

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.

CANCELLED FOR LACK OF QUORUM

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

SPECIAL COUNCIL MEETING AGENDA

January 14, 2026
5:45 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 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 Wednesday, January 14, 2026, at 5:45 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."

You are invited to a Zoom webinar!
When: Jan 14, 2026, 05:45 PM Eastern Time (US and Canada)
Topic: Special Town Council Meeting

Join from PC, Mac, iPad, or Android:
<https://us06web.zoom.us/j/83501806759>
Passcode:884793

Phone one-tap:
+13052241968,,83501806759# US
+13092053325,,83501806759# US

Join via audio:

+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+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)
+1 346 248 7799 US (Houston)

Webinar ID: 835 0180 6759

International numbers available: <https://us06web.zoom.us/j/83501806759>

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 the day of the meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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.

DISCUSSION ITEMS:

1. Discussion and possible action regarding requesting House Representative Fabian Basabe withdraw House Bill 1559. Sponsored by Council Member Joshua Fuller and Council Member Robert Yaffe

ADJOURNMENT: Approximately 6:00 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

January 14, 2026

ITEM NUMBER: 1.

ITEM: Discussion and possible action regarding requesting House Representative Fabian Basabe withdraw House Bill 1559. Sponsored by Council Member Joshua Fuller and Council Member Robert Yaffe

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Jonathan Stephenson, Executive Assistant to the Town Manager

ATTACHMENTS

1.	House Bill 1559
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1 A bill to be entitled

2 An act relating to the Coconut Grove Playhouse, Miami-
3 Dade County; providing legislative intent; requiring
4 Miami-Dade County to transfer the existing property
5 interest in the Coconut Grove Playhouse to the Town of
6 Bay Harbor Islands; providing duties of the town;
7 providing an effective date.
8

9 WHEREAS, the Coconut Grove Playhouse is a historic and
10 cultural landmark of the State of Florida, significant to Miami-
11 Dade County and to the people of this state, and

12 WHEREAS, the State of Florida, through prior conveyance,
13 placed restrictive covenants and preservation obligations upon
14 the Coconut Grove Playhouse property, requiring its continued
15 use and protection for public, historic, and cultural purposes,
16 and

17 WHEREAS, the Department of Environmental Protection has
18 issued directives to Miami-Dade County regarding the
19 preservation and stabilization of the playhouse property, and

20 WHEREAS, in a letter dated March 1, 2019, the Division of
21 Historical Resources of the Department of State found that the
22 county's plan to demolish the playhouse structure and restore
23 two exterior facades would be inappropriate and inconsistent
24 with state and federal preservation standards, warned that
25 demolition could lead to removal of the property from the

26 National Register of Historic Places, and, citing s.
 27 267.061(2)(b), Florida Statutes, recommended that the county
 28 evaluate feasible alternatives, and

29 WHEREAS, despite negative evaluations of its plans, Miami-
 30 Dade County has argued that its lease with this state excuses
 31 compliance with directives from the Department of State and the
 32 requirements of s. 267.061, Florida Statutes, an argument made
 33 in bad faith since the playhouse is owned by this state, and
 34 state law obligations cannot be contracted away, and

35 WHEREAS, Miami-Dade County has failed to comply with state
 36 directives, has permitted deterioration of the property in
 37 breach of its obligations, and has pursued redevelopment actions
 38 inconsistent with the public trust and preservation covenants,
 39 and

40 WHEREAS, millions of dollars in public funds have been
 41 allocated toward preservation and stabilization of the
 42 playhouse, yet Miami-Dade County has failed to prioritize or
 43 execute such preservation and stabilization, and

44 WHEREAS, it is the duty of the Legislature to safeguard
 45 historic assets of this state, uphold public trust, and ensure
 46 that public covenants are honored, NOW, THEREFORE,

47

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

49

50 **Section 1.** The intent of this act is to:

51 (1) Protect the historic and cultural value of the Coconut
 52 Grove Playhouse, Miami-Dade County.

53 (2) Enforce accountability for the state-owned Coconut
 54 Grove Playhouse by reassigning stewardship away from Miami-Dade
 55 County through a transfer of the property interest to the Town
 56 of Bay Harbor Islands, Miami-Dade County, a municipality that is
 57 capable of honoring both the public trust and historic
 58 preservation covenants.

59 **Section 2.** (1) On July 1, 2026, Miami-Dade County shall
 60 transfer the existing property interest in the Coconut Grove
 61 Playhouse, Miami-Dade County, to the Town of Bay Harbor Islands,
 62 Miami-Dade County, for the purposes of historic preservation,
 63 public use, and cultural benefit.

64 (2) (a) Upon receiving the existing property interest in
 65 the Coconut Grove Playhouse, the Town of Bay Harbor Islands
 66 shall consult with the City of Miami, the Department of
 67 Environmental Protection, and the Division of Historical
 68 Resources of the Department of State on feasible and prudent
 69 alternatives to the demolition or alteration of the playhouse,
 70 as required under s. 267.061(2)(b), Florida Statutes, and on
 71 every renovation it plans to perform to protect the historic and
 72 cultural value of the property.

73 (b) The Town of Bay Harbor Islands shall, to the maximum
 74 extent practicable, use public funds and other funds reserved
 75 for the playhouse to:

76 1. Comply with the directives of the Department of
 77 Environmental Protection, including:
 78 a. Taking preservation actions as a condition of state
 79 ownership and oversight.
 80 b. Preserving the historic facade, roofline, and
 81 architectural integrity of the playhouse.
 82 c. Fulfilling obligations under the original state deed
 83 covenants.
 84 2. Fulfill its contract and fiduciary duty, including
 85 complying with all restrictive covenants requiring preservation
 86 and building stabilization for historic, cultural, and public
 87 use.
 88 **Section 3.** This act shall take effect July 1, 2026.