

**NOTE: A request form is available from the Deputy Town Clerk or on the Town's website; please fill it in and return it no later than the "Public Comment" section of the meeting if you would like to address the Town Council. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.**

**TOWN OF BAY HARBOR ISLANDS  
MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET  
BAY HARBOR ISLANDS, FL 33154**

**REGULAR COUNCIL MEETING**

**REVISED AGENDA**

**AGENDA**

June 11, 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, June 11, 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/88435171923>  
Meeting ID: 884 3517 1923

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: 884 3517 1923  
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](mailto:yhamilton@bayharborislands-fl.gov) prior to 4:00 p.m. on the day of the meeting.

## **CALL TO ORDER: Approximately 7:00 p.m. or immediately following the Budget Workshop**

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **SPECIAL PRESENTATION:**

1. ~~Proclamation~~ Rabbi Sholom B. Lipskar
2. **Presentation** of the Town's Annual Comprehensive Financial Report (ACFR) for the year ended September 30, 2024 by the Town's Auditors, Marcum LLP, managing partner Moises Ariza from CBIZ LLP.
3. **Recognition** of Ruth K. Broad Student of the Year for 2024-2025 - Noyemi Ataca
4. **Presentation** by Commissioner Geraldo Vildostegui, Surfside - USDOT Safe Streets for All - (Ss4A) planning program. Sponsored by Council Member Teri D'Amico
5. **Recognition of Employees of the Months of March, April, and May:**  
Shanika Agustin - March  
Yuni Palacio - April  
Juan Hernandez - May

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

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

### **COUNCIL REPORTS:**

### **PUBLIC COMMENTS:**

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:**

6. ~~Parks & Recreation Committee~~

**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.)*

7. **Consideration and approval** of a Resolution accepting a Proposal from Adurra Group Inc, in the amount of \$178,100, to provide GIS Utility Data Systems for Town-owned assets. Enclosed are the Staff Memo, Proposal, and draft Resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ACCEPTING A PROPOSAL FROM ARDURRA GROUP INC. IN THE AMOUNT OF \$178,100 TO DEVELOP AND MAINTAIN FOR A PERIOD OF ONE YEAR, GIS DATA LAYERS FOR WATER, SEWER, STORMWATER, STREET SIGNS, STREET LIGHTS, AND PARKING SPACES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.**

8. **Consideration and approval** of a Resolution accepting a proposal from Hazen and Sawyer to develop a Wastewater Collection and Transmission System Master Plan in the amount of \$147,600. Enclosed are the Staff Report, Proposal, and draft Resolution

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ACCEPTING A PROPOSAL FROM HAZEN AND SAWER IN THE AMOUNT OF \$147,600 TO DEVELOP A WASTEWATER COLLECTION AND TRANSMISSION SYSTEM MASTER PLAN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.**

9. **Consideration and Approval** of a Resolution for the Ninth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to September 30, 2025, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed are the draft Resolution and the Lease Extension agreement that call for a 5% increase to the rent, on a monthly basis from the previous rental payment. (Town Manager)

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF THE NINTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

10. **Consideration and Approval** of a Resolution authorizing the Town Manager to work with Sister Cities International to enter into a Sister Cities agreement with Eshkol Regional Council of Israel . Sponsored by Mayor Isaac Salver.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING THE TOWN MANAGER TO WORK WITH SISTER CITIES INTERNATIONAL TO ENTER INTO A SISTER CITIES AGREEMENT BETWEEN BAY HARBOR ISLANDS AND ESHKOL REGIONAL COUNCIL OF THE STATE OF ISRAEL; PROVING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.**

11. **Consideration and Approval** of a Resolution amending the Town of Bay Harbor Islands agreement with Greenspoon Marder LLP for providing general legal services to the Town. Sponsored by Council Member Robert Yaffe. Enclosed is a copy of the draft resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN OF BAY HARBOR ISLANDS AGREEMENT WITH GREENSPOON MARDER LLP FOR PROVIDING GENERAL LEGAL SERVICES TO THE TOWN ON A MONTHLY RETAINER BASIS; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.**

- ~~12. **Consideration and Approval** of a possible agreement between the Town of Bay Harbor Islands and KC Property, LLC regarding Block 11. Enclosed is the proposed agreement. Sponsored by Mayor Isaac Salver~~

**STAFF RECOMMENDATION:** Approve

**POLL VOTE**

**ORDINANCES ON SECOND READING:**

13. **Consideration and Approval** of an Ordinance on Second 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**

14. **Consideration and Approval** of an ordinance on Second 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 are the Staff Memo, supporting documents, and 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**

**ORDINANCES ON FIRST READING:**

15. **Consideration** and **Approval** of an ordinance on First Reading amending Chapter 7½ of the Town Code pertaining to Flood Damage Prevention. Enclosed are the Staff Memo and proposed ordinance. (Town Manager)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES TO AMEND CHAPTER 7½ ENTITLED FLOOD DAMAGE PREVENTION; TO CLARIFY THAT MANUFACTURED HOMES AND RECREATIONAL VEHICLES ARE NOT ALLOWED IN FLOOD HAZARD AREAS; TO ADD REQUIREMENTS FOR CONSTRUCTION IN COASTAL HIGH HAZARD AREAS (V ZONES); TO ADOPT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

16. **Consideration** and **Approval** of an ordinance on First Reading amending Section 23-11 of the Town Code related to the second story building area waivers in the RD District and setback encroachments in the RM-3 District. Sponsored by Council Member Stephanie Bruder. Enclosed are the Staff Memo and proposed ordinance.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-11 ENTITLED "LAND DEVELOPMENT REGULATIONS" RELATED TO SECOND FLOOR BUILDING AREA WAIVERS IN THE RD DISTRICT AND SETBACK ENCROACHMENTS IN THE RM-3 DISTRICT; 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:**

17. **Discussion** and **Possible** action regarding the License Agreements for Temporary Parking Space. Enclosed Staff Memo, the lease application documents, and the Financial Analysis. Sponsored by Vice Mayor Stephanie Bruder.
18. **Consideration** and **Approval** of an Ordinance on Second Reading amending Chapter 17 of the Sign Code, by retitling Section 17-21 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 CODE OF ORDINANCES PERTAINING TO WINDOW SIGNS AND BUILDING IDENTIFICATION SIGNS; AMENDING ARTICLE I OF CHAPTER 17, ENTITLED "SIGNS"; RETITLING SECTION 17-21 FROM "INDOOR SIGNS" TO "INDOOR SIGNS AND WINDOW SIGNS"; AMENDING SECTION 17-20(T) RELATED TO BUILDING IDENTIFICATION SIGNS; PROVIDING FOR UPDATED DIMENSIONAL REQUIREMENTS AND LOCATION RESTRICTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, CODIFICATION, SEVERABILITY; AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

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

19. **Request for approval** of an extension of a temporary Sales Center, by The Continuum Company LLC, in connection with the development of a multifamily residential structure at 9201 and 9481 East Bay Harbor Drive, La Baia North. The applicant is requesting the Sales Center until December 31, 2025. Enclosed are the supporting documents. Placed on the agenda by Council Member Molly Diallo and Council Member Robert Yaffe for discussion.

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

20. **Request for approval** of an extension of a temporary Sales Center, 1177 Bay Harbor Islands, LLC, in connection with the development of a mixed-use development under construction on the northeast corner of Kane Concourse and West Bay Harbor Drive (1177 Kane Concourse). The applicant is requesting the Sales Center located at 1160 Kane Concourse until September 30, 2025. Enclosed are the supporting documents. Placed on the agenda by Council Member Robert Yaffe for discussion.

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

21. **Request for approval** of the location of a temporary Sales Center at 1090 Kane Concourse, Unit A, in connection with the development of a 26-unit multifamily project at 1047 92nd Street and 1055 92nd Street by 1055 Bay Harbor Development, LLC. The applicant is requesting the sales center for a period not to exceed three (3) years. Enclosed are the supporting documents. (Town Manager)

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

**DISCUSSION ITEMS:**

22. **Discussion and Possible** action on the design of the 96th Street Park. Sponsored by Council Member D'Amico
23. **Discussion and Possible** action regarding Town Hall. Sponsored by Town Attorney's Office

**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.*