

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**

September 11, 2025
7:00 PM – Or immediately following the First Budget Public Hearing

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 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 Thursday, September 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."

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/87167573150?pwd=XzbKzq0lhdpOYhDIbLot8ccb0stc3H.1>
Passcode:605329

Phone one-tap:

+13052241968,,87167573150# US

+13017158592,,87167573150# US (Washington DC)

Join via audio:

+1 305 224 1968 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 689 278 1000 US

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

Webinar ID: 871 6757 3150

International numbers available: <https://us06web.zoom.us/j/kc3BSjxG5b>

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: 871 6757 3150

Participant ID: 605329

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 cherbello@bayharborislands-fl.gov prior to 4:00 p.m. on September 10, 2025.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

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:

1. Parks and Recreation Committee Report

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.)*

2. Flood Insurance Assessment Report. Sponsored by Town Manager Lindsley Noel.
3. A Resolution to approve/adopt the Repetitive Loss Area Analysis (RLAA) for the Town. Sponsored by Town Manager Lindsley Noel.
4. A Resolution to approve to piggyback off the Interlocal Purchasing System (TIPS) Contract for Holiday and Special Lighting Services. Sponsored by Vice Mayor Stephanie Bruder.
5. A Resolution to amend Resolution No. 1085 establishing charges for clerical assistance in connection with the inspection and duplication of public records and adopt the Town's Public Records Policy. Sponsored by Town Manager Lindsley Noel.

ORDINANCES ON SECOND READING:

6. Consideration and approval of an Ordinance on Second Reading amending Section 23-11 of the Town Code related to the second-story building area waivers and garage percentage in the RD District. Sponsored by Vice Mayor Stephanie Bruder.
7. Consideration and approval of an Ordinance on Second Reading Amending Section 23-5 of the Town Code for the B-1 Business District to remove automobile showrooms for display and sales from the list of prohibited uses, thereby allowing them as a permitted use. Sponsored by Vice Mayor Stephanie Bruder.

ORDINANCES ON FIRST READING:

8. Consideration and approval of an Ordinance on First Reading of the Town Council of the Town of Bay Harbor Islands, Florida, amending Chapter 16, the Town of Bay Harbor Islands employees retirement system, to provide an election for an increased contribution rate for

members who are appointed to serve as Town Manager. Sponsored by Vice Mayor Stephanie Bruder, Council Member Teri D'Amico, Council Member Joshua Fuller and Council Member Robert Yaffe.

9. Consideration and approval of an Ordinance on First Reading of the Town Council of the Town of Bay Harbor Islands, Florida, amending Chapter 16, Article IV, Retirement Benefits, Section 16-40, Schedule, to increase the monthly retirement subsidy to \$425. In accordance with the current collective bargaining agreement between the Town and the Bargaining representative of the Police Officers. Sponsored by Town Manager Lindsley Noel.
10. Consideration and approval of an Ordinance on First Reading Amending Section 23-80 of the Town Code for to establish survey requirements for new construction, additions, and site modifications. Sponsored by Vice Mayor Stephanie Bruder.
11. Consideration and approval of an Ordinance on first reading regarding construction parking. Sponsored by Vice Mayor Stephanie Bruder and Council Member Robert Yaffe.
12. Consideration and approval of an Ordinance on First Reading Amending Section 5.17 of the Town Code entitled "Garage and Carport Elevation and Enclosure Requirements". Sponsored by Council Member Robert Yaffe.
13. Consideration and approval of an Ordinance on First Reading incorporating Fats, Oils, and Grease (FOG) Regulations. Sponsored by Vice Mayor Stephanie Bruder.
14. Consideration and Approval of an Ordinance on First Reading Permit Expiration and Progress Regulations. Sponsored by Vice Mayor Stephanie Bruder and Council Member Robert Yaffe.
15. Consideration and approval of an Ordinance on First Reading regarding a B-1 Med Spa. Vice Mayor Stephanie Bruder and Council Member Robert Yaffe.

DEFERRED ITEMS:

16. Discussion and Possible action regarding the redesign of the 92nd Street Park to include a basketball court. Sponsored by Vice Mayor Stephanie Bruder.
17. Discussion and possible action to consider a design option for the Kayak Park (96th Street and Bay Harbor Drive). Sponsored by Council Member Teri D'Amico.
18. Discussion regarding construction site obligations involving cranes and heavy equipment during emergency hurricane situations and evacuation. Sponsored by Council Member Teri D'Amico.

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

19. Discussion and possible action to enter an agreement for extended construction work hours. Placed on agenda for discussion by Town Manager Lindsley Noel.
20. Discussion and possible action regarding an agreement between SBC USA, LLC and the Town to utilize space on the south side of Causeway Island for the transfer of debris. Placed on the agenda for discussion by Town Manager Lindsley Noel.
21. Discussion and Possible Action to enter into a lease agreement with Church by the Sea for property located at 1045 95th Street, Bay Harbor Islands, FL. Placed on the agenda for discussion by Town Manager Lindsley Noel.

DISCUSSION ITEMS:

22. Discussion and possible action to go out for an RFP for Town Attorney services. Sponsored by Vice Mayor Stephanie Bruder.
23. Discussion and possible action approving a resolution creating the Historic Advisory Committee. Sponsored by Council Member Eric Rappaport.
24. Alternatives for 3-Dimension printing of modules associated with the artificial reefs at Causeway Island and the Bay Harbor Waterway. Sponsored by Council Member Joshua Fuller.
25. Discussion and Possible Action to appoint a Town Clerk. Town Council Discretion
26. Discussion and Possible Action on the Rescheduling Procedure for Town Council Meetings. Sponsored by Council Member Robert Yaffe.

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.