

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**

**SPECIAL COUNCIL MEETING
AGENDA**

July 8, 2025
7:00 PM

STATEMENT OF DECORUM

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

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.

SPECIAL NOTICE

A Special Meeting of the Town Council of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Tuesday, July 8, 2025, at 7:00 p.m.

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

in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments.”

Zoom Meeting Link: <https://us06web.zoom.us/j/85860035824?pwd=nGP5rmy7Q8rfn8umabQ8XLTWwhazxN.1>

Meeting ID: 858 6003 5824

Passcode: 045568

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: 858 6003 5824

Passcode: 045568

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 jpomales@bayharborislands-fl.gov prior to 4:00 p.m. on the day of the meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. Discussion and Possible action regarding the proposed school obstructing the entrance to the police station and associated traffic plan. Sponsored by Council Members Joshua Fuller and Molly Diallo.
2. Discussion and Possible action authorizing the Town Manager to engage special counsel for the procurement and development of the Town Municipal Complex, not to exceed \$75,000. Sponsored by Council Member Joshua Fuller.
3. Discussion and Possible action authorizing the Town Manager to issue the appropriate solicitations for the design and development of the Town Municipal Complex. Sponsored by Council Member Joshua Fuller.

ADJOURNMENT: Approximately 8:00 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

July 8, 2025

ITEM NUMBER: 1.

ITEM: Discussion and Possible action regarding the proposed school obstructing the entrance to the police station and associated traffic plan. Sponsored by Council Members Joshua Fuller and Molly Diallo.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Janai Pomaes, Interim Town Clerk

ATTACHMENTS

1.	L2 J. Geller 06.27.2025
2.	Exhibit A - Church by the Sea BTR 2023-2024
3.	Exhibit B - CO Church by the Sea Office
4.	Church by the Sea - Street View



ZONING, LAND USE AND ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
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www.brzoninglaw.com

305.377.6235 office

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bfernandez@brzoninglaw.com

VIA ELECTRONIC MAIL

June 27, 2025

Joe Geller, Esq., City Attorney
Town of Bay Harbor Islands
1030 95th Street, Trailer 5
Bay Harbor Islands, FL 33154

Re: 1045 95th Street, Bay Harbor Islands, Florida

Dear Mr. Geller:

Our firm represents the SOLFL Collins, LLC ("SOLFL") in relation to the referenced property ("Property") located in Bay Harbor Islands. SOLFL is entering into a lease agreement to utilize the Property which, until recently, was occupied by The Church by The Sea. Under Florida Law, a private school may, "use facilities on property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church facility which was actively used as such within the past five (5) years of any executed agreement with the private school to use the facilities". (See § 1002.42(19) (a), Fla. Stat.)

We are writing to apprise the City of SOLFL's intended use of the Property and to ask that you advise the Building Department, as necessary, in order to facilitate the necessary Business Tax Receipt ("BTR") and the Certificate of Occupancy ("CO") for SOLFL, since the B-1 Business district where the Property is located does not generally permit private schools, according to Bay Harbor Islands Code of Ordinances Section 23-5.

SOLFL will operate with a maximum of 80 students, grade levels Pre-K through 8th Grade, and needs to open in time for the upcoming 2025 school year. We are aware of the City's prohibition on "Religious Institutions" on the ground floor of the B-1 District and want to assure the City that there will be no religious services conducted on the Property. Religious activity will be limited to a morning prayer and activities that are strictly ancillary to the school use. SOLFL is not a religious institution and will not be seeking an

exemption from ad valorem property taxes or Business Tax Receipt requirements under F.S. 205.192. The general public will not be allowed on the premises and all activities on the Property will be strictly for school purposes and conducted only for the benefit of the students.

SOLFL is applying for the required CO and BTR from Bay Harbor Islands pursuant to the Statute that specifically creates a state-level preemption and allows the school use, "without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions". (See § 1002.42(19) (a), Fla. Stat.).

Until recently, the building on the property was occupied, by the Church by the Sea, Inc., which is a Florida Not For Profit Corporation registered with the State of Florida. The church utilized the building on the property for various activities as is reflected by the BTR (See Exhibit A) for the property and the CO (See Exhibit B) issued by the Building Department. The approved uses included, "Church Administration and Offices; Meeting Space; Church Programs and Services, including Youth, Social and Music Programs".

Given the recent use of the Property as a "church facility", SOLFL can apply directly for a CO and a BTR to allow the school use on the Property, irrespective of any local zoning regulation. Accordingly, we ask that the City accept, process, and approve SOLFL's application for a CO and BTR to allow the SOLFL school on the property based on the applicable Florida Law.

We appreciate your cooperation and look forward to working with you to obtain the required CO and BTR.

Sincerely,



Ben Fernandez

cc: Mayor Isaac Salver
Vice Mayor Stephanie Bruder
Council Member Robert H. Yaffe
Council Member Joshua D. Fuller
Council Member Teri D'Amico
Council Member Eric Rappaport
Council Member Molly Diallo

THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE
A penalty will be imposed for failure to keep this license exhibited conspicuously at your establishment or place of business.

BUSINESS TAX RECEIPT

EXHIBIT A

Year: 2023-2024

Number: 2272

Account Number: 33025

Mailing Address:

CHURCH BY THE SEA, INC.
1045 95TH STREET, LLC
1045 95TH STREET
BAY HARBOR ISLANDS, FL 33154

Business Name and Address:

CHURCH BY THE SEA, INC.
1045 95TH STREET, LLC
1045 95TH STREET
BAY HARBOR ISLANDS, FL 33154

Category: BUSINESS AND PROFESSION OFFICE

Phone Number: 305-866-0321

Tax ID Number: 59-0668474

Approval Date: 4/29/2019

Nature of Business:

CHURCH ADMINISTRATION AND
OFFICES; MEETING SPACE; CHURCH
PROGRAMS AND SERVICES, INCLUDING
YOUTH, SOCIAL AND MUSIC PROGRAMS

Comments:

EXEMPT PER F.S. 205.192 RELIGIOUS
INSTITUTION.
* CLERGY OFFICES
* RECEPTION DESK
* CONFERENCES AND MEETINGS
* STORAGE

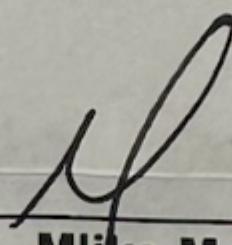
THIS RECEIPT EXPIRES SEPTEMBER 30th OF THE YEAR SHOWN ABOVE.

Fee: \$0.00

Late Fees: \$0.00

Date Paid: 10/1/2023

By


Mlike Mesa

CHIEF BUILDING OFFICIAL





Town of Bay Harbor Islands
Building Department

Certificate of Occupancy

Date Issued: 06/04/2019

Property Address: 1045 95 Street, Bay Harbor Islands, FL 33154-2108

Folio Number: 1322270012450

Lot: 16&17

Block: 12

Plat Book: 46

Page Number: 5

Contractor: Daniel Naim Naim Development LLC

CC#: Miami Dade 6757539

Mailing Address: 20865 NE 32nd Ave Aventura, FL 33180

Occupancy Group: B - Business

Sq Ft:

Type of Construction: Type III Ext Wall Non-Combust

Description: **Interior Renovations (Church By The Sea Office)**

Master Permit Number: B18-000207

Owner: 1045 95TH STREET LLC

This Certificate of Occupancy is issued only upon the express provision that the applicant will comply with all of the Zoning Ordinances and all Ordinances or Building Codes of the Town of the Bay Harbor pertaining to the erection, construction or remodeling of buildings or structures. This also certifies that the electrical, plumbing, mechanical and protection systems have been inspected and approved. The issuance of this Certificate grants permission to occupy and use the property only for the use indicated. Any change in use will require a new Certificate.

☐ This permit was issued under an exception to the state law which allows owners of property to act as their own contractor on one or two family dwellings. The exception requires that the property not be offered for sale or lease within one (1) year after completion.

Chief Building Official

This is a valuable document. Keep it in a safe place.



An aerial photograph of a street intersection. A horizontal road runs across the middle. To the left of the road is a parking lot with several cars. To the right of the road is a large white building with a blue roofline. Further down the road to the right is a dark building. The image is oriented horizontally, but the labels and road markings suggest it might be a vertical shot rotated 90 degrees clockwise. The labels are in a sans-serif font, with the top label being larger and bolder than the others.

**Bay Harbor Islands
Police Department**

Bay Harbor Islands
Police Department

Bay Harbor
Islands Fire Department

AGENDA ITEM REPORT

July 8, 2025

ITEM NUMBER: 2.

ITEM: Discussion and Possible action authorizing the Town Manager to engage special counsel for the procurement and development of the Town Municipal Complex, not to exceed \$75,000. Sponsored by Council Member Joshua Fuller.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

The budget impact would not exceed \$75,000, leaving the remaining budget balance \$1,603,764.00

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
Buildings	7/8/2025	301	301.5190.400062.000		\$1,678,764

Submitted By: Janai Pomaes, Interim Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

July 8, 2025

ITEM NUMBER: 3.

ITEM: Discussion and Possible action authorizing the Town Manager to issue the appropriate solicitations for the design and development of the Town Municipal Complex. Sponsored by Council Member Joshua Fuller.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Janai Pomaes, Interim Town Clerk

ATTACHMENTS

None