Filtered and actioned all facets of the project, from material to financial to aesthetic to political, while representing the client's interests.
- Designed and detailed every aspect of each project, from floor plan to toothbrush holder.
- Team built and mentored project staff for the duration of each project, typically lasting two years.
- Staunch advocate for clients' bespoke wishes for their dream home, including budget & move-in date.
- Skilled problem-solving in high-stakes design, on-site construction and high-pressure project politics.
- Interviewed and hired staff talent and developed summer internship program.
- Established strong professional relationships with a spectrum of vendors and sub-contractors.
- Sold and designed for each project; door, window, hardware, lighting, audio-video systems, security/telephone, packages as well as specialty finishes to boost the firm's profits per project.
- Tactful negotiator of construction contracts and vendor services.

Self- Education Travel | **Self**
Gap Year 1999 to 2001

- Traveled to experience the buildings, sites and ruins in their respective countries and cultures that inspired me during my studies of both historic and modern architecture.

EDUCATION

Bachelor of Architecture | **5 Year Undergraduate Degree**
Pratt Institute, New York 1993-1999 + Semester Abroad



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☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☐ New Appointment ☒ Re-submission ☒ If you currently serve on a Board, please state which Board: **Design Review Board**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Jed Frankel** E-Mail: **jedfrankel@yahoo.com** Residency Years: **20 years & more**

Residential Address: 1231 99th street	Bay Harbor Islands, FL Zip Code: 33154
Telephone number: 305 865-1212	Cell number: 954/684-3404 Business number: 305 865-1212

EDUCATION:

High School: Miami Beach Senior High	Location:
College: Emory University, Atlanta GA	Location:
Year Completed:	Degree: BA, 1990 Major: History

Other professional or technical training (Name of School, course name, etc.): **Univ. of Florida College of Law, J.D., 1993**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **State of Florida, 3 years**

Address: 1351 NW 12th Street	
Title: Assistant General Counsel	Years of Service:

If you are applying for the **Design Review Board**, please check one of the following professions. Florida-licensed attorney with professional experience in

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/ or abilities.

Florida Bar Number 0988278

ACKNOWLEDGMENT (Check Below:)

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Board/Committee Members are required to file a financial disclosure statement each year.

/s Jed Frankel

Signature of Applicant

11/19, 2024

Date

OFFICE USE ONLY

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Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
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| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
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Elected:

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| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

JED FRANKEL
1231 99th Street
Bay Harbor, FL 33154
(954) 684-3404
jedfrankel@yahoo.com

EXPERIENCE

- **HILLS FUNKY BAKERY**
www.hillsfunkybakery.com
@hillsfunkybakery
Co-founder
March 2021-present
- **OFFICE OF THE GENERAL COUNSEL, 11th JUDICIAL CIRCUIT**
1351 NW 12th Street, Miami
Assistant General Counsel
November 2021-present
- **EISINGER, BROWN, LEWIS, FRANKEL & CHAIET, P.A.**
4000 Hollywood Boulevard, Suite 265-South, Hollywood, FL
Attorney
2006 – 2020
- **TOWN OF BAY HARBOR ISLANDS PLANNING AND ZONING BOARD**
Volunteer Board Member
2014-2020
- **TOWN OF BAY HARBOR ISLANDS CHARTER REVIEW COMMITTEE**
Volunteer Board Member
2005-2007

EDUCATION

- **UNIVERSITY OF FLORIDA COLLEGE OF LAW**
Juris Doctor *with honors*
Gainesville, FL
May 1993
- **EMORY UNIVERSITY**
Bachelor of Arts *summa cum laude*
Atlanta, GA
May 1990

Yvonne Hamilton

From: Jed Frankel <jedfrankel@yahoo.com>
Sent: Tuesday, November 19, 2024 7:00 PM
To: Cynthia Garcia; Yvonne Hamilton
Subject: Re: Board Application
Attachments: Application_Jed Frankel.pdf

Hello Yvonne and Cynthia.

Attached is my complete re-application for the Design Review Board. Please be aware that some of the fields, such as location under Education, on the pdf did not input correctly. I therefore included the information in the adjacent field.

Thank you and if you have any questions, please feel free to call me.

Best,

Jed Frankel
jedfrankel@yahoo.com
(954) 684-3404

On Thursday, November 14, 2024 at 05:07:35 PM EST, Cynthia Garcia <cgarcia@bayharborislands-fl.gov> wrote:

Good afternoon,

Please see attached Board application to apply.

Should you have any questions, please feel free to contact our office.

Thank you,

Cynthia Garcia-Lima, CMC

Deputy Town Clerk

Town of Bay Harbor Islands

1030 95th Street

Bay Harbor Islands, Florida 33154

305.866.6241 | Main

Email: cgarcia@bayharborislands-fl.gov

Website: www.bayharborislands-fl.gov



Please note: Florida has a very broad public records law. Most written communications to or from Town officials regarding Town business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.



TOWN OF BAY HARBOR ISLANDS
APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

Please completely fill out & return this application to the Town Clerk's Office for processing

Town of Bay Harbor Islands
1030 95th Street, Trailer 2
Bay Harbor Islands, FL 33154
(305)-866-6241

Your service to our Town is earnestly solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Board/Committees for which you wish to be considered:

☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Design Review Board**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Steven Hurwitz**

E-Mail: **steven.hurwitz@jll.com**

Residency Years: **11-15 years**

Residential Address **1211 102 Street**

Bay Harbor Islands, FL Zip Code: **33154**

Telephone number:

Cell number: **305 970 5577**

Business number:

EDUCATION:

High School: **North Miami Beach Sr. High**

Location: **Madison, WI**

College: **University of Wisconsin - Madison**

Location: **Madison, WI**

Year Completed: **5**

Degree: **BA**

Major: **History**

Other professional or technical training (Name of School, course name, etc.) **MBA, Florida International University**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Jones Lang LaSalle**

Address: **200 S. Biscayne Boulevard,**

Title: **Senior Managing Director**

Years of Service: **5**

If you are applying for the **Design Review Board**, please check one of the following professions. Florida- licensed broker or real estate

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

I have served on the board as Chair for several years and also serve as the Chairperson of the Facilities Committee for the Greater Miami Jewish Federation. I've also served in the past on Urban Land Institute (ULI) Board.

Enter any specific expertise and/ or abilities.

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Steven Hurwitz

Signature of Applicant

11/22/24

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | ☐ SEAT 7 | | | |



Steven Hurwitz

Senior Managing Director, Agency Lead South Florida (Jones Lang LaSalle)

As Senior Managing Director and South Florida Agency Lead of JLL, Steven Hurwitz specializes in landlord representation for institutional investors, private equity firms, and local family offices. Steven has represented clients such as Deutsche Bank, Zurich Insurance, KBS Realty Advisors, Monarch, Tourmaline, CP Partners, Northwood, East End Properties, and Ivy Realty. Prior to JLL, Steven lead the firm's office leasing practice at CREC, which was acquired by Colliers International. Steven handled both landlord and tenant representation and played a key role in new business development. Steven served as Chief of Staff for Miami Beach Mayor Neisen Kasdin from 1995-2000. Following his tenure in government Steven supervised development and construction projects at Codina Group for clients including Prudential and JP Morgan, and was responsible for nearly \$60 million in office development projects.

Education

Mr. Hurwitz received a BA from the University of Wisconsin (Madison, Wisconsin) and earned an MBA at Florida International University (Miami, Florida). He is a graduate of the Greater Miami Chamber of Commerce's Leadership Miami program. Steven is currently is a licensed Florida Real Estate Broker.

Affiliations

Member of the Urban Land Institute's Southeast Caribbean District Council
Board Member of the Greater Miami Jewish Federation
Chairman of the Town of Bay Harbor Islands Design Review Board

Awards

Recipient of the Sandra C. Goldstein Young Leadership Award from the Greater Miami Jewish Federation



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☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: Susan Kelly-Gilbert E-Mail: skellygilbert@gmail.com Residency Years: under 6 months
Residential Address: 9341 E. Bay Harbor Dr 5D Bay Harbor Islands, FL Zip Code: 33154
Telephone number: 305.865.1192 Cell number: 719.238.3031 Business number: _____

EDUCATION:

High School: Msgr. Pace H.S. Location: Dapa-locka, FL
College: FIU Location: Miami, FL
Year Completed: 4 Degree: BA Major: Marketing/Business Adm

Other professional or technical training (Name of School, course name, etc.) _____

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: Retired - Evening Post Industries
Address: 103 Journal Alley, Summerville, SC 29483
Title: Publisher Years of Service: _____

If you are applying for the **Design Review Board**, please check one of the following professions. Florida-licensed landscape architect, arborist or professional

Other profession: Publishing

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Involved in expansion projects for printing and distribution facilities

Enter any specific expertise and/ or abilities.

Involvement in expansion projects for printing and distribution facilities.
Excellent track record in sales and marketing, +30 years experience
in operational management, Leader in communication and media.

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Susan Kelly-Gilman
Signature of Applicant

February 11, 2025
Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

SUSAN KELLY-GILBERT

9341 East Bay Harbor Drive, 5D
Bay Harbor Islands, Florida 33154
719.238.3031(m)
skellygilbert@gmail.com

Career Summary and Objectives

Extensive sales and marketing leadership experience in defining and developing business opportunities in both traditional and new media environments. Seeking to align this experience with an organization looking toward the future in their daily efforts. Strong professional attributes:

- Entrepreneurial spirit and behavior
- Values partnerships and their relationship to success
- High energy and a sense of urgency
- Customer focused and market sensitive
- Respect for technology, data and its contribution to success
- Proven ability to drive revenue and market share

PROFESSIONAL EXPERIENCE

SUMMERVILLE COMMUNICATIONS – Summerville, SC
Evening Post Industries
Publisher

2019 to 2020

Oversaw 4 publications in Dorchester; Berkeley and Georgetown Counties. Responsibility for total operating budget with this group of publications. Lead a sales team of 12 account executives with responsibility for producing nearly \$4 million in revenue. Collectively, the largest revenue producing group in a group of four and the most profitable. Also, responsibility for 7 reporters and content in both print and digitally. Oversaw 7 newsletters. Produced 5 community events annually. Achievements included:

- Increasing event revenue 50%;
- Developing sales plans for newsletters and promotional content;
- Re-organizing our sales team to produce more field time with customers;
- Establishing proven sales techniques for customer needs analysis;
- Introducing and implementing a CRM;
- Key Performance Indicators established and standards of performance;
- Developing programs and incentives to drive sales

TIMES FREE PRESS – Chattanooga, TN
WEHCO Media
Sales Director

2017 to 2019

Lead a small group of sales reps to top performance over a nearly 3-year period. This included increased sales in events revenue; developing new revenue programs; key performance indicators established for award winning performance; re-organizing the work group to produce more sales time in the field and increased revenue. Established motivation and training programs to improve employee job satisfaction.

SUSAN KELLY-GILBERT

INDEPENDENT MAIL – Anderson, SC
Gannett
President and Publisher

2012 to 2016

As both the publisher and revenue leader, I have improved the expense profile and consistently bettered the organization's profitability. Leading an organization of 80 employees and \$12 million in total revenue, we have developed creative programs to sustain the organization's market share that has resulted in circulation revenue growth, lower distribution costs and new advertising programs. Took an organization from being in the red to the black in under 3 years. Efforts involved both revenue growth and cost control to achieve this result

E.W. Scripps Company – Knoxville, TN
Sr. Director of Sales and Product Support

2010 to 2012

Lead the strategic planning, support and execution associated with corporate partnerships (Yahoo!, Zillow, Monster), vendors and products focused on the key verticals of Automotive, Real Estate, Recruitment and Display at Scripps 13 newspaper properties. These efforts, with a staff of four Product Managers, included training and market support for sales, execution and fulfillment associated with revenue and market share growth in these business segments. Key involvement over the nearly 2 years included negotiation of the Monster contract; Zillow contract; launch of the new, upgraded Automotive and Real Estate portals; launch of P&D initiative; evaluation of digital product ordering and fulfillment; administration of The Scripps' Achievers Award program.

Media News Group – Denver, CO
Director of Multi-media Sales, Real Estate

2008 to 2010

Developed and lead the strategic and tactical cross-platform efforts in the Real Estate vertical for all 54 properties. Oversaw \$21,000,000 in revenue in print, on-line and emerging technological platforms. Active in line sales efforts and training. Responsible for all analysis of both planning and results from market and partner efforts; provided on-going market overviews property by property; developed sales tools and materials for the properties and customized programs market by market.

Accomplishments included:

- Improvement in the properties sales, resulting in a consistent top 4 revenue placement among all Consortium members;
- Supported and guided the California Newspaper Partners in developing 2010 strategies for all their properties;
- Rolled out the mobile platform and efforts in nearly a dozen properties that will result in over \$500,000 in new revenue in fiscal 2010/2011.

DIGITAL MEDIA COMMUNICATIONS, INC. – Denver, CO
VP of Sales, Mountain Region

2007 to 2008

Provider of on-line video products to newspapers and directory publishers. Grew the client list by 20% in 12 months. Worked with clients in the Western US and Canada that included McClatchy, Lee, CanWest, Belo, Media News Group and Hearst. New clients and market share growth came from: Freedom Communications, Inc., Journal Communications (Milwaukee Journal Sentinel), The Star Tribune Company and Landmark Communications' Dominion Enterprises.

SUSAN KELLY-GILBERT

THE COLORADO SPRINGS GAZETTE **Freedom Communications** VP of Sales and Marketing

2004 to 2007

Directed a staff of 96 sales associates and 16 marketing associates to support a \$60 million revenue operation. In the Marketing area, I established a high level of commitment to research data and its use to grow market share. This included: formal research efforts; a new media kit; introduction of presentation tools; and programs that identify new business opportunities within the market and focus sales/marketing support toward acquiring new clients.

Accomplishments included:

- Established a partnership with CareerBuilder, the first in Freedom Communications, which produced an incremental \$1.2 million in the first year;
- Directed the launch of Your Hub, a user generated community (zoned) publication and on-line channel that had 260,000 page views monthly within 90 days and was on plan (both the P&L and site metrics);
- Grew on-line revenue from 3% share of revenue to over 6% for a +280% increase in on-line revenue;
- Expanded a custom direct mail operation that doubled revenue in 1 year;
- Grew Local revenue approximately +10% in a two-year period;
- Grew market share by 2 percentage points in 2005;
- Reduced expenses by \$400,000 by bringing in-house the TMC product;
- Developing an employment TMC publication that brought in \$1,000,000 incremental revenue and took that business unit into the black its first year of operation;
- Established a formal training program for new hires and an on-boarding process to improve retention;
- Directed stronger sales efforts for niche and focus publications that helped grow market share;
- Introduced technology into the workplace that produced both cost savings and revenue, including Virtual Ad Taker, MSG-CP-ADs/MMS, Classified self-serve;
- Directed a sales effort that resulted in \$500,000 for the newspaper's new, redesigned TV Book;
- Assumed responsibility for supporting all Circulation marketing in 2005 including acquisition and retention efforts.

THE AUGUSTA CHRONICLE **Morris Communications** Director of Sales and Marketing

2002 to 2004

Directed a staff of 40 with revenue of \$30 million. The focus for success was in reorganizing the talent to grow local sales in print and on-line, maximizing opportunities with niche publications and KPIs.

Accomplishments included:

- On-line sales grew +50% year over year in 2004;
- Niche publications averaged 30% ahead of 2003;
- Local revenue increased 20% in the first year;
- Directed first market study in five years and co-chaired the 2004 Strategic Planning Group.

INFINET – Norfolk, VA **Gannett** Vice President Business Development

1999 to 2001

An internet access and service provider that helped newspapers on-line in the early development of their local digital products and services, I was responsible for building and developing a sales and marketing division with focus on non-owner publishing properties and brand awareness. Revenue from non-owner clients doubled in two-year period. Acquired top 10 media clients including Tribune Company (Chicago Tribune, LA Times), Cox Newspapers (Atlanta Journal Constitution), Chicago Sun Times and Freedom Communications.

SUSAN KELLY-GILBERT

Landmark Communications, Inc. – Norfolk, VA

1996 to 1999

THE FLAGSHIP

General Manager

Operating responsibility for the official Navy military newspaper in the region and the largest in the United States, with a \$1.6 million revenue base and an operating budget of \$1.3 million. Through the first half of 1999 outperformed operating budget by 67% and increased revenue by 18% over the prior year. Led a staff of two managers, commission only account executives, and four operational/production staff.

PORTFOLIO WEEKLY

Advertising Director

Responsible for display and classified advertising for Hampton Roads' leading weekly alternative publication. Annual revenue base of \$1.3 million. Managed a staff of six display account executives and three telemarketing representatives. Increased display revenue 27% and classified revenues by 53% in this time period. Increased advertiser mix and ad count by 50%. Implemented a team-based approach for sales and the creative support staff.

MIAMI HERALD PUBLISHING COMPANY – Miami, FL

1974 to 1987,

Knight Ridder

1988 to 1995

Assistant Display Director, Retail Advertising

Responsible for small-to-medium size accounts with revenue of \$30 million annually. Staff of four sales managers and 47 sales associates, including a commission-only sales staff. Focused on training, customer relationships and new business development. During this period, implemented commission-only sales staff that resulted in \$5 million in new business in 18-month period.

Other areas of responsibilities during my tenure at MHPC included: Regional Sales Manager, Broward County; Assistant Classified Manager, Inside and Outside sales; Major Accounts Manager, Financial, Shopping Centers, Amusements and Advertising Agencies; Executive Assistant, VP of Marketing and Advertising

EDUCATION:

Business Administration, Marketing Major
Florida International University



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☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Simon Koupana** E-Mail: **grandwelcome.hollywood.fl@gmail.com** Residency Years: under 6 months
Residential Address: **9800 W Bay Harbor Dr** Bay Harbor Islands, FL Zip Code: 33154
Telephone number: **954 213 8145** Cell number: Business number: **954 694 7138**

EDUCATION:

High School: **PHD DENTAL** Location: **PARIS (FRANCE)**
College: Location:
Year Completed: Degree: Major:

Other professional or technical training (Name of School, course name, etc.)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **GRAND WELCOME HOLLYWOOD / Property Management Company**
Address: **4000 Hollywood Blvd**
Title: **owner - manager** Years of Service: **2022**

If you are applying for the **Design Review Board**, please check one of the following professions. Florida-licensed landscape architect, arborist or professional
Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/ or abilities.

I have already developed a building in Paris.

ACKNOWLEDGMENT (Check Below):



I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.



I understand that appointment to any of the positions indicated above is a voluntary service.



If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.



I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.



I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.



I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Signature of Applicant

Date

12 / 17 / 2024

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: Perfect

Absent: Perfect

Years served: 15 + ve

The Council member nominating the applicant:



Mayor Joshua D. Fuller



Vice Mayor Isaac Salver



Council Member Stephanie Bruder



Council Member Molly Diallo



Council Member Teri D'Amico



Council Member Eric Rappaport



Council Member Robert H. Yaffe

Elected:



SEAT 1



SEAT 2 (1 YEAR)



SEAT 3



SEAT 4 (1 YEAR)



SEAT 5



SEAT 6 (1 YEAR)



SEAT 7

Simon KOUHANA

Married with LAURENCE

4 children

9800 W Bay Harbor dr / BAY HARBOR ISLANDS

Owner for 16 years

Education

Bachelor in law | 2001 | Lille university (France)

Phd in Dental surgery| 1993 | Strasbourg university (France)

Experience

Student residence manager | 2015-present

- Managing 40 apartments in student residencies
- Manage extra services for the students
- Direct repairing, collecting rents from the tenants, and is responsible for renovation
- Deliver excellent customer service: extra services to the tenants
- Follow-up call to ensure satisfaction

Dental clinic founder manager | Sante Care | 1996 – 2022

- Oversaw and launched, from construction
- Designed and layout the space: connections for electricity, AC, Internet, water

- Installed dental equipment. Direct day-to-day teams of 60 employees. Managing the clinic budget. Managing supplies.
- Successfully implemented 4 clinics in the business districts of Paris.
- Practice dental surgery specifically dental implant placements

Property manager | Grand Welcome Hollywood 2022 -present

- In charge of repairing, collect rents from the tenants, and is responsible for renovation
- MarketingFull management

Yvonne Hamilton

From: grand welcome <grandwelcome.hollywood.fl@gmail.com>
Sent: Tuesday, December 17, 2024 6:30 PM
To: Yvonne Hamilton
Cc: grand welcome
Subject: Re: APPLY AS A VOLUNTEER MEMBER OF THE DESIGN REVIEW BOARD
Attachments: Application.pdf; MY RESUME NEW .pdf

HELLO Ms HAMILTON

Hope you are well

Please I want to apply as a volunteer member of the Design Review Board

See attached the Application filled and my resume

Looking forward to meet you soon

Be well

Simon KOUHANA

On Mon, Nov 25, 2024 at 3:58 PM Yvonne Hamilton <yhamilton@bayharborislands-fl.gov> wrote:

Good afternoon:

Please submit the required application.

Thanks

Sincerely,

Yvonne P. Hamilton, CMC

Town Clerk

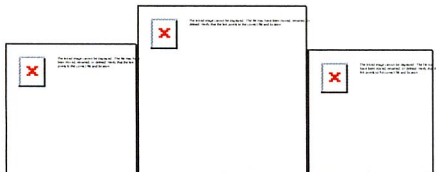
Town of Bay Harbor Islands

1030 95th Street

Bay Harbor Islands, FL 33154

Telephone (305) 866-6241, Extension 112

Email: yhamilton@bayharborislands-fl.gov



From: Grand welcome <managment.gw.hollywoodflorida@gmail.com>

Sent: Monday, November 25, 2024 3:56 PM

To: Yvonne Hamilton <yhamilton@bayharborislands-fl.gov>



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☒ Design Review Board ☐ Parks & Recreation Committee ☐ 2nd Choice Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is ☒ Re-New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board:

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: Frances Neuhut E-Mail: Drdenis16@aol.com Residency Years: under 6 months
Residential Address: 9920 West Broadview Drive Bay Harbor Islands, FL Zip Code: 33154
Telephone number: 305-865-8166 Cell number: Business number:

EDUCATION:

High School: Patchogue High School Location: Patchogue, Long Island 11772
College: Ohio State University Location: 281 W. Lane Ave., Columbus, Ohio
Year Completed: 4 year degree Degree: (BS) Bachelor of Science Major: Business Technology and Health Care 43210
Other professional or technical training (Name of School, course name, etc.):

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/Previous Employer: Self employed

Address: 9920 West Broadview Drive

Title: Manager - Real Estate Years of Service: 11 years

If you are applying for the Design Review Board, please check one of the following professions. Florida-licensed landscape architect, arborist or profess

Other profession: Manager - Doctor's Office - 1060 Kane Concourse

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/or abilities.

Previously on the Design & Review Committee
Previously on the Parks & Recreation Committee

Husband previously on the Charter &
Ordinance Review Committee ... very knowledgeable
of the Charter and the Ordinances for Bay Harbor Islands.

ACKNOWLEDGMENT (Check Below)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
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- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Thomas Penkett
Signature of Applicant

1-02-2025
Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: Perfect

Years served: 15 + ve

Absent: Perfect

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

From: Denis Neuhut drdenis1@yahoo.com
Subject: Mandatory Application for Appointment to the Design Review Board
Date: January 13, 2025 at 5:37 PM
To: yvonne Hamilton yhamilton@bayharborislands-fl.gov
Bcc: Josh Fuller jfuller@fullerlawyers.com, Isaac Salver isalver@bayharborislands-fl.gov, Robert Yaffe ryaffe@bayharborislands-fl.gov, Stephanie Bruder sbruder@bayharborislands-fl.gov, Molly Diallo mdiallo@bayharborislands-fl.gov, Teri Damico tdamico@bayharborislands-fl.gov, erappaport@bayharborislands-fl.gov



TOWN OF BAY HARBOR ISLANDS APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS



"REAPPOINTMENT" TO THE "DESIGN REVIEW BOARD."



Document_2025
-01-13_...42.pdf



Second Choice: "Charter & Ordinance Review Committee"

OTHER QUALIFICATIONS: Briefly describe any specific expertise and/or abilities that would pertain to your service on the DESIGN REVIEW BOARD:"

As a very young child my father, who was a Building Contractor would always on the week-ends take me on road trips of his Construction projects approved in Patchogue, Bellport, Shirley, West Hampton, and Riverhead. He would also teach me how to read these particular Development Site Plan approvals with following the Laws & Regulations when "improving" and "building" our "new" family home, and other residential, commercial factories, and shopping centers before they were completely built.

Then when I got married and moved to Florida, it was an awkward time for "Jews," and to join the "Bal Harbour Club? Therefore, we ended up buying a home at 9920 West Broadview Drive, and bought a building with my husband starting his own private "Gastroenterology" practice at 1060 Kane Concourse.

We were also very interested in becoming part of the Community, and had decided to become members of the (BHI) Citizens Coalition as well. This is where my husband became an "appointed" volunteer of the "Charter & Ordinance Review Committee," and I became an "appointed" volunteer and Secretary of the Design Review Committee.

Therefore, and at my age, I felt it was very important to "rejoin" the Design Review Committee" with being able with my extensive experience and knowledge from attending every single (1). Development Review Committee Meeting, (2). Town Council Meeting, and all of the other (3). Committee Meetings observing and saving records since 2005, I believe for the Committee and for the Town, I will be an asset in getting "new" young Town Citizens and Residents involved once more in our "Small Town."

Thank you,
A Concerned Citizen & Business Owner,
Frances Neuhut

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

MICHAEL MILLER PLANNING ASSOCIATES, INC.
Land Design Municipal Planning Services Transportation Planning

February 1, 2017

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154
Attn: Ronald J. Wasson – Town Manager

RE: Agreement for Professional Municipal Planning Services
 Michael Miller Planning Associates, Inc. / Town of Bay Harbor Islands
 Determination of Potential Conflict of Interest
 Bay Harbor Islands Planning Services / Bal Harbour Village Planning Services
 Bal Harbour Shops Site Plan Reviews / CBTS Issues
 MMPA Project No. 01-0702-0500

Dear Ron:

The firm of Michael Miller Planning Associates, Inc. is one of the most highly regarded consultant municipal planning firms in the State of Florida, primarily in Southeast Florida. I have been in the Urban Planning profession since 1978 (39+ years) working for local governmental agencies and/or at a Fortune 500 Land Development firm (Westinghouse Communities) either as an employee or contract consultant. I am a Certified Planner (American Institute of Certified Planners – AICP) which is held by about 25% of all urban planners. The AICP has a strict set of ethical bylaws. One of the key items addressed is conflict of interest.

As you are aware our municipal planning firm provides services to numerous cities, as well as several counties (Broward County / others) and a few select private entities. This is not unlike many architectural firms, engineering firms, law firms, accounting firms, etc. I have been the consultant municipal planner for Bal Harbour Village since 1996 (21 years total / 16 years at MMPA). My firm has been the consultant municipal planner for Bay Harbor Islands since 2001 (16 years total). Our mutual Agreement for Professional Planning Services (all of our contracts have this clause) contains a "Conflict of Interest" clause (see page 7 attached). As you know, I am a fairly conservative, very ethical, highly qualified urban planner. I refuse to work for cities / private clients that we feel have questionable ethics. I have never in my career been accused of ever being unethical or getting into conflict of interest situations – until recently.

One of our primary duties for local governments is the review of land development applications. As such our tasks are mostly technical – comparing a development plan to the community's land development regulations (zoning / landscaping / platting / signs / etc.). A question has recently arisen about our reviews of a Bal Harbour Shops (BHS) expansion and several Church-By-The-Sea (CBTS) applications in both communities. Let me say right up front my firm had no knowledge or involvement with any of the land acquisitions or negotiations. The Town's Administration and elected officials knew (meetings) of the Ocean Cadillac site deal weeks before we found out. The CBTS site acquisition / demolition in Bal Harbour Village was a private transaction between the BHS and CBTS – we reviewed a demolition permit only.

7522 Wiles Road Suite B-203 Coral Springs, Florida 33067 Telephone: 954-757-9909

**Agreement for Professional Municipal Planning Services
Michael Miller Planning Associates, Inc. / Town of Bay Harbor Islands
Determination of Potential Conflict of Interest
Bay Harbor Islands Planning Services / Bal Harbour Village Planning Services
Bal Harbour Shops Site Plan Reviews / CBTS Issues
February 1st 2017
Page 2**

Bal Harbour Village monitored but was not involved in any of the Miami-Dade historic preservation discussions. My only involvement in Bal Harbour Village has been to participate as a staff team member in the BHS expansion site plans reviews. This also involves a FLUM amendment for the former CBTS site and a Special Exception for the CBTS temporary occupancy (5 years max.) at the BHS site pending acquisition / approvals / construction of a new facility. The Town of Bay Harbor Islands administrative staff and elected officials knew (meetings) of the Ocean Cadillac dealer site deal weeks before we even found out. Our role at the Town has been only to review / comment on the Site Development Plans for the CBTS site in compliance with Town Codes.

Another consulting firm prepared the Bal Harbour Village Comprehensive Plan in 1988 – their Complan has included text since 1988 on expected future growth and redevelopment that noted it was expected the BHS would eventually acquire the CBTS site and redevelopment it as part of the BHS. It was only about 3 years ago that the BHS began concerted efforts to gain approvals to enlarge the mall. As you may know the Bal Harbour Village Council denied their latest requests on October 31st, 2016. In November 2016 two new councilmembers were elected in Bal Harbour Village who supposedly support the BHS expansion. In January 2017 BHS submitted several revised land development applications (site plan / LDR amendments). The Town of Bay Harbor Islands Zoning Code has allowed religious establishments for many years in the B-1 Business District on the upper floors of buildings. All Zoning Code text related to religious establishments has been handled exclusively through the Town Attorney or special outside law firms (Stan Price) – we have never been consulted on this matter.

Over the last few years MMPA's only involvement in the BHS expansion and CBTS submissions in both Bal Harbour Village and the Town have been as technical site plan staff reviewers. Bal Harbour Village hired another Consultant Planner (previous Planning Director of Miami Beach that worked for current Village Manager Jorge Gonzalez) to oversee the project review and help their Village Manager negotiate a Developer's Agreement. MMPA only reviewed and commented on the Site Development Plans, proposed Land Development Code amendments, wrote technical staff reports, and made public presentations. There has been NO deal making by MMPA between the cities - the BHS owners / legal staff and CBTS representatives have led all governmental approvals. I believe if they were consulted MMPA has been viewed by them as an obstructionist for trying to enforce municipal codes and offering urban design / planning input.

In our opinion there has been NO "appearance" or any active conflict of interest in any of our work efforts. On several occasions both the Town Attorneys and the Town's Special Legal Counsel have opined they feel there has been NO conflict of interest by MMPA.

The purpose of this letter, in accordance with Section 10 of our mutual Agreement for Professional Planning Services entitled "Conflict of Interest", is to seek your written determination of whether our services to the Town have had any resemblance of a conflict of interest in our reviews of the aforementioned land development reviews. While we think not we do not want any more allegations as to our professional honor, loyalty and ethics.

Michael Miller Planning Associates, Inc.

As we move forward, as stated above the BHS has recently re-submitted revised plans for an expansion. If the Town expects to request MMPA to object to the BHS expansion or try to influence the design of the project, we feel we would have a conflict and would ask that the Town retain separate professionals for that task. I have tried to keep the Town staff informed as to our firm's on-going work efforts on the BHS expansion.

MMPA truly loves working for the Town and we would like to continue doing that for many years – we feel we are an integral part of the management team. Our work efforts over the years (solving the density issue / LDR rewrites / land development reviews / etc.) are now coming to light with the completion of new projects. We have heard nothing but compliments on the design, scale and appearance of the new multifamily developments. MMPA has arranged, through the TDR system, for the Town to receive millions of dollars in funds for Town related projects, as well as the Parking Trust, not to mention the increased assessed real estate values that result in higher real estate taxes to the Town.

Thank you for your attention to this matter. We would like a written response as soon as possible to settle this. If consultation with the Town Attorneys is necessary, we would welcome that as well. We are available for discussions or meetings.

Sincerely,

Michael J. Miller, AICP – President
Michael Miller Planning Associates, Inc.

Michael Miller Planning Associates, Inc.

- 8c. The TOWN agrees that its TOWN MANAGER and/or designated staff shall make available to the CONSULTANT any plans and other data available in the TOWN files pertaining to the work to be performed under this Agreement.

SECTION 9 OWNERSHIP OF DOCUMENTS

The TOWN shall become the owner of the Deliverable Products upon satisfaction of any and all indebtedness to the CONSULTANT of all studies, sketches, tracings, drawings, data, computations, details, design calculations and other documents and plans that are required for or result from the CONSULTANT's services under this Agreement. Copies of Instruments of Services, not otherwise restricted by limitations including but not limited to leases, copyrights, trade secrets, proprietary restrictions and prior agreements, may be obtained by the TOWN upon request and compensation in accordance with the terms and conditions of this Agreement. In the event the TOWN shall use such documents, data, sketches or tracings for a purpose other than that for which they were originally provided to the TOWN, the TOWN shall remove the name plate or any other identifying features, thereby indemnifying the CONSULTANT against all claims arising from such unintended use and provide notice to the CONSULTANT of such use.



SECTION 10 CONFLICT OF INTEREST

CONSULTANT agrees not to accept employment during the time this Agreement (Contract) is in effect from any builder, land developer, utility company or others doing construction work within the corporate limits of the Town of Bay Harbor Islands which might be construed as a conflict of interest with CONSULTANT's work for TOWN. The TOWN MANAGER or their designee shall make the determination of what is deemed a conflict. The TOWN recognizes that CONSULTANT provides municipal planning services to a wide range of private and public clients, including Bay Harbour Village, an adjacent municipality. Should any conflict arise related to intergovernmental coordination, the Town of Bay Harbor Islands and CONSULTANT shall agree on the issue in writing or suspend services until the issue is resolved.

SECTION 11 PAYMENT FOR SERVICES

- 11a. The CONSULTANT shall submit to the TOWN monthly invoice(s) detailing all fees and expenses. Upon approval by the TOWN, the TOWN agrees to compensate the CONSULTANT for all services authorized and performed in accordance with approved Work Authorizations subject to the hourly or lump sum fee set out in each Work Authorization. TOWN shall make its best effort to pay CONSULTANT within 30 days of receipt of complete invoices.

Attention: MR. Meyers, Executive Director

MB
MiamiHerald.com/Neighbors
THE MIAMI HERALD
SUNDAY, JUNE 17, 2007 1B

BAY HARBOR ISLANDS

Council OKs mixed-use development

■ The Town Council paved the way for a mixed-use development, but some residents expressed chagrin about traffic and overdevelopment.

BY CAROLINA ZAMORA
czamora@miamiherald.com

A developer's bid for a mixed-use building near Kane Concourse got the green light after the Bay Harbor Islands Town Council approved a zoning overlay at a contentious meeting Monday night.

The council unanimously agreed to alter the zoning on three lots in the 9500 block of West Bay Harbor Drive so the applicant, Monarch at Bay

Harbor, can build a seven-story building with 38 residential units. The project will also have 1,545 square feet for office use and 1,731 square feet for retail on the first floor facing Kane Concourse.

Two of the lots were zoned as residential, while the third was zoned a "gateway" property — which requires a public hearing and council approval.

Neighboring residents fearing an increase in density and traffic — and opposed to commercial use adjacent to residential buildings — decried the development.

"I feel like I am being trapped in a concrete canyon

like Miami Beach with all these condominiums going up," longtime resident Norm Smith said. "I've lived on this island for 40 years and I love it, but I don't like being surrounded by high-rise buildings."

"The east-to-west traffic across Kane Concourse is going to continue to get worse," resident John Corral said. "We have a school district there, and there are kids walking to and from school. Has anyone looked at the safety issue for these kids?"

Others complained of inadequate notice of Monday's public hearing.

Teri D'Amico, a former

member of the town's Design Review Board and the only one on the board to cast a dissenting vote against the development, also accused town officials of misleading the board into thinking the proposed project was up to code. She contended the project will not fit the scale or character of the islands.

"Excessive massing will not complement our town; it will look long and not broken up like it was supposed to look," D'Amico said.

"Why do you feel the pressure when the residents don't want it?" she asked. "You are making codes and changing things that we have not asked

you to do."

Town officials maintain that no one was misled and that the project will be fitting.

"This project was discussed — at length — in the Design Review Board," town clerk Marlene Marante said.

Representatives for the developer also argued that the town created the PUD — short for planned unit development — overlay to spur redevelopment and that the project does exactly that.

In order to meet the parking space requirement, the developer will also pay \$180,000 for nine spaces to be paid to the town's parking trust.



D

TOWN OF BAY HARBOR ISLANDS
APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

Please completely fill out & return this application to the Town Clerk's Office for processing

Town of Bay Harbor Islands
1030 95th Street, Trailer 2
Bay Harbor Islands, FL 33154
(305)-866-6241

Your service to our Town is earnestly solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Board/Committees for which you wish to be considered:

☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Alexander Rindner** E-Mail: **arindner@gmail.com** Residency Years: **under 6 months**

Residential Address: **9841 E Broadview DR** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **8457311501** Cell number: **8457311501** Business number: **8457311501**

EDUCATION:

High School: **Kushner High School** Location: **NEw york,, NY**

College: **Touro** Location: **NEw york,, NY**

Year Completed: **8** Degree: **MArketing** Major: **Business**

Other professional or technical training (Name of School, course name, etc.): **NYU, Masters in Real Estate**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Regal Communities**

Address: **Ramsey, NJ**

Title: **Principal** Years of Service: **8**

If you are applying for the **Design Review Board**, please check one of the following professions. Other related profession

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

See attached cover letter and resume

Enter any specific expertise and/ or abilities.

Previous work experience in Construction and Development, as well as currently building a house in I

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.



Signature of Applicant

02/14/2025

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

Dear Bay Harbor Islands Council,

I am writing to express my strong interest in joining the Bay Harbor Islands Design Review Board. As a professional with extensive experience in real estate development and construction, I believe I can bring valuable insights and expertise to the board's important work.

Throughout my career, I have been involved in numerous development and construction projects, giving me a deep understanding of architectural design, construction processes, and regulatory compliance. Please see attached CV.

In addition to my professional qualifications, I have a personal connection to Bay Harbor Islands that fuels my passion for serving on this board. My wife grew up in this wonderful community, and we are currently in the process of building our own home here to raise our family. This experience has given me firsthand knowledge of the design review process from an applicant's perspective, providing me with a unique and valuable insight.

Having recently gone through the design review process ourselves, I am intimately familiar with the challenges and opportunities it presents. I believe this experience, combined with my professional background, will allow me to contribute meaningfully to the board's decision-making process and help ensure that new developments enhance the character and quality of life in Bay Harbor Islands.

I am deeply committed to preserving and enhancing the unique charm and aesthetic of Bay Harbor Islands while also embracing thoughtful, high-quality development. If selected to serve on the Design Review Board, I will work diligently to balance the needs of property owners with the broader interests of the community.

Thank you for considering my application. I would welcome the opportunity to discuss how I can contribute to the important work of the Bay Harbor Islands Design Review Board.

Sincerely,

Alexander Rindner

9841 E Broadview Dr,

Bay Harbor Islands, FL 33154

Alexander Rindner

Tel# (845)731-1501

Email: arindner@gmail.com

Education

New York University, Schack Institute of Real Estate, New York, NY September 2012 – May 2014

M.S. in Real Estate with a concentration in Management

Touro College, Brooklyn, NY September 2008 - June 2012

B.A. in Marketing and Management

Relevant Work Experience

Regal Communities, Miami Beach, FL January 2018- Present

- Own and Manage a portfolio of affordable Manufactured housing communities spanning 6 states 2700 units.

Avery Management, New York, NY June 2014- Present

- o Managing predevelopment phase for a hotel development
- Overseeing the redevelopment and of an office building in Downtown Brooklyn.
- o Predevelopment work for adding additional floors to the existing building

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 19.

ITEM: 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

DESCRIPTION:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Final-Staff Memo for Council - Appointment of Members to the Parks & Recreation Committee
2.	1105 - Parks and Recreation Committee
3.	Yanina Donzis
4.	Amarilys M Gott Jaimes
5.	Mariana Mitroga
6.	Alexander Rangel
7.	Alexander Rindner
8.	Dave Sanchez
9.	Kamm Trumble
10.	Elena Tushina



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager Evelyn Herbello, Deputy Town Manager
CC:	Joseph S. Geller, Esq., Consultant Town Attorney
FROM:	Yvonne P. Hamilton, CMC Town Clerk
DATE:	February 20, 2025
SUBJECT:	Appointment of Members to the Parks & Recreation Committee

RECOMMENDATION:

Staff recommends the Town Council consider appointments to the Parks & Recreation Committee from among the following list of individuals:

Yanina Donzis, 1080 94th Street, BA Advertising, CIC-Diploma Film and Media Production

Amarilys M Gott Jaimes, 9341 East Bay Harbor Drive-Juris Doctor, Master in Economics

Mariana Mitroga, 1025 92nd Street, Bachelor's in Business/Negotiation (Harvard School)

Alex Rangel, 10101 E Bay Harbor Drive, Master of Science in Marketing

Dave Sanchez, 1080 94th Street, College student majoring in cybersecurity

Kamm Trumble, 10300 W Bay Harbor Drive, BS in Marketing, Retired

Elena Tushina, 1133 102nd Street, Professional degree, Public and Retail Design
Bachelor of Applied Math and Computer Science

These applicants have submitted the required documents.

BACKGROUND:

The Parks & Recreation Committee was created to advise the Town Council on issues relating to the planning and developing of parks and to plan for the provision of certain education, recreation, leisure and cultural development for the citizens of the Town of Bay Harbor Islands.

Pursuant to Ordinance No. 1105, which regulates the Parks & Recreation Committee, the Town Council is to make appointments for the 2025-2027 Term.

The committee vacancies were posted on the town's website and published in newsletters. Individuals who applied prior to adoption of the new ordinance were invited to submit the required information.

ELIGIBILITY:

To be eligible for appointment to the Parks & Recreation Committee, individuals must be residents of the Town for a minimum of six (6) months or shall demonstrate an ownership interest for a minimum of six (6) months in business located in the town for a minimum of six (6) months.

The committee shall consist of five (5) members and two (2) alternates who shall serve two-year terms.

ANALYSIS:

The mandatory Board/Committee Application for appointed individuals are included for your reference. Appointment shall be made by a majority vote of the council present at the meeting.

ATTACHMENTS

Mandatory Board/Committee Application packet

ORDINANCE NO. 1105

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 THE PARKS AND RECREATION COMMITTEE; AMENDING CHAPTER 15, ARTICLE I, RETITLING FROM RESERVED TO SECTION 15-2 "THE PARKS AND RECREATION COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town; and

WHEREAS, the Town of Bay Harbor Islands originally adopted a Resolution for the Parks and Recreation Committee on August 14, 2017, in order to deal with issues relating to the planning and developing of parks and to plan for the provision of certain education, recreation, leisure and cultural development for the citizens of the Town of Bay Harbor Islands, the Town Council should create a committee to advise them on such matter; and

WHEREAS, section 316.2128, Florida Statutes, allows for local governments to regulate by ordinances the operation of micromobility and motorized scooters on streets, highways, sidewalks, and sidewalk areas within the local government's jurisdiction; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Chapter 15 of the Town Code entitled Parks and Recreation is hereby retitled reserved to Section 15-2 "The Parks and Recreation Committee", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

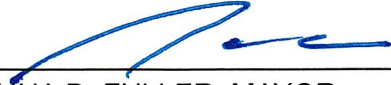
Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

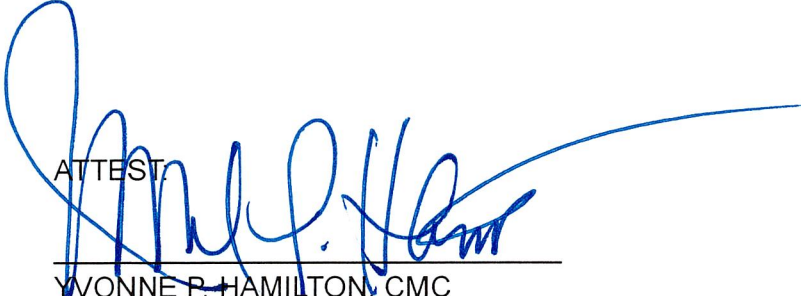
Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 14th day of August 2024.

PASSED on Second Reading this 12th day of September 2024.

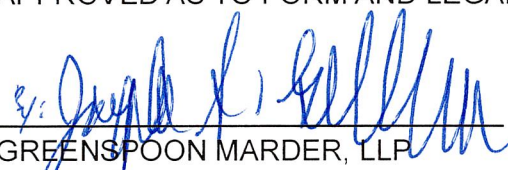


JOSHUA D. FULLER, MAYOR

ATTEST:


WONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

ARTICLE I. - IN GENERAL

Sec. 15-2. ~~-Reserved~~ The Parks and Recreation Committee

The Parks and Recreation Committee is charged with advising the Town Council upon issues involving the development and renovation of parks and recreational facilities that provide the Town of Bay Harbor Islands residents with opportunities for education, recreation, leisure and cultural development. The Committee will accomplish this mission through long-range planning and policy formation based upon monitoring public need and usage of park and recreational facilities for recommendation to the Town Council.

- a) Members. The membership of the Parks and Recreation Committee shall be five (5) members, and two (2) additional members may be appointed by the Town Council to serve as alternates. Alternates may attend Committee Meetings in order to establish a quorum and, thereafter, participate in the discussion and vote on the matters presented. Alternates shall not vote or participate in discussion if a quorum is present without the alternate(s).
 - 1. All appointments shall be residents of the Town for a minimum of six (6) months or shall demonstrate an ownership interest for a minimum of six (6) months in a business located in the Town for a minimum of six (6) months.
- b) Terms. Members and alternates of the Parks and Recreation Committee shall be appointed to serve two-year terms. To be considered for reappointment, all members and alternates must reapply at the end of their term.
- c) Appointments. All candidates are required to complete the Town's advisory board/committee application. Both new candidates and current members seeking reappointment must submit the necessary documentation. Along with the completed application and evidence of their residency. The members and alternates of the Parks and Recreation shall be appointed by resolution by the Town Council. All documents must be emailed to the Town Clerk before the deadline. The Town Council shall appoint five (5) board members and two (2) alternate by the majority vote of the Council present at the meeting. In order for a candidate to be appointed to the Parks and Recreation Committee, the candidate must meet the membership requirement and must be approved by at least five (5) town council members. To act in an advisory capacity to the Town Council.
- d) Vacancies. The Town Clerk shall issue a public notice regarding any vacancies on the Parks and Recreation Committee. In the event that a Parks and Recreation Committee member resigns, fails to meet the residency requirement, is removed in

accordance with subsection (e), or is otherwise unable to fulfill their duties, the vacancy shall be filled by one (1) of the alternates to complete the remaining term. The Town Council shall appoint an alternate to serve as a member by a majority vote of the Council members present at the meeting.

- e) Removal of members. The Town Council, upon the vote of at least five (5) Council members, may remove any Parks and Precreation Committee member, with or without cause, at any time.
- f) Meetings. The Committee shall meet at least quarterly. The chairperson shall have the right to call meetings more often. The Town Clerk shall advise the Town Council if a Committee has not met at least once a quarter, at which time, the Town Council shall take a vote as to whether to dissolve the Committee.
 - 1. During the organizational meeting of the Committee each year, the membership shall elect a committee member to serve as Chairperson. The Committee may also elect a Secretary and a Vice Chairperson to preside in the absence of the Chairperson.
 - 2. No item may be discussed for longer than 45 minutes absent a successful without a motion to extend the time for discussion time, which shall be done only in increments not to exceed 15 minutes.
 - 3. Meetings of the Parks and Recreations Committee shall conclude by 10:00 p.m., provided that any item which has begun to be heard by the board before 10:00 p.m. shall be allowed to proceed until there is a board vote on the item (subject to the 45-minute limit established above). Any unfinished business shall be deferred to the next meeting.
 - 4. There is a two (2) minute time limit for each speaker during public comments.
- g) Notice of Meetings. The Town Clerk shall be responsible for providing public notice of all Parks and Recreation Committee meetings.
- h) Quorum. The presence of a majority of the Committee members shall constitute a quorum. If a quorum is not present, the meeting shall not take place and no discussions, presentations, or exchange amongst Committee members shall occur.
- i) Attendance. Committee members who are absent three (3) or more times during a twelve (12) month period shall be subject to removal by the Town Council. The Committee staff liaison shall notify the Town Clerk when a member is absent more than three (3) times in a twelve (12) month period. The Town Clerk shall notify the Town Council of such absence and the Council shall decide if replacement is necessary and a vacancy exists. Compensation. Committee members shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

- j) Staff Liaison. The Town Manager shall designate a staff member to serve as a liaison to the Committee. The liaison shall attend Committee meetings and provide staff support.
- k) Agenda. The staff liaison, in consultation with the chairperson, shall prepare an agenda for each Committee meeting. The agenda shall be submitted to the Town Clerk for posting as required by Resolution No. 1050 referenced above.
- l) Committee Reports. The Chairperson or his/her designee shall submit a written report to the Town Clerk, that shall set forth the Committee's recommendations to the Town Council. The contents of the report shall be approved by the Committee prior to the submission to the Town Clerk and the Committee's presentation of the report to the Town Council, through its representative, at a publicly held meeting.
- m) Rules of Procedures. The Committee may adopt its own order of business and rules of procedure governing its meetings, and adverse not inconsistent with the provisions set forth herein. Such rules and procedures shall be filed with the Town Clerk. The Committee shall comply with all requirements of Chapter 119 (Public Records) and 286 (Sunshine Law), of the Florida Statutes, together with the Town Code of Ordinances.



TOWN OF BAY HARBOR ISLANDS
APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

Please completely fill out & return this application to the Town Clerk's Office for processing

Town of Bay Harbor Islands
1030 95th Street, Trailer 2
Bay Harbor Islands, FL 33154
(305)-866-6241

Your service to our Town is earnestly solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Board/Committees for which you wish to be considered:

☐ Design Review Board ☐ Parks & Recreation Committee ☒ Charter & Ordinance Committee ☐ Sustainability & Resiliency

Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

** Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.*

Please type or print information

PERSONAL:

Name: **Yanina Donzis** E-Mail: **yaninadonzis@gmail.com** Residency Years: **5 years**

Residential Address: **1080 94th st unit 512** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **7865670467** Cell number: **7865670467** Business number: **7865670467**

EDUCATION:

High School: **ORT** Location: **Buenos Aires**

College: **UCES** Location: **Buenos Aires**

Year Completed: **5** Degree: **BA** Major: **Advertising**

Other professional or technical training (Name of School, course name, etc.): **CIC- Diploma Film and Media Production**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Uo solutions**

Address: **14 NE 1st Ave Suite 703, Miami**

Title: **Account Supervisor** Years of Service: **5**

If you are applying for the **Design Review Board**, please check one of the following professions: Florida-licensed landscape architect, arborist or professional

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

I can contribute in the field of communication and in understanding the unique requirements of the diverse demographics present on the island.

Enter any specific expertise and/ or abilities.

I can also bring valuable insights as a parent, which helps me understand the needs of both children.

ACKNOWLEDGMENT (Check Below:)

- ☐ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☐ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☐ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☐ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☐ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☐ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Yanina Donzis

12/19/2024

Signature of Applicant

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **1**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

YANINA DONZIS

SR. ACCOUNT SUPERVISOR

✉ yaninadonzis@gmail.com

☎ 786-567-0467

📍 1080 94th st , unit 512,
BHI, FL 33154

SKILLS

- Teamwork
- Event Production
- Advertising
- Media production
- Creative Thinking
- Marketing Initiatives
- Communications Strategies
- Project Coordination & Strategic Planning

EDUCATION

CIC
Argentina • 12/2014

**Film & TV Production,
Cinematography**

UCES
Argentina • 12/2006
Bachelor of Arts: Advertising

LANGUAGES

Spanish

Native or Bilingual

English

Professional Working

PROFESSIONAL SUMMARY

I have been leading projects in the advertising industry for over 15 years for top brands across various industries, both for ATL and BTL campaigns. This has allowed me to develop a comprehensive and cross-functional vision of communication, an understanding of timing, and efficient resource management. I build plans A and B because I believe the unexpected should be part of the journey, not a problem. I enjoy taking challenging projects and applying my most vital skills, which include organization and meeting deadlines, consistently delivering above-standard quality, and, most importantly, teamwork. I build strong teams with a shared purpose and enjoy leaving my mark on everything I do.

WORK HISTORY

Kepel & Mata - SR. ACCOUNT SUPERVISOR
01/2018 - Current

- I oversee daily project activities and ensure the timely delivery of high-quality work to clients. I also execute and support communication campaigns, working closely with cross-functional teams of over 15 members across different regions. Additionally, I keep abreast of industry trends impacting our clients and provide strategic recommendations to enhance their communication approach.
- Clients: Pepsico Foodservice Latam & Pepsi Brand US HBU - Nokia LATAM - AMC Networks

Fenix Entertainment Group & Plan Agency - FREELANCE PRODUCER & AUDIOVISUAL CONTENT
01/2015 - 12/2017

In this role, my professional experience has focused on planning, coordinating, and producing multimedia content, particularly video production.

My key responsibilities have included identifying client needs, overseeing script coordination, scouting locations, selecting production teams, participating in casting, and supervising editing and post-production processes for the final product.

Some of the projects I participated in:

- Batalla de Gallos Redbull (2016/2017) Production Team.
- Formula E (2016) Catering coordinator.
- Lollapalooza (2015) Vip visual coordinator.
- Generación deportiva (2015) Production coordinator.

BEE Agency - SR. PROJECT MANAGER
12/2014 - 12/2017

Coordination of creative and production teams for ATL campaigns. Implement visual merchandising for Personal Telecom (a mobile phone company in Argentina), covering the whole country and activations at the point of sale. Budget management, selection, and coordination of

suppliers.

Bullpix comunicaciones / Coral Social / UO Solutions - PROJECT MANAGER

02/2011 - 10/2015

I have successfully contributed to developing strategic marketing initiatives, including creating business plans and sales strategies, for Brand Buzz, a leading social media management platform. In addition, I have been involved in the execution of various digital projects, ranging from e-commerce platforms to fashion campaigns. I have been responsible for creating and producing audiovisual content for diverse brands. In my role, I have demonstrated the ability to effectively coordinate cross-functional teams, including creative and technology departments, to ensure timely and high-quality delivery of project requests.

Craverolanis - ACCOUNT EXECUTIVE

02/2008 - 05/2010

For Craverolanis, I have demonstrated a keen ability to develop brand strategies and communications initiatives that align with business objectives. This has involved the development and execution of 360 campaigns and ongoing client engagement through presentations, campaign coordination, budget management, and other key activities. Some notable projects that I have led include:

- Successful launch events and publicity campaigns for new beverages within the ATL portfolio of Coca-Cola Company, including Powerade and Aquarius By Cepita. In addition, I have been responsible for overseeing BTL activities for Coca-Cola and Coca Cola Zero and developing a brand convention for bottlers.
- Development and execution of point-of-purchase (POP) materials, as well as the execution of on-premise actions, for the full line of LVMH Chandon Wines & Spirits.
- Oversight and management of diverse activation campaigns, interactive development initiatives, and promotional activities, among others.

Ogilvy & Mather; Santander Río Bank - ACCOUNT EXECUTIVE

11/2006 - 09/2007

My focus here was the development of the Brand & communication strategy. Some of my primary responsibilities were to build and maintain strong relationships with assigned clients, serve as the primary point of contact for clients, address any concerns or issues that may arise, develop a deep understanding of client needs, business goals, and industry trends, and leverage this knowledge to identify new business opportunities. Develop and present client proposals, including budgets, timelines, and project scope. Work collaboratively with internal teams (such as creative, strategy, and production) to ensure the delivery of high-quality work that meets client objectives. Monitor project budgets, and ensure projects are delivered on time and on budget.

Account: Santander Río Bank

You don't often get email from yaninadonzis@gmail.com. [Learn why this is important](#)

Hi Cinthia,

I hope this email finds you well.

Can you please confirm if you received the email below with my resume and if anything else is pending from my side.

Best regards,

Yanina Donzis

El abr 23, 2024, a la(s) 13:09, Yanina Donzis <yaninadonzis@gmail.com> escribió:

Good afternoon Cynthia,
Hope this email finds you well.

My name is Yanina Donzis, and I was referred to you as I am interested in participating in the Parks and Recreation Committee.

I have been involved in the Neighbors of BHI chat and understand the importance of being part of the community if we want to improve our neighborhood. I have a 5-year-old child who attends Ruth K. Broad, and we enjoy living on the island.

I'm attaching my resume. If you need anything else please let me know.

Best regards,
Yanina Donzis



TOWN OF BAY HARBOR ISLANDS

APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

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(305)-866-6241

Your service to our Town is earnestly solicited

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☐ Design Review Board ☐ Parks & Recreation Committee ☒ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Amarilys M Gott Jaimes** E-Mail: **amarilysgott@gmail.com** Residency Years: **2 years**

Residential Address **9341 E bay Harbor Dr** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: Cell number: **7864779733** Business number:

EDUCATION:

High School: **UE Andres Bello** Location: **Venezuela**

College: **UCAB** Location: **Venezuela**

Year Completed: **6** Degree: **Juris Doctor** Major:

Other professional or technical training (Name of School, course name, etc.): **Master in Economics (Italy. IU Sophia). PhD co**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Humana**

Address:

Title: **Sr. Compliance Professional** Years of Service: **6**

If you are applying for the **Design Review Board**, please check one of the following professions. Other related profession

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Having been actively involved in our community through various initiatives, such as creating the Neighbors of BHI chat, presenting at city council meetings, and meeting with esteemed individuals like Mayor Joshua Fuller, Stephanie Bruner, and Council Member Eric Rappaport, I am eager to further contrib

Enter any specific expertise and/ or abilities.

Having been actively involved in our community through various initiatives, such as creating the Neigh

ACKNOWLEDGMENT (Check Below:)

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- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Amarily's Gott Jaimes

Signature of Applicant

01/31/2025

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

Amarilys Gott

Miami, FL. 33154 • amariylsgott@gmail.com • 786.477.9733 • www.linkedin.com/in/amarilysgott

Senior Compliance Professional and Legal Counsel

Result-driven Attorney and Compliance Professional with over 15 years of legal and operational leadership experience, showcasing a successful track record in interpreting legal and regulatory frameworks to ensure seamless compliance within commercial operations. Demonstrated expertise includes increasing compliant business alternatives, implementing effective risk mitigation strategies, and crafting clear compliance policies. Proficient in leading internal audits, addressing privacy breaches, and managing external audits with regulatory bodies. Adept at cultivating strategic relationships, contributing insights to senior leadership, and collaborating with IT for consistent privacy and security practices. Committed to optimizing compliance, fostering excellence, and guiding strategic planning. Recognized for commercial acumen, with a proven track record in driving business growth, simplifying complex issues, and ensuring global regulatory compliance. Acknowledged as a dedicated strategic partner for boards, business leaders, and C-Suite executives, noted for clear communication and adept risk mitigation. Multicultural and multilingual background fosters effective collaboration in diverse teams. Demonstrates passion for privacy, artificial intelligence, and a commitment to staying ahead in the evolving legal landscape.

CORE COMPETENCIES

- Legal Counseling
- Operational Compliance
- Contract Drafting and Review
- Litigation Management & Dispute Resolution
- Strategic Planning
- Leadership & Motivation
- Business & Risk Focused
- Regulatory Compliance
- Project Management
- Stakeholder Relations
- Training & Development
- Multilingual (Spanish, English, Italian, Portuguese)
- Government & Public Relations
- Communications & Public Speaking
- Risk assessment
- Commercial Contracts
- Diversity & Inclusion
- International Expansion
- Problem-Solving
- Organizational Planning

EDUCATION AND CERTIFICATIONS

- Andres Bello Catholic University, Caracas, Venezuela
Licensed Attorney. Juris Doctor.
- Simon Bolívar University, Caracas, Venezuela
Doctor of Philosophy in Political Science & International Relations (In Progress).
- Instituto Universitario Sophia, Florence, Italy
Master of Arts in Business Economics and Politics.
- Cornell University
Certificate program on Diversity & Inclusion.
- Cornell University
360 Project Management Certificate.
- MIT Sloan School of Management
Artificial Intelligence: Implications for Business Strategy (In Progress)
- Clarabridge University.
CX Dashboard Architect.
- Andres Bello Catholic University/George Washington University, Caracas, Venezuela/Washington D.C.
Graduate Certificate in Political Management and Governability.

PROFESSIONAL EXPERIENCE

Humana, Miami, FL (Remote)

2018-Present

Sr. Compliance Professional

- Interpreted legal and regulatory frameworks to ensure compliance with commercial operations, identifying strategies for achieving organizational goals.
- Successfully increased compliant business alternatives by 20%, resulting in significant positive financial impact.
- Assessed operational impacts of new legislative and regulatory guidance, implementing effective risk mitigation strategies.
- Developed, reviewed, and updated compliance policies, procedures, and communications to provide clear guidance to internal stakeholders.
- Established and maintained monitoring procedures, conducting internal audits to enhance compliance with industry guidelines and optimize operational efficiency.
- Addressed privacy breaches in collaboration with relevant departments, ensuring adherence to state and federal regulations.
- Led external audits with regulatory bodies, ensuring a smooth and seamless process in compliance evaluations.
- Ensured compliance with applicable laws and regulations by reviewing and optimizing scripts, job aids, and training materials for a nationwide team.
- Actively participated in business events, addressing compliance-related inquiries from a diverse team of leaders and agents.
- Evaluated performance of teams, identified areas for improvement, and implemented remediation plans to meet compliance standards.
- Cultivated strategic relationships with external vendors to enhance compliance and operational effectiveness.
- Contributed insights to senior leadership strategic planning meetings, guiding compliance and risk management strategies.
- Collaborated with IT to ensure consistent privacy and security practices, overseeing processes for updating the regulatory compliance department on potential impacts on organizational functions.

Gott & Associates Corporate Law Firm, Caracas, Venezuela.

2003-2017

Founder and Associate Lawyer

- Established and managed an international law firm specializing in cross-border transactions and multinational corporate affairs, fostering strategic alliances with leading global enterprises.
- Skillfully organized complex contractual agreements, tailoring them to meet diverse client needs and ensuring favorable terms with effective risk mitigation.
- Navigated dynamic legal landscapes adeptly, consistently implementing risk reduction measures and adjusting legal strategies to meet unique client requirements.
- Demonstrated a steadfast commitment to clear and effective communication with internal stakeholders and clients.
- Collaborated with governmental authorities and labor unions in negotiating collective agreements for client corporations, achieving excellent outcomes through adroit advocacy and diplomatic finesse.
- Distinguished by exceptional litigation prowess, representing clients in various legal fora, with success rates surpassing 90%.
- Utilized alternative dispute resolution methods such as mediation and arbitration, minimizing time and financial costs for consensus-driven resolutions.

Yvonne Hamilton

From: amariys gott <amariysgott@gmail.com>
Sent: Monday, June 3, 2024 5:17 PM
To: Cynthia Garcia; Yvonne Hamilton
Subject: Application for Parks and Recreation Committee Membership
Attachments: Resume Final.pdf

Some people who received this message don't often get email from amariysgott@gmail.com. [Learn why this is important](#)

Dear Yvonne and Cynthia

I hope this email finds you well. I am writing to express my sincere interest in joining the Parks and Recreation Committee of our city council. Having been actively involved in our community through various initiatives, such as creating the Neighbors of BHI chat, presenting at city council meetings, and meeting with esteemed individuals like Mayor Joshua Fuller, Stephanie Bruner, and Council Member Eric Rappaport, I am eager to further contribute to the enhancement of our city's recreational spaces and amenities.

My involvement in the Neighbors of BHI chat has provided me with valuable insights into the needs and desires of our community members regarding parks and recreational facilities. Through engaging discussions and collaborative efforts, I have gained a deep appreciation for the importance of accessible and inclusive recreational opportunities for individuals of all ages and backgrounds.

Moreover, my experience presenting at city council meetings has equipped me with the necessary communication and advocacy skills to effectively articulate ideas, propose solutions, and engage with fellow community members and council members alike. I am committed to fostering constructive dialogue and working collaboratively to address any challenges and opportunities facing our parks and recreational areas.

I am particularly inspired by the recent developments in our city, including the election of Council Member Eric Rappaport, and I am enthusiastic about the prospect of contributing to the ongoing progress and development of our parks and recreation initiatives under his leadership.

Attached, please find my resume for your reference, which highlights my experience and qualifications. I am confident that my passion for community engagement, coupled with my dedication to promoting the well-being and enjoyment of our residents, makes me a strong candidate for the Parks and Recreation Committee.

Thank you for considering my application. I am eager to further discuss how I can contribute to the committee's objectives and support the

continued improvement of our city's parks and recreational facilities.

Warm regards,
Amarilys Gott
Phone: 786-4779733

--

Amarilys Gott
Attorney at Law.

Good morning Yvonne,
Hope to email find you well!

My name is Mariana Mitroga, and I am interested in participating in the Parks and Recreation committee. I have been actively involved in the community by creating the Neighbors of BHI chat, presenting at the city council meeting, and meeting with Your Mayor Carlos Feller, Stephanie Broun, and the recently elected Council Eric Rappaport to find new ways to improve our community.

Attached, you will find my resume and application package.

Please let me know if you need any additional information from my side in order to be considered a candidate for the upcoming elections of the Parks and Recreation Committee.

Best Regards,
Mariana Mitroga



TOWN OF BAY HARBOR ISLANDS APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

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(305)-866-6241

Your service to our Town is earnestly solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Board/Committees for which you wish to be considered:

☐ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **MARIANA MITROGA** E-Mail: **MITROGAMARIANA@GMAIL.COM** Residency Years: **6-10 years**
Residential Address: **1025 92nd Street APT 604 305 924 5426** Bay Harbor Islands, FL Zip Code: **33154**
Telephone number: Cell number: Business number:

EDUCATION:

High School: **NSM** Location: **ARGENTINA**
College: **UBA** Location: **ARGENTINA**
Year Completed: **2008** Degree: **Business** Major: **BACHELOR**

Other professional or technical training (Name of School, course name, etc.)

NEGOTIATION (HARVARD SCHOOL)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **DISCOVER FINANCIAL SERVICES**

Address: **2500 LAKE COOK RD, RIVERWOODS, IL**

Title: **SR. EXECUTIVE MANAGER** Years of Service: **3**

If you are applying for the Design Review Board, please check one of the following professions. Other related profession

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

**Expertise leading Groups and Projects.
Commitment To improve Programs and Activities**

Enter any specific expertise and/or abilities.

I have Experience leading Working Groups, I manage extended teams and work on how to improve events and commercial Relations. I am an experienced consulting professional.

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
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- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
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- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Signature of Applicant

Date

12-18-2024

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: Perfect

Absent: Perfect

Years served: 15 + ve

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | ☐ SEAT 7 | | | |

Mariana Mitroga

mitrogamariana@gmail.com | [linkedin.com/in/marianamitroga](https://www.linkedin.com/in/marianamitroga) | (305) 924-5426 | Bay Harbor Islands, FL

Senior Marketing leader with extensive experience and proven record of delivering business growth by planning and executing full range of marketing activities, product and business development. Fully bilingual in English and Spanish.

KEY AREAS OF EXPERTISE

Business Development - Relationship management - Product Development - Portfolio Management - Brand & Marketing Strategic Planning - Partnership Management - Merchant marketing - Customer loyalty platforms - Digital Marketing - UI/UX – Customer service

PROFESSIONAL EXPERIENCE

Discover Financial Services – Miami, FL

2021 to present

Sr. Executive Relationship Management

Develop and execute commercial and marketing strategies across Argentina, Chile, Paraguay, Uruguay, and Bolivia.

- Grow the acceptance business by launching 6+ new acquirers in the region.
- Lead cross-functional teams to launch new products and technologies (EMV, Protect Buy, E-wallets).
- Ensure compliance with regulatory requirements and ethical standards, including collaborating with onsite audits and partner reviews.
- Analyze regional and market trends to inform strategic decisions and enhance brand presence through local partnerships.
- Complete full migration of Cabal regional portfolio (debit, credit, commercial, and prepaid cards) to drive portfolio growth.
- Execute regional brand awareness campaigns to stimulate spending across South America's top destinations (Brazil, Argentina, Chile, Uruguay).

Novae - Miami, FL

2019 to 2021

VP Product Marketing

Responsible for the regional product & business strategy deployment across the Caribbeans & Latin America region.

- Aggressively drive business development strategy to identify growth and expand business with specific focus on new partners & new markets.
- Identify new potential partners and new payment solutions.
- Lead the local strategy and execution on business development initiatives.
- Identify opportunities to improve profitability driving premium economics.
- Provide thought leadership on competition and industry trends to support market strategy.
- Responsible for bank's partners onboarding, positioning the brand as the preferred digital loyalty solution.
- Responsible for planning, creating, and implementing the overall product marketing strategy.
- Execution of spending stimulation strategies, to maximize the revenue and customer engagement.

- Ensure the industry's leading UI/ UX for all partners, providing the latest trends in digital customer experience.
- Responsible for partners onboarding, providing an end-to-end digital marketing consultancy and support, including early engagement and spend stimulation campaigns (Life Cycle Management)
- Lead and communicate cross-functionally with engineering and other business units the latest technology features and new experiences.
- Full P&L ownership and management of profitability, budgets, ROIs, etc.

Business Development Director

Responsible for the VISA loyalty platform (My Rewards) deployment across Latin America & the Caribbean.

- Responsible for the implementation strategy for each of the LATAM and Caribbean Visa bank partners
- Create customer marketing assets for each market and bank partner.
- Represent Visa when introducing the customer loyalty platform to the LATAM partners in order to engage their customers.
- Create and communicate travel content to the customer portfolio – Life Cycle Management
- Support the innovation plan for the company from the marketing and business development perspective.
- Develop new talent at Novae within the marketing and Business development teams.

American Express - Miami, Fl

2017 to 2018

External consultant, Membership Rewards US consumer cards

Responsible for the loyalty program Membership Rewards fulfillment & customer experience for the US portfolio.

- Support the process improvement efforts, developed new tools like email servicing to maximize every interaction with the Cardmember as well as the drive 2 web traffic.
- Worked with the audit process ensuring the best customer experience according with regulations and procedures set for Membership Rewards program.
- Managed partnership initiatives, both with vendors and partners, reviewing the fulfillment experience when a reward is processed.
- Supported the back-office's initiatives and improvements to ensure transparency in the way the program works.
- Third party vendors operation support: reporting, back office, and special handling

American Express - Miami, Fl

2014 to 2017

Sr. Marketing Manager LAC

Responsible for leading the marketing strategy for a portfolio of Latin American customers and issuing partners.

- Led the marketing and product strategy for credit & charge cards as well as new to network products to drive desired business growth in Colombia, Venezuela, Dominican Republic & Puerto Rico
- Developed network sales material and product line strategy for new partners. Also responsible for assessing portfolio growth opportunities with existing partners while establishing strong relationships with banks' c level executives.
- Designed compelling network value proposition to engage customers and business partners, including local and regional benefits as well as valuable Card Member experiences at exclusive events. Most notably worked with the RFP with BOG airport (AMEX Airport spaces for travelers / customers).

- Responsible for the card acquisition strategy in all relevant channels, improvement of the sales force product knowledge, and ensure the appropriate incentives / efficiencies of each channel.
- Launched an innovative consultancy plan based on customer lifecycle and share of wallet. The project generated record-breaking incremental billings by doubling the customer spend and resulting in the most profitable campaign in the region.
- Led all above and below the line communications implemented by partner banks, in accordance with Amex global advertising policies and regulations.

American Express - Mexico, DF

2012 to 2014

Sr. Marketing Manager

Responsible for developing and executing marketing campaigns, product revitalizations and customer lifecycle programs.

Identify and implement “premiumization” best practices with new segmentation, sales techniques, channel diversification and targeted communications.

- Responsible for several loyalty campaigns such as proactive attrition, reverse companion, conversions, and early engagement.
- Developed a robust retention strategy for Puerto Rico that improved efficiencies pre, at, and post high value customer attrition. Saving rates moved from 75% to 98%.
- Planning & cost control. MIS & acquisition planning (Daily & monthly reports - annual planning - forecast & investments).
- Managed below-the-line Communications that supported the marketing initiatives described above.
- Led Puerto Rico US Migration Project, including customer strategy (activation and customer retention) in accordance with all US regulations (UDAP). Worked very close with US consumer regulators and policy teams.
- Managed business transformation initiatives for the market with successful implementations and results.

American Express - Argentina, AR

2003 to 2012

Acquisition and Retention Manager (2011 to 2012)

Responsible for defining and deploying the acquisition and retention strategy. Manage key leaderships actions to achieve business growth goals.

- Build communications and marketing efforts to increase acquisitions and billed business.
 - Manage innovation projects (digital acquisitions, compliance, and servicing improvements).
 - Interfaced constantly with operations especially for cross-sell and anti-attrition campaigns.
- Work close to other units like; risk / global branding / compliance / consumer legal / privacy / servicing and operations / concierge / membership rewards.
- Deliver strong results by duplicating the customer portfolio.

Acquisition Supervisor (2003 to 2011)

Responsible for implementing the acquisition strategy. Take the lead of the new customer processes under local regulations and acquisition management in partnership with issuing banks (Argentina).

Managed telemarketing vendors, face to face sales force and insource channels like cross selling, prospect unit and direct mail.

- Implemented the early engagement strategy.
- Responsible for the acquisition planning and cost control (A&P & Opex)
- Implemented the “Delivery Unit”. This project increased the card’s delivery rate from 45% to 80%.

- Launched Banco Privado de Inversiones a new key partner for the market. Developed sales channels, customer service training, communications materials, and training.
- Responsible for Commissions and Revenue Sharing Payments (Referral programs).

EDUCATION

- Bachelor's degree in administration, University of Buenos Aires (UBA) - Argentina, Buenos Aires
- Negotiation, Innovation & Leadership - University CEMA - Argentina, Buenos Aires
- Finance & Investment - University of Buenos Aires (UBA) - Argentina, Buenos Aires
- Introduction to Psychology - Yale University - United States
- Leadership - Harvard University - United States

Yvonne Hamilton

From: Mariana Mitroga <mitrogamariana@gmail.com>
Sent: Monday, December 30, 2024 10:14 AM
To: Yvonne Hamilton
Subject: Parks and Recreation Committee package
Attachments: Mariana Mitroga_ResumeV2024 (2).pdf

Good morning Yvonne,
Hope this email finds you well.

My name is Mariana Mitroga, and I am interested in participating in the Parks and Recreation committee. I have been actively involved in the community by creating the Neighbors of BHI chat, presenting at the city council meeting, and meeting with Vice Mayor Joshua Fuller, Stephanie Bruner, and the recently elected Council Eric Rappaport to find new ways to improve our community.

Attached, you will find my resume, and application package.

Please let me know if you need any additional information from my side in order to be considered a candidate for the upcoming election of the Parks and Recreation Committee.

Best Regards,

Happy Holidays!

Mariana Mitroga

Internal



P

TOWN OF BAY HARBOR ISLANDS
APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

Please completely fill out & return this application to the Town Clerk's Office for processing

Town of Bay Harbor Islands
1030 95th Street, Trailer 2
Bay Harbor Islands, FL 33154
(305)-866-6241

Your service to our Town is earnestly solicited

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☐ Design Review Board ☒ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency

Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

** Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.*

Please type or print information

PERSONAL:

Name: **Alexander Rangel** E-Mail: **alex.rangel84@gmail.com** Residency Years: **4 years**

Residential Address **10101 E Bay Harbor Dr Apt 306** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: Cell number: **818-458-3594** Business number:

EDUCATION:

High School: **Calabazas High School** Location: **Miami, FL**

College: **Florida International University** Location: **Miami, FL**

Year Completed: **2015** Degree: **Master of Science** Major: **Marketing**

Other professional or technical training (Name of School, course name, etc.)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Outform Group**

Address: **82 NE 26th St, Miami, FL 33136**

Title: **Vice President of Marketing** Years of Service: **2015**

If you are applying for the **Design Review Board**, please check one of the following professions. Florida-licensed landscape architect, arborist or professional

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/or abilities.

I believe I'm well-suited to contribute to the Bay Harbor Islands Parks and Recreation Committee. Ha

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Alex Rangel
Signature of Applicant

December 27, 2024
Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ye**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

December 27, 2024

Dear Members of the Town Council,

I am writing to express my interest in serving on the Parks and Recreation Committee for the Town of Bay Harbor Islands. As a proud resident, I am deeply invested in the future of our town and its public spaces. I believe our parks, recreational facilities, and community programs play a crucial role in shaping the vibrant and welcoming character of Bay Harbor Islands. I am committed to helping ensure these resources are thoughtfully maintained and continue to grow in ways that enhance the quality of life for all residents.

Professionally, I serve as the Vice President of Marketing & Strategy for Outform, an international marketing agency. Over the course of my career, I have managed large-scale projects that require strategic planning, collaboration across diverse teams, and the ability to build consensus among stakeholders with different perspectives. I have also led efforts to create initiatives that drive meaningful engagement, which I believe aligns well with the goals of the Parks and Recreation Committee.

I look forward to the opportunity to contribute my skills and insights to support the committee's work and to help preserve the unique charm and vitality of our community. Thank you for considering my application, and I would welcome the chance to discuss my candidacy further.

Sincerely,
Alex Rangel

10101 E Bay Harbor Islands Unit 306
Bay Harbor Islands, FL 33154
818.458.3594



D

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☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Alexander Rindner** E-Mail: **arindner@gmail.com** Residency Years: **under 6 months**

Residential Address: **9841 E Broadview DR** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **8457311501** Cell number: **8457311501** Business number: **8457311501**

EDUCATION:

High School: **Kushner High School** Location: **NEw york,, NY**

College: **Touro** Location: **NEw york,, NY**

Year Completed: **8** Degree: **MArketing** Major: **Business**

Other professional or technical training (Name of School, course name, etc.): **NYU, Masters in Real Estate**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Regal Communities**

Address: **Ramsey, NJ**

Title: **Principal** Years of Service: **8**

If you are applying for the **Design Review Board**, please check one of the following professions. Other related profession

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

See attached cover letter and resume

Enter any specific expertise and/ or abilities.

Previous work experience in Construction and Development, as well as currently building a house in I

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
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- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.



Signature of Applicant

02/14/2025

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

Dear Bay Harbor Islands Council,

I am writing to express my strong interest in joining the Bay Harbor Islands Design Review Board. As a professional with extensive experience in real estate development and construction, I believe I can bring valuable insights and expertise to the board's important work.

Throughout my career, I have been involved in numerous development and construction projects, giving me a deep understanding of architectural design, construction processes, and regulatory compliance. Please see attached CV.

In addition to my professional qualifications, I have a personal connection to Bay Harbor Islands that fuels my passion for serving on this board. My wife grew up in this wonderful community, and we are currently in the process of building our own home here to raise our family. This experience has given me firsthand knowledge of the design review process from an applicant's perspective, providing me with a unique and valuable insight.

Having recently gone through the design review process ourselves, I am intimately familiar with the challenges and opportunities it presents. I believe this experience, combined with my professional background, will allow me to contribute meaningfully to the board's decision-making process and help ensure that new developments enhance the character and quality of life in Bay Harbor Islands.

I am deeply committed to preserving and enhancing the unique charm and aesthetic of Bay Harbor Islands while also embracing thoughtful, high-quality development. If selected to serve on the Design Review Board, I will work diligently to balance the needs of property owners with the broader interests of the community.

Thank you for considering my application. I would welcome the opportunity to discuss how I can contribute to the important work of the Bay Harbor Islands Design Review Board.

Sincerely,

Alexander Rindner

9841 E Broadview Dr,

Bay Harbor Islands, FL 33154

Alexander Rindner

Tel# (845)731-1501

Email: arindner@gmail.com

Education

New York University, Schack Institute of Real Estate, New York, NY September 2012 – May 2014

M.S. in Real Estate with a concentration in Management

Touro College, Brooklyn, NY September 2008 - June 2012

B.A. in Marketing and Management

Relevant Work Experience

Regal Communities, Miami Beach, FL January 2018- Present

- Own and Manage a portfolio of affordable Manufactured housing communities spanning 6 states 2700 units.

Avery Management, New York, NY June 2014- Present

- o Managing predevelopment phase for a hotel development
- Overseeing the redevelopment and of an office building in Downtown Brooklyn.
- o Predevelopment work for adding additional floors to the existing building



TOWN OF BAY HARBOR ISLANDS
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Application is for: ☒ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Dave Sanchez** E-Mail: **me@davesanchez.name** Residency Years: **16-20 years**

Residential Address **1080 94th St Apt 303** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **3057612405** Cell number: **7862532878** Business number: **3057612405**

EDUCATION:

High School: **Alonzo & Tracey Mourning** Location: **2601 NE 151st St North Mia**

College: Location: **2601 NE 151st St North Mia**

Year Completed: **2023** Degree: Major:

Other professional or technical training (Name of School, course name, etc.)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Ship & Pack Corp.**

Address: **1005 Kane Concourse, Suite**

Title: **Secretary** Years of Service: **2023**

If you are applying for the **Design Review Board**, please check one of the following professions. Florida-licensed landscape architect, arborist or professional

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

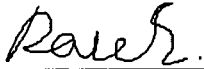
I believe I can provide a view & manner of communication with teens & young adults about what activities or events will be enjoyed by them.

Enter any specific expertise and/ or abilities.

ACKNOWLEDGMENT (Check Below:)

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- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.



Signature of Applicant

January 10, 2025

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: Perfect

Absent: Perfect

Years served: 15 + ve

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

Dave Sanchez

1080 94th St APT 303 Bay Harbor Islands FL 33154 | (786) 253 - 2878 | me@davesanchez.name

Profile

A student in Miami Dade College working towards a Cybersecurity Major with an interest in securing software, hardware, preventing data loss and damage at a workplace, as well as educating individuals on proper techniques to help keep themselves secure. Founder of SurfBalBay News with the goal to keep the residents in his community informed of all that is happening within their cities. And retains detailed knowledge of advanced networking and proper security policy applications.

Experience

FOUNDER OF SURFBALBAY NEWS | NOVEMBER 2022 - PRESENT

- Attend Weekly Meetings from the Municipalities of Bay Harbor Islands, Surfside, Bal Harbor.
- Each week usually containing 5 City Meetings per week 1-6 hours in length.
- Quick Chronicling Details of Meetings from Board, Committee Members, & Employees, including public reactions & public comments.
- Organization of Notes & Public Record Documents.
- Self-Maintenance of Website Server & Back-End.
- Proper Managing of Social Media Accounts.

SECRETARY | SHIP AND PACK CORP. | JANUARY 2023 – OCTOBER 2023

- Database Recording of Packages & Letter Mail for nearly 40 clients, who live locally, in South America, & in Europe.
- Management of Communications via E-Mail & Phone to the Business.
- Creating Invoices for Packages to be Sent Overseas to South America & Europe, via air & boat.
- Creating Packaging Tracking Numbers with their applied weight and size to shipping boxes.
- Selling & Secure Transporting of Luxury Merchandise & Electronic Equipment, via online storefronts such as eBay, OfferUp, & Facebook Marketplace directly to customers & businesses.
- Efficient Communication and Problem Management with UPS (United Parcel Services), FedEx Corporation, United States Postal Service (USPS), & other third-party shippers in status, quality assurance, and cost quoting of packages to receive and send.
- Accountant for financial transactions.

ALTER SERVER (ALTER BOY) | ST. JOSEPH'S CATHOLIC PARISH MIAMI BEACH | 2017 - 2019

- Alter Server for English & Spanish Mass on Sundays at 10:00 AM & 12:30 PM, respectively.
- Proper Religious Procedures for a Mass Procession.
- Delivering of Bread & Wine to the Priest before "Transubstantiation" by the Priest of the Mass.

Education

BACHELOR OF A CYBERSECURITY MAJOR: AUGUST 2022 – PRESENT | MIAMI-DADE COLLEGE

HIGH SCHOOL DIPLOMA | ALONZO AND TRACY MOURNING SENIOR HIGH

Skills and Abilities

Critical Thinking	Leadership	Time Management	Organization	Customer Service
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APPLICATION FOR BOARD AND COMMITTEE APPOINTMENTS

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Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **KAMM TRUMBIE** E-Mail: **trumbiekamm3@gmail.com** Residency Years: **under 6 months**

Residential Address: **10300 WEST BAY HARBOR DRIVE 10-C** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **863 484 2961** Cell number: **863 484 2961** Business number:

EDUCATION:

High School: Location:

College: **BARRY UNIVERSITY** Location: **MIA SHORES, FL**

Year Completed: **4** Degree: **BS-MKT** Major: **MARKETING** **1976-1980**

Other professional or technical training (Name of School, course name, etc.)

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **RETIRED**

Address:

Title: Years of Service:

If you are applying for the **Design Review Board**, please check one of the following professions. Florida-licensed landscape architect, arborist or profess

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/ or abilities.

ACKNOWLEDGMENT (Check Below:)

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Signature of Applicant

Date

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Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
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Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

KAMM TRUMBLE
10300 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154
(863) 484-2961

February 14, 2025

Dear Council Members:

May you please consider my continued service to the Town of Bay Harbor Islands with submission of the application and resume.

The opportunity started in 2013 as I volunteered on a couple of committees, focused mainly on the Parks & Recreation Committee.

What a better way to demonstrate care and concern for our town than to volunteer at the many events over the many years.

Thank you.

Kindly,


Kamm

KAMM TRUMBLE
10300 West Bay Harbor Drive, PH-10C
Bay Harbor Islands, FL 33154
863 - 484 - 2961

EMPLOYMENT *(not limited to)*

2012 - present

Personal Assistant
Meryl Cohen
Professor, University of Miami
BHI, FL

2018 - present

Personal Assistant
Marian Bach
Psychiatrist
BHI, FL

1994 - 2011

Personal Assistant
Caroline Gaynor
Shore Crest, FL

1988 - 1994

Administrative Assistant
Video Jukebox Network (THE BOX)
Miami, FL

1980 - 1988

Regional Manager *(promoted from within)*
Medical Aid Training Schools (MATS)
North Miami, FL

EDUCATION

1976 - 1980

Barry College *(1981 Barry University)*
BS - Marketing
Miami Shores, FL

If you would like



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☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency
Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: **Parks & Recreation**

* Per Section 112.317 Florida Statutes, members of some Board/Committees are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: **Elena Tushina** E-Mail: **elenatushina@smartlinetrac** Residency Years: **2 years**

Residential Address **1133 102nd st unit 403** Bay Harbor Islands, FL Zip Code: **33154**

Telephone number: **5618181862** Cell number: **5618181862** Business number: **5618181862**

EDUCATION:

High School: **Math Advanced Liceum** Location: **Milan, Italy**

College: **Instituto Europeo di Design** Location: **Milan, Italy**

Year Completed: **14** Degree: **Prof degree** Major: **Public and Retail Design**

Other professional or technical training (Name of School, course name, etc.): **Bachelor of Applied Math and Computer Science**

EMPLOYMENT:

Please provide your current/previous employment (attach a copy of a cover letter and/or resume)

Current/ Previous Employer: **Smartline Design Studio LLC**

Address: **500 NW 24th street Wynwood**

Title: **President** Years of Service: **14**

If you are applying for the **Design Review Board**, please check one of the following professions. Registered interior designer or professional experience

Other profession:

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

I have 20 years of global design experience working with hospitality, restaurants, developers, offices, high-end residentials. Succesfully executued projects with Ritz, Park Hyatt, Mandarin, Walt Disney, and others.

Enter any specific expertise and/ or abilities.

Besides key design and architectural knowledge, I studied practical ergonomics, psychology of design

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another board and committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

Board/Committee Members are required to file a financial disclosure statement each year.

Elena Tushina

Signature of Applicant

11/19/24

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Perfect**

Absent: **Perfect**

Years served: **15 + ve**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--|--|---------------------------------|--|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (1 YEAR) | ☐ SEAT 3 | ☐ SEAT 4 (1 YEAR) | ☐ SEAT 5 |
| ☐ SEAT 6 (1 YEAR) | | ☐ SEAT 7 | | |

Please complete the attached application and return.

Thanks

Sincerely,

Yvonne P. Hamilton, CMC

Town Clerk

Town of Bay Harbor Islands

1030 95th Street

Bay Harbor Islands, FL 33154

Telephone (305) 866-6241, Extension 112

Email: yhamilton@bayharborislands-fl.gov

<image001.png><image002.jpg><image003.png>

From: Elena Tushina <elenatushina@smartlinetrade.com>

Sent: Tuesday, November 19, 2024 1:46 PM

To: Yvonne Hamilton <yhamilton@bayharborislands-fl.gov>

Subject: Application for the Design Review Board

You don't often get email from elenatushina@smartlinetrade.com. [Learn why this is important](#)

Hello, Ms. Hamilton.

I saw an Ad in the Town's newspaper about seeking Residents for the Design Review Board.

Please see my CV in attached.

Let me know if you need anything else.

Elena Tushina

<image004.png>

Italian furniture for Hospitality - Contract - Trade

www.smartlinetrade.com

www.smartline.design

+15618181862

[Prepare for Delivery](#)

<image005.png>

<Final Town of Bay Harbor Islands Board-Committee Application.pdf>

Yvonne Hamilton

From: Elena Tushina <elenatushina@smartlinetrade.com>
Sent: Tuesday, November 19, 2024 3:12 PM
To: Yvonne Hamilton
Subject: Re: Application for the Design Review Board
Attachments: Final Town of Bay Harbor Islands Board-Committee Application.pdf

Here it is

Elena Tushina

SMARTLINE

Italian furniture for Hospitality - Contract - Trade

www.smartlinetrade.com
+15618181862

[Prepare for Delivery](#)



On Nov 19, 2024, at 2:36 PM, Yvonne Hamilton <yhamilton@bayharborislands-fl.gov> wrote:

Hello Ms. Tushina:

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 20.

ITEM: 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.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact regarding discussion of this item.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Dog Park - Plans- PERMIT-REVISIONS-AS BUILT PHOTOS
----	--

ALL RESIDENTS ARE INVITED TO CELEBRATE

THE GRAND RE-OPENING OF THE 92ND STREET PARK CARNIVAL



**SUNDAY NOVEMBER 3, 2024
4:00-6:00 PM**

Adopt Your Forever Friend!

Puppies, Adult Dogs &
Cats Available

Helping Our Pets Everyday

HOPE

Express Mobile Adoption

- Ribbon Cutting Ceremony
- Dog Parade Around the Park
- Ice Cream and Special Treats for Dogs & Owners
- Bring Used Linens to Donate to the Shelter

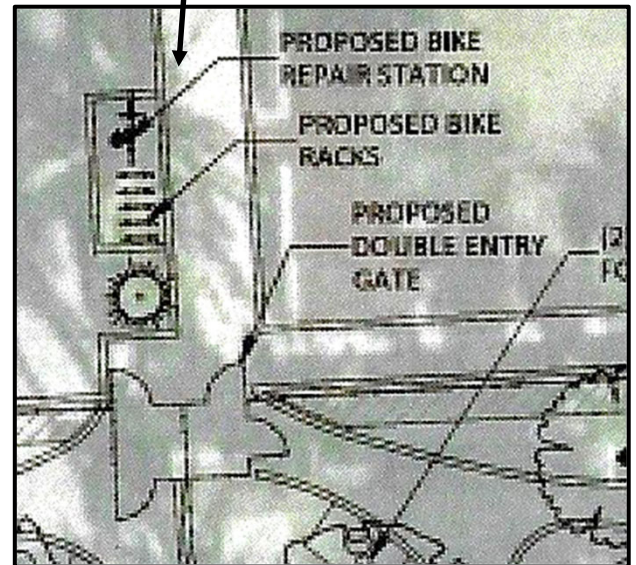
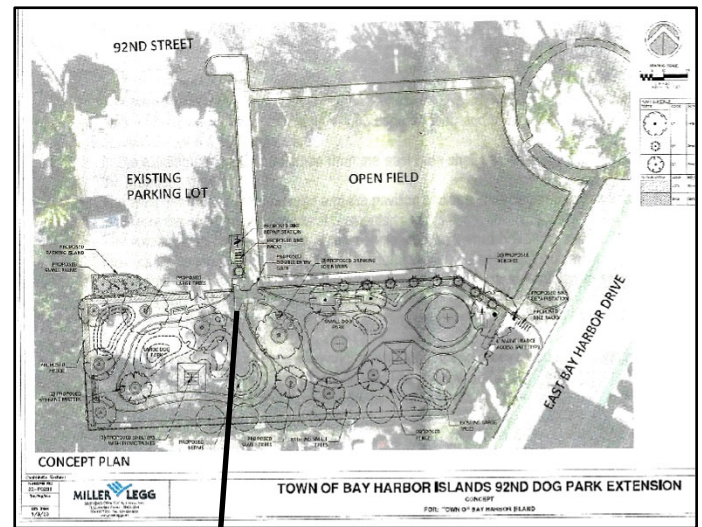


For More Information
Call Bay Harbor Islands
305-866-6241

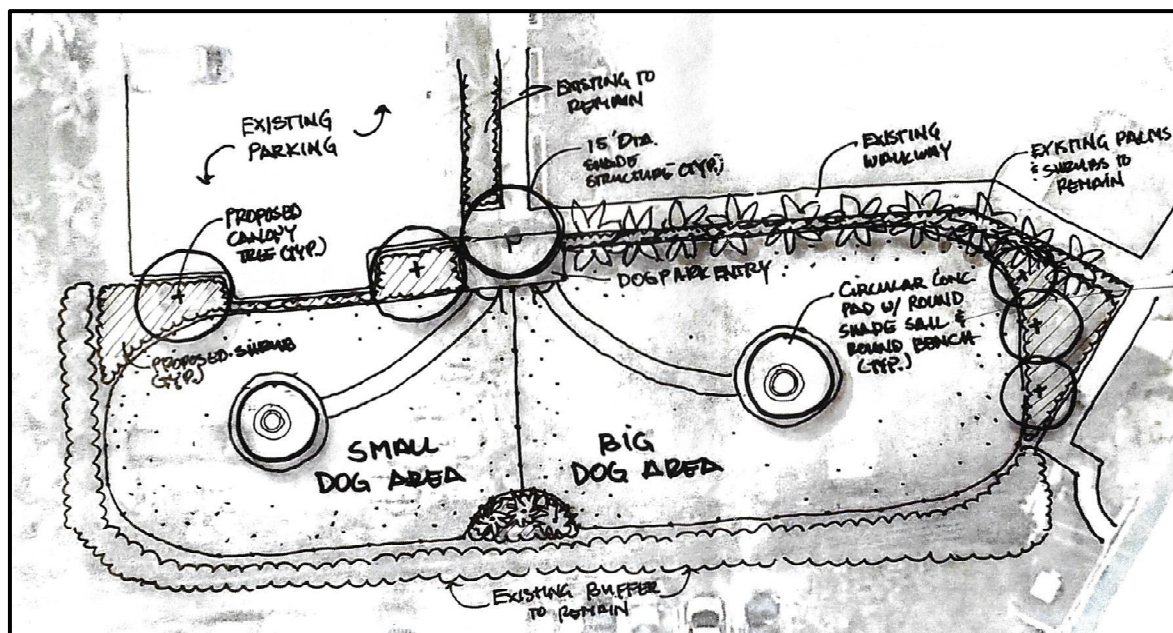
Prizes for Best Matching Dog & Owner Look Alike Costume Competition

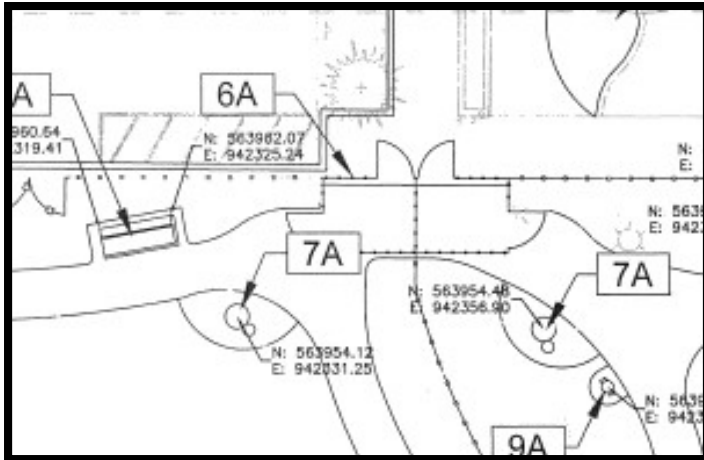
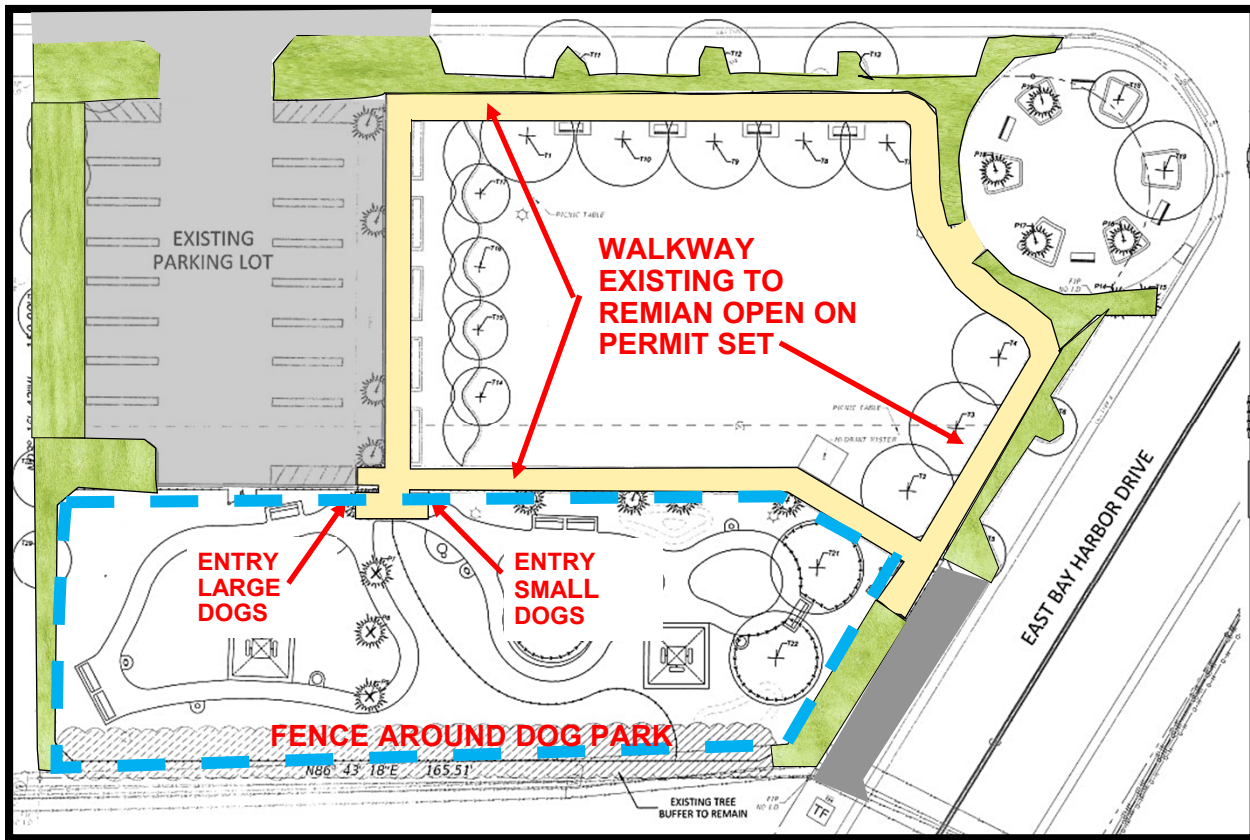


FIU | Landscape Architecture
+ Environmental and
Urban Design
College of Communication,
Architecture + The Arts



2





M. MILLER PLANNING BOARD APPROVAL 3-3-2024

Town Of Bay Harbor Islands 10/10/2023
B23-000551 Permit
Town Dog Park Expansion
92nd St Park Bay Harbor Islands FL 33154-2781
Lot 1&2 Blk 16
Folio # 13-2227-001-3010



Address: 92 nd St Park (Dog Park)
Folio #: 1322270013010
MDC Process #:
MDC Tracking #:
Job Description: **construction**

TOWN OF BAY HARBOR ISLANDS

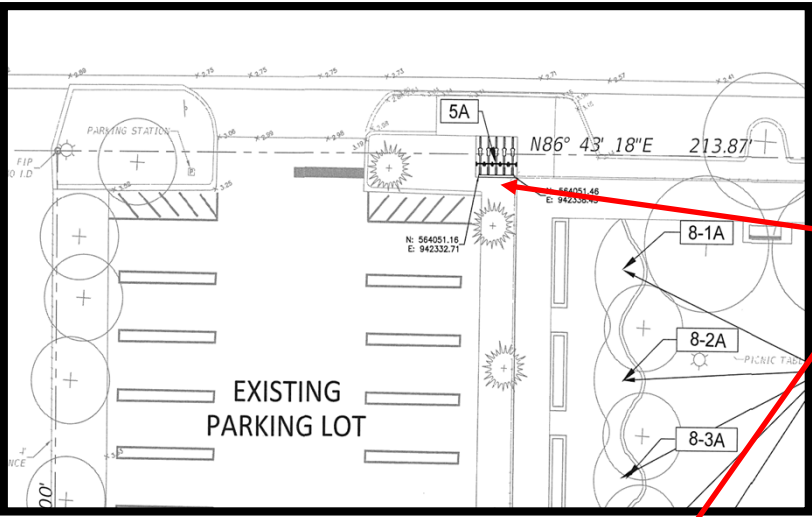
APPROVED:
Planning Board M. Miller Date 3/5/24
Zoning Inspector P Date 3/16/24
Electrical Inspector _____ Date _____
Plumbing Inspector _____ Date 3/5/24
Mechanical Inspector _____ Date _____
Structural Review Ar Date 10/12/23
Public Works _____ Date _____

Master Permit #: **B23-000551**
Date Submitted: 10/05/2023
Email: permits@waypointci.com

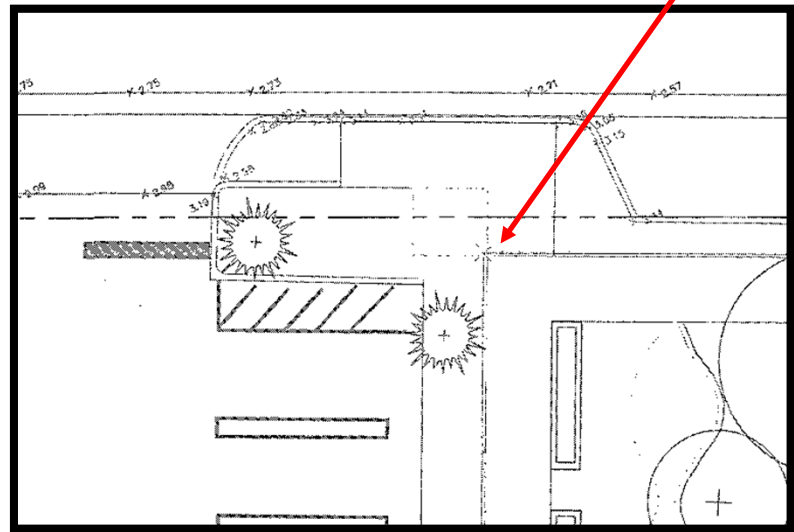
Sub Permit # _____
Phone #: _____

Lot: _____ Block: _____
Contact Name: Jorge Lopez

OFFICE USE ONLY											
ZONING	Approved	Date	Disapproved	BUILDING	Approved	Date	Disapproved	STRUCT.	Approved	Date	Disapproved
		<u>10/10/23</u>	<u>none</u>			<u>10/10/23</u>				<u>10/10/23</u>	
	Date				Date				Date		
ROOFING	Approved	Date	Disapproved	ELECT.	Approved	Date	Disapproved	MECH.	Approved	Date	Disapproved
	Date				Date				Date		



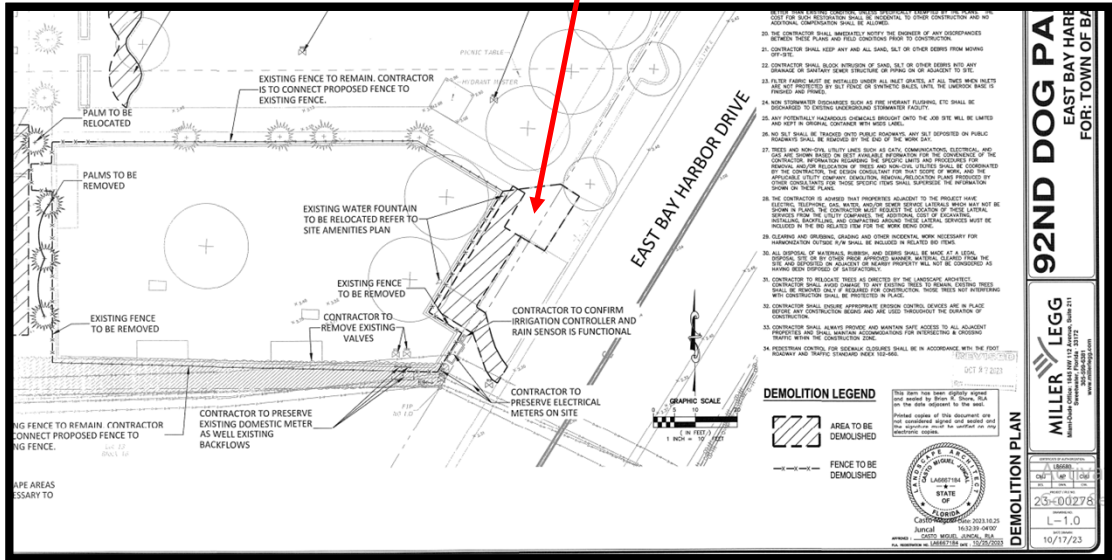
Revisions Set does not show new paving and gate A added in this area



Original Plans approved by Council does not have any fence or gates in the area

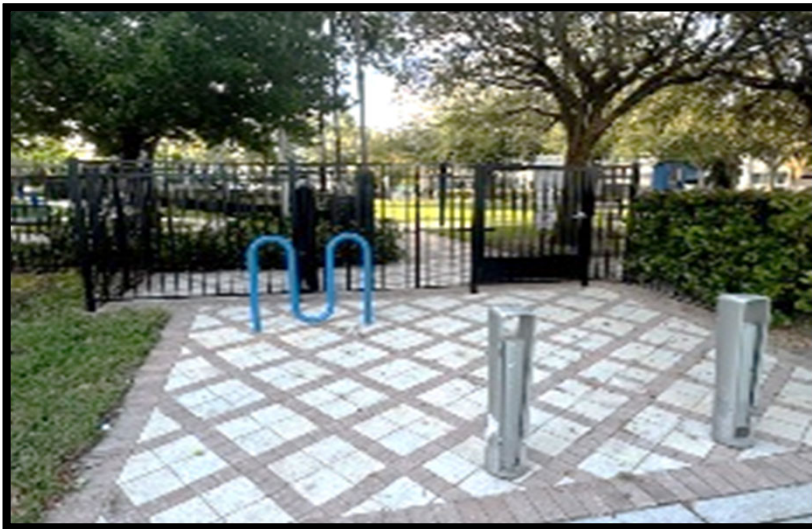


Permit Demo Plans show access to existing sidewalk in open park. Now the former 92nd st entry for dogs blocks dogs from entry





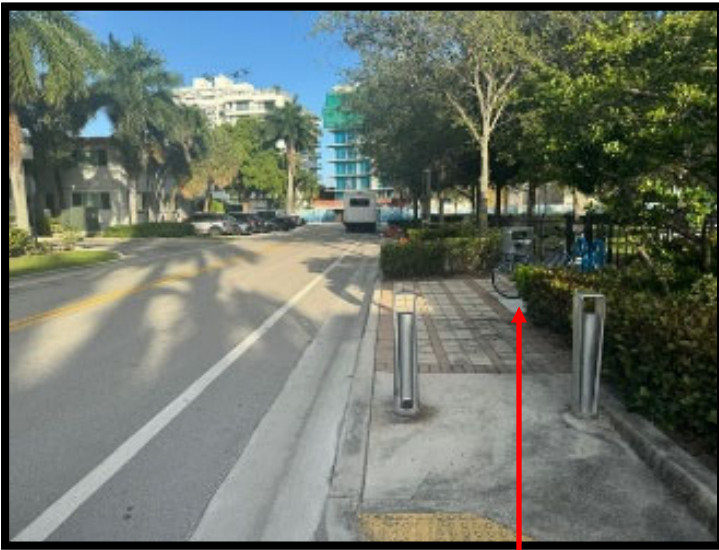
FOR DOG OWNERS TO ENTRY THE PARK THEY MUST WALK AROUND THE ENTIRE OPEN PARK AREA



FORMER DOG PARK ENTRY CLOSED TO DOGS

BIKE REPAIR INSIDE GATES





**NEW GATE A NOT ON
REVISION PLANS**

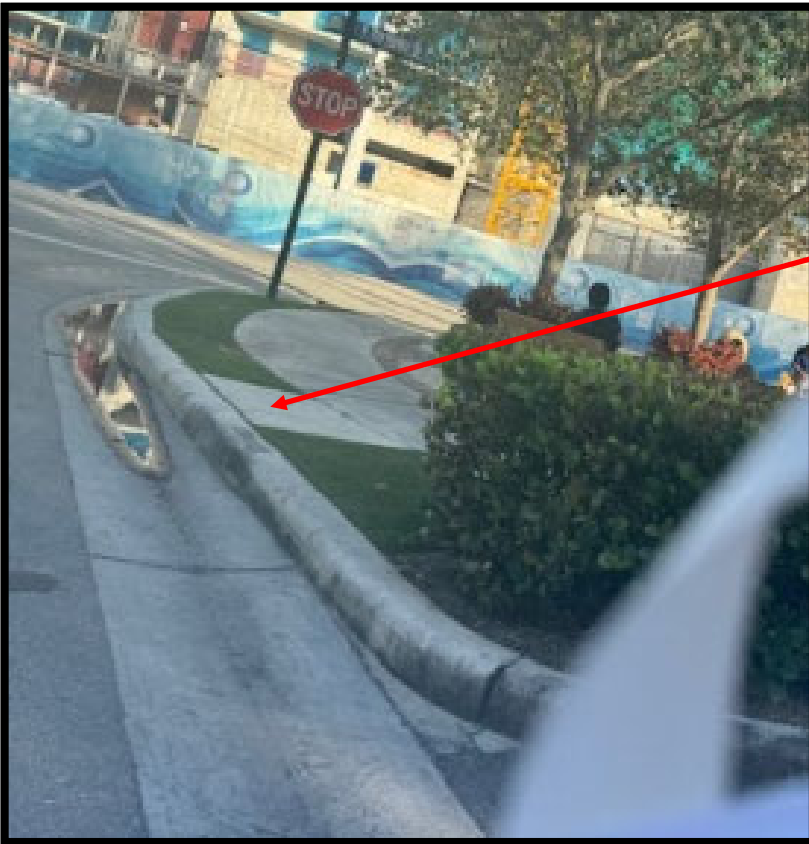
**ENTRY GATE
NO DOGS ALLOWED**



**DOG OWNERS NOW HAVE TO
WALK THROUGH THE PARKING
LOT TO ENTER DOG PARK GATES,**



**NO SIGNS DIRECTING DOG OWNERS TO ENTRY
SAFETY CONCERNS WITH ALL DOG OWNERS
WALKING THROUGH A FULL PARKING
LOT??????**



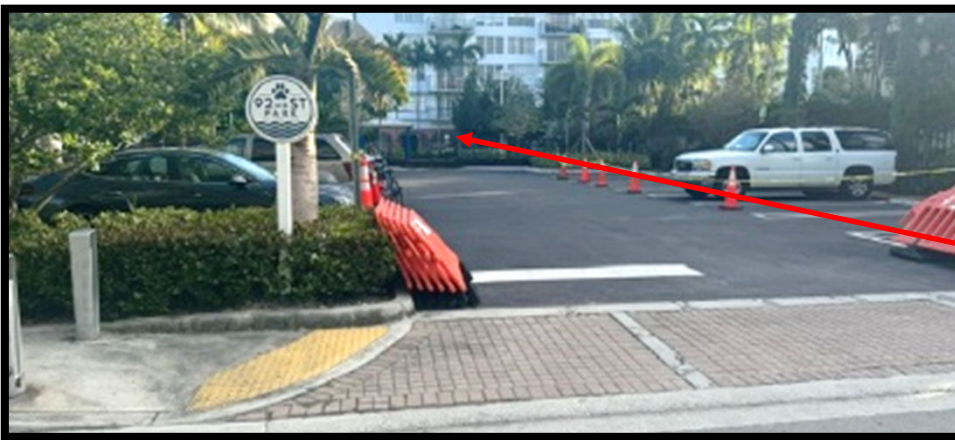
**PEDESTRIAN
SIDEWALK
END AT THE
CORNER OF
92ST & EBHD**

**PEDESTRIAN
& DOGS ARE
FORCED TO
WALK INTO
THE STREET**



**NOTE: PARKED TRUCK FOR
CONSTRUCTION WORKERS**

**BENCHES ON THE CORNERS ARE USED AS
A PICK UP POINT FOR CONSTRUCTION
WORKERS IN THE AREA. THEY EAT,
CHANGE AND WAIT FOR RIDES**



**THE ONLY
ENTRANCE TO THE
EITHER THE DOG
PARKS IS TO
WALK THROUGH
THE PARKING LOT**



**ALL DOGS AND
OWNER MUST
WALK AROUND
THE PARK CAR
AND USE
HANDICAP AREA
OR THE HANDICAP
PARKING SPACE.**

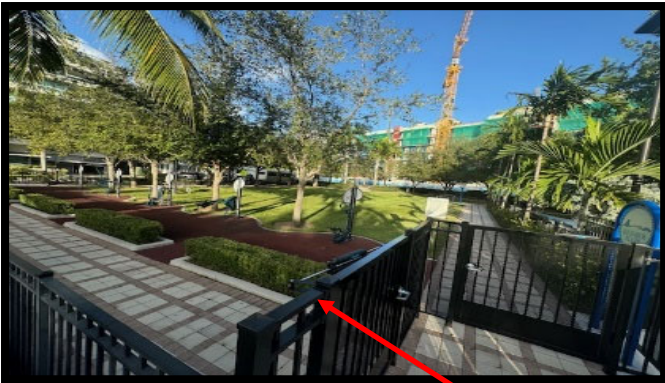


**A LOT OF
CONGESTION IN
ONE AREA**

**FUTURE
PARKED
CAR**

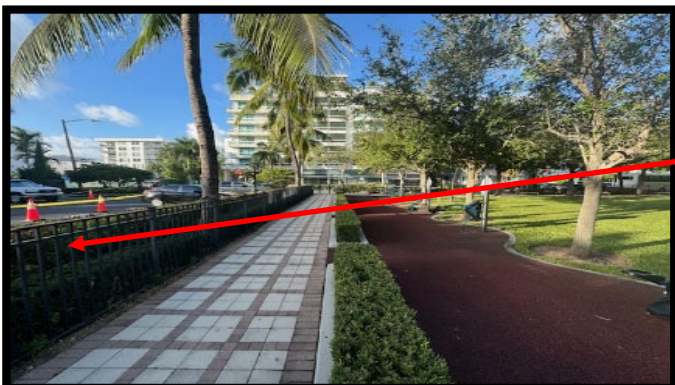


**DOG RULES INSIDE
NO DOG ZONE**



**NEW GATE ON
REVISION PLANS**

**NEW FENCE NOT ON
PERMIT OR REVISION
PLANS**



AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 21.

ITEM: 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

DESCRIPTION:

The Village of Indian Creek is in the process of converting their entire Village from septic tanks to a sanitary sewer system and have determined that the most feasible option is to hopefully utilize a large 16" transmission main located in Collins Avenue, which is owned by Bay Harbor Islands.

The purpose of this request is to seek the Town Council's consideration of an interlocal agreement with Indian Creek to allow them to tap into the Town's transmission main at 91st Street. Any such agreement would place the full cost and responsibility on Indian Creek, and they would pay a customary fee to Bay Harbor Island for such an arrangement.

While work is being done on the agreement, the Indian Creek will perform testing to ensure that the Bay Harbor Island's system has sufficient capacity and is capable to allow the additional pressures/loads without, adversely affecting the condition of the town's equipment.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no budgetary impact to enter into an interlocal agreement. Indian Creek has indicated they would pay a customary fee to Bay Harbor Island for the arrangement.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Letter to Mayor Fuller Re ILA (Sewer System) Feb. 2025
2.	Indemnification and Hold Harmless Agreement Indian Creek_executed010625



INDIAN CREEK VILLAGE, FLORIDA

February 3, 2025

Via Email

(jfuller@bayharborislands-fl.gov; jfuller@fullerlawyers.com)

Mayor Joshua D. Fuller
Town of Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, Florida 33154

Re: Proposed Interlocal Agreement with Indian Creek Village ("the Village")

Dear Mayor Fuller:

As you are aware, our Village is in the process of converting the entire Village from septic tanks to a sanitary sewer system. After months of evaluating the alternatives available for the disposal of the waste, we have determined that the most feasible option is to hopefully utilize a large 16" transmission main located in Collins Avenue, which is owned by your Town.

The purpose of this letter is to request that your Town Council consider an interlocal agreement with our Village allowing us to tap into your transmission main at 91st Street within the Town of Surfside. Any such agreement would place the full cost and responsibility on our Village, and we would pay a customary fee to your Town for such an arrangement.

Importantly, while we work on an agreement, we will perform testing to ensure that your system has sufficient capacity and is capable to allow the additional pressures/loads without, adversely affecting the condition of your equipment.

I am available to you and your colleagues for any questions or concerns. I look forward to a favorable and mutually beneficial undertaking.

Sincerely,



BERNARD KLEPACH, MAYOR

cc: Village Council
Stephen J. Helfman, Village Attorney

INDEMNIFICATION AND HOLD HARMLESS

AGREEMENT

This is an Indemnification and Hold Harmless Agreement (“Agreement”) made this 6th day of January 2025 between the Indian Creek Village, a Florida municipal corporation (“ICV”) and Bay Harbor Islands, a Florida municipal corporation (“BHI”).

RECITALS

ICV and BHI are currently in preliminary discussions regarding a Sewer Connection Agreement. The Sewer Connection Agreement would allow for ICV to connect to BHI’s sewage transmission main located within Collins Avenue (the “Transmission Main”). The proposed connection would allow for ICV sewage to be pumped from the point of connection to the City of Miami Beach for disposal with Miami-Dade County.

ICV and BHI have agreed that certain preliminary investigations into the physical condition and capacity of the Transmission Main are necessary to proceed with the terms of the Sewer Connection Agreement.

The parties wish to enter into this Agreement to allow for the investigations to occur.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, ICV and BHI agree as follows:

1. **Access and Investigation.** BHI hereby grants to ICV the right of access to the Transmission Main for the purpose of performing certain investigations into the existing condition of the Transmission Main, including the installation of pressure gauges, camera inspections and material samples.

2. **Conditions.** The rights granted herein are conditioned upon the following:

2.1 **Indemnity and Hold Harmless.** ICV shall indemnify and hold harmless BHI, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from the performance of the work under this Agreement by ICV and/or its employees, contractors, vendors and professionals. ICV shall reimburse BHI for all its expenses including reasonable attorneys’ fees and costs incurred in and about the defense of any such claims. The provisions of this section shall survive termination of this Agreement.

2.2 **Qualifications of Contractors.** All contractors, vendors, and professional engineers performing any of work on BHI equipment, shall maintain in good standing all required licenses, certifications and permits required under Federal, State and local laws applicable to and necessary to perform the work.

2.3 **Notice.** Prior to commencing any of the on-site investigations and/or testing, ICV shall provide BHI with at least seven (7) days advanced written notice to allow BHI the opportunity to oversee any such work.

2.4 **Insurance.** ICV shall require that all contractors, vendors and professional engineers performing any of work under this Agreement to secure and maintain throughout the duration of this Agreement insurance, naming BHI as an additional insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. ICV shall likewise maintain sufficient liability insurance to cover any loss to BHI under this Agreement.

Certificates of Insurance from ICV and from all third parties performing work on the BHI equipment shall be provided to BHI, reflecting BHI as an Additional Insured no later than five (5) days prior to commencing any work.

2.5 **Investigation Results.** The results of all investigations shall be made available to BHI no later than five (5) days from the completion of all work.

3. **Term.** This Agreement shall be for a term of ninety (90) days to allow for the time necessary to perform all investigations and tests.

4. **Severability.** If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

5. **Notices.** Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by electronic mail, or hand-delivery, with a copy by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the addresses listed on the signature page of this Agreement or such other address as the party may have designated by proper notice.

6. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.

7. **Electronic Signatures.** The parties hereby agree that this Agreement may be executed with electronic signatures and shall be valid and binding on the parties.

8. **Governing Law and Venue.** This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Venue for any proceedings arising out of this Agreement shall be proper exclusively in Miami-Dade County, Florida.

9. **WAIVER OF JURY TRIAL.** EACH PARTY ACKNOWLEDGES AND AGREES THAT ANY CONTROVERSY THAT MAY ARISE UNDER THIS AGREEMENT IS LIKELY TO INVOLVE COMPLICATED AND DIFFICULT ISSUES, AND THEREFORE IT HEREBY IRREVOCABLY AND UNCONDITIONALLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF OR RELATING TO THIS AGREEMENT AND ANY OF THE AGREEMENTS DELIVERED IN CONNECTION HERewith OR THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY. THIS WAIVER OF JURY TRIAL SHALL BE BINDING ON THE PARTIES' PERMITTED SUCCESSORS AND ASSIGNS. EACH PARTY CERTIFIES AND ACKNOWLEDGES THAT:

- (A) NO REPRESENTATIVE, AGENT OR ATTORNEY OF ANY OTHER PARTY HAS REPRESENTED, EXPRESSLY OR OTHERWISE, THAT SUCH OTHER PARTY WOULD NOT, IN THE EVENT OF LITIGATION, SEEK TO ENFORCE SUCH WAIVER;
- (B) EACH PARTY UNDERSTANDS AND HAS CONSIDERED THE IMPLICATIONS OF SUCH WAIVER; AND,
- (C) EACH PARTY MAKES SUCH WAIVER VOLUNTARILY.

[Remainder of page intentionally left blank. Signature pages follow]

INDIAN CREEK VILLAGE

By: 
Guillermo Olmedillo
Village Manager

Addresses for Notices:

Indian Creek Village
Attn: Village Manager
9080 Bay Drive
Indian Creek, FL 33154
305-865-4121 (telephone)
golmedillo@indiancreekvillagefl.gov
(email)

With a copy to:

Weiss Serota Helfman Cole & Bierman, P.L.
Attn: Stephen J. Helfman, Esq.
Indian Creek Village Attorney
2800 Ponce de Leon Boulevard, Suite 1200
Coral Gables, FL 33134
305-854-0800 (telephone)
shelfman@wsh-law.com (email)

TOWN OF BAY HARBOR ISLANDS

By: 
Lindsley Noel
Interim Town Manager

Addresses for Notices:

Town of Bay Harbor Islands
Attn: Interim Town Manager
1030 95th Street
Bay Harbor Islands, FL 33154
305-866-6241 (telephone)
lnoel@bayharborislands-fl.gov (email)

With a copy to:

Greenspoon Marder LLP
Bay Harbor Islands Town Attorneys
200 East Broward Blvd.
Suite 1800
Fort Lauderdale, FL 33301
954.331.2036 (telephone)
Attn: Joseph S. Geller, Esq.
joseph.geller@gmlaw.com (email)

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 22.

ITEM: 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.

DESCRIPTION:

As the Town grows and construction activity increases, dust from these sites is affecting vehicles, especially those parked on the right-of-way. Although there are regulations to control dust, it's still a problem for residents, as dust accumulates on their cars and is hard to remove. One proposed solution is allowing vehicle covers in the right-of-way to protect cars from dust and reduce the need for frequent washing. However, to ensure public safety and maintain the functionality of the right-of-way, vehicle covers must not obstruct visibility or interfere with the area. Specifically, they should not block the license plate, as it must remain visible for identification purposes.

Staff recommends that vehicle covers only be permitted for cars located within 375 feet of an active construction site and that covers be removed within three days once the construction is completed. This would ensure that covers are used only by those directly affected by construction dust and that the right-of-way remains clear once the issue is resolved.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Robert Yaffe, Council Member

ATTACHMENTS

1.	Staff Memo for Discuss Sec.19-7 Vehicle_ (003)
----	--



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Interim Town Manager Evelyn Herbello, Deputy Town Manager
CC:	Greenspoon Marder LLP by Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	February 12, 2025
SUBJECT:	Discussion on Vehicle Coverings in the Right-of-Way Around the Town

PURPOSE

The purpose of this staff report is to address concerns raised by residents regarding vehicles becoming dirty due to construction, related dust and to evaluate potential amendments to Section 19-27(b) of the Town Code concerning vehicle coverings in the right-of-way. The report outlines the background of the issue, a discussion of the situation, and staff recommendations for action.

BACKGROUND

Over the past three years, the Town has seen significant development with multiple new construction sites, particularly in areas where residential streets are located. This construction has led to an increase in dust and debris in the air, which often lands on residents' vehicles, particularly those parked on the street. Despite the Town's regulations to mitigate dust, such as requiring construction sites to take precautions, dust still enters the air and results in vehicles becoming covered in dirt, grime, and other residues.

Many residents have contacted the Town Council expressing frustration over the condition of their vehicles. They report that the buildup of dust makes it difficult to maintain clean cars and that frequent cleaning is required. In response to these concerns, there has been growing interest in allowing vehicle coverings to be used by residents when parking their cars in the public right-of-way.

Currently, Section 19-27(b) of the Town Code prohibits covering vehicles that are parked on the street (the right-of-way). The code specifically states, "It shall be unlawful for any person to use or to place any vehicle covering over any vehicles that are parked on the street."

Discussion

As the Town continues to experience growth and construction activity, the problem of dust affecting vehicles has become more pronounced. While the Town has regulations in place to control dust, such as requiring construction sites to take appropriate measures, the reality is that dust continues to circulate in the air and land on vehicles. Residents who park their cars on the right-of-way have expressed concern about their vehicles being covered in dirt and residue, which can be difficult to remove and require frequent washing.

Allowing vehicle covers in the right-of-way would provide a potential solution to mitigate this issue. The use of car covers could protect vehicles from dust and debris, reducing the frequency of cleaning required by residents. However, it is important to consider that vehicle covers in the right-of-way must not interfere with public safety, vehicle visibility, or hinder the functionality of the right-of-way.

One key consideration is ensuring that any vehicle covers used in the right-of-way must not obstruct the license plate. In the event that a vehicle needs to be identified, it is crucial that the license plate remains visible. Therefore, staff recommends that any vehicle coverings allowed must have a clear area over the license plate to ensure compliance with Town regulations.

Additionally, staff recommends that the ability to use vehicle covers be limited to vehicles located within 375 feet of an active construction site. This restriction will help ensure that vehicle coverings are used only by residents who are directly affected by construction dust and debris.

Finally, staff recommends that when the construction site is complete, all vehicle covers must be removed within three days to ensure that the right-of-way is not unnecessarily obstructed once the dust issue is resolved.

Staff Recommendation

Staff recommends that the Town Council consider amending Section 19-27(b) of the Town Code to allow vehicle coverings on vehicles parked in the right-of-way under the following conditions:

1. **Eligibility Based on Proximity to Construction:** Only vehicles parked within 375 feet of an active construction site will be permitted to use vehicle covers. This will limit the use of covers to those directly affected by construction dust.
2. **Clear Area for License Plate:** Vehicle coverings must be designed with a clear area or opening above the license plate to ensure visibility for identification purposes.
3. **Proper Material:** Vehicle covers should be made of durable, weather-resistant materials that can adequately protect vehicles from dust and debris without posing any safety or aesthetic concerns for the Town.
4. **Exclusion of Abandoned, Unregistered, and Uninspected Vehicles:** In accordance with Chapter 14, Article IV (Abandoned, Unregistered, and Uninspected Vehicles), no vehicles that are abandoned, unregistered, or uninspected will be allowed in the right-of-way, even if they are within the 375-foot radius of a construction site.
5. **Removal of Vehicle Covers After Construction Completion:** Vehicle covers must be removed within three days after the completion of the construction project to ensure that vehicles no longer in need of protection are not obstructing the right-of-way.
6. **Regulatory Oversight:** Staff recommends that the Town monitor the use of vehicle coverings in the right-of-way to ensure compliance with any new regulations and address any unforeseen issues as they arise.

Staff believe that allowing vehicle coverings in the right-of-way will help address the concerns of residents while balancing public safety and aesthetics.

CONCLUSION

The increased construction activity in the Town has led to a growing issue of dust affecting vehicles parked in the right-of-way. Staff recommends that the Town Council consider amending the Town Code to allow vehicle coverings in the right-of-way under specified conditions, including a requirement for a clear area over the license plate, eligibility based on proximity to construction sites, exclusions for abandoned, unregistered, and uninspected vehicles, and the removal of vehicle covers within three days of construction completion. This will provide relief for residents while maintaining the Town's standards of safety and visibility.

Staff is available to answer any questions or provide further clarification on this issue.

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 23.

ITEM: 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.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

February 20, 2025

ITEM NUMBER: 24.

ITEM: Discussion and **Possible** action regarding the Town Manager's search process.
Sponsored by Council Member Teri D'Amico

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact regarding this agenda item.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Teri D'Amico, Council Member

ATTACHMENTS

None