

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**

May 14, 2025
7:00 PM

STATEMENT OF DECORUM

All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts, or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chambers shall do so quietly.

SPECIAL NOTICE

A Regular Meeting of the Town Council of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Wednesday, May 14, 2025, at 7:00 p.m.

"In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town's equipment. There is no guarantee that internet service will be reliable or that the Town's equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments."

Zoom Meeting Link: <https://us06web.zoom.us/j/85069302516>
Meeting ID: 850 693 02516

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: 850 693 02516
Participant ID: Press the # key.

To request to speak: Dial *9 on your telephone device to activate the "Raise your Hand" feature on the Zoom platform.

Members of the Public can also submit their request to speak and/or comments via email to the Office of the Town Clerk at yhamilton@bayharborislands-fl.gov prior to 4:00 p.m. on the day of the meeting.

CALL TO ORDER: At approximately 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Abeer Ibrahim, Pre-K Teacher - Rookie Teacher of the Year - Ruth K. Broad K-8 Center - Sponsored by Council Member Molly Diallo
2. Alyson Somers- Kindergarten Inclusion Teacher - Teacher of the Year - Ruth K. Broad K-8 Center – Sponsored by Council Member Molly Diallo

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

COUNCIL REPORTS:

PUBLIC COMMENT

Speakers are allowed three (3) minutes and up to no more than five (5) minutes at the discretion of the presiding officer to speak on any items on the agenda only during the Public Comment portion of the meeting. Speakers may apportion their time during Public Comment to various agenda items however they wish. Any person who wishes to speak during a public hearing may be heard for no more than two (2) minutes during each public hearing or ordinance on second reading. *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 five (5) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

COMMITTEE REPORTS:

CONSENT AGENDA: *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

3. **Consideration and Approval** of a Resolution approving Budget Amendment No. 3 to the Fiscal Year 2025 Budget to appropriate \$70,000 of the \$204,000 Children's Trust expansion grant award for continuing after school programming and summer camp. The remaining funds will be allocated in the Fiscal Year 2025-2026 Budget. Enclosed are the Staff Memo, draft resolution, and supporting documents. (Town Manager)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 TO THE FISCAL YEAR 2025 BUDGET TO APPROPRIATE \$70,000 GRANT EXPANSION AWARD FROM THE CHILDREN'S TRUST TO FUND THE CONTINUATION OF THE AFTERSCHOOL PROGRAMMING AND SUMMER CAMP; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

4. **Consideration and Approval** of a Contract Award in the amount of \$871,000 to C&I Construction and Design, Inc. to replace Sewer Ejector Station A with a Submersible Pump Station. Enclosed are the Staff Memo, Bid information, and supporting documents. (Town Manager)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDED A CONTRACT TO C&I CONSTRUCTION AND DESIGN INC. IN THE AMOUNT OF \$871,000 TO REPLACE EJECTOR STATION WITH SUBMERSIBLE PUMPS. PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

5. **Consideration and Approval** of a Resolution approving an employment agreement with Town Manager Lindsley Noel. Enclosed are the proposed agreement and draft Resolution. Sponsored by Vice Mayor Stephanie Bruder, Council Member Joshua Fuller, and Council Member Robert Yaffe.

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

6. **Consideration and Approval** of a payment to Compligrowth Solutions in an amount not to exceed \$80,000 for consultant services for police department accreditation. (Town Manager)
7. **Consideration and Approval** of a Resolution ratifying the appointment of Jeniffer Viscarra, Esq. as Special Magistrate to conduct Administrative Hearings on Code Violations for the Town of Bay Harbor Islands, pursuant to Section 5³/₄-3 of the Town Code; and approval of a proposed agreement for such services. Enclosed are the proposed agreement and draft resolution. (Town Manager)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPOINTING A SPECIAL MAGISTRATE; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

ORDINANCES ON SECOND READING:

8. **Consideration and Approval** of an Ordinance on Second Reading amending Chapter 17 of the Sign Code, by retitling Section 17-2 from Indoor Signs to Indoor Signs and Window Signs and amending Section 17-20(t) relating to building identification signs. Enclosed are the Staff Memo and the proposed Ordinance. Sponsored by Vice Mayor 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 WINDOW SIGNS; AMENDING ARTICLE I OF CHAPTER 17 ENTITLED SIGNS; RETITLING SECTION 17-21 FROM "INDOOR SIGNS" TO "INDOOR SIGNS AND WINDOW SIGNS"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

9. **Consideration** and **Approval** of an Ordinance on First Reading amending Section 23-11 of the Town Code of Ordinances defining mechanical equipment, prohibiting such equipment on the exterior wall of the second floor of any building, and requiring these equipment to be clearly identified and shown during the site plan review process. 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 THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-11 ENTITLED "LAND DEVELOPMENT REGULATIONS" TO PROHIBIT MECHANICAL EQUIPMENT ON SECOND FLOOR EXTERIOR WALLS AND REQUIRING ALL SUCH EQUIPMENT TO BE CLEARLY IDENTIFIED DURING THE SITE PLAN REVIEW PROCESS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

10. **Consideration** and **Approval** of an ordinance on First Reading amending Section 23-12 of the Town Code entitled "General Provisions" by revising Section 23-12(26) to add tennis court dimensional standards and padel ball to the outdoor recreational game court facilities allowed in the Town, modifying fencing regulations and providing for noise mitigation to accommodate this sport. Sponsored by Vice Mayor Stephanie Bruder and Council member Joshua D. Fuller. Enclosed is the proposed ordinance.

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

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

11. **Discussion** and **Possible** action regarding the License Agreements for Temporary Parking Space. Enclosed are the lease application documents. Sponsored by Vice Mayor Stephanie Bruder.

12. **Discussion** regarding Town Council appointments to various committees and project liaison along with their roles. Sponsored by Council Member Teri D'Amico

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

DISCUSSION ITEMS:

13. **Discussion** and **Possible** action regarding the redesign of the 92nd Street Park to include a basketball court. Sponsored by Vice Mayor Stephanie Bruder
14. **Discussion** and **Possible** action regarding an agreement with Momentum Group for the art festival. Sponsored by Council Member Joshua Fuller.
15. **Discussion** and **possible** action on setting fixed opening and closing hours for the 92nd Street and 98th Street dog parks, 6:00 a.m. to 9:00 p.m. Sponsored by Council Member Teri D'Amico
16. **Discussion** and **Possible** action regarding rearrangement of the 95th Street tennis court to accommodate both pickle ball and tennis. Sponsored by Council Member Teri D'Amico

ADJOURNMENT: Approximately 11:00 p.m.

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