

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 13, 2026
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 13, 2026 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/85907945061?pwd=T6Xrea6CVYQ5B1FsNF5asdaTuKNxZ9.1>
Meeting ID: 859 0794 5061
Passcode: 405744

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

International numbers available: <https://us06web.zoom.us/j/85907945061?pwd=T6Xrea6CVYQ5B1FsNF5asdaTuKNxZ9.1>

Meeting ID: 859 0794 5061
Passcode: 405744
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 eherbello@bayharborislands-fl.gov prior to 4:00 p.m. on May 12, 2026.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Special Presentation by District 7 Miami-Dade County Commissioner Raquel Regalado - Request to present Neuroinclusion Toolkit in Bay Harbor Islands.
2. Ruth K. Broad Bay Harbor K-8 Center Teacher of the Year - Christine Bergman - Presented by Council Member Molly Diallo
Ruth K. Broad Bay Harbor K-8 Center Rookie Teacher of the Year - Danila Sanz - Presented by Council Member Molly Diallo
3. Town Employees of the Month:

- January 2026 - Evelyn Merizalde, Compliance Manager
- February 2026 - Kenny Chaviano, Assistant Public Works Director
- March 2026 - Jonathan Stephenson, Executive Assistant to the Town Manager
- April 2026 – Willian Hernandez, Electrician

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.)*

4. April 10, 2024 Organizational Town Council Meeting Minutes
 April 10, 2024 Regular Town Council Meeting Minutes
 January 14, 2026 Regular Town Council Meeting Minutes
 March 12, 2026 Regular Town Council Meeting Minutes
 April 13, 2026 Special Town Council Meeting Minutes
 April 22, 2026 Organizational Town Council Meeting Minutes
 April 22, 2026 Regular Town Council Meeting Minutes
5. Authorization to Transfer Residual Funds and Close the Sewer Debt Service Bank Account.

6. Authorization to Close the Service Station Deposit Bank Account.
7. Consideration and Approval FY 2025-2026 Budget Amendment
8. Approval of a proposal from BCC Engineering LLC in the amount of \$553,399 to complete design, permitting, bid support, and Construction Engineering Inspection (CEI) Services for Rehabilitation of the West Relief (Bridge # 875105).
9. Recognizing May as Jewish American Heritage Month (JAHM). Sponsored by Mayor Isaac Salver.
10. Consideration and Approval of the 2026/2027 Budget Preparation Calendar. Enclosed is the proposed schedule.

PUBLIC HEARING-QUASI JUDICIAL:

11. PUD Overlay Rezoning Application – Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1 - Town Manager.

ORDINANCES ON SECOND READING:

12. Consideration and approval of an ordinance on second reading to strengthen enforcement against businesses operating in violation of Town Code. Sponsored by Council Member Robert Yaffe.
13. An ordinance on second reading amending the Town's Code of Ordinances by creating Article III of Chapter 2, to be designated as Sections 2-30 through 2-34 and to establish general waiver provisions for the land development code. Sponsored by Council Member Joshua Fuller and Vice Mayor Stephanie Bruder.

ORDINANCES ON FIRST READING:

DEFERRED ITEMS:

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

DISCUSSION ITEMS:

14. Discussion and Possible Action regarding Committee attendance, quorum requirements, and potential disbandment and reconstitution of committee following consecutive meeting cancellations due to lack of quorum. Sponsored by Council Member Robert Yaffe.

ADJOURNMENT: Approximately 10:00 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
May 13, 2026

ITEM NUMBER: 4.

ITEM: April 10, 2024 Organizational Town Council Meeting Minutes
April 10, 2024 Regular Town Council Meeting Minutes
January 14, 2026 Regular Town Council Meeting Minutes
March 12, 2026 Regular Town Council Meeting Minutes
April 13, 2026 Special Town Council Meeting Minutes
April 22, 2026 Organizational Town Council Meeting Minutes
April 22, 2026 Regular Town Council Meeting Minutes

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Evelyn Herbello, Town Clerk

ATTACHMENTS

1.	04-10-2024 Organizational Town Council Meeting Minutes
2.	04-10-2024-Regular Council Meeting Minutes
3.	01-14-2026 Regular Town Council Meeting Minutes
4.	03-12-2026 Regular Town Council Meeting Minutes
5.	2026-04-13 Special Town Council Meeting Minutes
6.	2026-04-22 Organizational Town Council Meeting Minutes
7.	2026-04-22 Regular Town Council Meeting Minutes



Town of Bay Harbor Islands

**Organizational; Town Council Meeting
MINUTES
April 10, 2024**

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

An Organizational Meeting of the Town Council was held on Wednesday, April 10, 2024, at 6:32 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller

Vice Mayor Isaac Salver Council Member Stephanie Bruder
Council Member Teri D'Amico Council Member Molly Diallo
Council Member Eric Rappaport Council Member Robert Yaffe

1. **Acceptance** of the Miami-Dade County Elections Department Certification of the April 2, 2024 General Election Results. Enclosed is a copy of the Certification Letter.

ACTION: Council Member Bruder made a motion to accept the Certification of the April 2, 2024, General Election. Council Member Yaffe seconded the motion, and it passed unanimously.

2. **Administration** of the Oath of Office to the newly elected Council Members by the Town Clerk.

Town Clerk Yvonne P. Hamilton administered the Oath of Office to newly elected Council Members Joshua D. Fuller and Eric Rappaport.

3. **Distribution** of Annual Salaries to the Town Council, pursuant to Section 2.06 of the Town's Charter.

It was the consensus of the Town Council to donate their annual salaries to the Ruth K. Broad Eighth Grade Fund.

4. **Selection** of a Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.

ACTION: Council Member Bruder made a motion to elect Joshua D. Fuller as mayor. Council Member Yaffe seconded the motion, and all voted in favor.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and alleged filing of certain complaints with the Miami-Dade Commission on Ethics on March 13, 2024. She was ruled out of order.

PUBLIC COMMENT CLOSED

- 5. **Selection** of a Vice Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.

Council Member Robert Yaffe nominated Council Member Diallo for Vice Mayor, and Council Member D'Amico seconded the motion.

Council Member Eric Rappaport nominated Council Member Salver for Vice Mayor and Council Member Salver seconded the motion.

Mayor Fuller asked if there were any other nominations and there were none. He then asked the nominees if they accepted the nominations. Council Member Diallo stated that she would be happy to do it but was okay if Council Member Salver wanted it. All voted in favor for Council Member Salver as Vice Mayor; there were no objections.

- 6. **Administration** of the Oaths of Office to the Mayor and Vice Mayor by the Town Clerk.

Town Clerk Yvonne P. Hamilton administered the Oath of Office to Mayor Joshua D. Fuller and Vice Mayor Isaac Salver.

- 7. **Consideration** and **Approval** of a Resolution appointing Yvonne P. Hamilton as Town Clerk. Enclosed is a copy of the proposed Resolution.

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

ACTION: Council Member Bruder made a motion to approve the resolution. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

- 8. **Consideration** and **Approval** of a Resolution appointing Greenspoon Marder LLP as the Town Attorneys. Enclosed is a copy of the proposed Resolution.

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF BAY HARBOR
ISLANDS, FLORIDA APPOINTING A
TOWN ATTORNEY AND ASSISTANT
TOWN ATTORNEY; PROVIDING FOR
INCORPORATION OF RECITALS; AND
SETTING AN EFFECTIVE DATE**

Town Attorney Geller pointed out a revision to the language of the resolution to state that “Greenspoon Marder LLP” was being appointed as the Town Attorneys.

ACTION: Council Member Yaffe made a motion to approve the resolution as amended. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

9. **Administration** of the Oath of Office to the Town Attorney and the Town Clerk by the Mayor.

Mayor Fuller administered the Oath of Office to Town Clerk Yvonne P. Hamilton and Town Attorney Joseph S. Geller.

10. **Consideration and Approval** of a request by Miami-Dade County League of Cities to designate a Director and an alternate Director to serve on the Board of Directors for a period of one year. Enclosed is a copy of the request.

Vice Mayor Salver nominated Council Member Yaffe as the Director and Council Member Diallo as the Alternate. Council Member Bruder seconded the motion, and all voted in favor.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:24 p.m.

Accepted this ____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk



Town of Bay Harbor Islands

Regular Town Council Meeting MINUTES April 10, 2024

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Regular Meeting of the Town Council was held on Wednesday, April 10, 2024, at 7:03 p.m. Upon roll call the following members responded:

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

Fabian Basabe, Florida House Representative and Larisa Svechin, Mayor of Sunny Isles Beach, came forward respectively, and congratulated Mayor Fuller and Council Member Rappaport for being elected at the town's general election.

SPECIAL PRESENTATION:

Introduction of Police Officer Andrew Troncoso

Deputy Chief Blanchard introduced Officer Troncoso and Mayor Fuller administered the Law Enforcement Oath of Office to him.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

There were no requests for withdrawals, deferments, and future agenda items.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- The Town Picnic is scheduled for April 14, 2024, from 1:00 pm to 5:00 pm.
- The Doggy Parade and concert are scheduled for April 28, 2024.
- The Children's Trust Luncheon is scheduled for April 10, 2024.
- Appointments to the Design Review Board, Parks & Recreation Committee, and the Mitigation Committee will be on the June agenda.
- The Golden Beach Municipal Government Center inauguration event is scheduled for May 23, 2024.

- She introduced Lorraine Bell as the new Town Planner.
- The Town Council's retreat is being planned by staff.

Mayor Fuller suggested the Council Members submit items for the retreat agenda, which will determine how many days will be needed for the event.

- A draft of onboarding procedures for newly elected officials was included in the Town Manager's Report. She invited the Council to recommend any additions.
- She informed the Council that numerous meetings have been held to discuss the conceptual plans for the new town hall. Council Member Bruder will provide more information.
- Bridge Public Workshop hearing is scheduled for June 24, 2024.
- The Broad Causeway Bridge change orders that were approved at the previous meeting are currently in progress, but additional concrete work will be needed. An emergency order to authorize new work will be on the May agenda for approval.

Council Member D'Amico stated that she liked the onboarding process the Town Manager suggested. She also mentioned the council getting approval to work on projects and that the matter be discussed at the retreat.

Council Member Rappaport agreed with Council Member D'Amico and felt that there should be a concise onboarding platform.

It was the consensus of the Council that the onboarding process would be a good topic to discuss at the retreat.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member D'Amico spoke about condominiums and their new requirements to have all their information listed online. She discussed SB1029 pilot program to provide condominiums with \$100,000 for repairs and SB154 structural integrity reserve study that will allow condominiums to do financial planning and provide \$175,000 for condominiums to use. She suggested the town place the new requirements on the website for the public. She promoted the bike rodeo and stated that people need to be educated on the new scooter laws.

Council Member Bruder proposed that the town notify the Presidents of the Condominium Associations in writing of the new regulations and program availability, since they register their information with the town. Mayor Fuller asked that the Town Attorney examine any letter before it is sent out to the associations.

Council Member Diallo congratulated Mayor Fuller and Vice Mayor Salver for their nominations to Mayor and Vice Mayor. She proposed that the Council Retreat be for two days. She noted she is scheduled to attend the Junior League Advocacy Breakfast,

as well as the Children's Trust Luncheon.

Council Member Bruder stated how pleased she was with Mr. Jacobi's management of the town's Children's Trust Program. She talked about her meeting with the PBA and the challenges they face in recruiting police officers. She complimented the police department on drawing in young, highly qualified recruits.

Council Member Rappaport thanked the electorate for giving him the opportunity to serve and be elected to the council for the ensuing four years. He reported he also took the boat tour to assess the state of each bridge. He looks forward to serving this term.

Council Member Yaffe congratulated Mayor Fuller and Vice Mayor Salver on their nomination to Mayor and Vice Mayor, respectively. He welcomed Council Member Rappaport to the Council. He also recognized Alex Rangel and Kathleen Kennedy who ran in the town's annual general election. He noted that the condominium legislation has not been signed by the Governor; when it's signed, it will be effective July 1st. He reported on attending the Miami-Dade County League of Cities meeting last week where he received the Home Rule Hero award.

Vice Mayor Salver thanked the council for nominating him as Vice Mayor. He discussed the Home Rule Hero award and the importance of advocacy for municipalities. He added that the constituents are the ones attempting to turn those connections into substantial financial support for the town projects.

Mayor Fuller thanked the Council members for entrusting him as Mayor. He thanked the voters for electing him to serve for another four years. He encouraged the public to take advantage of the town picnic. He referred to the Home Rule Hero Award and the Council's efforts in Tallahassee to ensure the representatives understand the town's needs and how to better serve the residents.

Alina Garcia, State Representative, came forward and congratulated the newly elected officials. She looks forward to helping the town in any way she can. Council Member D'Amico thanked her for meeting with the constituents when visiting Tallahassee to discuss the bridge. State Representative Garcia replied that grant funding was granted for the bridge, and she is hoping the Governor doesn't veto it.

Council Member Bruder expressed gratitude to State Representative Garcia for spending so much time with them during their visit to Tallahassee; even though the town is outside of her district; she made the effort to advocate on the town's behalf to secure grant funding for the bridge.

Council Member Diallo congratulated Council Member Rappaport on his election to office.

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a

*two (2) minute time limit for each speaker during all other agenda items. 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 three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Rolando Epstein, 1101 99th Street, came forward and raised a concern about the scooters and mopeds. He claimed to have seen them on sidewalks, in pedestrian walkways, blocking traffic, and consisting of two to three people riding the mopeds. He talked about the work on the Indian Creek Bridge and expressed concern that traffic problems would arise as the work gets done. He recommended extending the bus shuttle service for a little while longer to prevent more cars from adding to the traffic. He proposed allowing a left turn on West Bay Harbor Drive to alleviate traffic.

Council Member Bruder recommended that even though the town hosted a class on scooter awareness, new guidelines and safety information should be published in the newsletter. Council Member D'Amico suggested this matter be discussed at the retreat. She felt that all three towns should work together to mitigate this issue.

Council Member Rappaport stated that during his campaign, he met with many seniors, and that one of their top concerns was the scooters on the sidewalks; a problem that needs to be resolved.

Mayor Fuller explained that the town was expanding the Freebee service and getting rid of the shuttle.

Council Member Bruder questioned Chief Noel about posting signs prohibiting the use of motorized scooters on the sidewalk.

Town Attorney Geller informed the Council that Miami-Dade County is currently reviewing an ordinance that would, in theory, give local communities more authority to act in addition to allowing for some direct control. Key Biscayne has passed one. He believed that the ordinance passed on first reading.

Chief Noel came forward and suggested that the town pass an ordinance, once the County's ordinance passes. He thinks they are not allowed to ride in tandem due to certain rules. Nothing prevents them from being road riders. He can begin posting signs and launching an awareness campaign. The Traffic Enforcement Officer has been instructed to attend the upcoming bike rodeo and inform the youth about the laws pertaining to scooters.

Council Member Bruder suggested an ordinance be implemented. Chief Noel stated that Sunny Isles Beach's ordinance does not address infractions. He recommended

that if the Council passes an ordinance, it includes information on violations and helmet requirements. The police will enforce the ordinance once it passes.

Council Member Rappaport stated that the town needs to improve enforcement and policing. Council Member Bruder added that the ordinance would need to pass first. Council Member Rappaport mentioned informing people that walking is required, rather than riding bikes and scooters across the bridge.

Council Member Yaffe told the council that although the road had logos stamped on it years earlier, he didn't think anyone really noticed.

Frances Neuhut, 1060 Kane Concourse, came forward and voiced her displeasure with early voting and the town elections. She believed that because she possesses multiple properties, they treat her unfairly. She stated that although the Code mandates that Church by the Sea be regulated, the Council nevertheless permitted it.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. (*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.*)

1. ~~Approval of the following Council Meeting Minutes:
A. Regular Council Meeting – November 8, 2023~~

2. **Consideration and Approval** of a resolution authorizing a rate adjustment based on the 2023 Consumer Price Index (CPI) in accordance with the agreement between the Town and Coastal Waste & Recycling for solid waste collection services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A RATE ADJUSTMENT FOR SOLID WASTE COLLECTION SERVICES BASED ON THE 2023 CONSUMER PRICE INDEX (CPI), IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE TOWN AND COASTAL WASTE & RECYCLING; PROVIDING FOR CODIFICATION OF THE FEES IN THE TOWN CODE, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY AND REPEALER; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Consideration and Approval** of a resolution approving a 2023-2026 Collective Bargaining Agreement between the Town of Bay Harbor Islands, Florida and the South Florida Police Benevolent Association.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POLICE BENEVOLENT ASSOCIATION (PBA) AND THE TOWN OF BAY HARBOR ISLANDS FOR THE TERM OF OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2026; SETTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE OFFICERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Consideration and Approval** of a resolution authorizing the hiring of three (3) additional full-time personnel for the Police Department, a Compliance Manager and two (2) Public Service Aides, and budget amendment #3 to increase code enforcement action and efficiency. Sponsored by Council Members Stephanie Bruder, Joshua Fuller, and Robert Yaffe.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE HIRING OF THREE (3) ADDITIONAL FULL-TIME PERSONNEL FOR THE POLICE DEPARTMENT, A COMPLIANCE MANAGER AND TWO (2) PUBLIC SERVICE AIDES; APPROVING BUDGET AMENDMENT NUMBER 3 TO TRANSFER FUNDS BETWEEN DEPARTMENTS TO COVER THE COST OF THESE POSITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution approving a contract with South Florida Electrical Consultant for Electrical Contracting Services, under the Piggy-Back purchasing provisions, pursuant to section 2-1.2 (6).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A PIGGYBACK JOB ORDER CONSTRUCTION TASK CONTRACT BY THE CITY OF MIAMI BEACH AND SOUTH FLORIDA ELECTRICAL CONSULTANT FOR ELECTRICAL SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution authorizing renewal of lease

agreements with Quadiant, Inc. for mailing equipment at a total cost of \$13,518.00 over a 36- month period.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A LEASE RENEWAL AGREEMENTS WITH QUADIANT, INC. FOR MAILING SYSTEM EQUIPMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution approving Hazen and Sawyer among the list of engineers under RFQ-5-1004-23 - Request for Qualifications for Continuing Consulting Services Continuing Contract and approving the related contract in substantially in the form attached hereto.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDED AND APPROVING AN ENGINEERING CONSULTING SERVICES CONTINUING CONTRACT FOR RFQ-5-1005-0-2023/FVR TO HAZEN AND SAWYER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Vice Mayor Salver made a motion to approve the Consent Agenda. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON SECOND READING:

8. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION / APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; PROVIDING FOR INCORPORATION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR

SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe mentioned that the Design Review Board (DRB) brought this matter to the Council's attention. The ordinance would add the additional material to the Code, so there is no need for approval by the DRB.

ACTION: Vice Mayor Salver made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

9. **Consideration and Approval** of an ordinance on first reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Sponsored by Council Member Robert Yaffe and Council Member 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 NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Yaffe explained that years ago, the Council moved the construction hours from 8:00 a.m. to 9:00 a.m. Workers are now arriving at the construction sites between 7:00-7:30 a.m. in the mornings, hang around, get dressed and/or sleep on the swales, which he believes has an impact on the residents' privacy and quality of life. Under this ordinance, the Town Manager may designate an area where workers are permitted to be before 9:00 a.m.; he suggested the 95th Street Parking Lot. The ordinance also permits the issuance

of violations; the first violation is \$1,000 and the second is \$2,000, plus an eight (8) hour Stop Work Order.

Council Member D'Amico inquired as to whether the workers would be picked up at the job site or at the 95th Street Parking Lot at the end of the day. Council Members Bruder and Yaffe explained that the Police and Code Enforcement Departments will be able to monitor the workers in the 95th Street Parking Lot until 9:00 a.m. In the afternoons, they are free to depart from their job sites.

Vice Mayor Salver questioned Council Member Yaffe about the Stop Work Order verbiage. Council Member Yaffe explained that the construction sites don't adhere to the start and finish times. He believed that merely fining them would be ineffective, so he added a Stop Work Order verbiage to the second infraction. He hopes this will deter construction sites from breaking the code. Vice Mayor Salver felt that workers' livelihoods would be impacted if a construction site was closed for a day or two, even though he conceptually agreed with the ordinance.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she felt that the Council was destroying her properties by designating the 95th Street Parking Lot as the gathering point for the workers. She complained about Church by the Sea, the trailer in their parking lot, and the lack of parking in the Town.

PUBLIC COMMENT CLOSED

Council Member Rappaport remarked that he supported the regulations since they would facilitate better traffic flow.

Council Member Yaffe expressed concern that on Wednesdays, which are gardener's day, most of them park on the street blocking the driver's view. He asked staff to monitor this issue closely and begin enforcing the same.

ACTION: Council Member Yaffe made a motion to approve the ordinance on first reading. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

10. **Consideration and Approval** of an ordinance on first reading amending Section 5-5(f) and (k) of the Town Code regarding temporary construction fences. Sponsored by Council Member Stephanie Bruder.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA,
AMENDING CHAPTER 5 OF THE TOWN'S CODE OF**

ORDINANCES ENTITLED “BUILDING AND CONSTRUCTION” BY REVISING SECTION 5-5(f) and (k) PERTAINING TO “TEMPORARY CONSTRUCTION FENCES” PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member Bruder believed that the Town should mandate more elegant covering for the construction site rather than the green ones. The Town Manager had included three options in her report that could be applied to the construction sites. Council Member D’Amico suggested the design of the covering should be addressed by the Council and not by the Design Review Board. Council Member Rappaport commented that the Council will need to come up with a solution for existing projects, so that they do not incur additional costs, because the fences are expensive. He believed that the concept of the fences would improve the town's and the streets' aesthetic appeal.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the town charter requires the town to have a Planning & Zoning Board, and so far, the Council has exempted the Design Review Board from reviewing the town hall and Broad Causeway bridge projects. She complained about the fences located by the bridge, and not being able to see behind the fences.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on first reading. Council Member Diallo seconded the motion, and it passed unanimously on a poll vote.

DEFERRED ITEMS: There were no deferred items.

TOWN MANAGER ITEMS:

11. **Consideration and Approval** of the 2024/2025 Budget Preparation Calendar.

ACTION: Council Member Yaffe made a motion to accept the Budget Preparation Calendar. Council Member Bruder seconded the motion, and it passed unanimously on a voice vote.

12. **Consideration and Approval** of a request by Bal Bay Inn LLC, owner of the Landon Towners located at 9660 East Bay Harbor Drive, for certain easements and renewal of the parking lease for parking along a portion of the Town's right-of-way along the south side of 97th Street abutting the property. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder explained that the item was already approved by the Design Review Board, and the matter today was to address easements until the Parking Garage is built. To facilitate access from their land to Block 11, they would be building a sidewalk. The owner needs to add a sidewalk to facilitate garbage collection. She spoke with the Chief of Police who is fine with the traffic flow.

Council Member Bruder made a motion to grant the easements and renewal of the parking lease for parking along the portion of the Town's right-of-way, and Council Member Yaffe seconded the motion.

Matt Amster of Bercow Radell Fernandez Larking & Tapanes, 200 S. Biscayne Blvd, representing the Applicant came forward and presented Richard and Ronald Finvarb, the owners. He provided a brief history of the purchase of the hotel. He explained the need for the easements, and the enhancements they are making to the property.

Mayor Fuller commented that they are trying to be careful with Block 11, which is their delivery area. When the town redesigns Block 11, he didn't want there to be a scenario where property owners show up and claim a wall is blocking their access. The Town is building on its side of the property, which would solve that problem.

He stated that he is in favor of their requests, except that he would want to make it a condition that the easement is subject to any requirement the town was given by a governmental entity as Block 11 is being built.

Council Member Bruder clarified that the Applicant's property will be much farther out for garbage pickup, when the alley on Block 11 is moved over a little; they have decided to construct a walkway to make garbage pickup easier. Vice Mayor Salver asked if their land will be used for this sidewalk. Council Member Bruder confirmed.

Mayor Fuller stated that the only issue is where the town is building block 11. The access now provided to service vehicles will no longer exist. Rather than the owner having to reconstruct the hotel, which is impractical, they are creating a walkway on the side of their own property. The town will take the whole 20 feet when Block 11 is built, which would allow the property owner to continue using it as a functioning hotel, while not interrupting the town's ability to be able to build Block 11.

Vice Mayor Salver raised the concern that the applicant's footprint would remain the same. He asked if there was a way for the town to use the drafted agreement as leverage to reverse or sunset this to stop the new owners from trying to build to the highest permitted level and baiting and switching, if the hotel was sold. Town Attorney Geller responded that since they had discussed mutual easements, any modifications would be viewed as a violation of their agreements.

Council Member D'Amico stated that a site plan is an official legal document. She asked what was updated because the one that was given didn't show what was on the other side of the alley. She stated that she likes the modifications they are doing to the hotel, but she also needs to be able to respond to residents when questioned about it.

Council Member Yaffe commented that the request was presented to the Design Review Board ("DRB") and approved at that time. There has been a lapse of time; the applicant is approaching the Council to resume their project, which includes obtaining these easements. The town's official records from the time the request was approved by the DRB include renderings and site plans.

Council Member D'Amico requested the site plans be included as part of the lease or easement agreement.

Mr. Amster explained that the precise area that will be recorded with the easement is described in both a formal sketch and a legal description of the easements. As far as connectivity, they can only address what they are adjacent to, and they will be building out the roadway with a permit from the town. In addition to a parking lease that needs to be renewed, there are three easements.

Mayor Fuller amended the motion to include that the easements are subject to any requirements by any governmental entity. Council Member seconded the motion, and it passed unanimously on a voice vote.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and voiced her displeasure with the town providing Church by the Sea easements and the lack of parking. She thought the town ought to impose a moratorium. She believed there was discrimination because she had been turned down for easements when she had requested them.

PUBLIC COMMENT CLOSED

ACTION: Mayor Fuller made a motion to grant the easements subject to any requirements by any governmental entity and renewal of the parking lease for parking along the portion of the Town's right-of-way. Council Member Bruder

seconded the motion, and it passed unanimously on a poll vote.

13. **Consideration and Approval** of a Parking Trust Payment Agreement with Alan Cohen Trust & 1025 Kane Concourse, Ltd. for payment of a fee to the Town's Parking Trust for a portion of the required parking spaces for the development to be located at 1025 Kane Concourse, in lieu of the Developer providing all of the project's required on-site parking spaces, pursuant to Section 23-29.1 of the Town Code.
Council Member Yaffe moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member Yaffe stated that the town will be building a new parking garage in conjunction with a new town hall; the item being discussed is a very minor issue because it's for a limited number of parking spaces; there is significant revenue to the town going into the Parking Trust.

Mayor Fuller stated that one of the issues in dealing with Block 11 is that delivery trucks will not be allowed to stop in the alley, which means anybody building or building additional parking behind the alley, as the town gives back the property, are going to be required to build a drop off place within the new garage; they will not have the ability to leave their trucks in the alley; the trucks will have to be on their own property. The design does not show that or a pull over spot for delivery; the plans do not provide a solution to the delivery trucks issue.

Matt Amster, Bercow Radell Fernandez Larking & Tapanes, 200 S. Biscayne Blvd., Miami, Florida representing the Applicant, suggested using 23 ft of their own drive isle behind tandem parking spaces for temporary loading. He doesn't expect a lot of deliveries or trash collection due to the property's office space and retail bays. Mr. Amster suggested using the 23 ft space south before the first tandem parking space as a drop off loading zone or trash pickup.

Mayor Fuller expressed concern that the drop off area was not more pronounced on the architectural design. Mr. Amster pointed out that the information is located on page A-1.0 and confirmed the space is within their property line.

Town Planner Michael Miller came forward and stated that the town approved the site plan for a project that has been under review for a couple of years. The project includes a large, paved area on the north side of the building, which will eventually become a throughway.

Eventually, when driving down the corridor behind the buildings, people will be driving on private property. The road Mr. Amster described south of the town's alley. The property has 19 spaces, 18 tandem, and one ADA space. Mr. Amster is proposing they could stop on their property to avoid obstructing the through traffic on the alley.

Council Member D'Amico asked where food delivery will be made in the future

after the alley is reclaimed. Mr. Miller highlighted the different approaches where people may come after hours to make deliveries. Council Member D'Amico suggested that a shared delivery point could benefit everyone, even if it's a small spot with few businesses. She requested a study be done on this as well.

Council Member Bruder explained that the alley currently operates with trucks stopping and delivering items. When shifting, they will have their own property area for delivery. Council Member D'Amico disagreed; she didn't want each building to do this so as not to disrupt the flow of traffic. Council Member Bruder stated the individuals will need to create their own space for cars and trucks to deliver, and no deliveries will be allowed in the front or on Kane Concourse. She suggested that an ordinance be created prohibiting deliveries in the front of the business or on Kane Concourse.

Mayor Fuller voiced concern about delivery trucks possibly pulling out and obstructing Block 11. He asked to see a plan that would provide more detail on how they intend to manage delivery trucks without causing traffic jams or compromising the town's long-term plans for Block 11.

Council Member Bruder expressed her preference to not have their drop-offs remain on the town's land because the town requires every parking space available. She expressed worry that the town would lose 20 parking spaces and believed that one spot would be too costly to lose. There is enough space for the property owners to have separate areas for deliveries because the town is moving to block 11.

Mr. Miller explained that the building's footprint will remain unchanged, but the second floor will feature a cover over the tandem parking with columns, and the 23-foot driveway would be on their property. Council Member D'Amico stated that she is in favor of voting for the request as she believes it won't affect them.

Council Member Bruder suggested the town mandate trucks to deliver to their property and not block Block 11. If the second floor isn't high enough for trucks, they can't deliver on their own property.

Council Member Yaffe believed the proposal won't have an impact on traffic through the alley if the delivery trucks park on their property and there is space for them to park without obstructing the alley. Council Member Bruder disagreed because there is no guarantee that they won't use the alleyway for deliveries. She requests that the cars be allowed to deliver on their property.

Council Member Salver asked the Applicant, Mr. Sklar to come forward and provide some comments since he is directly affected by the Council's decision.

Ari Sklar, Sklar Architecture, 2310 Hollywood Blvd, came forward and said that the reason the project has been going on is because Block 11 doesn't have an

alley, which will hopefully be restored eventually. The goal of the building's design is to have lots of parking spaces near the structure without having too many columns. Cantilever over columns is intended for tandem parking with parking on both sides facing the building and the alley, and an entry point from the alley. Upcoming projects include enhancing the client's property and designing truck parking. One possible solution is finding parking spots and stripping them with signage that says, "delivery only".

Mayor Fuller disagreed because initially they proposed a tandem setup, but they now plan to have a side-pull setup.

Mr. Sklar disagreed by stating the trucks will be able to drive into the property.

Mayor Fuller stated that the only way they are fitting the trucks right now is by having the tandem parking. And as Mr. Sklar stated, they would potentially remove that and the parking in the future will be the same.

Mr. Sklar responded that the spaces remain unchanged, with a 23ft gap between them, despite the cars being on one side or the other.

Council Member D'Amico requested additional plans that show more drawings.

Mr. Sklar responded that the applicant is seeking a quick building permit for a successful business in the town. He would appreciate knowing what the Council want us to show if necessary.

Council Member Bruder requested information regarding delivery truck locations and traffic patterns on the property. She would prefer to see a traffic flow and is concerned about the necessity for trucks to back up and out. She opposes the plan and thinks the properties ought to be put to better use for the town.

Mr. Amster emphasized the town's authority in determining access rights and suggested collaboration to ensure adequate access to a property after relocating an alley. He stressed the importance of working together to establish the entrance location for parking and delivery purposes, expressing a desire to prevent complications that might necessitate revisiting the issue.

Town Attorney Geller stated the importance of maintaining clarity regarding the rules surrounding the reclaimed alley. He wanted to ensure that everyone understands that while access to the alley is allowed, certain actions, such as parking or obstructing it, are strictly prohibited. He highlighted the importance of keeping the alley open for its intended purpose, which is likely for ease of passage and utility access. He Added that any vehicle, be it a delivery truck or otherwise, that blocks access to the alley will be considered parked illegally and subject to penalties. These penalties may include being ticketed or even towing

away vehicles, underscoring the seriousness of the matter. He stressed that any inconvenience caused by delivery trucks taking up parking space is a problem for the property owner to solve, not the town.

Mayor Fuller stated that the problem is that they want fewer parking spaces on their property, and this could work, but the Council needs to see on the plans where UPS and FedEx delivery trucks will park so they don't block Block 11.

Mr. Sklar asked which trucks he was referring to.

Mayor Fuller stated that he was referring to certain delivery trucks like UPS, FedEx; he wanted to make sure that Block 11 is unobstructed; the ingress and egress to their property have to be better defined.

Mr. Sklar commented on determining the ingress and egress of trucks into the property.

Council Member D'Amico expressed concern on the cantilevers. Mr. Sklar explained that they collaborated with a skilled structural engineer to ensure columns are located within the first parking, not in the tandem ones, as they anticipated future alley restoration. The goal was to provide flexibility to offer alternative parking options in the future without obstructing the structure.

Mayor Fuller disagreed.

Mr. Amster replied the 23ft drive lane may be the location for drop-offs or temporary parking, as there is no requirement to provide a drop-off service.

Mr. Sklar stated that he is willing to draw whatever the Council wants but needs clear direction. He wanted to know if the town has a workshop about Block 11. He believed that the alley was not encumbered.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Town has fiduciary obligation to the people of the town. She complained about the lack of parking and developers using the town's parking spaces. She stated that the Town has destroyed the Business District.

PUBLIC COMMENT CLOSED

Mr. Amster requested a deferral, and Mayor Fuller deferred the item with no objections from the Council.

14. **Discussion** and **Possible** action regarding attendance to the Miami-Dade County League of Cities 70th Annual Gala.

The Council briefly discussed attendance for the event.

ACTION: Vice Mayor Salver made a motion do the bronze sponsorship. Council Member Yaffe seconded the motion and passed unanimously on a voice vote.

15. **Discussion** and **Possible** action regarding attendance to this year's Law Enforcement Awards Gala. Staff is seeking a directive on the purchase of 20 tickets. The cost is \$175 per person. The total amount in the adopted budget is \$3,500.

The mayor proposed that they purchase twenty (20) tickets, and if additional officers and Council want to join, they can purchase additional tickets.

It was the consensus of the Council to purchase the twenty (20) tickets.

DISCUSSION ITEMS: There were no discussion items.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:05 p.m.

Accepted this _____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk



Town of Bay Harbor Islands

**Regular Town Council Meeting
MINUTES**

January 14, 2026

**7:00 PM or immediately following the Local Planning Agency Meeting scheduled
for 6:00 p.m.**

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Salver called the meeting to order at 6:35 p.m.

Pledge of Allegiance

Not done at this time.

Roll Call of Members

Town Clerk Herbello called the roll with the following members present.

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

Also Present: Town Manager Lindsley Noel and Town Attorney Ahmand Johnson.

Special Presentations:

Requests for Withdrawals, Deferments and Future Agenda Items:

Vice Mayor Bruder requested item 10 (Consideration and Approval of a Resolution for the Eleventh Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to April 30, 2026, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida) to be pulled from consent.

Council Member Fuller requested item 8 (Consideration and Approval of a resolution approving the renewal and implementation of a Mutual Aid Agreement and Joint Declaration between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department for shared law enforcement services) to be pulled from consent.

Council Member D'Amico requested item 8 (Consideration and Approval of a resolution approving the renewal and implementation of a Mutual Aid Agreement and Joint Declaration between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department for shared law enforcement services) and 10 (Consideration and Approval of a Resolution for the Eleventh Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to April 30, 2026 for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida) to be pulled from consent.

Council Member Rappaport requested item 8 (Consideration and Approval of a resolution approving the renewal and implementation of a Mutual Aid Agreement and Joint Declaration between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department for shared law enforcement services) to be pulled from consent.

Mayor Salver requested item 3 (Consideration and approval of a resolution renewing an agreement between the Town of Bay Harbor Islands and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level) and 7 (Discuss and consider a Change Order in favor of Kimley Horn and Associates (KHA) and provide Construction and Inspection (CEI) services in the amount of \$44,580.00, associated with the replacement of Ejector Station A with submersible pumps) to be pulled from consent.

Vice Mayor Bruder asked for the next council meeting to bring forward a mechanism allowing the Town, Police Department, or other departments to access emergency funds to assist residents in crisis situations. It was suggested that a designated fund or expedited process be established, allowing access to up to \$5,000 to help families in need during emergencies. The discussion noted that assistance from organizations such as the Red Cross is often unavailable unless a large number of individuals are impacted, leaving a gap in support for smaller-scale emergencies affecting individual families.

Town Manager's Report:

Town Manager Noel shared several updates and highlighted upcoming events. A Seniors Bingo Night will be held on January 15 at 6:00 p.m. at the Community Center. The Town will host its Arts Festival on January 18 and 19 along Kane Concourse, and the Town's annual 5K Run is scheduled for February 22. He also reported that the Town recently held its Strategic Plan and Capital Improvement Retreat, during which staff presented

current and proposed projects and reviewed the Town's five strategic goals. He announced several new hires and welcomed the newest members of the Town team, noting they will be formally introduced at the next Council meeting. New personnel include Police Officers Braxton McClams and Richard Jones; Public Service Aide Gabriel Monteagudo; Town Electrician William Hernandez; and Crossing Guards Selena De Lima, Ruben Ramirez, and Luis Espinosa. Finally, he recognized the Police Department for its professionalism and coordination during the recent visit of dignitaries, including the Prime Minister of Israel, and thanked the Chief and staff for their efforts in working with the U.S. Secret Service and local and state law enforcement agencies.

Council Reports:

Council Member D'Amico raised questions regarding public notification of the election date change to April 14, including whether residents will be formally notified of the new election date and the deadline for submitting absentee ballot requests. She stated that concern was expressed that voters who are accustomed to the traditional election schedule may be unaware of the change and could be impacted due to travel plans. She stated the importance of clearly notifying residents of the revised election date and related absentee ballot deadlines was emphasized to ensure voters have adequate notice and opportunity to participate.

Town Clerk Herbello responded to Council Member D'Amico and advised her that the change in the election date was approved by the Council due to a religious holiday, as permitted under the Town Code. The revised election date of April 14 has already been properly advertised and posted on the Town's website. It was further explained that the Town now advertises through Miami-Dade County rather than the Miami Herald, resulting in significant cost savings. The advertisement is accessible via a link on the Town's website, where residents can view the official notice and related election information.

Council Member D'Amico requested for advertisement of elections along with deadline dates for registering to vote and vote by mail along with the election date to be put on the newsletter and place a banner with the information on our website after the art festival. She also requested to contact the League of Women Voters to hold a meet the candidate and get date and time.

Council Member Yaffe suggested that, once the Arts Festival concludes, the Town update the website's main banner to prominently display information regarding the upcoming Town election, including the election date and relevant deadlines. The goal is to ensure election information is front and center on the website and easily visible to residents.

Council Member Rappaport asked when the Town would be starting to advertise for the election in the Town's newsletter.

Town Manager Noel stated that the Town typically updates the website to include candidate photographs and biographies in March, consistent with past practice, and

confirmed that this is when election-related website content is usually prominently displayed.

Council Member Rappaport suggested also placing it in the February newsletter.

Council Member Yaffe provided his report. He extended holiday greetings to those present and expressed appreciation for the recent Town retreat, noting it was helpful and provided valuable information from department heads and staff. He expressed support for continuing the retreat in the future. He stated that he is looking forward to upcoming Arts Festival, with hopes for good weather, and for attending the Hurricanes game following the event.

Council Member Fuller encouraged residents to invite friends and family to attend the Arts Festival and expressed anticipation for a successful and celebratory weekend. Additionally, he reported attending the Florida League of Cities Conference and the National League of Cities Conference since the last meeting and thanked staff for their efforts and coordination.

Council Member Rappaport welcomed everyone back for the Town's winter session and commended Town staff for the successful events held over the past several months, including Snow Day, the Dog Parade, and the Menorah celebration. He expressed hope that everyone had a pleasant holiday season. Additionally, recognition was given to the Police Department for recent promotions and retirements, appreciation was expressed for the Department's continued efforts, and new officers were welcomed.

Council Member Diallo wished everyone a Happy New Year and shared that they attended the swearing-in ceremony for Brian Calvo, the newly elected Mayor of Hialeah, noting it was inspiring to see someone so young assume office. The Council Member thanked Town staff for organizing recent events, including the retreat, and expressed appreciation for staff participation in the "Careers in Municipal Government" panel at Reeds Abroad, highlighting the event's positive reception and strong engagement on Instagram. The Council Member also welcomed the Town's new officers and the addition of the Police Department's dog, Ginger.

Vice Mayor Bruder extended New Year greetings and recognized the Police Department and Building Official for assisting two families recently displaced from their homes, noting that staff personally funded hotel accommodations for the night. She emphasized the families' urgent needs, including a family of six and a single mom, and requested Council direction for the Town Manager to provide emergency assistance of up to \$5,000 to help with temporary housing, clothing, deposits, or other immediate needs. Additionally, she shared a community update, noting the opening of a new bank in Town praising its staff for being accommodating and engaged with the community, and encouraged residents to visit and support the business.

Mayor Salver thanked Town staff for organizing the recent retreat, highlighting the attention to detail in the setup, signage, and artwork. They noted that the retreat provided important updates on capital projects, including the sewer system and bridge improvements, and praised the lively and constructive discussion that took place among Council members and staff. He also recognized the Police Department for their role in safety, security, and traffic management during a recent event attended by the Israeli delegation, including Prime Minister Netanyahu and Cabinet members, expressing appreciation for the professionalism and coordination demonstrated by the Department.

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

The following individuals from the public spoke:

Frances Neuhut expressed concern regarding challenges in the Town's business district, noting the high number of vacancies and nonconforming uses that negatively impact the area. She highlighted issues with signage regulations, describing inconsistencies in enforcement that have caused difficulties for businesses, including differing requirements for restaurants and retail establishments. She emphasized that current signage standards make it difficult for businesses to be visible and competitive. She raised concerns about improper or unattractive storefronts, including covered windows, curtains, or unused spaces, which contribute to a neglected appearance in the district.

Dave Sanchez discussed recent community meetings for development projects, including one for 9400 West Bay Harbor Drive, which they attended via Zoom. He expressed concern that some meetings resemble real estate marketing rather than genuine community engagement. He suggested that meetings be hosted within the Town, such as at the Community Center, and proposed using focused discussion points (e.g., parking, landscaping, building colors) to facilitate meaningful dialogue with residents. He requested an update on grant funding for the bridge, noting that an announcement was expected earlier in the week, but no information has been received. He raised concerns about a neighboring building with longstanding roof leaks and maintenance issues, questioning whether the Town has regulations or measures in place to protect the community from potential structural hazards, water damage, or safety risks. He inquired

about a special meeting scheduled at 5:45 p.m. regarding a state bill filed by State Representative Basabe concerning the Town's involvement with the Coconut Grove Playhouse. The meeting was canceled due to lack of quorum, and he requested clarification on the purpose of the meeting and the level of communication with the Town.

Kathleen Kennedy expressed frustration with unsolicited outreach from developers or realtors attempting to sell apartments, noting that residents have their own arrangements. She inquired about the removal schedule for the menorah display. She expressed enthusiasm for the event and thanked staff for their work engaging with local clients along Kane Concourse. She raised concerns about the cleanliness of the streets, noting that some areas are untidy and affecting the perception of the Town for visitors and potential clients. Requested attention to street cleaning and general upkeep. She commented on recent changes to building exterior colors and emphasized the desire for variation rather than uniform colors, referencing past standards. She stated the need for additional community facilities, such as a gym and pool, and acknowledged support for programs that allow seniors to participate in activities outside the Town. She concluded by acknowledging the overall dedication of Town staff and leadership, emphasizing the importance of teamwork while encouraging ongoing improvements in community upkeep and amenities.

Minutes:

1. Approval of Minutes for the following meeting dates: November 12, 2025 Special Town Council Meeting Minutes and November 12, 2025 Regular Town Council Meeting Minutes.

A motion was made by Vice Mayor Bruder to approve the minutes for the following meeting date November 12, 2025 Special Town Council Meeting Minutes, seconded by Council Member D'Amico. The motion carried with a 7-0 vote

2. Approval of Minutes for the following meeting date: November 12, 2025 Regular Town Council Meeting Minutes

A motion was made by Council Member Rappaport to approve the minutes for the following meeting date November 12, 2025 Regular Town Council Meeting Minutes as amended, seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

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.)*

A motion was made by Council Member Yaffe to approve the consent agenda, minus the pulled items 3 (Consideration and approval of a resolution renewing an agreement between the Town of Bay Harbor Islands and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level), 7 (Discuss and consider a Change Order in favor of Kimley Horn and Associates (KHA) and provide Construction and Inspection (CEI) services in the amount of \$44,580.00, associated with the replacement of Ejector Station A with submersible pumps), item 8 (Consideration and Approval of a resolution approving the renewal and implementation of a Mutual Aid Agreement and Joint Declaration between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department for shared law enforcement services) and 10 (Consideration and Approval of a Resolution for the Eleventh Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to April 30, 2026 for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida) seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

3. Consideration and approval of a resolution renewing an agreement between the Town of Bay Harbor Islands and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level. Sponsored by Council Member Joshua Fuller and Council Member Robert Yaffe.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; PROVIDING FOR THE APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH DAVID CASERTA GOVERNMENT RELATIONS, INC. FOR STATE LOBBYING SERVICES FOR A TERM OF BEGINNING NOVEMBER 1, 2025 AND ENDING OCTOBER 31, 2028; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Pulled from consent by Mayor Salver.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Mayor Salver clarified that his comments were not related to the renewal of Dave Caserta's contract or any intent to terminate it. He raised concerns about the termination clause in the contract, noting that it requires payment for the remainder of the year if termination occurs after the legislative session begins. He expressed that this provision appears one-sided and suggested revising the language to limit termination compensation to a maximum of three months, regardless of timing, rather than payment through the entire year.

Council Member Fuller explained that the contract structure reflects a unique situation in which the majority of services are performed during the legislative session, while payment is distributed over a longer period. It was noted that revising the termination clause as suggested could result in a scenario where services are fully rendered during session, but compensation for those services would not be paid if the contract were terminated afterward. While acknowledging that termination provisions are important in contracts generally, it was emphasized that this arrangement differs from typical agreements because the core work occurs within a defined and concentrated timeframe. He stated that, given the concern about the termination and payment structure, an alternative approach would be to revise the contract so that compensation is paid in full at the start of the legislative session, when the services are primarily performed, rather than spreading payments over the course of the year.

A motion was made by Council Member Yaffe to approve the resolution as written, seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

4. Consideration and Approval of a resolution to authorize the Town Manager to enter into a Master Lease Purchase Agreement with NCL Government Capital for the financing of the street sweeper previously approved by the Town Council - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A MASTER LEASE PURCHASE AGREEMENT WITH LEASE SERVICING CENTER, INC. DBA NCL GOVERNMENT CAPITAL, FOR THE LEASE/PURCHASE FINANCING OF A KARCHER MC250 STREET SWEEPER FROM TAMPA CRANE & BODY IN THE AMOUNT OF \$256,346.00 WITH 5 ANNUAL PAYMENTS OF \$57,934.86; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

Approved on consent.

5. Discussion and possible action to enter to authorize the Town Manager to utilize the NASPO ValuePoint cooperative purchasing contract to procure OpenGov's ERP suite. This will allow the Town to transition from its current Tyler Incode 10 system to a modern, cloud-based platform that integrates financial management, budgeting, and utility billing – Town Manager.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF A CONTRACT FOR CLOUD SOLUTIONS BETWEEN

CARASOFT TECHNOLOGY CORPORATION AND THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

6. Consideration and Approval of a resolution updating the signers on the Town's accounts with Bank of America - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING DEPOSITS AND WITHDRAWALS OF TOWN FUNDS IN CERTAIN ACCOUNTS; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

7. Discuss and consider a Change Order in favor of Kimley Horn and Associates (KHA) and provide Construction and Inspection (CEI) services in the amount of \$44,580.00, associated with the replacement of Ejector Station A with submersible pumps - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AMENDMENT NUMBER 2 TO THE PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$44,580.00 FOR CONSTRUCTION ENGINEERING INSPECTION (CEI) SERVICES CONCERNING THE 100TH STREET EJECTOR STATION REPLACEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

Pulled by Mayor Salver.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Mayor Salver expressed concern that the RFQ may have been drafted without including construction engineering and inspection (CEI) services, noting that CEI appears to have been added after the fact despite being a critical component. He questioned how the RFQ resulted in five listed tasks while omitting CEI, and

whether this omission required later correction. Additionally, he requested clarification regarding discrepancies in the cost figures referenced in the backup materials, questioning how the amount of \$44,005.80 was determined compared to a previously referenced estimate of approximately \$95,000. He asked staff to confirm whether CEI services were included in the original RFQ and to explain the cost calculation.

Town Manager Noel explained that CEI services had been proposed during the original RFQ process; however, the proposal was not accepted at that time. When the firm was later awarded the design portion of the project, construction was assigned to a different contractor. It was further noted that, consistent with best practices, the firm that prepared the design is often permitted to provide construction engineering and inspection (CEI) services for the project.

Town Engineer Daniel explained that when the RFQ was originally issued, certain post-design and startup services were not included, and as a result, the construction engineering and inspection (CEI) component was omitted. This occurred under a prior administration. When the construction contract was awarded on March 25, Kimley-Horn was not part of the Town's CCNA consultant pool, and therefore no recommendation was brought forward at that time to award CEI services. He further noted that it is considered best practice for the engineer who designed the project to also perform CEI services, as that engineer has the greatest familiarity with the design and construction requirements. This reasoning explains why CEI services were not previously included and why the recommendation is now being presented.

Town Manager Noel stated to the Mayor reported that, after speaking with the Finance Director, the Procurement Officer has been directed to ensure that construction engineering and inspection (CEI) services are included in future RFQs and procurement processes.

Mayor Salver noted a discrepancy between the CEI cost figures referenced in the project agreement, citing an amount of \$95,007.65 on page two, compared to a proposed amount of \$44,580. The Council Member questioned how the lower figure was derived from the higher estimate and requested clarification on the difference between the two amounts.

Finance Director Bryan acknowledged that an incorrect document may have been referenced and asked whether the item was included in the budget, indicating a budget amendment might be required.

Town Manager Noel clarified that no separate budget amendment is needed, as the item is already included in the budget amendment previously presented to the Council.

Vice Mayor Bruder asked whether, when an RFQ is prepared, is it reviewed with the requesting department to ensure all necessary components are included.

Town Manager Noel confirmed that the RFQ is developed collaboratively with the department.

Vice Mayor Bruder asked whether the finalized RFQ is returned to the department for review once it is written.

Town Manager Noel stated that yes, the issuing department does review it again.

A motion was made by Council Member Yaffe to approve the resolution, seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

8. Consideration and Approval of a resolution approving the renewal and implementation of a Mutual Aid Agreement and Joint Declaration between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department for shared law enforcement services. Enclosed are the agreements and proposed resolution - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

Pulled from consent by Council Member Fuller, Council Member D'Amico, and Council Member Rappaport.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Council Member Fuller raised concerns regarding traffic coordination with the Town of Surfside, noting ongoing issues with congestion, traffic signal timing, and drivers blocking intersections, which impact streets in Bay Harbor Islands. He emphasized that despite repeated past efforts to collaborate with Surfside, including meetings with officials, traffic problems persist. He suggested using the current discussion regarding this agreement as an opportunity to reengage Surfside and address these issues before approving any agreements. He stated he would not support

moving forward with any action until Surfside demonstrates improved cooperation on traffic management.

Town Manager Noel reported frequent communication with Surfside officials, including the Police Chief, regarding traffic issues, noting that discussions occur nearly weekly. The key problem areas include the Indian Creek Bridge and the entrance to the mall, where congestion frequently occurs. While Surfside is generally willing to assist when requested, challenges arise because their personnel are often unavailable at the time of the incident. He noted that using a drone to monitor traffic choke points is expected to help identify and address issues more efficiently in real time.

Council Member Yaffe expressed concern that Surfside should consistently have officers available for traffic control at known congestion points, particularly at the mall entrance and Indian Creek Bridge. He noted that traffic patterns are predictable, occurring at roughly the same times each day, and argued that both Surfside and Bal Harbour should actively deploy personnel to manage traffic flow, rather than allowing unnecessary delays at intersections.

Town Manager Noel emphasized the importance of the mutual aid agreement with Surfside, noting that it covers assistance during natural disasters, terroristic attacks, and school-related threats. He cautioned that delaying or refusing to participate in the mutual aid agreement could reduce available resources and limit the Town's ability to both receive and provide emergency assistance. He recommended maintaining the agreement as a mechanism to ensure continued collaboration and mutual support between the two municipalities.

Council Member Fuller understands the spirit behind it, but wants conversations to continue with Surfside.

Council Member D'Amico believes this is not the mechanism to use to force Surfside to assist with the traffic issues.

Chief Alvarez agreed with the comments made by the Town Manager.

Vice Mayor Bruder expressed agreement with the mutual aid agreement with Surfside for critical emergencies, referencing the Champlain Towers incident as an example of when assistance was needed. However, she raised concerns about school-hour traffic and pedestrian safety, noting that children crossing the bridge often face dangerous conditions due to the absence of police officers or crossing guards on the Surfside side. She urged staff to communicate to Surfside officials that, while the Town supports the mutual aid agreement, Surfside must provide adequate traffic

control and supervision for children, given their resources and the risk to students.

Council Member Rappaport identified the intersection at Byron Avenue and 95th Street as a major traffic choke point, where multiple streets feed into a single location. He noted a recent instance where travel through the area took 40 minutes and observed that no police or traffic control personnel were present to assist. He expressed concern that, despite prior notifications to the Town Manager, there was no visible response to manage the congestion at this critical intersection.

A motion was made by Council Member Fuller to approve the resolution, seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

9. FY2025-2026 Budget Amendment - Town Manager.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE 2025/2026 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2025/2026 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

Approved on consent.

10. Consideration and Approval of a Resolution for the Eleventh Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to April 30, 2026 for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Sponsored by Council Member Joshua Fuller.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF THE ELEVENTH 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.

Pulled by Vice Mayor Bruder.

Town Manager Noel read the title of the item.

Town Clerk Herbello read the title of the resolution into the record.

Mayor Salver asked for synopsis of the item and where the Town is at as it pertains to the rental rate is concerned.

Town Manager Noel stated that they have agreed to a 90-day contract extension with the option for an additional 90 days at a rate of \$11,000 per month. He noted that any longer extension or additional funding would require further negotiation, as the individual indicated a preference for a longer-term arrangement if more time or funds were requested.

Vice Mayor Bruder expressed concern with the proposed short-term, 90-day lease extensions, describing them as unrealistic and burdensome for a business owner. She emphasized the importance of the gas station to the community, noting that most residents rely on it for fuel and police officers also use the facility. She suggested negotiating a longer-term lease of three years at \$15,000 per month, with the understanding that the tenant could vacate if required for the bridge project, in order to provide stability and fairness to the business.

Mayor Salver expressed support for setting the lease at \$15,000 per month but suggested modifying the term. Instead of a three-year lease, they recommended a one-year lease with a one-year renewal option, extendable up to five years, to provide flexibility while ensuring stability for the business.

Council Member Fuller spoke regarding the proposed gas station lease, noting the tenant's willingness to pay a slightly higher rent per month and provide additional services to the Town. He stated a jump to \$15,000 was too high. While there is interest in a longer-term lease, he explained that federal grant requirements and application terms limit the Town's ability to commit to a long-term lease, as doing so could jeopardize a \$127 million grant request. The lease, as currently structured, provides a short-term arrangement that complies with grant conditions, allowing flexibility until future decisions, such as the bridge project, are finalized. He emphasized the importance of balancing lease stability with adherence to grant regulations and noted that the federal government's announcement on grant funding is expected shortly.

Council Member D'Amico requested clarification on the source of the proposed short-term, 90-day lease extensions. She asked for specific references to the grant language provisions that would require such short intervals, emphasizing that it is unrealistic for a business to operate under repeated three-month renewals. She stressed the importance of maintaining the gas station as a critical service and requested concrete documentation supporting the short-term requirement.

Council Member Fuller explained that, during the federal grant application process, it was conveyed to the Federal Government that the property would not be encumbered. To comply, the Town structured short-term, consecutive leases for the gas station. The intent is to maintain flexibility until the bridge project's final layout is confirmed, at which point a longer-term lease could be established.

Town Attorney Ahmand stated that he will personally follow up on the inquiries and will ensure a response is provided. Specifically regarding the gas station lease and potential long-term encumbrance, they committed to reviewing the Federal Highway Administration's Bridge Investment Program Grant (fiscal years 2022–2026) to determine whether a long-term lease would be permissible. He assured the Council that they would promptly report back with a definitive answer.

After a lengthy discussion the following motion was made.

A motion was made by Council Member Fuller, seconded by Vice Mayor Bruder to approve the resolution as amended approving a short-term lease extension at \$11,000 per month for three months, with a directive to revisit the lease at the February Council Meeting and requesting that the Town Attorney provide an update regarding the impact of the Bridge Investment Program Grant on the lease arrangement. The motion carried with a 7-0 vote.

11. Consideration and approval of a resolution executing an addendum to agreements with Chen Moore and Associates and V Engineering Corp for the replacement of the seawall at 9600 W. Bay Harbor Drive to ensure project expenditures are eligible for reimbursement - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN ADDENDUM TO AGREEMENTS WITH CHEN MOORE AND ASSOCIATES AND V ENGINEERING CORP. FOR THE REPLACEMENT OF THE SEAWALL AT 9600 W. BAY HARBOR DRIVE, TO INCORPORATE PROVISIONS REQUIRED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ENSURE ELIGIBILITY FOR REIMBURSEMENT OF PROJECT EXPENDITURES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

Approved on consent.

12. Discussion and possible action to enter into a piggyback agreement from the Florida Sheriffs Association, Bid Item No. 115 Hydraulic Mini Excavator Bid Award Announcement (FSA23-EQU21.0) with Alta Equipment Company and with De Lage Landen Financial Services, d/b/a De Lage Landen Public Finance LLC for a purchase of a Compact Excavator - Town Manager.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF THE PURCHASE OF A COMPACT EXCAVATOR FROM ALTA EQUIPMENT COMPANY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

13. Discussion and approval to Piggyback, a contract between Florida Drawbridges Inc., Martin County to maintain and perform repairs to the Broad Causeway movable bridge - Town Manager.

Approved on Consent.

14. Consideration and approval of a resolution to authorize the Town Manager to enter into an agreement with the State of Florida, Division of Emergency Management for the acceptance of a \$900,000 grant - Town Manager.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF A STATE-FUNDED GRANT AGREEMENT BY AND BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

Approved on consent.

Public Hearing-Quasi Judicial:

15. PUD Overlay Rezoning Application – Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1. Sponsored by Town Manager Lindsley Noel.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) ON CERTAIN DESCRIBED PROPERTY LOCATED AT 9521 EAST BAY HARBOR DRIVE; DETERMINING THAT THE PUD APPLICATION COMPLIES WITH THE PURPOSE AND INTENT OF THE PUD ORDINANCE; MAKING FINDINGS REGARDING THE APPROVAL OF THE PUD APPLICATION; DIRECTING THE

TOWN MANAGER TO MAKE THE APPROPRIATE NOTATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

A motion was made by Council Member Yaffe for discussion purposes, seconded by Vice Mayor Bruder.

Town Clerk Herbello swore in the public that would be speaking on this item.

Mayor Salver opened the floor to public comments.

Frances Neuhut spoke against the item.

David Tosser spoke on the item.

Council Member D'Amico stated that both they and the Town Planner recommended enhanced lighting as the most appropriate solution to address the site constraints affecting the property. She noted that while a restaurant use would be technically permissible, the recommendation was made after confirming that the property line terminates at 95th Street. She further advised that if a commercial component were ever introduced, it should be oriented away from the residential side and closer to the existing commercial property. She indicated that this approach would provide appropriate protection given the property's current associations.

Council Member Fuller stated that the issue involves compliance with FEMA regulations, noting that certain multipurpose designations may allow different regulatory treatment than purely residential uses. He indicated that this approach had been discussed previously by the Town as a compliance strategy. He requested comment from the Town Attorney and expressed concern that a change in designation could potentially implicate the State's Live Local Act, which could create unintended future impacts. He emphasized the desire to assist the applicant while ensuring regulatory compliance and avoiding unintended legal exposure.

Town Attorney Ahmand stated that would only affect this particular parcel, and no other parcel would similarly qualify for Live Local.

Council Member Yaffe stated that the Town is considering a request to rezone a single, specific parcel and emphasized that such actions cannot be addressed on an ongoing, piecemeal basis. He sought clarification as to whether, in the Town Attorney's opinion, the proposed rezoning of that parcel would cause it to qualify under the State's Live Local Act.

Town Attorney Ahmand clarified that the action under consideration would apply only to the subject parcel; however, he noted that certain standards, such as height allowances, could potentially be cited as precedent for other parcels within a defined geographic area if the parcel were determined to qualify under applicable law.

Council Member Fuller stated that certain aspects of the applicable regulations have not been fully litigated and that there is uncertainty regarding how current height limitations would be interpreted or applied. He noted the Town's understanding that the current height limit remains 75 feet but acknowledged that existing buildings exceeding that height were approved prior to the adoption of current limits. He expressed concern that future legal challenges or legislative amendments could alter height allowances, potentially creating unintended impacts for the subject property and similarly situated parcels.

Council Member Yaffe noted that legislative changes occur regularly and that future sessions could result in additional amendments. He questioned whether delaying action would meaningfully resolve the issue and emphasized that the subject property has been awaiting a solution for several years. He inquired whether any alternative solutions exist to address the matter.

Town Planner Belle stated that since FEMA will not approve them, even if the Town Decides to them a CO, they are unable to.

Vice Mayor Bruder stated that the matter could be continued until February in order to obtain a definitive answer. She emphasized the need to avoid unintended domino effects while also identifying a viable solution. She noted that once the Town establishes its position, the matter would proceed to the County for consideration of the required Future Land Use Plan amendment.

Council Member Fuller stated a desire to receive input from the Town's lobbyist regarding any information or indications from the current legislative session concerning potential expansion or application of the Live Local Act to adjacent properties. He acknowledged that long-term legislative outcomes cannot be predicted. He discussed potential concepts to mitigate risk, including limiting the height of a proposed PUD to 75 feet, but noted concern that such limitations may be preempted by state law and therefore ineffective. He expressed concern that approval could nonetheless be used by adjacent property owners to seek redevelopment with significantly greater height. He emphasized the importance of avoiding actions that could open the door to unintended redevelopment impacts and stated a preference to proceed cautiously to avoid such outcomes.

A motion was made by Council Member Yaffe, seconded by Vice Mayor Bruder to defer this item to the February 11, 2026 Town Council Meeting. The motion carried with a 7-0 vote.

Ordinances on Second Reading:

Ordinances on First Reading:

16. Comprehensive Plan Text Amendment – Creation of a Property Rights Element and Update to Infrastructure Element. - Town Manager

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; APPROVING THE CREATION OF A PROPERTY RIGHTS ELEMENT TO THE TOWN'S COMPREHENSIVE PLAN AND DIRECTING THE TRANSMISSION OF THE PROPERTY RIGHTS ELEMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED REVIEW AGENCIES; APPROVING THE AMENDMENT TO SECTION 23-56 – COMPREHENSIVE PLAN, TO THE TOWN CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

A motion was made by Council Member Yaffe to approve the ordinance on first reading, seconded by Council Member Rappaport. The motion carried with 7-0 vote.

17. Consideration and Approval of an ordinance on First Reading amending Chapter 17 of the Sign Code, Section 17-20 to remove the max height requirement. Enclosed are the Staff Memo and the 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 CODE OF ORDINANCES RELATING TO EXTERIOR SIGNS; AMENDING ARTICLE II OF CHAPTER 17, ENTITLED SIGNS; BY AMENDING SECTION 17-20-EXTERIOR SIGNS TO THE TOWN'S CODE OF ORDINANCES PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, CODIFICATION, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading, seconded by Council Member Yaffe. The motion carried with 7-0 vote.

18. Consideration and approval of an Ordinance on First reading regarding Sec. 5-5 Construction Site Operations to Require On-Site Changing Facilities, Daily Cleanup, and No-Loitering Policy. Sponsored by Council Member Robert Yaffe

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING ARTICLE 1 OF CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION BY REVISING SECTION 5-5 PERTAINING TO PARKING AT CONSTRUCTION SITES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

A motion was made by Council Member Rappaport to approve the ordinance on first reading, seconded by Vice Mayor Bruder. The motion carried with 7-0 vote.

Deferred Items:

Town Manager Items:

19. Approval of the Evaluation and Appraisal Report (EAR) Matrix and Authorization to Transmit to State and Regional Agencies for Compliance Review. Sponsored by Town Manager Lindsley Noel.

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; APPROVING THE 2025 EVALUATION AND APPRAISAL REPORT (EAR) MATRIX OF STATUTORY REQUIRED AMENDMENTS; APPROVING AND DIRECTING THE TRANSMISSION OF THE APPROVED EAR MATRIX TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED REVIEW AGENCIES; AUTHORIZING AND DIRECTING THE LOCAL PLANNING AGENCY TO PREPARE AMENDMENTS TO THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE EAR MATRIX; AND PROVIDING FOR AN EFFECTIVE DATE

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Yaffe. The motion carried with 7-0 vote.

Discussion Items:

20. Eshkol Art Exhibition of artwork by artists in the Eshkol Region to be exhibited next year at the Art Festival. Sponsored by Council Member Teri D'Amico.

Town Manager Noel read the title of the item into the record.

Council Member D'Amico provided an update stating that certain items were unable to be completed due to holiday-related delays, including shipping, and that the matter would be addressed next year. She also reported having spoken with the organizers of the art festival and noted that the Town's school would not be participating this year, as a separate event is scheduled for February 6. She stated that the school has been invited to participate in future years.

Vice Mayor Bruder clarified that the lack of participation was not due to a failure of notice by the Town. She stated that the school had been invited and asked to participate but did not follow up or communicate further regarding its participation.

Council Member Fuller stated that there were multiple communications with the school principal, including discussions prior to contacting the School Board. He indicated that the school was provided with sufficient notice and multiple opportunities to respond, but no confirmation was received.

21. Discussion, review and possible action regarding Greenspoon and Marder, LLP, Town Attorneys 2025 Invoices, Agreements, Deliverables, Billable Hours with Scope of Services. Sponsored by Council Member Teri D'Amico.

Town Manager Noel read the title of the item into the record.

Council Member D'Amico expressed concern regarding delays in receiving requested written information, noting that it took approximately two months to obtain a simple written response. She stated that this lack of timely information limited their ability to make informed decisions. She further raised concerns regarding transparency and accountability, stating that the Town has not been receiving documentation detailing work performed or hours expended, despite prior approval of such reporting. She noted that no such documentation had been provided over the course of the year and emphasized the Town's fiduciary responsibility to understand what services are being performed in exchange for public funds.

Council Member Yaffe sked whether work performed under the monthly retainer is tracked through a billing or time-entry system that would allow the Town to review how time is allocated among matters and attorneys. He further inquired whether such records would be available as attorney-client materials. He also asked whether the firm is currently working on any matters outside the scope of the

monthly retainer.

Town Attorney Ahmand explained that they use a time entry system to keep track of the hours worked. He spoke regarding a specific litigation case where the Town does receive more detailed invoices.

Vice Mayor Bruder expressed concern regarding follow-through and communication, stating that while the firm hears the Town's concerns, it is unclear how those matters are prioritized relative to other work. The speaker also referenced limitations on communication with another representative and raised concern about the Town's ability to effectively engage and receive responsive assistance.

Council Member Yaffe noted that written status reports from the Town's attorneys would be helpful, stating that periodic updates identifying matters being worked on and their status would provide the Council with better information.

Town Attorney Ahmand stated their willingness to provide the requested information and asked to be copied on all correspondence related to Town matters, particularly communications with staff, in order to remain informed and accountable. He indicated that they attend meetings regularly and requested that any correspondence not initially copied be forwarded to ensure awareness of ongoing matters and expenditures.

Council Member Yaffe stated that it would be reasonable for all communications sent to the Town Attorney's firm to include both designated attorneys, so that each is aware of the work requested and ongoing matters. He noted the importance of ensuring continuity and clarity regarding Town Attorney services during periods when the position is vacant.

22. Discussion, review and possible action regarding Becker & Poliakoff 2025 Invoices, Agreements, Deliverables, Billable Hours with Scope of Services. Sponsored by Council Member Teri D'Amico

Town Manager Noel read the title of the item into the record.

Council Member D'Amico requested clarification regarding the services being performed under the Town's lobbyist contract, noting that the contract generally references federal, state, and local matters without providing a detailed breakdown of work performed. The speaker referenced the monthly retainer and requested an update on current lobbying activities being conducted on behalf of the Town.

Council Member Fuller clarified that the firm is serving solely as the Town's lobbyist and not as legal counsel, and that the agreement is a flat-rate contract rather than a billable-hours arrangement. He stated that, consistent with the nature of lobbying services, time entries are not generated, and that the firm provides assistance to the Town under this flat-rate structure.

23. Discussion, review and possible action regarding Rubin, Turnbull & Associates 2025 Invoices, Agreement, Deliverables, Billable Hours with Scope of Services and to request monthly written reports on bridge funding progress to the Town Manager. Sponsored by Council Member Teri D'Amico

Town Manager Noel read the title of the item into the record.

Council Member D'Amico speaker noted that the Town's lobbyist contract is set to expire in February and raised the question of whether the contract would be extended. She referenced the total amount paid under the contract and requested greater transparency regarding lobbying activities, including meetings held, positions communicated to state and federal officials, and overall strategy. She stated a desire for the lobbyist to attend a future meeting to provide an update and expressed interest in working collaboratively to ensure alignment and effectiveness..

Council Member Fuller responded that the Town's lobbyists are available to meet or communicate with Councilmembers as needed, noting that lobbying services do not typically involve step-by-step reporting. He stated that regular communication already occurs between the lobbyists and the Town Manager, as well as directly with the speaker, and that Council members have previously met with the lobbyists. He clarified that the lobbyists' primary and focused assignment is advocacy related to the bridge project, and that they are not actively lobbying on other matters. He reported that the lobbyists have made significant progress on the bridge issue, including meetings with the U.S. Department of Transportation, the White House, and members of Congress, citing their established relationships as instrumental to this progress. He stated that staff could coordinate a call between Council members and the lobbyists if requested, but noted that certain strategic communications occur behind the scenes and are not appropriate for public disclosure.

Council Member D'Amico stated that was fine if that is the way it works.

24. Discussion and possible action regarding the agreement with South Beach Construction (SBC). Sponsored by Council Member Teri D'Amico.

Town Manager Noel read the title of the item into the record.

Council Member D'Amico questioned whether the proposed contract terms related to the bridge project were consistent with the limitations applied to the Chevron station agreement, noting concern about entering into a multi-year contract if state regulations restrict shorter-term arrangements in similar circumstances. She also reported that Indian Creek has obtained all required permits and plans to begin bridge construction in January, with completion anticipated within approximately six months. She stated that written confirmation of this timeline has been provided to the Chief. Based on this information, she questioned the continued necessity of certain arrangements related to bridge access, noting that once the Indian Creek bridge is repaired, its traffic would no longer rely on the Town's causeway. She requested clarification regarding the differences between the agreements and how

they relate to the bridge and the Chevron property.

Council Member Fuller explained that the agreements differ in scope and footprint, noting that the contract related to the bridge includes a 30-day termination provision requiring vacating upon notice, whereas the Chevron station agreement does not operate in the same manner. He stated that the bridge-related agreement does not expand the originally approved footprint and remains consistent with the plans and diagrams previously submitted, which included the service station. He asked whether the discussion was a request for reconsideration of the action taken at the prior month's meeting.

Council Member D'Amico stated that concerns regarding the matter were previously raised at the meeting during which the item was approved, noting that the meeting occurred on a holiday and that additional discussion would have been appropriate. She expressed concern that follow-up information and clarification regarding implementation of the plan have not been provided, resulting in unresolved questions. She further questioned the continued necessity of the arrangement given information that the other jurisdiction's bridge is expected to be operational, and expressed concern about potential impacts to Town infrastructure, including the seawall. She stated that these issues warrant further review and communication with the affected parties.

Council Member Rappaport stated his opposition to the proposal and asserted that, in their view, the matter was procedurally flawed. He expressed concern with a provision allowing reliance on the applicant's counsel's opinion regarding compliance and stated that independent review by the Town is necessary. He requested a motion to reconsider the prior approval, stating that the item was added to the October agenda in a rushed manner and without sufficient discussion, and that other approvals should have been obtained prior to Town consideration. He raised questions regarding jurisdiction and ownership of the affected waterway, the Town's authority to grant approvals before other required governmental authorizations are secured, and the treatment of the existing retention and drainage area. He further expressed concern regarding the visual impact of the proposal, noting recent efforts to improve the area and the importance of preserving views for Town residents.

Council Member Fuller stated that a motion for reconsideration was not procedurally available, as only a Councilmember who voted in favor may move for reconsideration and such motion must be made at the same meeting. He explained that the requirement for an opinion from the applicant's counsel was included to address state and county waterfront regulations and to shift legal responsibility to the applicant in the event of noncompliance, while the Town retains authority over the agreement.

Council Member D'Amico requested from the Town Clerk a copy of the executed agreement to be sent to her.

Town Clerk Herbello stated that she will be emailing her a copy of the executed agreement once she receives it.

25. Discussion and approval of an MOT for TLC OKC Property Owner LLC for the project One Kane Concourse, 9551 East Bay Harbor Drive, Bay Harbor Islands, FL. Sponsored by Town Manager Lindsley Noel.

Town Manager Noel read the title of the item into the record.

Laurie Talbert, applicant, stated that the project contractor and project manager were unavailable due to travel. The applicant explained that discussions regarding construction logistics began with the Town Manager in April 2024, during which there was a misunderstanding regarding authority to approve temporary lane closures for traffic mitigation. The applicant stated that it was later determined that such approval required Council action, resulting in the matter being brought forward at this time. The applicant reported that underground work and the garage have been completed and that vertical construction has begun. The applicant stated that, due to site conditions, construction cannot proceed safely without temporarily blocking the affected lane during working hours to allow for concrete delivery and construction access. The applicant requested approval for temporary lane closures during work hours only, with coordination and mitigation measures to minimize inconvenience and ensure safety. The applicant stated that the goal is to complete construction efficiently and that the project remains on schedule for completion within approximately one year.

Town Manager Noel corrected the record, stating that the Town Manager did not authorize long-term use of the lane or Town property for construction staging. He stated that any temporary use of Town right-of-way or travel lanes is reviewed on a case-by-case basis through maintenance of traffic (MOT) approvals, typically for short-term or emergency purposes only, and that approval of a year-long MOT would not be granted. He further explained that similar construction projects have been required to adjust staging plans to avoid impacts on pedestrian safety and traffic flow, including relocating staging to alleyways rather than in front of buildings. He stated that any suggestion that prior authorization had been given for extended lane use was incorrect.

Ms. Talbert clarified that guidance was provided by Town staff during earlier phases of construction and acknowledged that there had been confusion regarding staging and access. The applicant stated that during excavation and material movement, staging occurred behind the adjacent church. The applicant explained that, as the project transitions to vertical construction, concrete delivery and pumping operations are required, necessitating revised access and staging arrangements.

Council Member D'Amico expressed concern that the project design did not adequately account for construction logistics without reliance on Town right-of-way, stating that the need to use public property should have been identified earlier in the planning process. She stated that residents on the south side of the island would experience ongoing traffic and access impacts during construction and raised safety concerns based on prior observations of construction activity adjacent to public areas. She further stated concern regarding the anticipated

duration of construction and the cumulative impacts on the community, emphasizing that the Town should not bear adverse consequences resulting from project design or construction planning decisions.

Discussion took place among Council and applicant discussion occurred regarding potential modifications to the request, including a proposed contribution toward park improvements. The parties discussed possible terms and conditions with the proposed park improvement contribution being \$240,000 divided in 12 monthly payments of \$20,000 a month. The modified work hours will be as follows: Monday through Fridays 7:00 a.m. to 7:00 p.m. with no Saturday work being done. Closing the road to 1 lane one-way street subject to the Police Chief's approval; required to have off-duty police officers on site and proper signage; to follow all MOT requirements and all requests will be up to the Town Manager's approvals.

26. Discussion and possible action approving a resolution of a modified improvement agreement with 1177 Bay Harbor Islands, LLC for the Town's Kayak Park located at 9600 West Bay Harbor Drive. Sponsored by Town Manager Lindsley Noel.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF A MODIFIED IMPROVEMENT AGREEMENT WITH 1177 BAY HARBOR ISLANDS, LLC FOR THE TOWN'S KAYAK PARK LOCATED AT 9600 WEST BAY HARBOR DRIVE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Graham Penn, Berkow, Radell Fernandez Larkin and Tapanes, applicant's attorney, stated that the original agreement required the developer to complete sewer improvements and upgrades to Kayak Park in exchange for the ability to request extended construction hours for interior work. The scope of work at Kayak Park expanded significantly, including a larger kayak washing area, shelter, and sidewalk improvements. Some original pull-off areas could not be implemented due to site constraints. The developer proposed undertaking additional work valued at approximately \$471,000 beyond the original scope, in exchange for the ability to request extended construction hours for both interior and exterior work. Proposed extended hours: 6:00 AM to 9:00 PM Monday through Friday (no truck deliveries or heavy equipment before 7:00 AM), and 8:00 AM to 9:00 PM on Saturdays, excluding Town-recognized holidays. Most exterior work now focuses on sidewalks and landscaped areas along the concourse, considered less disruptive to the community. The developer indicated that the residential component along 97th Street is nearing completion, with the commercial portion to follow, and emphasized the mutual interest in completing the project promptly. The developer is seeking Council approval of the expanded work and extended construction hours for the remaining exterior elements. The developer emphasized the priority of obtaining the Temporary Certificate of Occupancy (TCO) and Certificate of Occupancy (CO) as soon as possible, noting that commercial tenants

are eager to occupy the building. They acknowledged that timing for issuing TCOs is at the Town's discretion and cannot provide a specific opening date. However, they anticipate that the TCO for the northern portion of the project will likely be issued by the end of the month, with full completion of the commercial component to follow promptly. The developer stressed that there is no incentive to delay the project.

Andres Moncada with 1177 project stated the project currently requires three Temporary Certificates of Occupancy (TCOs), coordinated with the Town Manager and Building Official. A recent meeting with Miami-Dade Fire Department confirmed that utilities and inspections are largely complete. The remaining work focuses on exterior elements, including landscaping and fence removal, which must be completed to finalize the project. The developer noted that interior work can proceed independently, but exterior work must be finished in coordination with the Town. They requested the Town's assistance in facilitating the completion of exterior improvements, emphasizing that construction schedules are designed to start early and finish efficiently. The developer stressed their commitment to finishing the exterior work promptly to allow full occupancy. The developer clarified that the remaining exterior work primarily involves landscaping, irrigation, and placing mulch. They noted that the noisiest construction activities, such as tile installation, have already been completed, reducing potential disruption to the community.

Council Member Yaffe expressed concern about a 6:00 AM start time for construction, noting potential noise impacts on residents across the street. He spoke regarding the condition of the alleyway on the concourse side, noting it had deteriorated and required repair. He confirmed that work is being coordinated to restore the alleyway to acceptable condition. He stated that milling and resurfacing work is being considered for weekend scheduling instead of evenings to reduce community impact, with further coordination needed to confirm feasibility.

Mayor Salver provided his concerns as it pertained to construction timing, street use and any lease or negotiation with the developer consider a credit to the Town for the use of these streets, estimating potential value of approximately \$240,000 over two years.

The Town Council continued discussion with Mr. Moncado and Mr. Penn regarding the hours of operation as well as the funding provided to the Town for the Kayak Park. After a lengthy discussion the below motion was made.

A motion was made by Vice Mayor Bruder, seconded by Council Member Yaffe to approve resolution as amended requiring the contractor to apply for permits within three weeks; allowing the extended work hours as follows: Monday through Friday, 7:30 a.m. to 9:00 p.m. (all exterior work); 8:00 a.m. to 9:00 p.m. (Saturdays) with no exterior work being done and construction of the kayak park to begin within thirty (30) days of permits being pulled and completed within 200 days. The motion carried with a 6-1 vote with Vice Mayor Bruder voting in opposition.

Adjournment:

There being no further business to discuss before the council, a motion was made by Vice Mayor Bruder seconded by Council Member Rappaport to adjourn the meeting at 10:15 p.m.

Accepted this _____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk



Town of Bay Harbor Islands

Regular Town Council Meeting MINUTES March 12, 2026

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Salver called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Isabella Moscoso a student at Ruth K. Broad K-8 Center provided the pledge of allegiance.

Roll Call of Members

Town Clerk Herbello called the roll with the following members present.

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

Also Present: Town Manager Lindsley Noel, Interim Town Attorney Tania Cruz-Gimenez and Consultant Town Attorney Skip Miller (via zoom).

Special Presentations:

1. Police Chief Alvarez introduced 2025 Officer of the Year Officer Shae Wimbley and 2025 Police Civilian of the Year Carlos Ramirez.
2. County Commissioner Micky Steinberg presented the Town with a \$25,000 check for the Grant for District 4 Municipal Service Projects. These funds will go towards the building of the new Town Hall Complex.

County Commissioner Micky Steinberg also presented Mayor Salver with the Florida League of Cities 2025 E. Harris Drew Municipal Official Lifetime Achievement Award.

Council Member Fuller expressed his gratitude and her support that she has always demonstrated towards the Town of Bay Harbor Islands.

Requests for Withdrawals, Deferments and Future Agenda Items:

Council Member Fuller deferred all the minutes to the April 22, 2026 Regular Town Council Meeting.

Council Member D'Amico pulled Item 11 (Consideration and approval of a proposal in the amount of \$618,745 for 96th Street Main Sewer Pump Station relocation in favor of Chen Moore and Associates) from the consent agenda for discussion.

Council Member Fuller explained why he removed item 26 (Additional Design Alternatives for 3-Dimension Printing of modules associated with the Artificial Reefs at Causeway Island and the Bay Harbor Waterway) from the agenda is because what was requested by Council is not what was provided with that item on this agenda. He requested for new designs be brought back to the council at a later meeting.

Council Member Yaffe requested that the Town Attorney prepare an ordinance for consideration at the April Council Meeting (first reading) to strengthen enforcement against businesses operating in violation of Town Code. The request was prompted by a specific business currently under construction that has been cited for code violations but has allegedly failed to comply.

The proposed ordinance would authorize the Town to issue a stop work order or otherwise halt operations for ongoing violations during the build-out phase. Additionally, the ordinance could include provisions delaying or restricting the issuance of a business tax receipt (or equivalent licensing) for a defined period (e.g., three months) for non-compliant businesses.

Town Planner Belle stated that any applicant seeking a building permit who has an outstanding Code violation should be deemed ineligible for permit approval. Specifically, the Councilmember proposed that no permits or related approvals be issued until all existing Code violations associated with the property have been fully resolved and brought into compliance.

Town Manager's Report:

Town Manager Noel provided an update on recent activities, upcoming events, ongoing projects, and intergovernmental coordination efforts. He highlighted a recent employee team-building event, noting it provided an opportunity for staff across departments to engage outside of the normal work environment, strengthen relationships, and enhance

teamwork and collaboration. Upcoming community events were announced, including “Egg-Con” scheduled for March 29 at Scott Winters Park and “Pig Lake” to be held from 2:00 p.m. to 6:00 p.m. at 95th Street Park. Additionally, he reminded residents of early voting on April 11 from 9:00 a.m. to 6:00 p.m., and Election Day on April 14 from 7:00 a.m. to 7:00 p.m., both at the Community Center. Residents were encouraged to stay informed through the Town Clerk’s Office and official Town communication channels.

Town Manager Noel reported on various operational and capital improvements, including the installation of additional dog waste receptacles throughout Town parks, repairs and replacement of the splash pad at Scott Lucas Park, and ongoing paver sidewalk leveling along Kane Concourse to improve pedestrian safety and walkability. The Town is also advancing the design of a passive park and anticipates issuing a request for proposals (RFP) for that project. It was further reported that the RFP for Town Attorney services has been issued and the process is underway.

He spoke regarding infrastructure and advised that the Town has taken immediate action concerning repairs to the Broad Causeway Bridge. Additional deficiencies were recently identified following an inspection by FDOT, resulting in anticipated emergency repairs estimated at approximately \$925,000. The Town will continue to keep the public informed regarding timelines and impacts. He also reported that BrightView Landscaping services will be transitioning to the south side of the West Island, with upcoming work to address corner landscape areas. He spoke to respect to Item No. 14 on the Consent Agenda, he noted that amendments to the budget have been made and are included in the agenda materials for Council consideration.

Lastly, he reported hosting and attending a coordination meeting with FDOT, Miami-Dade County, Surfside, and Bal Harbour to address regional traffic congestion, signal timing, construction impacts, and anticipated traffic issues related to bridge repairs.

Council Member Fuller asked for an update on the two gate arms.

CIP Zamacona stated it is in the design stage of the project and they procured the services of a vendor and the vendor is in the process of obtaining the required and necessary permits.

Mayor Salver stated that any property owner in the surrounding area of any gate being installed should be contacted and able to provide feedback. He has been contacted by some in the north side with concerns on how their property would be affected.

Mayor Salver expressed that property owners located within close proximity (approximately several hundred feet) of any proposed gate installation should be notified and provided an opportunity to offer input prior to implementation. He noted having already received concerns from nearby property owners, particularly on the north side of the West Island, regarding the proposed gate location, its placement, and potential impacts on adjacent properties.

Town Manager Noel stated they are in the process of contacting the surrounding neighbors.

Vice Mayor Bruder expressed concern regarding the condition of existing sidewalks, noting that prior repairs have been insufficient and that deteriorating conditions are creating safety hazards, including instances of pedestrians tripping and falling. She suggested that continued patchwork repairs may no longer be effective. She further recommended that staff evaluate alternative materials, specifically referencing stamped concrete as used in neighboring municipalities, as a potentially more durable and cost-effective solution compared to pavers. Staff was requested to obtain and present cost estimates and options for Council consideration.

Town Manager Noel responded to the Vice Mayor and he stated pursuant to prior Council direction, an application has been submitted for grant funding through the Transportation Planning Organization (TPO) to support sidewalk improvements. He further advised that, in parallel, they will explore and solicit proposals related to the sidewalk project, contingent upon potential funding opportunities.

Council Member Yaffe noted that a contributing factor to the sidewalk deterioration is root intrusion from Royal Palm trees, which is causing displacement, cracking, and uneven surfaces. He indicated that this issue may persist regardless of the material used, including concrete, due to ongoing root growth.

Council Member D'Amico raised concerns regarding the condition of curbs, specifically citing the corner of Kane Concourse and East Bay Harbor Drive, particularly in front of a restaurant, where the curb was described as being in poor and uneven condition. She noted that the lack of levelness presents potential safety and maintenance concerns.

Council Member Yaffe emphasized that the condition of the landscaping and adjacent infrastructure serves as a first impression of the Town and expressed concern regarding the current state along Kane Concourse and West Bay Harbor Drive. He noted apparent damage to public infrastructure, including curbs, reflectors, and other elements, potentially resulting from ongoing or recent work activities. He requested that Public Works conduct a comprehensive assessment of the affected areas to document any damage and determine responsibility, as well as identify necessary repairs or remediation.

Council Reports:

Council Member D'Amico stated that she attended the Senior Valentine's Dinner and a recent field day event, both of which were described as successful and well-attended. She commended staff for organizing the events, noting the quality of the food, positive atmosphere, and the opportunity for community engagement and team-building among participants. She raised ongoing concerns regarding traffic circulation, particularly in

areas eastbound toward the water and near local commercial destinations, noting that current patterns may be contributing to congestion. She emphasized the need for further study and coordination, potentially in partnership with Miami-Dade County, especially in light of anticipated bridge-related impacts. She highlighted the importance of pedestrian safety and connectivity, particularly in relation to bridge design. She suggested exploring enhancements to pedestrian infrastructure, including widening walkways and incorporating improvements that would better support walkability and access to the beach.

Council Member Yaffe provided a report on a recent intergovernmental meeting held approximately two weeks prior, which included the Town Manager, Police Chief, Deputy Commander, members of the Town's police department, representatives from Miami-Dade County, and police leadership and elected officials from Surfside and Bal Harbour. He stated that the meeting focused on ongoing traffic challenges affecting all three municipalities. Key topics discussed included traffic signal synchronization, with particular concern regarding delays at intersections such as Byron Avenue and 96th Street. County representatives advised that additional software is expected to be implemented to improve signal timing, including at the Bal Harbour Shops exit, to reduce unnecessary stoppages when no vehicles are exiting. He also noted concerns regarding traffic enforcement and coordination among jurisdictions, indicating that Town police officers are frequently deployed to manage congestion, while neighboring municipalities may have limited visible enforcement presence. Specific issues raised included vehicles blocking intersections ("blocking the box") and double parking in Surfside, which contribute to traffic delays. The need for increased coordination and proactive traffic control measures among the three municipalities was emphasized.

Council Member Fuller provided an update on ongoing regional coordination efforts to address traffic issues, noting that the Town has been actively working with neighboring municipalities, Miami-Dade County, and FDOT, which ultimately has authority over roadway decisions. He stated that efforts to collaborate with Surfside and Bal Harbour have been challenging at times, with differing approaches to traffic solutions. Specifically, a proposal to close Byron Avenue was opposed by the Town due to concerns it would worsen congestion locally. He emphasized that the Town continues to advocate for studies, signal improvements, and coordinated solutions, while acknowledging that progress is slow and requires long-term, multi-agency cooperation. Concerns were also expressed regarding delays and repeated commitments from agencies, including previously discussed traffic signal software improvements. He stated that he attended the Senior Dinner, noting it was well-attended and a successful community event. He also advised participation in the Florida League of Cities conference and the upcoming National League of Cities conference, where they, along with other colleagues, will advocate on behalf of the Town, including efforts to preserve Home Rule.

Council Member Fuller acknowledged Council Member D'Amico who is not seeking re-election, expressing appreciation for her service and contributions to the community.

Council Member Rappaport reported on several recent activities and initiatives. He noted attending a successful community event and expressed appreciation to staff involved in its organization. He also discussed ongoing coordination with Parks and Recreation staff and the Town Manager regarding planned improvements to Tot Lot facilities, including the addition of equipment to better serve older children, in response to community demographics. He further reported touring the new Town Hall offices and commended staff for their progress, expressing anticipation for the transition into the new facility. Additionally, he announced an upcoming Town Hall meet-and-greet event with Commissioner Micky Steinberg scheduled for March 25. He requested that staff evaluate the feasibility of installing roadway markings such as "Do Not Block the Box" or "Do Not Block Intersection," similar to those used in neighboring municipalities, to help alleviate congestion and improve traffic flow.

Town Manager Noel stated that they are in contact with FDOT and FDOT stated they will be adding those markings.

Council Member Diallo recognized and commended the Town's police officers for their service, specifically acknowledging an officer's life-saving actions. Appreciation was also expressed to staff for addressing a lighting issue on West Bay Harbor Drive, noting its importance for public safety. She highlighted several recent community events, including Field Day, the Senior Valentine's Dinner, and a 5K race, all of which were described as successful and well-attended. She emphasized the value of these events in fostering community engagement and positive interaction among residents and staff. Special recognition was given to Parks and Recreation staff for their efforts in organizing and enhancing Town events, noting positive feedback received from residents regarding the quality and impact of these programs.

Vice Mayor Bruder commended Town staff, specifically recognizing Police Department personnel and Public Works staff members. She commended Captain Alan Castellanos and Assistant Public Works Director Kenny Chaviano for their early morning response to address bridge-related issues, noting their dedication and commitment to maintaining critical infrastructure. She further reported that several Councilmembers will be traveling to Washington, D.C. to attend the National League of Cities conference and advocate on issues including the preservation of Home Rule. She added that, during the trip, they intend to coordinate with the Town's lobbyists to obtain updates on the status of bridge funding and grant opportunities.

Council Member Fuller added that they are trying to obtain additional grants including funding for the pump station.

Mayor Salver addressed concerns regarding the posting of meeting minutes, stating that, based on communication with the Ethics Department, the Town has been identified for not consistently posting minutes publicly. He clarified that while minutes are available upon public records request, the Ethics Department recommended that minutes be posted online for public accessibility. It was further noted that any necessary corrections could be addressed through amended minutes. He also discussed regional traffic issues, referencing meetings with Miami-Dade County representatives and noting that current efforts to upgrade traffic signal infrastructure may not include advanced or “smart” technology. He expressed concern that the planned upgrades rely on outdated systems and emphasized the need for the Town to advocate for more modern, technology-driven traffic solutions. He noted attending a regional meeting with neighboring mayors, describing it as productive. He also congratulated the Town Manager on his 20th anniversary and commended staff, including Human Resources, for organizing a successful recognition event. He referenced participation in recent Town events, including the 5K and employee field day, highlighting their positive impact on staff morale and community engagement. Additionally, he reported on a recent Retirement Board meeting, noting the appointment of a new investment manager affiliated with the Florida League of Cities to oversee the Town’s pension plan, with the goal of implementing best practices. He also mentioned attending a regional luncheon event with an international dignitary and provided a brief update on information received through the Florida League of Cities regarding the current legislative session, noting that additional legislative activity, including a potential special session, may occur.

Council Member Yaffe provided an update on the status of the State legislative session, noting that if the Legislature adjourns *sine die*, any pending bills would not advance. However, he emphasized that a State budget has not yet been adopted, which may impact anticipated funding for municipalities. He further advised that a potential special session may be convened, particularly concerning property tax policy. He noted that any proposed changes may come in the form of a joint resolution, which would place the issue before voters via a statewide referendum, and could have significant revenue implications for municipalities.

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

The following individuals from the public spoke:

Richard Parker spoke regarding the dog waste stations. He spoke regarding checking the street lights at least on a weekly basis. He spoke regarding installation of new landscape to beautify the Town.

Elchonon Shagalov introduced himself as a candidate for Council for the Town. Fran Neuhut spoke regarding the minutes and the name change from Litigation Committee and Mitigation Committee.

Gustavo Ortega introduced himself as a candidate for Council for the Town.

Council Member Yaffe responded to comments made by the public and explained to one of the speakers that meeting minutes, even if approved or finalized at a later date, may be executed by the current Town Clerk and current Mayor. He stated that such execution does not affect the validity of the minutes. It was further noted that the inability to obtain signatures from former elected officials should not prevent the Town from finalizing and posting minutes.

Minutes:

3. Approval of Minutes for the following meeting dates: March 20, 2024 Regular Town Council Meeting Minutes; May 8, 2024 Regular Town Council Meeting Minutes; June 10, 2024 Special Town Council Meeting Minutes; June 18, 2024 Special Town Council Meeting Minutes; June 24, 2024 Special Town Council Meeting Minutes; July 8, 2025 Regular Town Council Meeting Minutes; February 11, 2026 Regular Town Council Meeting Minutes and February 20, 2026 Special Town Council Meeting Minutes.

A motion was made by Council Member Fuller to defer the minutes for the following meeting dates March 20, 2024 Regular Town Council Meeting Minutes; May 8, 2024 Regular Town Council Meeting Minutes; June 10, 2024 Special Town Council Meeting Minutes; June 18, 2024 Special Town Council Meeting Minutes; June 24, 2024 Special Town Council Meeting Minutes; July 8, 2025 Regular Town Council Meeting Minutes; February 11, 2026 Regular Town Council Meeting Minutes and February 20, 2026 Special Town Council Meeting Minutes to the April 22, 2026 Regular Town Council Meeting, seconded by Yaffe. The motion carried with a 7-0 vote.

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.)*

A motion was made by Council Member Yaffe to approve the consent agenda minus pulled item 11 (Consideration and approval of a proposal in the amount of \$618,745 for 96th Street Main Sewer Pump Station relocation in favor of Chen Moore and Associates) seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

Council D'Amico pulled item 11(Consideration and approval of a proposal in the amount of \$618,745 for 96th Street Main Sewer Pump Station relocation in favor of Chen Moore and Associates) from the consent agenda for purposes of discussion.

4. Consideration and approval of a Task Work Order in favor of BCC Engineering LLC, in the amount of \$248,820 for Engineering and Compliance services as required by LAP Agreement, for the Design of the Broad Causeway Intracoastal Waterway Bridge.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A TASK WORK ORDER WITH BCC ENGINEERING, LLC IN THE AMOUNT OF \$248,820 FOR ENGINEERING AND COMPLIANCE SERVICES REQUIRED PURSUANT TO THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN OF THE BROAD CAUSEWAY INTRACOASTAL WATERWAY BRIDGE (FDOT BRIDGE NO. 875101); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

5. Consideration and approval of a Task Work Order in favor of BCC Engineering LLC (BCC) in the amount of \$87,360 for Engineering and Compliance as required by the LAP Agreement for the design of the Bay Harbor Waterway Bridge and the Indian Creek Bridge.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A TASK WORK ORDER WITH BCC ENGINEERING, LLC IN THE AMOUNT OF \$87,360 FOR ENGINEERING AND COMPLIANCE SERVICES REQUIRED PURSUANT TO THE LOCAL AGENCY PROGRAM (LAP) AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN OF THE BAY HARBOR WATERWAY BRIDGE (FDOT BRIDGE NO. 875102) AND THE INDIAN CREEK BRIDGE (FDOT BRIDGE NO. 875103); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

6. Consideration and approval of a resolution establishing and adopting accounting policies.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ESTABLISHING AND ADOPTING CERTAIN ACCOUNTING AND FINANCIAL MANAGEMENT POLICIES, INCLUDING A PURCHASING CARD (P-CARD) POLICY AND A CAPITALIZATION POLICY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

7. Consideration and approval of a Task Work Order in favor of Ardurra Group Inc. in the amount of \$171,375 to prepare additional emergency repair plans for the Broad Causeway Intra Coastal Waterway Bridge.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A TASK WORK ORDER WITH ARDURRA GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$171,375 FOR ENGINEERING SERVICES TO PREPARE ADDITIONAL EMERGENCY REPAIR PLANS FOR THE BROAD CAUSEWAY INTRACOASTAL WATERWAY BRIDGE (FDOT BRIDGE NO. 875101); AUTHORIZING THE TOWN MANAGER TO EXECUTE THE TASK WORK ORDER AND ANY RELATED DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

8. Consideration and approval of Amendment Number 2 to the Agreement with Kimley Horn and Associates in the amount of \$31,960 for Drainage Design and Engineering Plans Updates, Permit Modifications and update to bid documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AMENDMENT NUMBER 2 TO THE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$31,960 FOR DRAINAGE DESIGN AND ENGINEERING PLAN UPDATES, PERMIT MODIFICATIONS, AND UPDATES TO BID DOCUMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT AND ANY RELATED DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

9. Consideration and approval of Changer Order to PO Number 05884 (BHI 223 Block 11 Alleyway Construction) in the amount of \$80,980 for the Sewer Force Main Replacement in favor of Chen Moore and Associates.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A CHANGE ORDER TO PURCHASE ORDER NO. 05884 (BHI 223 BLOCK 11 ALLEYWAY CONSTRUCTION) IN AN AMOUNT NOT TO EXCEED \$80,980 FOR SEWER FORCE MAIN REPLACEMENT SERVICES IN FAVOR OF CHEN MOORE AND ASSOCIATES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER AND ANY RELATED DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

10. Consideration and approval of a proposal for CIP Dashboard Data Population and Resident Portal

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROPOSAL FOR CAPITAL IMPROVEMENT PROGRAM (CIP) DASHBOARD DATA POPULATION AND A RESIDENT PORTAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY RELATED AGREEMENTS OR DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

Approved on consent.

11. Consideration and approval of a proposal in the amount of \$618,745 for 96th Street Main Sewer Pump Station relocation in favor of Chen Moore and Associates

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROPOSAL IN THE AMOUNT OF \$618,745 IN FAVOR OF CHEN MOORE AND ASSOCIATES FOR THE RELOCATION OF THE 96TH STREET MAIN SEWER PUMP STATION; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY RELATED AGREEMENTS OR DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Pulled from consent for discussion.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Council Member D'Amico pulled the item for discussion purposes.

Council Member D'Amico inquired about the decision-making process related to a matter involving an estimated cost of approximately \$600,000, specifically questioning how and by whom the decision to proceed or "move" the project was made. She requested clarification regarding the origin of the proposal and the process followed in reaching that determination.

Town Manager Noel stated that the matter had been previously discussed during a Council retreat, including the proposed relocation and related considerations.

Council Member D'Amico requested clarification regarding the rationale for the proposed location and the necessity of proceeding with associated administrative costs. She questioned whether relocation is required, noting that alternative options may exist, and referenced supporting documentation included in the agenda materials.

Town Manager Noel clarified the cost components associated with the project, stating allocated amounts cover design services, while a separate amount of approximately \$80,000 is designated for engineering design related to the relocation of the main station pipe running through the Town, including areas near the existing Town Hall.

Council Member D'Amico expressed concern regarding the estimated cost of approximately \$600,000 for the redesign of a project, including the proposed relocation of infrastructure. She questioned the timing of this effort, noting that it appears to be advancing in connection with a proposed administrative building despite the absence of updated professional analysis or direction following the prior Council retreat.

Council Member D'Amico further inquired whether the Town has obtained cost estimates for the actual relocation work, in addition to the design costs, and raised concerns about proceeding with significant design expenditures without a clear understanding of total project costs, access considerations, and overall feasibility.

CIP Director Zamacona explained that the item before the Council is an agreement for design, permitting, and program management services related to the relocation of the main sewer pump station. It was noted that the existing pump station is currently located within the footprint of the Town Hall property and occupies a significant portion of the site. He further stated that, regardless of the final design of the future Town Hall, the pump station must be relocated in order to maximize and optimize the use of the property. Accordingly, the proposed scope of work includes the necessary design and permitting efforts to facilitate the future relocation of the pump station.

Town Manager Noel responded that alternatives to relocating the sewer pump station were evaluated, including examples of facilities where structures are built over similar infrastructure. It was explained that such configurations require substantial vertical clearance—approximately 30 feet—to allow for ongoing access, maintenance, and operational needs. He noted that incorporating this requirement into a future Town Hall design would significantly impact building design and feasibility. As a result, relocation of the pump station remains the preferred option to allow for optimal use of the site.

After a lengthy discussion regarding the item, the following motion was made.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Fuller. The motion carried with a 6-1 vote with Council Member D'Amico voting in opposition.

12. Consideration and approval of a resolution to enter into a three year agreement with GOVWELL for permitting and case management platform

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF A CONTRACT FOR DEPLOYMENT SERVICES, DATA MIGRATION SERVICES & ONGOING SUPPORT BETWEEN GOVWELL TECHNOLOGIES, INC. AND THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

13. Authorization to Accept Miami-Dade County Grant Funds in the amount of \$25,000 for the Temporary Town Hall and Police Department Complex

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING THE ACCEPTANCE OF MIAMI-DADE COUNTY GRANT FUNDS IN THE AMOUNT OF \$25,000 TO SUPPORT THE TEMPORARY TOWN HALL AND POLICE DEPARTMENT COMPLEX PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY RELATED DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

Approved on consent.

14. Consideration and Approval FY 2025-2026 Budget Amendment

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE 2025/2026 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2025/2026 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

Approved on consent.

15. Consideration and Approval of a resolution approving the renewal and implementation of a Mutual Aid Agreement and Joint Declaration between the Town of Bay Harbor Islands Police Department and the Bal Harbour Village Police Department for shared law enforcement services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND BAL HARBOUR VILLAGE POLICE DEPARTMENT FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE

Approved on consent.

Public Hearing – Quasi Judicial

16. PUD Overlay Rezoning Application – Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1 - Town Manager

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) ON CERTAIN DESCRIBED PROPERTY LOCATED AT 9521 EAST BAY HARBOR DRIVE; DETERMINING THAT THE PUD APPLICATION COMPLIES WITH THE PURPOSE AND INTENT OF THE PUD ORDINANCE; MAKING FINDINGS REGARDING THE APPROVAL OF THE PUD APPLICATION; DIRECTING THE TOWN MANAGER TO MAKE THE APPROPRIATE NOTATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE

Town Clerk Herbello swore in all the individuals from the public that would be speaking on this item.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Thomas Darcy representing the HOA Board introduced himself.

Vice Mayor Bruder noted that the item had previously been presented and subsequently tabled due to concerns regarding potential implications under the State's "Live Local" Act. She requested that the Town Attorney provide clarification on whether proceeding with the proposed action could trigger applicability of the Live Local Act or otherwise create unintended legal exposure.

Town Attorney Cruz-Gimenez provided a legal opinion regarding concerns that the proposed PUD would not trigger applicability of the State's "Live Local" Act. She advised that the risk is minimal. It was explained that, although the PUD overlay technically introduces a mixed-use component, the subject property (Bijou Bay) remains a luxury development, making it highly unlikely that it would be converted to affordable housing in a manner that would invoke the Live Local Act. Any such scenario was described as speculative and remote, potentially only arising under extraordinary circumstances such as significant redevelopment following a catastrophic event. She further stated that the PUD overlay does not increase density or intensity for the property and is narrowly tailored to address a specific, existing site condition. It was emphasized that the action is not a broad rezoning or text amendment, but rather a targeted, remedial measure necessary to bring the property into compliance with applicable regulations, including life safety requirements and obtaining a certificate of occupancy. She stated that the proposed action would not expand development rights for adjacent properties and represents a limited and appropriate approach that maintains the Town's regulatory framework.

Council Member Fuller expressed partial disagreement with the Town Attorney's legal characterization regarding the applicability of the State's "Live Local" Act. He clarified that, in his view, the proposed action would technically make the property eligible under the Live Local framework; however, the practical likelihood of such applicability being realized is minimal and dependent on highly speculative circumstances, such as redevelopment following a catastrophic event. He stated that, while a theoretical risk exists, he agrees it is remote and unlikely under current conditions, particularly given the nature of the existing development. He further indicated support for the proposed PUD overlay as a targeted and appropriate approach, noting that it is not expected to materially impact adjacent properties. He stated that despite acknowledging the potential risk, it is acceptable in light of the anticipated benefits to the community. The Town Attorney then clarified her response and said it would trigger Live Local applicability, but that actual use of the structure here was unlikely.

Vice Mayor Bruder stated their understanding of the Town Attorney's opinion, clarifying that the Attorney acknowledged there is some level of risk associated with the proposed action in relation to the State's "Live Local" Act, but

characterized that risk as minimal. She emphasized that, in their interpretation, the Attorney's position was that the benefits of proceeding outweigh the potential risks.

Council Member Rappaport sought clarification regarding the scope of risk associated with the proposed action, specifically questioning whether any potential applicability of the State's "Live Local" Act would be limited to the subject property or could extend to adjoining properties.

Council Member Fuller stated that, in its view, the potential risk associated with the proposed action should not extend to adjoining properties and is limited to the subject property. He agreed that the risk is minimal, while acknowledging that it cannot be entirely eliminated due to the possibility of future legislative changes.

Council Member Yaffe stated that the Town bears some responsibility for prior approvals related to underground parking at the subject property and expressed that it is appropriate to assist the property owner in resolving the resulting issues. He indicated that the proposed approach is a reasonable solution, notwithstanding the minimal associated risk, and expressed support for moving forward in order to facilitate the issuance of a certificate of occupancy.

Mayor Salver opened the floor to public comment.

The following individuals from the public spoke:

Fran Neuhut expressed concerns about prior PUD overlays, citing issues such as inadequate parking, flooding, and unintended development outcomes. She questioned the effectiveness of PUDs, raised compatibility concerns with nearby properties, and cautioned against future overdevelopment.

Mayor Salver closed the floor to public comments.

Council Member Yaffe requested that the Town Attorney issue a formal demand letter to the property owner (Church by the Sea) regarding an alleged code violation by its tenant (a medical spa). He stated that the property owner has a responsibility to ensure tenant compliance with applicable laws and suggested that the owner should take appropriate action against the tenant if violations persist.

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

Ordinances on Second Reading:

17. Discussion and possible action approving an ordinance on second reading relating to unsafe structures and authorizing emergency assistance when a structure is declared unsafe - Vice Mayor Stephanie Bruder.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY CREATING CHAPTER 5, ARTICLE IV, ENTITLED "UNSAFE STRUCTURES"; PROVIDING FOR EMERGENCY DISPLACEMENT ASSISTANCE; ESTABLISHING PROPERTY OWNER RESPONSIBILITY FOR OWNER-CAUSED OR OWNER-ALLOWED UNSAFE CONDITIONS; AUTHORIZING INTERIM SAFETY MEASURES AND TOWN-PERFORMED ABATEMENT; PROVIDING FOR RECOVERY OF COSTS INCURRED BY THE TOWN, INCLUDING LIENS AND OTHER LEGAL REMEDIES; PROHIBITING STAYS OF ENFORCEMENT BASED SOLELY ON INTENT TO DEMOLISH; PROVIDING TENANT PROTECTIONS; AUTHORIZING ENHANCED REMEDIES FOR REPEAT OFFENDERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Town Manager Noel read the title of item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Mayor Salver opened the floor to public comments.

The following individuals from the public spoke:

There were no public speakers.

Mayor Salver closed the floor to public comments.

Mayor Salver inquired whether the State's "Live Local" Act imposes any prohibitions or limitations on municipalities with respect to fees.

Town Manager Noel advised that a study must be completed to evaluate and separate the relevant components of the issue. It was noted that the study was recently received and is currently under review, with the expectation that results will be presented at the next Council meeting.

A motion was made by Vice Mayor Bruder to approve the ordinance on second reading, seconded by Council Member Yaffe. The motion carried with 7-0 vote.

18. Consideration and approval of an ordinance on second reading amending Chapter 10, Article IV titled "Transportation Impact Fee" - Vice Mayor Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A NEW SECTION 19-70, "TRANSPORTATION IMPACT FEE," TO THE TOWN'S CODE OF

ORDINANCES; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING APPLICABILITY, PURPOSE, AND DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF A TRANSPORTATION IMPACT FEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Noel read the title of item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Mayor Salver opened the floor to public comments.

The following individuals from the public spoke:

There were no public speakers.

Mayor Salver closed the floor to public comments.

A motion was made by Vice Mayor Bruder to approve the ordinance on second reading, seconded by Council Member Rappaport. The motion carried with a 7-0 vote.

- 19.** Consideration and approval of an ordinance on second reading amending Chapter 26, titled "Police Services Impact Fee" - Vice Mayor Stephanie Bruder

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ESTABLISHING A POLICE SERVICE IMPACT FEE; PROVIDING FOR A SHORT TITLE; PROVIDING FOR THE IMPOSITION AND CALCULATION OF THE FEE; PROVIDING FOR COLLECTION PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Mayor Salver opened the floor to public comments.

The following individuals from the public spoke:

Mayor Salver closed the floor to public comments.

A motion was made by Vice Mayor Bruder to approve the ordinance on second reading, seconded by Council Member Rappaport. The motion carried with 7-0 vote.

20. Consideration and approval of an ordinance on second reading amending Chapter 26, titled "Park Impact Fee" - Vice Mayor Stephanie Bruder

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ESTABLISHING A PARK IMPACT FEE; PROVIDING FOR SHORT TITLE, APPLICABILITY, AND PURPOSE; PROVIDING DEFINITIONS; ESTABLISHING A METHODOLOGY FOR FEE CALCULATION AND COLLECTION; PROVIDING FOR ADMINISTRATION, CREDITS, EXEMPTIONS, APPEALS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Town Manager Noel read the title of item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Mayor Salver opened the floor to public comments.

The following individuals from the public spoke:

Fran Neuhut expressed concern regarding the condition and maintenance of Town parks, including the school area, stating that the parks were not being kept clean and questioning whether previously identified funding, including TDR-related funds, had been used for intended park improvements and services. She also referenced prior discussions about additional park-related services and asked for clarification as to why those measures do not appear to be in place.

Mayor Salver closed the floor to public comments.

Council Member Yaffe responded that TDR-related funds are being allocated toward park improvements and safety enhancements. Specifically, funds are planned for the redesign and upgrades to the Tot Lot to improve safety for younger children and add features for older children, as well as for improvements at 98th Street Park, including replacement of the splash pad surface due to safety concerns. He indicated that these funds are being used for park-related capital improvements and services.

A motion was made by Vice Mayor Bruder to approve the ordinance on second reading, seconded by Council Member Rappaport. The motion carried with 7-0 vote.

21. Consideration and approval of an ordinance on second reading to codify previously approved uses for the B-1 District - Council Member Joshua Fuller

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE LAND USES PERMITTED OR PROHIBITED IN THE B-1 BUSINESS DISTRICT; AMENDING SECTION 23-5 OF THE ZONING AND PLANNING CODE TO CODIFY THE PREVIOUSLY APPROVED "MEDICAL SPA" AND "AUTOMOBILE SHOWROOM" USES; TO FORMALLY ESTABLISH A SPECIAL USE APPROVAL PROCESS FOR ALL LISTED USES; TO RENUMBER AND REORGANIZE THE SECTION FOR CLARITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Town Manager Noel read the title of item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Mayor Salver opened the floor to public comments.

The following individuals from the public spoke:

Fran Neuhut stated that wording changed and spoke against the ordinance.

Mayor Salver closed the floor to public comments.

Council Member Fuller stated that this ordinance is moving the numbering around.

A motion was made by Vice Mayor Bruder to approve the ordinance on second reading, seconded by Council Member Fuller. The motion carried with 7-0 vote.

22. Consideration and approval of an ordinance on second reading amending the Town's Code of Ordinances related to the land uses permitted or prohibited in the B-1 Business District - Council Member Joshua Fuller

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE LAND USES PERMITTED OR PROHIBITED IN THE B-1 BUSINESS DISTRICT; AMENDING SECTION 23-5 TO FORMALLY ESTABLISH A SPECIAL USE APPROVAL PROCESS FOR ALL LISTED USES; TO RENUMBER AND REORGANIZE THE SECTION FOR CLARITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR

CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Town Manager Noel read the title of item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Mayor Salver opened the floor to public comments.

The following individuals from the public spoke:
Fran Neuhut spoke against the ordinance

Mayor Salver closed the floor to public comments.

Council Member Fuller corrected the title being read into the record and asked the Town Clerk to verify which title was published for second reading.

Town Clerk Herbello read the advertisement that was published and it had the correct title of the ordinance being discussed.

Town Clerk Herbello re-read the correct title of the ordinance for this item.

Council Member Fuller addressed the comments made by the public speaker. He explained that the proposed action is intended to clarify and enforce permitted uses along the Concourse by closing prior loopholes in the Code. Specifically, the revisions ensure that ground-floor uses are limited to restaurants and retail establishments, and prohibit professional offices such as medical or legal practices that were previously able to operate due to ambiguous language. He noted that the changes are consistent with the Town's original intent for the area and are designed to prevent misuse of the Code provisions.

A motion was made by Vice Mayor Bruder to approve the ordinance on second reading, seconded by Council Member Yaffe. The motion carried with 7-0 vote.

Ordinances on First Reading:

Deferred Items:

- 23 Discussion and possible action approving a resolution waiving competitive bidding for solid waste collection services - Town Manager

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR SOLID WASTE COLLECTION SERVICES;

APPROVING THE ACCEPTANCE OF AN UNSOLICITED PROPOSAL FROM WASTE PRO USA, INC. FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE A SOLID WASTE COLLECTION AGREEMENT WITH WASTE PRO USA, INC.; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Council Member Yaffe raised concerns regarding solid waste and recycling practices, noting that while the Town may consider privatization of waste services in the future, recent resident complaints indicate that recycling and trash may be improperly commingled during collection. He stated that observations were made of materials from recycling containers being combined with regular waste, despite the use of designated recycling trucks.

Town Manager Noel reported meeting with a prospective waste service provider regarding potential future privatization of solid waste services. As part of the proposed implementation plan, he requested that the vendor conduct a community meeting to educate residents on proper recycling practices, including what materials can and cannot be recycled. He noted that this initiative is intended to address prior concerns regarding improper recycling and contamination observed under the current service arrangement.

Kenny Rivera from WastePro provided a statement and presented remarks regarding their proposal to provide solid waste services to the Town. He expressed appreciation for the opportunity to be considered and emphasized the company's commitment to serving the community with reliable, consistent, and high-quality service. He stated that the company views its role as a partnership with the Town, highlighting commitments to responsiveness, accessibility, and accountability to both residents and staff. He also acknowledged the contributions of the company's local operations team and corporate leadership in preparing the proposal.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

Town Manager Items:

- 24 Ratification of an Emergency Procurement Contract in the amount of \$607,179.94 with Florida Draw Bridges Inc. to perform Emergency Repairs at the Broad Causeway Intracoastal Waterway Bridge (Bridge #875101). - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING AN EMERGENCY PROCUREMENT CONTRACT WITH FLORIDA DRAW BRIDGES INC. IN THE AMOUNT OF \$607,179.94 FOR EMERGENCY REPAIRS TO THE BROAD CAUSEWAY INTRACOASTAL WATERWAY BRIDGE (FDOT BRIDGE NO. 875101); AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY RELATED DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Town Manager Noel reported that FDOT recently identified deficiencies in the bridge structure, specifically related to pilings, and advised that emergency repairs are required. He authorized the emergency work in accordance with applicable ordinance provisions and presented the item to the Council for ratification. He emphasized that the repairs are urgent and necessary to avoid more serious consequences if not addressed promptly.

Town Manager Noel advised that, in addition to previously identified issues, further deficiencies have been discovered on the bridge. As a result, an additional emergency repair item, estimated at approximately \$925,000, is anticipated to be brought before the Council for consideration.

A motion was made by Vice Mayor Bruder to approve the resolutions, seconded by Council Member Fuller. The motion carried with a 7-0 vote.

Discussion Items:

- 25 A resolution appointing two (2) members to the Parks and Recreation Committee due to the vacancy created by the resignation of two (2) committee members pursuant to the Town of Bay Harbor Islands Code, Section 15-2 (d). - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPOINTING TWO MEMBERS TO THE PARKS & RECREATION COMMITTEE; AND APPOINTING TWO NEW ALTERNATE MEMBERS TO THE PARKS AND RECREATION COMMITTEE; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Town Manager Noel recommended that the Town advertise to fill two alternate committee member positions currently under consideration, suggesting that recruitment begin immediately to allow for additional appointments at a future meeting, potentially in April.

A motion was made by Vice Mayor Bruder to approve the resolution by appointing Susan Kelly-Gilbert and Christina Gunther as regular members of the Parks and Recreation Committee, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

26 ~~Additional Design Alternatives for 3-Dimension Printing of modules associated with the Artificial Reefs at Causeway Island and the Bay Harbor Waterway. — Sponsored by Council Member Fuller.~~

27 Discussion and possible action to procure services for design and build for a padel court on 97th Street and West Bay Harbor Drive Parking Lot. Sponsored by Vice Mayor Stephanie Bruder and Council Member Eric Rappaport

Town Manager Noel read the title of the item into the record.

Vice Mayor Bruder introduced the item and expressed interest in introducing padel facilities within the Town, noting strong community interest and participation in the sport. She indicated that a potential location may have adequate nearby parking and referenced similar facilities in neighboring communities as successful examples. She further stated that funding for such an amenity may already be included in the Town's budget and suggested it could be a valuable addition for residents.

Council Member Rappaport requested information regarding a municipal parking lot that was leased to a private entity (The Well) for use as a staging area. Specifically, he asked staff to provide a comparison of the revenue previously generated from the lot as public parking versus the revenue currently received under the lease arrangement.

Town Manager Noel advised that, pursuant to a prior agreement approved by a previous Council, the municipal parking lot was authorized for use by The Well as a staging area. It was noted that the arrangement does not generate direct revenue for the Town, as it is part of the terms of that agreement.

Council Member D'Amico discussed the potential introduction of padel courts and emphasized the need for further evaluation before any decision is made. She noted that the proposed courts are typically temporary, modular structures and suggested exploring appropriate locations, including nearby parking availability such as Gateway Park. She recommended that Parks and Recreation staff, in coordination with planning professionals, evaluate options including the number of courts, design considerations, placement, parking needs, lighting, and overall

compatibility with existing recreational facilities. She stressed that a comprehensive proposal should be developed and presented to the Council for review rather than proceeding without sufficient analysis.

Council Member Fuller expressed support for the concept of introducing padel courts but raised concerns that the proposal is advancing prematurely without sufficient analysis. He emphasized the need to evaluate potential impacts, particularly noise and sound reflection, given the proximity to nearby residential buildings and adjacent structures. He recommended that staff conduct a feasibility analysis, including acoustic impacts, prior to proceeding with design or procurement, to ensure the project would not negatively affect surrounding residents.

Council Member Yaffe inquired about the potential fee structure for padel courts, noting that the Town currently does not charge residents for use of tennis facilities. He suggested that any padel program should follow a similar model, including a reservation system and user fees, and expressed support for implementing charges for use of recreational amenities to support park operations.

Mayor Salver expressed the fact that he is not a fan of this idea of removing the municipal parking lot into padel courts. He emphasized the longstanding need for additional parking in the area and stated that the lot would better serve nearby residential properties, particularly with anticipated future development. He also raised concerns about potential noise impacts and questioned the demand for padel relative to other recreational options. He indicated a preference to rehabilitate and retain the site as a parking facility.

A motion was made by Vice Mayor Bruder directing Town staff to conduct an analysis, including obtaining acoustic studies, to evaluate the potential sound impacts of the proposed use on surrounding buildings and residents, seconded by Council Member Rappaport. The motion carried with a 7-0 vote.

Adjournment:

There being no further business to discuss before the council, a motion was made by Vice Mayor Bruder to adjourn the meeting at 9:16 p.m.

Accepted this _____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk



Town of Bay Harbor Islands

**Special Town Council Meeting
MINUTES**

April 13, 2026 at 7:00 p.m.

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Salver called the meeting to order at 7:08 p.m.

Pledge of Allegiance

Pledge of allegiance was recited.

Roll Call of Members

Town Clerk Herbello called the roll with the following members present.

Present: Mayor Isaac Salver, Vice Mayor Stephanie Bruder (arrived at 7:15 p.m.), Council Member Robert Yaffe (arrived at 7:15 p.m.), Council Member Eric Rappaport, Council Member Molly Diallo, Council Member Teri D'Amico and Council Member Joshua Fuller (arrived at 7:15 p.m.).

Also Present: Town Manager Lindsley Noel, Interim Town Attorney Tania Cruz-Gimenez.

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

The following individuals from the public spoke:

Dave Sanchez expressed concerns regarding delays and inconsistencies in the distribution of the March *Newswaves* in relation to the ongoing election. He noted that printed copies initially omitted a page containing candidate biographical information, which was later included in the online version. He further stated that the mailed newsletter was distributed too late to effectively inform voters, potentially arriving after the election. He indicated that, despite additional outreach efforts such as email notifications, some residents were unaware of the election. He expressed concern that the timing of communications negatively impacts both candidates and voter awareness.

Mayor Salver asked the Town Manager if he was aware of that issue.

Town Manager Noel stated that he was not aware of that. He further stated that in the March *Newswaves* there were candidate qualifications and we were waiting on biographies and for the candidates to qualify. Once they did, that is when the newsletter was published. He further stated that is why the Town is looking to hire a communications director.

AnnMarie Stoppa expressed confusion regarding the agenda item concerning the discussion and possible adoption of standards of conduct for the Town Council. She stated that the item lacked sufficient detail, making it difficult to understand the scope and purpose of the discussion. She further noted that existing standards already apply through the ethics framework and questioned whether the proposed action would replace or modify those standards. Additionally, she indicated that, without adequate information or context, they were unable to provide meaningful input and suggested that more explanation should be provided before public comment is sought.

Fran Neuhut expressed confusion regarding the process for the selection of a Town Attorney, including why certain firms previously engaged by the Town were included again for consideration. She questioned whether the Town had conducted a broader or more open solicitation process and suggested that consideration be given to firms or attorneys without prior affiliations to the Town or surrounding municipalities. She also raised concerns regarding the conduct of Council meetings, stating that established procedural rules, including Robert's Rules of Order, are not consistently followed, resulting in confusion. Additionally, she expressed concern regarding the clarity and timeliness of meeting minutes, as well

as compliance with the Town Charter and applicable procedures when adopting ordinances.

Discussion Items:

1. Discussion and selection of the top 3 ranked proposals from law firms who responded to RFP-1-1032-MG-0-2026/FVR for Legal Services. Sponsored by Mayor Isaac Salver.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello recused herself from this item. She stated that she has a family member that works in one of the firms that submitted a proposal and even though she is not a voting member or part of the selection/evaluation committee and does not have a conflict she will be recusing herself from this item for transparency purposes and will return to the meeting once this item has been concluded.

Deputy Town Clerk Alvarez continued in Town Clerk Herbello's place for this item.

A motion was made by Council Member Fuller to defer the item to the next meeting, seconded by Council Member Yaffe. No vote was taken.

The item continued for discussion purposes only.

Council Member Fuller stated his concerns regarding the propriety of the noticed agenda item related to narrowing the list of Town Attorney candidates to three firms. He stated that historically no formal procedure has been adopted to limit consideration to a smaller group. He further indicated that the agenda language, as drafted, appeared to require such narrowing without prior Council approval to change the established process. He additionally expressed concern regarding the timing and notice of the meeting, stating that the agenda stating the new process was received only right before the meeting and was inappropriate. He emphasized that proper notice and adherence to established procedures are essential to ensure transparency and allow for public input and cautioned against actions that could be perceived as circumventing standard processes.

Council Member Yaffe expressed concerns that the Special Meeting was unnecessary and inappropriately scheduled on the eve of the election, noting that a newly elected Council Member would be taking office imminently and should have the opportunity to participate in decisions, particularly regarding the selection of the Town Attorney. He referenced prior discussions indicating that the matter was not time-sensitive and that the existing interim Town Attorney could continue serving while additional time was taken to review proposals and conduct interviews. He further noted that proceeding with presentations and deliberations

at this meeting could be time-consuming and premature, and suggested that consideration of the item be deferred to allow for broader participation and more thorough evaluation.

Council Member D'Amico reiterated that prior consensus had been to allow additional time before initiating the RFP process for Town Attorney services, as the matter was not considered urgent. She noted that the former Town Attorney was subsequently terminated and that an interim Town Attorney was appointed. Given this, she expressed the view that there is no immediate need to proceed with selection at this meeting and suggested continuing the interim arrangement to allow additional time for review of proposals and candidate interviews. She further stated that proceeding with presentations at this meeting would be time-consuming and premature, particularly given recent scheduling delays of regular meetings. She also emphasized the need for clearer procedural rules and boundaries governing Council conduct, including concerns related to conflicts of interest and consistency in decision-making, and advocated for addressing these governance issues.

Mayor Salver asked Town staff and the Town Attorney if the meeting was noticed properly.

Interim Town Attorney Cruz-Gimenez stated that the meeting was noticed properly even after the late addition of an additional item.

Mayor Salver asked Town Manager Noel when the RFP went out, when the responses were received and when the Council received those proposals.

Town Manager Noel stated that the RFP went out 30 days ago and the packets were sent to Council last week.

Vice Mayor Bruder raised concerns regarding the handling of information by an individual who later recused themselves from the Town Attorney selection process. She stated that the individual had access to and reviewed proposal materials prior to recusal and questioned whether the recusal should have occurred earlier in the process. She further expressed concern about the potential dissemination of information obtained prior to the recusal and suggested that, to ensure fairness and transparency, the Council consider restarting or conducting a "clean" process moving forward.

Council Member Rappaport stated that he himself had not intended to attend the meeting, but he participated because it had been duly scheduled. He indicated that the agenda and related RFP materials had been available for approximately ten (10) days and that sufficient time had been provided for review. He expressed the opinion that, if a quorum was not expected, the meeting could have been postponed in advance rather than proceeding and disrupting the agenda. He

characterized the situation as unnecessary and expressed concern regarding the decision to convene the meeting under the circumstances.

Council Member Fuller questioned the adequacy and timing of the public notice for the meeting, expressing concern that agenda changes were made shortly before the meeting, limiting the ability of both Council Members and the public to review and respond. He clarified that the lack of notice was with respect to the agenda, not the proposals. He emphasized that the matter was not urgent and did not warrant expedited action, particularly given prior discussions establishing a different timeline for the Town Attorney selection process. He also referenced prior actions involving the scheduling of meetings and changes to the process, suggesting concerns regarding consistency, transparency, and adherence to agreed-upon procedures. Additionally, he raised concerns related to potential conflicts of interest and disclosure obligations in prior proceedings. He concluded by noting that the tone of the discussion reflected increased tension compared to prior Council operations and emphasized the importance of maintaining transparency, fairness, and public trust in the process.

Council Member D'Amico stated she has been requesting this RFP for two years.

Council Member Fuller reiterated opposition to proceeding with the item at the current meeting, noting that a newly elected Council Member would be seated within one week and should be afforded the opportunity to participate in the decision-making process. He expressed concern that taking action at this time could be perceived as inappropriate given the proximity to the election. He further noted that any decision made could be revisited once the new Council Member is seated, potentially requiring reconsideration or restarting the process. Accordingly, he advocated for deferring this item to allow for full Council participation and continuity in decision-making.

After a lengthy discussion among council as to the noticing of the meeting and the item to be discussed, the Council agreed to hear the presentations from the firms present and take no other action tonight on the item.

The following firms were present at the meeting and provided a presentation:

- Vernis & Bowling of the Florida Keys, P.A. – Dirk M. Smits, B.C.S., Managing Attorney and Jimmie B. Hicks, Esq. (Attorney).
- Weiss Serota Helfman Cole and Bierman – Lillian M. Arango, Esquire, Partner and Stephen Helfman, Esquire, Founding Partner
- Nabors Giblin & Nickerson – Alain Boileau, Esquire and Valerie Vicente, Esquire.
- McCarter & English, LLP – Tania Cruz-Gimenez, Esquire.

2. Discussion and possible adoption of Standards of Conduct relating to Town Council. Sponsored by Mayor Isaac Salver.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AND ADOPTING A CODE OF CONDUCT POLICY GOVERNING INTERACTIONS BETWEEN COUNCIL MEMBERS AND TOWN ADMINISTRATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello returned to the meeting and read the title of the resolution into the record.

Town Attorney Brett Schneider presented the item and gave an explanation on the resolution and the policies.

A motion was made by Council Member Yaffe for discussion purposes, seconded by Council Member Rappaport.

Council Member Yaffe provided his comments and stated that the Council has the obligation to have council members have orientation with the Town Manager, and he will vote in opposition. He stated he does not like the way this was done and felt that the council should have received a draft of the document before it was a final draft on the agenda.

Mayor Salver asked the Town Manager to say a few words about the importance of these policies and he gains comfort of seeing definitions of words instead of broad-brush strokes.

Brett Schneider, Esq., Weiss Serota, explained that, following completion of the investigation, discussions were held with the Town Manager and certain Council Members regarding potential next steps. Among the options discussed was the development of a policy to provide additional parameters related to the non-interference provisions of the Town Charter. He stated that, based primarily on direction from the Town Manager communicating with the Mayor, and informed by findings from the investigation, a draft resolution and policy were prepared. The draft was subsequently reviewed, feedback was incorporated, and a final version was provided to the Council as part of the meeting backup materials. He further clarified that, during the investigation, they were not directed by any elected official to take action in a particular manner. Communications with Council Members were described as limited to process-related inquiries rather than substantive direction.

Council Member Yaffe stated that, based on his experience, complaints against Council Members have been infrequent and emphasized that Council Members are expected to understand and follow the Town Charter, including provisions regarding non-interference with staff. He indicated opposition to the proposed policy, citing concerns with both the substance and the process by which it was presented. Specifically, he stated that the policy should have been introduced in draft form for discussion prior to being presented as a final version. He further expressed the view that additional definitions or policies may not be necessary, as Council Members should be guided by existing legal and ethical obligations. He also emphasized the importance of the Council-Manager form of government, noting that the Town Manager is responsible for directing staff and overseeing day-to-day operations, and that Council Members should respect those boundaries.

Town Manager Noel responded by affirming that policies and expectations are in place governing staff conduct and that staff are held accountable accordingly. He emphasized their responsibility for managing staff and maintaining appropriate administrative control, including setting expectations and ensuring consistent enforcement of policies. He stated that their role is not to engage in political matters, but to ensure that Town operations are conducted with clarity, consistency, and in accordance with best practices in municipal governance. He explained that policies serve an important structural function by establishing clear expectations, promoting professionalism, and ensuring that interactions are conducted in a manner that reflects positively on the organization. He further noted that such policies provide staff with a defined framework that supports transparency, accountability, and operational stability, particularly as the Council prepares to seat a newly elected member. He emphasized that clearly articulated standards help avoid differing interpretations and operational challenges. He clarified that the proposed policy is not directed at any individual or specific circumstance, but rather is intended to create a consistent foundation to support effective governance and minimize risk. He concluded by noting that adoption of any policy is a legislative decision of the Council, and that his role is to implement the Council's direction and ensure professional and consistent operations.

Attorney Schneider stated that, in their experience, policies of this nature are not typical, although they do exist in some municipalities. He noted that the proposed policy arose from circumstances related to a recent investigation and resulting findings, and that the determination of whether such a policy is necessary rests with the Council. He further advised that, while the Town Manager may implement policies governing staff, the Manager does not have the authority to impose policies regulating Council Member conduct. He emphasized that any such policy must be formally adopted by the Council if it is to apply to its members.

Council Member Yaffe acknowledged that the Town Manager has the authority to establish policies governing staff operations, including procedures to minimize disruptions, such as requiring appointments or advance coordination before

Council Members meet with staff. He expressed the view that broader provisions of the proposed policy governing Council conduct may be unnecessary and atypical. He noted that the circumstances leading to the policy were isolated and had not occurred in many years and characterized the situation as a learning experience rather than one requiring extensive new regulations.

Council Member D'Amico inquired whether it is common for municipalities to adopt formal policies governing Council conduct, noting concerns that the Town currently lacks clearly defined rules. She expressed that recurring issues involving Council interactions with staff have negatively impacted staff effectiveness and retention. She questioned whether the proposed policy could be simplified, noting that certain provisions appear repetitive or overly broad. She emphasized the need for clear, consistent standards and definitions to guide Council conduct and improve productivity. She raised concerns regarding the Town Manager's ability to effectively manage staff without clear boundaries and asked how such a policy, if adopted, would be enforced.

Attorney Schneider clarified that the Town Charter already contains a relevant provision addressing Council conduct, specifically Article II, Section 2.10 (Prohibitions), including subsection addressing interference with administration. He noted that such provisions are common among municipalities and typically serve as the primary guideline governing Council Member interactions with staff. He further indicated that while many cities include similar charter provisions, the decision to adopt additional policies expanding on these standards is at the discretion of the Council.

Council Member Fuller expressed concerns regarding the proposed policy, stating that any effort to further define or modify existing Charter provisions should be initiated through a broader Council discussion with clear direction, rather than being presented in its current form. He indicated that the policy, as drafted, contains overly broad language and definitions that could lead to unintended consequences. He further cautioned that the proposed framework could enable Council Members to file complaints against one another in a manner that may become politicized, potentially resulting in frequent disputes, prolonged meetings, and disruption of Council business. He raised concerns that the provisions could be applied too broadly, potentially encompassing routine communications or interactions that are appropriate within the Council's role. He concluded that, while clarification of existing standards may be appropriate, the current draft should be reconsidered and refined through a more deliberate and collaborative process to avoid creating procedural or operational challenges.

After a lengthy discussion regarding the item, the following motion was made.

A motion was made by Council Member D'Amico to move forward to develop a code of conduct and bring back at a future workshop, seconded by Council Member Rappaport. The motion carried with a 6-0 vote with Vice Mayor Bruder absent.

3. Discussion, consideration and possible action to accept the previously distributed findings of the investigative report and responses to the Council, and request close-out of the investigation. Submitted by Mayor Isaac Salver.

Town Manager Noel read the title of the item into the record.

Investigative Attorney Ria Chattergoon summarized the findings of the investigation into a complaint filed by a Town employee alleging that a Council Member created a hostile work environment. She stated that, after conducting interviews with multiple witnesses, the findings did not support a determination that a hostile work environment existed. However, she indicated that certain actions by the Council Member were found to be inconsistent with provisions of the Town Charter based on information obtained during the investigation.

Council Member Fuller read a detailed statement into the record disputing the accuracy and completeness of the investigative report. He asserted that the investigator mischaracterized prior communication, omitted material facts, and failed to disclose the Town Manager's participation in the referenced call. He further stated that the purpose of the communication was to ensure that confidential medical information of a third party was not disclosed and asserted that the investigator improperly revealed such information in the final report in violation of an addendum to the engagement agreement. He contended that these actions were unprofessional, created potential legal exposure for the Town, and undermined the credibility of the investigative findings. He also suggested that the Town consider appropriate action in response to the alleged breach.

Investigative Attorney Chattergoon responded to statements made during the meeting, disputing allegations that the investigation and report were inaccurate or unprofessional. She stated that she is an experienced attorney and investigator and maintained that the report reflects factual findings based on witness interviews, documents, and applicable policies. She clarified that the call in question was initiated through the Town Manager and was not scheduled in advance. She further stated that recordings created during the investigation constitute work product and are not disclosed absent a court order. With respect to concerns regarding medical confidentiality, she stated that such information was not within the scope of the investigation and was not intended to be disclosed, but then again identified the third-party individual. She also addressed the addendum to the engagement agreement, stating that it was prepared following discussions to resolve concerns and allow the investigation to proceed. She rejected assertions that the report contained misrepresentations or omissions, objected to statements characterizing their conduct as unprofessional, and stated that the report would not be retracted.

Mayor Salver inquired whether the investigator had asked Council Member Fuller about his involvement or connection to the matter during the course of the investigation.

Investigative Attorney Chattergoon stated that, at the time of the referenced call, she was not aware of Council Member Fuller's identity. She admitted that the call was initiated by the Town Manager, who advised that a Council Member wished to discuss certain concerns. She stated that the concern raised during the call related to the potential disclosure of medical information concerning a Council Member's family member. She indicated that, at the time, they did not possess such information and reiterated that disclosure of medical information was not within the scope of the investigation. She further noted that the discussion became contentious, as she perceived the communication as an attempt to influence or interfere with the investigation.

Council Member Fuller responded to the investigator, disputing the characterization of their prior communication. He stated that the call was advised by the Town's Labor Counsel. He further stated that, at the outset, he said communication should be with Town Counsel, but the investigator said it was not necessary. He further stated that the investigator requested that the concerns be shared directly. He asserted that the discussion was limited solely to concerns regarding the potential disclosure of medical information and did not involve any discussion of the underlying facts of the investigation. He reiterated that he expressly stated to the investigator that she should let him know if the conversation was perceived to interfere and the call would immediately end.

Investigative Attorney Chattergoon stated that Council Member Fuller raised concerns regarding potential medical disclosures, and that she responded that such matters were not within the scope of the investigation. She further stated that details of the investigation were discussed with Council Member Fuller.

Council Member Yaffe noted that the publicly released version of the report contains redactions; however, the investigator referenced identifying details during the meeting, including the gender of a family member. He expressed the opinion that such references should be avoided and that it would be more appropriate to refer generally to a "family member" to preserve confidentiality.

Investigative Attorney Chattergoon acknowledged the concern regarding confidentiality and explained that the information referenced was derived from a letter submitted by the Vice Mayor's attorney, which identified the family member and related circumstances. She noted that the Vice Mayor declined to be interviewed. She further stated that, although the letter constitutes a public record, it was not included as an exhibit to the report in order to limit disclosure of sensitive information.

Council Member Yaffe inquired as to the appropriate next steps following presentation of the investigative report, specifically whether the Council's role is to formally accept or decline the report and what action, if any, should be taken thereafter.

Town Manager Noel advised that the matter is a policy decision for the Council. He outlined that the Council must determine whether to accept the investigative report, whether the findings indicate violations of the Town Charter, and whether any action is warranted based on those findings. He emphasized that these determinations require discussion and direction from the Council.

Council Member D'Amico expressed support for accepting the investigative report without further action, emphasizing the need to move forward. She noted concerns regarding the amount of time spent on the matter and the resulting inefficiency and advocated for shifting focus toward the development and implementation of clear rules or policies to guide future conduct.

Mayor Salver referenced the ongoing exchange during the meeting as illustrative of the challenges facing the Council and stated that the circumstances demonstrate differing viewpoints regarding the adoption of a code of conduct. He noted the heightened tension during the discussion and emphasized that the incident reflects broader concerns about Council dynamics and the need for clear standards moving forward. He characterized the matter as originating from a labor-related complaint, potentially rising to the level of a whistleblower issue. He emphasized that an employee came forward to report concerns regarding workplace conduct, describing the action as significant and representative of broader staff concerns. He cautioned against dismissing the matter without action, noting that doing so could discourage future reporting. He further stated that the circumstances highlight the need for a formal code of conduct and expressed support for adopting such standards to promote accountability and improved workplace conditions.

Investigative Attorney Chattergoon reported that, during the investigation, multiple employees expressed concerns regarding potential retaliation. Employees indicated reluctance to decline requests from Council Members or to require the presence of the Town Manager during interaction, due to concerns about possible impacts on their employment. She further stated that, at the request of the employees, identifying information was omitted from the report, and references were anonymized to protect confidentiality. She advised that these concerns warrant consideration by the Council.

Mayor Salver expressed the view that some form of immediate action is warranted in response to the concerns raised. He suggested empowering the Town Manager to develop a set of proposed rules or policies, circulate them to the Council for review and comment, and refine them as needed before potential formal consideration. He further emphasized the importance of demonstrating that employee concerns, including whistleblower complaints, are taken seriously and addressed appropriately, and that any resulting policies should support the Town Manager and staff in maintaining effective operations.

Council Member D'Amico inquired whether acceptance of the investigation report would be sufficient to formally acknowledge the findings and, thereafter, authorize the Town Manager to develop and present proposed policies or measures for Council consideration to address the identified issues.

Mayor Salver referenced a prior matter involving the Town of Surfside, noting that, in that instance, the response included training and referral of the investigation report to the Florida Commission on Ethics and the State Attorney's Office for review. He suggested that the Town consider a similar approach by transmitting the investigation report to the State Attorney for review and guidance, in light of the findings indicating potential violations of the Town Charter.

Council Member Rappaport inquired whether the final investigation report would include not only the investigator's findings, but also any formal response submitted by Vice Mayor Bruder's legal counsel.

Investigative Attorney Chattergoon stated that she did not include those responses in her report.

Attorney Schneider clarified that any response from Vice Mayor Bruder's legal counsel would not be part of the formal investigation report, as it constitutes a legal rebuttal rather than investigative findings. He noted that such materials could, however, be submitted separately alongside the report if the matter is referred to external agencies.

A motion was made by Council Member Yaffe to reject the report, seconded by Council Member Fuller. No vote was taken.

Council Member Yaffe stated that, while the need for policies may arise from the circumstances underlying the investigation, the matters remain separate. He emphasized that any action regarding acceptance of the investigation report is independent of the decision to adopt or not adopt new policies. He further expressed concern that the two agenda items were being presented as interconnected, noting that the outcome of the investigation would not necessarily be different based on whether such policies had been adopted. He stated that the Council should take action to formally dispose of the item, noting that an official investigation had been conducted and requires a resolution or formal disposition by the Council.

Council Member D'Amico expressed support for accepting the investigation report without referring it to the State Attorney's Office, stating that the Council should acknowledge the findings and move forward. She emphasized the importance of focusing on the development of clear rules or policies to address the issues identified.

Town Manager Noel offered to prepare a closing memorandum summarizing the investigation, including a factual recitation of the process, the findings, and any responses received, for purposes of formally closing out the matter.

Council Member Yaffe requested the Town Manager to prepare the close out memorandum.

A motion was made by Council Member D'Amico to direct the Town Manager to do a close out memorandum stating the facts and including the report and all responses and deem the matter closed, seconded by Council Member Rappaport. The motion carried with a 6-0 vote with Vice Mayor Bruder absent.

Adjournment:

There being no further business to discuss before the council, a motion was made by Council Member Yaffe to adjourn the meeting at 11:10 p.m., seconded by Mayor Salver. The motion carried with a 6-0 vote with Vice Mayor Bruder absent.

Accepted this _____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk



Town of Bay Harbor Islands

Organizational Town Council Meeting MINUTES April 22, 2026 at 6:00 p.m.

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Salver called the meeting to order at 6:07 p.m.

Pledge of Allegiance

Pledge of allegiance was recited by Mira Rodriguez from Ruth K Broad K-8 Center.

Roll Call of Members

Town Clerk Herbello called the roll with the following members present.

Present: Mayor Isaac Salver, Vice Mayor Stephanie Bruder, Council Member Robert Yaffe, Council Member Eric Rappaport, Council Member Molly Diallo, Council Member Elchonon Shagalov and Council Member Joshua Fuller.

Also Present: Town Manager Lindsley Noel, Interim Town Attorney Tania Cruz-Gimenez.

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

Discussion Items:

1. Special Recognition of Council Member Teri D’Amico and her service to the Town.

Town Manager Noel read the title of the item into the record.

Mayor Salver provided a statement honoring Terry D’Amico for her longstanding contributions to the Town of Bay Harbor Islands. It was noted that Council Member D’Amico has been a resident for approximately three decades and has played a significant role in the preservation of the Town’s architectural character. She was recognized, alongside the Town’s planner, for helping to coin and promote the term “MiMo” (Miami Modern architecture), contributing to the establishment and recognition of the MiMo Historic District. He noted her professional accomplishments as an interior designer and founder of a Florida-licensed firm, as well as her collaboration with notable architects and involvement in preservation efforts. During her tenure on the Town Council (April 2022–2026), Council Member D’Amico was credited with advancing various community initiatives, including improvements to parks and recreational facilities. In recognition of her service and dedication to the community, Council Member D’Amico was presented with a Key to the Town on behalf of the Mayor, Council, and residents.

Former Council Member D’Amico delivered closing remarks, expressing gratitude for the opportunity to serve the community over the past four years. She thanked Town staff for their dedication and professionalism, and acknowledged her fellow Council Members, noting the collaborative nature of their service despite differing perspectives. She stated that, while she would not be continuing in her role due to other commitments, she intends to remain actively engaged in the community. She reflected on key experiences during her tenure, including the transition in Town leadership, support for public safety initiatives, and advocacy efforts at the state level. She also highlighted her involvement in community projects, including preservation of green space, improvements to parks and recreational facilities, and promotion of arts, safety, and sustainability initiatives. She concluded by thanking residents for their trust and encouraging continued civic participation.

2. Comments by Mayor Salver.

Town Manager Noel read the title of the item into the record.

Mayor Salver delivered a State of the Town Address outlining recent accomplishments and ongoing initiatives. He emphasized the Town's focus on infrastructure improvements since taking office in April 2025, noting a commitment to addressing critical needs through long-term planning and project implementation. He reported that the Town established its first 30-year Capital Improvement Plan and completed comprehensive mapping of all utilities and assets to improve efficiency in maintenance and repairs. Progress on the new municipal complex was highlighted, including demolition of the former Town Hall, advancement of design plans, and near completion of a temporary Town Hall to ensure continuity of services. He also provided updates on infrastructure projects, including bridge repairs, stormwater improvements in flood-prone areas, and expanded drainage capacity initiatives. Additionally, he noted progress on wastewater and sewer system improvements, including development of a comprehensive master plan, upgrades to sewer infrastructure, and increased system capacity. He concluded this portion of the address by stating that these efforts are intended to strengthen the Town's infrastructure and support long-term resilience and service delivery.

Mayor Salver continued the State of the Town Address by highlighting investments in public safety, parks, and transportation, emphasizing that future growth should contribute to infrastructure costs without burdening existing residents. He reported the groundbreaking of the gateway park and kayak launch, along with interior park improvements to enhance waterfront access. Additionally, he noted that the Town secured approximately \$1.65 million in grant funding, including funds for an Emergency Operations Center, youth programs, law enforcement equipment, temporary facilities, and training. He emphasized that these funds were obtained through external sources and did not impact local taxpayers. He acknowledged the collective efforts of the Council, staff, and regional partnerships in advancing these initiatives, including coordination with state and federal officials. He underscored the importance of balancing visible community enhancements with critical infrastructure improvements, noting the Town's ongoing commitment to long-term investment and maintenance. He concluded by stating that numerous initiatives are underway across key areas, including grant funding, municipal facilities, capital improvements, bridges, stormwater, wastewater, and parks and recreation, and invited the public to review the full list of projects.

Mayor Salver opened the floor to public comments:

The following individuals from the public spoke:

Francis Neuhut spoke expressed concerns regarding the conduct of recent elections, stating that the process has become increasingly difficult for candidates and discouraging public participation. She noted that the tone of campaigns has become contentious and, at times, hostile. She further commented on the length of service of certain elected officials and questioned the fairness of the electoral

environment. Additionally, she raised concerns regarding adherence to ethical standards, referencing actions taken during the election and alleging inconsistencies with applicable codes. She concluded by asserting their right to express their views during public comment.

Kathleen Kennedy offered remarks expressing appreciation to former Council Member Terry D'Amico for her service, noting the challenges and demands of serving on the Council. She also welcomed the newly elected Council Member. Additionally, she commended members of the Council and staff for their efforts, including acknowledgment of the successful certification of the election process. She concluded by expressing gratitude for the work performed on behalf of the community and encouraged continued attention to the needs of residents, including seniors.

Joanna Abraham welcomed the newly elected Council Member and extended well wishes to former Council Member Terry D'Amico. She also apologized for not previously attending Council meetings despite being a long-time resident. She raised a concern regarding the removal of a garbage receptacle previously located near the intersection of 95th Street and West Bay Harbor Drive, noting that the absence of the receptacle has resulted in increased litter in the area. She requested information regarding the removal and asked that the issue be addressed.

Mayor Salver closed the floor to public comments.

3. Acceptance of the Miami-Dade Supervisor of Elections Department Certification of the April 14, 2026, General Election Results. - Town Manager.

Town Manager Noel read the title of the item into the record.

A motion was made by Vice Mayor Bruder to accept the Miami-Dade Supervisor of Elections Department Certification of the April 14, 2026, General Election results, seconded by Council Member Fuller. The motion carried with a 7-0 vote.

4. Administration of the Oath of Office to Elchonon Shagalov as the newly elected Council Member by the Town Clerk.-Town Manager.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello administered the oath of office to Council Member Shagalov.

Council Member Shagalov expressed appreciation to all residents, including both those who voted for him and those who did not vote for him. He conveyed his enthusiasm to begin serving and working collaboratively to move the Town forward.

5. Distribution of Annual Salaries to the Town Council, pursuant to Section 2.06 of the Town's Charter. - Town Manager.

Town Manager Noel read the title of the item into the record.

The Council Members donated their checks to the Animal Clinic designated by Council Member D'Amico.

6. Selection of a Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.-Town Manager.

Town Manager Noel read the title of the item into the record.

A motion was made Council Member Rappaport to appoint Isaac Salver as Mayor, seconded by Mayor Salver. The motion carried with a 6-1 vote with Council Member Fuller voting in opposition.

7. Selection of a Vice-Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.- Town Manager.

Town Manager Noel read the title of the item into the record.

A motion was made by Council Member Diallo to appoint Stephanie Bruder as Vice Mayor, seconded by Council Member Fuller. The motion carried with a 7-0 vote.

8. Administration of the Oaths of Office to the Mayor and Vice-Mayor by the Town Clerk.-Town Manager.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello administered the oath of office to Mayor Salver and Vice Mayor Bruder.

9. Consideration and Approval of a Resolution reappointing Evelyn Herbello as Town Clerk. - Town Manager.

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

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

A motion was made by Council Member Yaffe to approve the resolution appointing Evelyn Herbello as the Town Clerk, seconded by Council Member Rappaport. The motion carried 6-0 vote with Vice Mayor Bruder absent from the roll call.

10. Consideration and Approval of a Resolution appointing Tania Cruz-Gimenez from McCarter and English as the Interim Town Attorney. - Town Manager.

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

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Town Manager Noel advised that, following concerns raised by a proposing firm regarding ethics, guidance was sought from the Miami-Dade Commission on Ethics and Public Trust. The Town Manager reported that the Commission recommended, as a best practice, that the Town refresh the previously issued RFP due to concerns regarding the appearance of impropriety. He further stated that this approach could provide the Council with flexibility in how to proceed, including the option to pursue professional services procurement and address issues such as communication limitations under the cone of silence. He indicated a willingness to place the item on a future agenda for Council consideration and direction. He advised that, if the Council elects to proceed with a new RFP process, consideration should be given to obtaining legal guidance from independent sources due to the potential involvement of a firm that may serve as Town Attorney. He recommended that authorization be provided to consult outside counsel or the Miami-Dade Commission on Ethics and Public Trust for advice on matters arising during the process.

Council Member Fuller expressed support for refreshing the procurement process and recommended that all firms that previously submitted proposals be formally notified of the new process to ensure transparency and avoid confusion. He further suggested that, for efficiency, firms be permitted to resubmit their prior proposals rather than preparing entirely new submissions. He also noted that pursuing the matter under a professional services framework may help streamline the process.

Vice Mayor Bruder stated that, given prior review of the proposals, it may not be necessary to require all firms to present again. She suggested that the matter could proceed under a professional services procurement approach rather than requiring additional presentations.

Council Member Yaffe expressed the view that, if the same firms resubmit proposals under identical terms, additional presentations may not be necessary. However, he indicated that presentations may be appropriate if new applicants are

included in the process.

Town Manager Noel sought clarification, and direction was confirmed for staff to formally reject the current RFP process and proceed with a new solicitation under a professional services framework. He stated that all firms that previously submitted proposals would be notified, and a new solicitation would be issued accordingly.

Mayor Salver recommended that, in formally rejecting the bids, the Town use neutral and carefully worded language to clarify that no firm engaged in any wrongdoing. He suggested stating that the rejection is due to technical or procedural issues with the RFP and emphasized the importance of adhering to the Town Charter requirements governing the rejection of bids.

Discussion ensued regarding the date of the next Council Meeting being May 13, 2026, and whether the timeframe for this new proposal process—being less than thirty (30) days—complies with any applicable requirements under the proposed or applicable procurement procedure. Questions were raised as to whether a 30-day period is required and how it would apply to the new process.

A motion was made by Council Member Yaffe to reappoint Tania Cruz-Gimenez, Esq. as interim town attorney until the Town Council determines the process to appoint a permanent Town Attorney, seconded by Council Member Rappaport. The motion carried with a 6-0 vote with Council Member Shagalov recusing himself.

11. Consideration and Approval of a request by Miami-Dade County League of Cities to designate a director and an alternate director to serve on the Board of Directors for a period of one year.-Town Manager

Town Manager Noel read the title of the item into the record.

A motion was made by Council Member Fuller to appoint Council Member Yaffe as the Director and Council Member Diallo as the alternate Director, seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

Adjournment:

There being no further business to discuss before the council, the meeting adjourned at 6:57 p.m.

Accepted this _____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk



Town of Bay Harbor Islands

**Regular Town Council Meeting
MINUTES**

April 22, 2026 at 7:00 p.m. or immediately following the Organizational Town Council Meeting

Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Salver called the meeting to order at 7:12 p.m.

Pledge of Allegiance

Pledge of allegiance was recited at the Organizational Meeting at 6:00 p.m.

Roll Call of Members

Town Clerk Herbello called the roll with the following members present.

Present: Mayor Isaac Salver, Vice Mayor Stephanie Bruder, Council Member Robert Yaffe, Council Member Eric Rappaport, Council Member Molly Diallo, Council Member Elchonon Shagalov and Council Member Joshua Fuller.

Also Present: Town Manager Lindsley Noel, Interim Town Attorney Tania Cruz-Gimenez.

1. Special Presentations:

Presentation of Police Officer of the Quarter:

1. Captain Alan Castellanos
2. Sergeant John Davilmar

Town Manager Noel read the title of the item into the record.

Police Chief Alvarez introduced and presented the awards to the police officers of the quarter.

Requests for Withdrawals, Deferments and Future Agenda Items:

Town Manager Noel deferred item 7 (PUD Overlay Rezoning Application – Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1); item 8 (Discussion for the purpose of hearing public comments with respect to an application for a variance from Section 23-11(C)(14) of the Town Code to allow seating in lieu of a required pedestrian walkway, where the Code requires a minimum five-foot walkway and prohibits the placement of chairs or tables along the side of the property. The applicant, Arnold Bergman, is requesting a variance to allow seating to be placed in an area otherwise required to remain as a pedestrian walkway. The Code provision requires periodic pedestrian walkways from the sidewalk on Kane Concourse, 95th Street, or 97th Street to rear parking areas, with a minimum width of five feet, unless otherwise approved by the town council during site plan consideration. Because the proposed seating would encroach into the area designated for the walkway, the variance is required in order to proceed. The application is being submitted by the applicant Arnold Bergman for the property located at 9580 Bay Harbor Terrace, Bay Harbor Islands, Florida) and item 9 (Approval or Denial of a variance request for the property located at 9580 Bay Harbor Terrace. In accordance with Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for a variance. An affirmative vote of five (5) Council Members is necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, Miami-Dade County Code, Florida Building Code, FEMA or any other applicable governing agency).

Council Member Yaffe withdrew item 23 (Discussion regarding the Sign ordinance, Section 17-20(x)).

Town Manager's Report:

Town Manager Noel provided a summary of upcoming events for May, including community programs at the Community Center such as health services, senior activities, recreational events, and mobile licensing services. He reported attendance at recent Town events and community functions, noting strong resident participation. An update was provided on the temporary Town Hall, which is nearing completion with anticipated occupancy pending final approvals, and plans for a future ribbon-cutting ceremony. Progress on planning for the permanent Town Hall was also noted. He advised that the Town has submitted grant funding requests to the Miami-Dade Transportation Planning Organization and is continuing infrastructure improvements, including sewer system upgrades in the Hunter Street and Broadview Terrace area. He further reported ongoing coordination with the Town's branding consultant following prior Council direction and concluded by welcoming the newly elected Council Member and noting that orientation is in progress.

Council Reports:

Council Member Yaffe reported attendance at several recent events, including the National League of Cities meeting in Washington, D.C., the Town picnic, a community concert and market, and a presentation by County Commissioner Steinberg. He also noted interest in receiving feedback regarding the recent market event. He further requested that the Town Attorney monitor recently enacted and forthcoming state legislation, including Senate Bill 1134, and advise the Council on any measures that may impact the duties, responsibilities, or conduct of elected officials.

Council Fuller emphasized the importance of monitoring newly enacted state legislation and potential legal challenges, noting that such laws may impact the authority and responsibilities of elected officials. He also reported receiving recognition as a “Home Rule Hero” from the Florida League of Cities, congratulating Council Member Yaffe and Mayor Salver on the same, and highlighted the importance of preserving local governance authority. He stressed that local officials are best positioned to address community-specific issues such as traffic, development, and infrastructure. Additionally, he expressed appreciation to staff for organizing the Town picnic, noting strong attendance and the value of community engagement. He also referenced attendance at recent events, including the National League of Cities conference, a session hosted by Commissioner Steinberg, and the Island Chiefs dinner, and encouraged continued resident participation in community activities.

Council Member Rappaport welcomed the newly elected Council Member and expressed appreciation to residents who attended recent community events, including a session hosted by County Commissioner Steinberg, noting the importance of resident engagement with higher levels of government. He highlighted recent Town events, including the Town picnic and a concert in the park, and commended staff for their organization. He also acknowledged the Children’s Trust for supporting local programs and recognized staff contributions. Additionally, he referenced resident concerns regarding traffic in the Broadview Terrace area and noted that signage has been ordered to address cut-through traffic. He also thanked the Police Department for enforcing previously adopted micro-mobility regulations and emphasized the importance of safety measures, including helmet use.

Mayor Salver noted that, while the Town has taken a proactive approach to micro-mobility regulations, some residents have expressed concerns that existing signage may be overly detailed and difficult to quickly understand. He suggested that future signage could be simplified to improve clarity and effectiveness.

Town Manager Noel acknowledged the concerns regarding micro-mobility signage and noted that existing signage, including simplified versions, has been installed in certain areas. He advised that the current signage is part of a broader public safety campaign aimed at educating residents and supporting enforcement of adopted regulations. He further stated that enforcement efforts have commenced and emphasized that the initiative is focused on preventing safety incidents. He agreed to take the Councils feedback into consideration for potential future revisions to signage.

Council Member Diallo expressed appreciation for former Council Member Terry D’Amico’s service and noted it was a pleasure serving alongside her. She also welcomed the newly elected Council Member and conveyed support for working together moving forward. She extended congratulations to the Mayor and other Council Members for receiving recognition as Home Rule Heroes. She reported attendance at several recent events, including the Town picnic, Island Chiefs dinner, National League of Cities conference, and other community gatherings, highlighting the strong sense of community engagement. She concluded by expressing anticipation for upcoming events and encouraging continued participation by Council Members and residents.

Vice Mayor Bruder reported attendance at recent Town events and suggested that future “Concert in the Park” events be considered for Saturday evenings to increase community participation. She also expressed appreciation to staff for enhanced street cleaning efforts and acknowledged

contributions supporting community programs. She further addressed recent Council discussions, expressing appreciation to residents for their support and emphasizing the importance of professionalism, mutual respect, and moving forward constructively. She encouraged maintaining a positive and respectful working relationship among Council Members despite differences of opinion.

Mayor Salver reported attendance at the Children's Trust event, noting its significance and the Town's continued efforts to improve program performance. He also acknowledged receipt of the "Home Rule Hero" recognition and emphasized the importance of protecting municipal authority from state and county preemption. He further advised of an upcoming meeting of the Village Council of Bal Harbour concerning a proposed settlement related to the Bal Harbour Shops development, noting potential regional impacts, including traffic and density concerns. He encouraged awareness and participation, while clarifying that the comments reflected a personal opinion and not that of the Council.

Council Member Fuller explained that, consistent with Sunshine Law considerations and standard practice, the Council typically designates a single representative to speak on behalf of the Council regarding specific issues. He noted general consensus regarding concerns over increased density related to potential development at the Bal Harbour Shops, particularly with respect to traffic impacts. He suggested that one Council Member be designated to attend the upcoming meeting and present the Town's position, suggesting Mayor Salver as the designee.

Mayor Salver asked the Interim Town Attorney if they are prohibited on speaking as effective residents at that public hearing.

Interim Town Attorney Cruz-Gimenez stated that as affected residents, no. She does not believe so. She stated that she does believe that if you are an agency, and you have the authority from the town council, you can represent that agency at the meeting.

Mayor Salver acknowledged the Sunshine Law constraints but expressed the view that attendance by multiple Council Members could strengthen the Town's position, as different members may articulate distinct perspectives. He noted the potential value of having more than one representative present at the meeting in another municipality.

Interim Town Attorney Cruz-Gimenez expressed support for allowing multiple Council Members to attend the meeting, indicating no objection to their participation.

Council Member Fuller raised questions regarding the application of Sunshine Law requirements to attendance at meetings held by other governmental bodies. He acknowledged that multiple Council Members may attend and speak at such meetings in their individual capacities, but asked the Town Attorney to opine on the ability of even to speak at the same meeting.

Interim Town Attorney Cruz-Gimenez stated that, if the meeting in question is publicly noticed and open to the public, individuals including Council Members, may attend and speak, particularly if they are impacted parties. She noted that participation in such meetings is generally permitted regardless of residency, provided the meeting allows for public comment.

Town Manager Noel asked whether this matter is expected to return before the Council for future consideration.

Interim Town Attorney Cruz-Gimenez advised that additional factual information is needed before providing guidance. She indicated that further research will be conducted regarding the nature of the meeting and the capacity in which Council Members may appear, in order to ensure appropriate direction is provided.

2. Minutes:

March 20, 2024 Regular Town Council Meeting Minutes
May 08, 2024 Regular Town Council Meeting Minutes
July 25, 2024 Regular Town Council Meeting Minutes
August 14, 2024 Regular Town Council Meeting Minutes
September 12, 2024 First Budget Public Hearing Minutes
September 12, 2024 Regular Town Council Meeting Minutes
September 26, 2024 Final Budget Public Hearing Minutes
October 14, 2024 Regular Town Council Meeting Minutes
November 4, 2024 Special Town Council Meeting Minutes
November 20, 2024 Regular Town Council Meeting Minutes
December 4, 2024 Special Town Council Meeting Minutes
July 08, 2025 Special Town Council Meeting Minutes
February 11, 2026 Regular Town Council Meeting Minutes

Town Manager Noel read the title of the item into the record.

A motion was made by Council Member Yaffe to approve the minutes, seconded by Vice Mayor Bruder. The motion carried with a 7-0 vote.

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

The following individuals from the public spoke:

Francis Neuhut raised concerns regarding the timeliness and availability of approved meeting minutes, stating that multiple sets of minutes from prior meetings have not been

finalized, which she indicated impacts the ability to review or challenge prior actions. She also commented on land use and development matters, including prior Council approvals and amendments to zoning and future land use regulations. She expressed concern that such actions may contribute to increased development potential under the State's Live Local Act and referenced perceived impacts from nearby development proposals, including those in adjacent municipalities. Additionally, she questioned characterizations made regarding neighboring communities and expressed concern about consistency in policy decisions affecting local development.

Dave Sanchez inquired about the implementation of the new parking system, specifically requesting clarification on the status and transition of existing parking permits currently displayed on vehicles. He also commented on election procedures, expressing the view that early voting may be costly and suggesting consideration of modifications to improve efficiency. Additionally, he provided input on Town branding, expressing a preference for maintaining or modernizing the existing logo rather than adopting new designs. He raised traffic safety concerns, particularly regarding illegal U-turns on East Bay Harbor Drive and 96th Street, and suggested installation of physical deterrents to prevent such maneuvers. He concluded by expressing appreciation for Town officials and staff, support for community engagement, and gratitude for the opportunity to participate in the public process.

Council Member Rappaport raised the possibility of identifying surplus capital assets, including vehicles and furniture, in connection with the transition to the new Town Hall. He suggested that any items deemed unnecessary should be evaluated for sale rather than disposal.

Town Manager Noel confirmed that the Town has the ability to identify and dispose of surplus assets in accordance with applicable procedures.

Committee Reports:

No Committee Reports.

Consent Agenda:

A motion was made by Vice Mayor Bruder seconded by Council Member Fuller to approve the consent agenda. The motion carried with a 7-0 vote.

3. Council authorization to auction and dispose capital asset (surplus police vehicles) - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING THE DISPOSITION OF CERTAIN SURPLUS POLICE VEHICLES

THROUGH PUBLIC AUCTION OR INTERNET-BASED AUCTION; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SALE; PROVIDING FOR THE DEPOSIT OF PROCEEDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Consideration and Approval FY 2025-2026 Budget Amendment — Town Manager.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE 2025/2026 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2025/2026 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

Approved on consent.

5. Discussion and consideration to approve a contract with Hazen and Sawyer in the amount of \$76,510 to provide engineering support associated with Cycle 3 SSES Phase 1 RFI and Phase 2 Regulatory Reporting. - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER IN AN AMOUNT NOT TO EXCEED \$76,510 FOR ENGINEERING SERVICES RELATED TO CYCLE 3 SANITARY SEWER EVALUATION SURVEY (SSES) PHASE 1 REQUEST FOR INFORMATION (RFI) RESPONSE AND PHASE 2 REGULATORY REPORTING TO THE MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM); AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

6. Consideration and approval of a resolution adopting new Solid Waste Fees. - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ESTABLISHING SOLID WASTE AND RECYCLING COLLECTION RATES IN

CONNECTION WITH THE TOWN'S AGREEMENT WITH WASTE PRO; PROVIDING FOR RATE STRUCTURE FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS; PROVIDING FOR COST RECOVERY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

Public Hearing-Quasi Judicial:

7. PUD Overlay Rezoning Application – Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1 - Town Manager.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) ON CERTAIN DESCRIBED PROPERTY LOCATED AT 9521 EAST BAY HARBOR DRIVE; DETERMINING THAT THE PUD APPLICATION COMPLIES WITH THE PURPOSE AND INTENT OF THE PUD ORDINANCE; MAKING FINDINGS REGARDING THE APPROVAL OF THE PUD APPLICATION; DIRECTING THE TOWN MANAGER TO MAKE THE APPROPRIATE NOTATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE

Town Manager deferred item.

8. Discussion for the purpose of hearing public comments with respect to an application for a variance from Section 23-11(C)(14) of the Town Code to allow seating in lieu of a required pedestrian walkway, where the Code requires a minimum five-foot walkway and prohibits the placement of chairs or tables along the side of the property. The applicant, Arnold Bergman, is requesting a variance to allow seating to be placed in an area otherwise required to remain as a pedestrian walkway. The Code provision requires periodic pedestrian walkways from the sidewalk on Kane Concourse, 95th Street, or 97th Street to rear parking areas, with a minimum width of five feet, unless otherwise approved by the town council during site plan consideration. Because the proposed seating would encroach into the area designated for the walkway, the variance is required in order to proceed. The application is being submitted by the applicant Arnold Bergman for the property located at 9580 Bay Harbor Terrace, Bay Harbor Islands, Florida. - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, GRANTING A VARIANCE FROM SECTION 23-11(C)(14) OF THE TOWN CODE TO ALLOW SEATING WITHIN A REQUIRED PEDESTRIAN WALKWAY AREA FOR PROPERTY LOCATED AT 9580 BAY HARBOR TERRACE; MAKING FINDINGS OF FACT; PROVIDING FOR

CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was deferred at the request of the applicant.

9. Approval or Denial of a variance request for the property located at 9580 Bay Harbor Terrace. In accordance with Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for a variance. An affirmative vote of five (5) Council Members is necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, Miami-Dade County Code, Florida Building Code, FEMA or any other applicable governing agency. - Town Manager

This item was deferred at the request of the applicant.

Ordinance on Second Reading:

Ordinance on First Reading:

10. Consideration and approval of an ordinance on first reading to strengthen enforcement against businesses operating in violation of Town Code. Sponsored by Council Member Yaffe

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES TO CREATE ADDITIONAL ENFORCEMENT AUTHORITY RELATED TO BUSINESS TAX RECEIPTS AND AUTHORIZED USES; PROVIDING FOR REVOCATION AND SUSPENSION OF BUSINESS TAX RECEIPTS FOR USES INCONSISTENT WITH APPROVED OR REPRESENTED USE; AUTHORIZING THE ISSUANCE OF STOP WORK ORDERS AND THE WITHHOLDING OR REVOCATION OF CERTIFICATES OF OCCUPANCY AND TEMPORARY CERTIFICATES OF OCCUPANCY; PROHIBITING MATERIAL MISREPRESENTATIONS IN CONNECTION WITH LAND USE APPROVALS AND BUSINESS TAX RECEIPTS; PROVIDING FOR PROCEDURES, APPEALS, AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Council Member Yaffe raised concerns regarding a business that allegedly made representations to the Council in connection with a prior approval and subsequently operated in a manner inconsistent with those representations. He inquired whether there are enforcement mechanisms in place, including whether a warning period applies or if

immediate action may be taken upon a determination of a violation.

Vice Mayor Bruder asked if the applicable procedure provides for a ten (10) day notice period during which the subject party has the opportunity to cure any identified violation.

Staff confirmed it does.

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading as written, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

11. An ordinance on first reading amending the Town's Code of Ordinances by creating Article III of Chapter 2, to be designated as Sections 2-30 through 2-34 and to establish general waiver provisions for the land development code. Sponsored by Council Member Joshua Fuller and 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 BY CREATING ARTICLE III OF CHAPTER 2, TO BE DESIGNATED AS SECTIONS 2-30 THROUGH 2-34, TO ESTABLISH GENERAL WAIVER PROVISIONS FOR THE LAND DEVELOPMENT CODE; AUTHORIZING THE TOWN MANAGER TO GRANT A MINOR NUMERICAL WAIVER OF NO MORE THAN FIVE PERCENT (5%) OF THE REQUIREMENT SET FORTH IN SECTION 23-12(A) OF THE LAND DEVELOPMENT CODE FOR SINGLE-FAMILY DETACHED DWELLINGS ONLY; PROVIDING CONDITIONS FOR APPROVAL; PROVIDING THAT DISAPPROVAL REQUIRES A VARIANCE PURSUANT TO SECTION 2-16; ESTABLISHING A NON-REFUNDABLE APPLICATION FEE; PROVIDING FOR EXCLUSIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the ordinance into the record.

Vice Mayor Bruder stated that they initiated the item and expressed concerns regarding the current draft of the ordinance. She indicated that the intent was to authorize limited administrative flexibility, up to a specified threshold, without requiring full Council review or burdening applicants. She objected to additional provisions requiring involvement of other parties, stating that such requirements were not part of the original proposal and may be unnecessary given existing compliance with the Florida Building Code. She expressed the view that review should be limited to the Town Manager and Town Planner, and questioned the need for additional staff involvement or reporting requirements.

Council Member Fuller explained the intent and application of the proposed ordinance, distinguishing between single-family and multifamily/commercial properties. He stated that the purpose of the provision is to allow limited administrative flexibility for minor, de minimis

deviations that may occur during construction, particularly where such deviations are minimal and do not present safety concerns. For single-family properties, he indicated that the Town Manager would have authority to approve minor deviations within a specified threshold, particularly where the deviation resulted from reliance on prior guidance from Town staff and does not impact safety or structural integrity. For multifamily or commercial properties, he explained that an additional safeguard is included, requiring confirmation from the Building Department that the deviation does not create a safety issue, along with supporting documentation if necessary. He emphasized that, aside from this additional review, the authority would remain with the Town Manager for minor deviations.

Vice Mayor Bruder expressed confidence that the Building Official would not approve any condition that compromises structural safety and noted that compliance with the Florida Building Code governs required inspections. She stated that, given these safeguards, additional review requirements may be unnecessary. She further indicated a preference for limiting review of minor deviations to the Town Manager and Town Planner, particularly in cases involving potential misrepresentation or the need for administrative consideration of such matters. She clarified that, in situations where the issue rises to the level previously described, the intent is for the matter to be reviewed by both the Town Manager and the Town Planner for consideration and determination.

Council Member Fuller further clarified the proposed framework for administrative approval of minor deviations. For single-family properties, he stated that review would be limited to the Town Manager and Town Planner, with the Town Manager authorized to approve de minimis deviations within the specified threshold where there is no substantive impact and reliance on prior guidance is demonstrated. For multifamily or commercial properties, he emphasized that no waiver of the Florida Building Code or other applicable regulations is permitted. He explained that an additional safeguard would apply, requiring confirmation from the Building Official that the deviation does not present a safety or structural concern. He characterized this as an added level of protection for the Town and its residents.

Council Member Rappaport emphasized that safety considerations are not subject to waiver under any circumstances and remain governed by applicable codes. He clarified that the additional safety-related review requirement applies specifically to multifamily properties.

Mayor Salver stated an objection to the agenda item on procedural grounds, noting that the amended ordinance was received with limited time for review and consideration.

Mayor Salver wanted his objection noted for the record.

Council Member Fuller responded to procedural concerns, stating that the ordinance itself had not been amended and had been available for review for an extended period. He explained that the issue related to an administrative error in the agenda backup materials, specifically the inclusion of an incorrect cover memorandum, which was later corrected. He emphasized that proper notice of the ordinance had been provided.

Mayor Salver expressed opposition to the proposed ordinance, stating that the agenda materials, particularly the cover memorandum, are critical for public understanding and

raised concerns regarding the substance of the proposal. He objected to the concept of granting administrative authority for “minor numerical waivers,” noting that such deviations could apply to key development standards, including height, setbacks, and other zoning requirements. He further cautioned that cumulative deviations could result in material noncompliance with the Town Code without Council review, effectively delegating legislative authority to staff. He emphasized that property owners and developers bear responsibility for ensuring compliance with applicable regulations and stated that any desired changes to development standards should be addressed through formal amendments to the Town Code rather than administrative waivers.

Council Member Yaffe expressed support for the proposed ordinance, stating that it addresses minor, practical issues that may arise during construction. He explained that, in some cases, projects approved by the Design Review Board and issued permits may later be found to have slight deviations, such as minor measurement discrepancies or marginal differences in landscaping or impervious surface calculations, which can delay issuance of a certificate of occupancy. He emphasized that the intent of the ordinance is to address such de minimis deviations where there is no significant impact, rather than requiring costly or impractical corrective measures. He further noted the importance of ongoing oversight during construction to ensure compliance with approved plans, while acknowledging that minor discrepancies may still occur.

Mayor Salver noted that, in prior instances involving more significant noncompliance, the Town has imposed fines and issued conditional certificates of occupancy to allow projects to proceed while addressing outstanding issues. He referenced this as an alternative approach historically used by the Town in similar situations. He expressed opposition to the proposed ordinance, stating concern that allowing a 5% administrative deviation could create a de facto entitlement for developers and result in incremental increases to building size or intensity. He cautioned that such deviations may adversely impact neighboring properties and undermine the intent of the Town Code. He further argued that requests for deviations should be subject to significant fees and formal review, rather than administrative approval, to preserve the integrity of the Code and ensure accountability. He emphasized that existing regulations are intended to protect residents and neighborhood character, and questioned whether it is appropriate to delegate such discretion to staff.

Town Manager Noel advised that, while not requesting the authority, if granted, such authority would be exercised with due diligence. He stated that any request for administrative relief would be carefully reviewed, including verification of supporting documentation and prior approvals, and would not be granted without sufficient justification.

Council Member Yaffe stated that the proposed ordinance does not grant authority to waive applicable codes, but rather provides a mechanism to address minor deviations that do not warrant a formal variance process. He expressed support for allowing the Town Manager, in coordination with the Town Planner and Building Official, to review such minor issues and ensure they do not adversely impact neighboring properties. He distinguished between de minimis deviations and more substantial noncompliance, noting that significant issues—such as failure to meet setback requirements—would still require a formal variance and Council consideration. He indicated that minor discrepancies should

not delay project completion where no material impact exists.

Vice Mayor Bruder expressed support for the proposed ordinance, stating confidence in the Town Manager and staff to appropriately evaluate minor deviations and to refer matters to the Council when necessary. The Council Member emphasized that safety issues would remain governed by applicable codes and addressed accordingly. She further stated that the intent of the ordinance is to avoid penalizing property owners who relied in good faith on prior guidance from Town staff, particularly where the Town may have contributed to an error. She noted that, in such circumstances, the Town should provide a reasonable mechanism to address minor discrepancies without imposing undue hardship on residents.

Mayor Salver suggested that the ordinance could be adopted on a trial basis, noting that the Council retains the authority to amend or repeal the ordinance if it proves ineffective or undesirable.

Council Member Rappaport expressed support for the ordinance, stating that it is not intended to create a precedent for broader deviations, but rather to provide limited flexibility to address minor discrepancies in construction. He emphasized that the purpose is to allow reasonable administrative relief in situations where measurements are slightly off and do not materially impact compliance. He further noted the importance of relying on the professional judgment of the Building Department, Town Planner, and Town Manager to evaluate the circumstances and determine the cause of the deviation. He stated that this flexibility would assist property owners in obtaining certificates of occupancy in appropriate cases, while maintaining the ability to take enforcement action if the process is abused.

Mayor Salver suggested that, if the ordinance is adopted, a formal procedure be established requiring Council ratification of any administrative approvals that deviate from the Code. He proposed a hybrid approach, whereby minor deviations—particularly those resulting from reliance on prior guidance from Town staff—could be initially reviewed and recommended by the Town Manager and Town Planner, but would require subsequent Council approval. He stated that this approach would provide flexibility for minor, good-faith errors while preserving Council oversight and maintaining consistency with the Town Code.

Council Member Yaffe noted that, over time, the Council has delegated certain matters to administrative review to streamline processes and avoid unnecessary hearings before boards such as the Design Review Board. He explained that this approach has been used for routine items to improve efficiency. He stated that the proposed ordinance is consistent with that practice by allowing administrative handling of de minimis matters to avoid delays associated with Council review. He further emphasized that, where staff has uncertainty or determines that a matter is not appropriate for administrative approval, it may still be referred to the appropriate board or Council for consideration.

Council Member Fuller clarified that the intent of the proposed ordinance is to address minor, de minimis discrepancies without creating a broader variance process or loophole. He emphasized that administrative approval would be limited to straightforward situations where staff is confident that the deviation is minimal, does not impact neighboring

properties, and remains consistent with the spirit of the Code. He further explained that, if staff is not certain or determines whether the matter is not appropriate for administrative approval, the request may be denied, at which point the applicant may either revise the plans or pursue a formal variance through the established process. He described a minor setback discrepancy resulting from differing measurement interpretations (e.g., a fraction of an inch), noting that such a condition may not warrant demolition or significant corrective action where no material impact exists.

Mayor Salver asked Town Planner Belle what the height for a single family home currently is.

Town Planner Belle stated that for a flat roof it is 25 feet and if it is a pitched roof it is 30 feet. She clarified that building height is excluded from the scope of the proposed administrative relief, noting that the Town Charter requires voter approval for any increase in allowable height and, therefore, such deviations cannot be administratively approved.

Mayor Salver stated that the term “minor numerical deviation” is unclear and lacks sufficient definition, expressing concern regarding how such a standard would be interpreted and applied in practice.

Town Planner Belle provided clarification regarding the term “minor numerical deviation,” explaining that it refers to a limited variance expressed in percentage points from a required standard in the Code. By way of example, she noted that a landscaping requirement of 40% could, under the proposed ordinance, be reduced to as low as 35%, subject to administrative discretion. She further stated that applicants would be required to submit supporting documentation, including updated plans and detailed calculations, demonstrating compliance with the applicable thresholds. The Town Manager would then have the authority to approve or deny the deviation based on the submitted evidence, including whether the deviation falls within the allowable range and is sufficiently justified for purposes of issuing a certificate of occupancy.

Mayor Salver expressed to Interim Town Attorney Cruz-Gimenez concern that the proposed ordinance could create an unintended precedent, suggesting that applicants may intentionally design projects to fall below required standards (e.g., reduced landscaping) in reliance on the possibility of administrative approval. He questioned whether the provision could incentivize noncompliance and result in incremental increases in building size at the expense of required open space.

Interim Town Attorney Cruz-Gimenez stated that, as drafted, the ordinance is narrowly tailored and subject to the discretion of the Town Manager and therefore would not create a binding precedent. She acknowledged concerns regarding the clarity of the 5% standard and indicated that the language could be refined to provide greater specificity.

A motion was made by Council Member Fuller to approve the ordinance on first reading, seconded by Council Member Yaffe. The motion carried with a 6-1 vote with Mayor Salver voting in opposition.

Deferred Items:

12. Additional Design 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

Town Manager Noel read the title of the item into the record.

Council Member Fuller explained that, following prior review, the Council identified certain preferred design options and requested additional alternatives to be presented. He noted that the purpose of the current discussion is to obtain Council feedback on the available design models, including which concepts are most suitable and representative for the intended project.

Maddie Rieger representing Kind Designs, the manufacturer of the artificial reef structures, presented an overview of the project. She advised that coordination has been ongoing with the Town and project consultants and that multiple design options have been developed for Council consideration. She stated that the intent of the project is to create an aesthetically appealing and functional reef installation that enhances the community, supports marine life, and provides recreational opportunities. She noted that five (5) design options have been provided for selection and invited Council feedback on the preferred models.

Council Member Fuller inquired regarding the number of artificial reef design elements, specifically whether the requirement of five (5) designs applies to both the smaller and larger reef installations, and whether additional elements may be included in the larger reef. He also requested clarification on the orientation of incorporated design features, including the Town logo, and whether such elements would be installed in a vertical or horizontal configuration.

Ms. Rieger advised that the reef design elements would be three (3) to five (5) feet in height and would include sufficient depth and structure to support marine life.

Council Members as whole selected the desired designs.

Town Manager Noel stated to council that they need additional designs besides the ones that were previously selected by council.

Ms. Reiger provided an update on the artificial reef project timeline. The project is currently in the permitting phase, with applications anticipated to be submitted within the month. It was noted that the project will require two separate permits: one for the gateway park reef installation and a second for the northern reef location. The second permit is expected to take additional time due to the need to address easement-related matters, including coordination with legal counsel and project engineers.

After a discussion among the council regarding the different designs, the council arrived to a consensus stated below.

Council reached consensus on using the smaller BHI logo, number 9 (lettuce reefs);

number 8 (brain corals), number 7 bottom clams and for the larger reef to use a combination of all the reefs with the exception of the ones that are pointy.

Town Manager Items:

13. Ratification of 2nd Emergency Procurement Contract in the amount of \$670,879.26 with Florida Draw Bridges Inc. (FDI) to perform Emergency Repairs at the Broad Causeway Intracoastal Waterway Bridge (Bridge #875101) - Town Manager

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING AN EMERGENCY CONTRACT AWARDED TO FLORIDA DRAW BRIDGES, INC. IN AN AMOUNT NOT TO EXCEED \$670,879.26 FOR EMERGENCY REPAIRS TO THE BROAD CAUSEWAY INTRACOASTAL WATERWAY BRIDGE (FDOT BRIDGE NO. 875101); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Mayor Salver inquired regarding project costs and noted that the estimated total cost for the artificial reef project is approximately \$1,000,000, confirming that this figure corresponds to the second phase of the project.

Council Member Fuller stated that the ongoing maintenance costs associated with the existing bridge represent a recurring and indefinite expenditure and indicated that this is an example of why the bridge is being replaced.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

14. Ratification of a contract in favor of Ardurra Group Inc., in the amount of \$253,880 to provide Construction Engineering Inspection (CEI) services associated with the emergency repairs for the Broad Causeway Intracoastal Waterway Bridge. - Town Manager

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING A TASK WORK ORDER WITH ARDURRA GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$253,880 FOR CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES AND RELATED ENGINEERING SUPPORT ASSOCIATED WITH EMERGENCY REPAIRS TO THE BROAD CAUSEWAY INTRACOASTAL WATERWAY BRIDGE (FDOT BRIDGE NO. 875101); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

15. Discussion and required action regarding the Town's new branding. - Town Manager.

Town Manager Noel read the title of the item into the record.

Town Manager Noel referenced prior presentations made at the Council retreat and subsequent meeting regarding the proposed Town seal and branding concepts. He noted that preliminary feedback from the Council indicated general dissatisfaction with the concepts presented. He advised that the selected vendor has been invited to attend the meeting to provide additional information and receive further direction from the Council. He further noted that individual Council Members, including the Vice Mayor, have additional input and ideas to share regarding the branding initiative.

Vice Mayor Bruder commented on the proposed branding concepts, expressing concern that certain elements appear outdated and do not reflect a modernized image for the Town. She indicated support for the tagline "Discover the Island Within."

Mayor Salver stated that the proposed branding concepts do not adequately reflect the identity of the Town and suggested that alternative designs be developed that better represent the community.

Council Member Rappaport provided feedback on the proposed branding concepts, noting that logos of other municipalities within Miami-Dade County tend to remain traditional and not overly stylized. He expressed a preference for an updated version of the Town's existing logo, stating that it offers a clean and modernized appearance while maintaining familiarity. He further indicated that the Town's branding should remain warm and recognizable, rather than adopting a design that appears overly corporate or inconsistent with the community's identity.

Mayor Salver noted that the Town has already selected a color palette and typography for the branding initiative, and indicated that the remaining component is finalizing the logo design. He emphasized the desire to proceed with selection so that the branding can be implemented across Town materials, including buildings and official communications.

Town Manager Noel noted that the Town has already adopted a color palette and typography for the branding initiative and stated that the remaining step is selection of the final logo. He emphasized the desire to proceed promptly so the branding can be implemented across Town facilities, materials, and official communications.

Karen Villalba, Leo Diaz Designs, provided a brief refresher on the branding presentation, noting that the Town's selected color palette was derived from the existing logo and has been updated to create a more cohesive and modern appearance. She offered to provide additional materials to the Council as needed.

Council Member Fuller stated that he would defer to the preferences of other Council Members regarding the selection of the branding concept and indicated support for whichever option the Council determines is most appropriate.

Mayor Salver expressed a preference for certain branding concepts that build upon the Town's existing logo with updated elements. He inquired whether multiple logo variations could be used for different applications. He spoke regarding branding consistency, with it noted that a unified logo is typically used to maintain a consistent identity, although variations in presentation may occur across different materials.

Ms. Villalba recommended establishing a cohesive branding system to ensure consistency and recognizability. She explained that, rather than using multiple unrelated logos, a unified system could include variations derived from a primary design—such as a monogram, circular format, or alternate alignments—while maintaining a consistent visual identity.

Council Member Rappaport emphasized the importance of maintaining a single, consistent logo for official use across all Town materials, including stationery, business cards, apparel, and signage. He noted that while limited variations may be appropriate for specific uses, overall uniformity is essential for effective branding. He expressed a preference for one of the proposed designs, specifically highlighting the visual clarity and versatility of a darker color scheme like the dark blue one, which was noted to be effective across different applications.

Ms. Villalba stated they would not be doing them all in blue but would actually do the inverse.

Mayor Salver was in agreement with the dark blue design. He stated that one of the proposed designs closely resembles the existing logo and suggested that familiarity may be influencing preference. He also clarified that the design would not be limited to a single color scheme and could be adapted for different applications. He expressed support for proceeding with the darker version of the proposed logo, along with a complementary lighter variation, and encouraged moving forward with finalizing the branding for implementation, including use on Town facilities.

Council Member Shagalov stated a preference for the logo design located on the lower portion of the options presented, noting that it more closely reflects the character and identity of the Town. He described the design as traditional and recognizable, incorporating elements such as the islands, sun, and bridge, and contrasted it with other options that appeared more corporate and less immediately identifiable. He acknowledged that logo selection is ultimately a matter of personal preference.

Town Manager Noel requested guidance from Ms. Villalba regarding appropriate use of branding across different contexts, including whether variations of the logo or design elements may be used for external versus internal materials, such as official stationery and communications.

Ms. Villalba recommended that, for print advertisements, the Town utilize the selected tagline, "Discover the Island Within," in conjunction with the official logo. She further

advised that including “Miami-Dade County, Florida” or similar geographic identifiers may provide additional context and clarity in external communications.

After further discussion the council reached consensus to use the 1st and 3rd from the top and 1st and 3rd on in white and use “Florida” and not “Miami Dade” and use them interchangeably as needed. They also agreed to use the tag line for all other uses.

16. Consideration and approval of a Resolution Indicating the Official Intent of the Town to Issue Tax-Exempt Bonds or Notes in the amount of up to \$75,000,000 to Finance the Costs of Development, and Construction of a New Municipal Complex and to Use a portion of the Proceeds of Such Bonds or Notes to Reimburse Expenditures Paid or Incurred prior to the Date of Issuance. - Town Manager.

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN TO ISSUE TAX-EXEMPT BONDS OR NOTES IN THE AMOUNT OF UP TO \$75,000,000 TO FINANCE THE COSTS OF DEVELOPMENT AND CONSTRUCTION OF A NEW MUNICIPAL COMPLEX AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS OR NOTES TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

Town Manager Noel advised that, based on the recommendation of bond counsel (P3 attorney), adoption of the resolution is necessary to preserve the Town’s ability to seek reimbursement or financing through bonds, notes, or similar instruments. He explained that this step is required as part of the financing process and is standard practice.

Council Member Fuller clarified that adoption of the resolution does not obligate the Town to proceed with financing, but rather authorizes the Town to do so if it elects to move forward, ensuring the option is preserved.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

17. Appointment of Town Council Members to the Mitigation Committee. – Town Manager.

Town Manager Noel read the title of the item into the record.

Council Member Yaffe explained to Council Member Shagalov the purpose of the mitigation committee.

A motion was made by Council Member Fuller to appoint Council Member Shagalov to

the Mitigation Committee, seconded by Council Member Yaffe. The motion carried with a 7-0 vote.

18. Consideration and approval of a 3rd Proposal from Florida Draw Bridges Inc. (FDI) in the amount of \$149,361 to perform joint, header and barrier wall repairs at the Broad Causeway Intracoastal Waterway Bridge and rental of snooper truck. - Town Manager.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING THE APPROVAL OF A CONTRACT TO FLORIDA DRAW BRIDGES, INC. IN AN AMOUNT NOT TO EXCEED \$149,361 FOR REPAIRS TO THE BROAD CAUSEWAY INTRACOASTAL WATERWAY BRIDGE (FDOT BRIDGE NO. 875101) AND RENTAL OF A SNOOPER TRUCK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Noel read the title of the item into the record.

Town Clerk Herbello read the title of the resolution into the record.

A motion was made by Council Member Yaffe to approve the resolution, seconded by Council Member Fuller. The motion carried with a 6-0 vote with Vice Mayor Bruder absent.

Discussion Items:

19. Discussion and possible action regarding additional Tot Lot designs. Sponsored by Council Member Eric Rappaport.

Town Manager Noel read the title of the item into the record.

Council Member Rappaport referenced prior discussions with the Town Manager and Parks and Recreation Committee regarding improvements to the tot lot. He noted that, based on personal observations and community use, there is a need to incorporate amenities suitable for older children. He stated that the proposed upgrades include features such as a spinner and climbing elements intended to serve children approximately ages 7 to 12. He indicated a preference to retain the existing play area where possible, while suggesting modifications to certain elements, such as slides, due to safety and usability concerns related to heat exposure.

Council Member Yaffe expressed appreciation for efforts to enhance access and connectivity to the waterfront, noting that proximity to the water contributes positively to the recreational experience.

Council Member Shagalov raised a safety concern regarding access to the waterfront area, noting that a resident provided a video showing a young child able to pass through a gate near the water's edge. He inquired about the adequacy of existing safety measures and potential need for improvements to prevent unauthorized or unsafe access.

Vice Mayor Bruder raised concerns regarding the seawall condition adjacent to the property, noting that water levels appear to be higher than the existing seawall. She suggested that, rather than a full reconstruction, interim and permanent safety measures be implemented, including installation of protective mesh and a cap on the seawall. She emphasized that certain measures, such as installing mesh, could be implemented immediately while evaluating or proceeding with longer-term improvements, including installation of a seawall cap.

Council Member Fuller stated he would defer to staff regarding improvements to the facility, but provided feedback on the proposed playground equipment. He expressed support for certain elements, including the arbor feature, noting it would be well received by children, while offering less favorable commentary on other items, including the solo spinner, and questioned its value and functionality.

Town Manager Noel advised that the proposed playground enhancements were recommended by the Parks and Recreation Director and are being evaluated for feasibility. This includes coordination with utility locates to ensure that installation can proceed without conflict with existing infrastructure. He further noted that the project will move forward with the previously approved improvements, and the additional elements are being considered as an enhancement, subject to feasibility review.

A motion was made by Council Member Rappaport directing the Town Manager to work on what is the best fit for the tot lot and approve the budget for those repairs/renovations, seconded by Council Member Fuller. The motion carried with a 7-0 vote.

20. Discussion and possible action to install traffic deterrents in the East Island. Sponsored by Vice Mayor Stephanie Bruder.

Town Manager Noel read the title of the item into the record.

Vice Mayor Bruder raised concerns regarding pedestrian safety on the east side of the island, noting the absence of adequate traffic control measures at crosswalks. She stated that existing conditions lack sufficient signage, lighting, or visual indicators, particularly at night, and observed that drivers frequently disregard stop signs and speed limits. She recommended implementation of additional traffic calming and safety measures, including speed humps, enhanced crosswalk markings, flashing pedestrian signals, and improved signage, to better protect pedestrians and reduce vehicle speeds.

Council Member Fuller sought clarification regarding the type of pedestrian safety enhancements being proposed, specifically whether the flashing crosswalk signals would be continuously active or pedestrian-activated via a push-button system.

Vice Mayor Bruder emphasized the need for enhanced pedestrian safety measures throughout the island, particularly at key crossing points such as East Bay Harbor Drive and 98th Street leading to the park. She noted increased pedestrian activity, including children, and expressed concern about the risk of accidents. She recommended installation of additional safety features, including clearly marked crosswalks and warning indicators, to improve visibility and alert drivers, especially in anticipation of increased use

during the summer months.

Council Member Rappaport reiterated that while the East Island is adequately illuminated, the West Island lacks sufficient lighting. He noted that residents on the West Island have expressed concerns regarding traffic safety, particularly in areas where installation of stop signs is not feasible. He recommended the addition of traffic calming measures, including speed humps, at specific intersections where vehicles are observed traveling at excessive speeds. He further emphasized that these locations are frequently used by children for recreational activities, increasing the need for enhanced safety measures.

Town Manager Noel recommended that, if additional traffic calming measures such as speed humps are to be implemented, the process should include coordination with the Police Department and a traffic engineer. He noted that this approach was utilized in the past to ensure appropriate placement and to avoid unintended impacts, such as installation directly in front of residential driveways. He indicated support for proceeding in this manner.

Mayor Salver stated that they also need to do this in conjunction with Miami Dade County.

Town Manager Noel stated that his fiscal authority is limited to \$50,000 and requested clarification regarding the anticipated cost of the proposed traffic safety improvements, including stop signs with flashing lights and other traffic calming measures, depending on the options selected by the Council.

Mayor Salver requested that staff conduct a traffic safety survey in coordination with the Police Department and a traffic engineer to identify appropriate locations for the installation of traffic calming measures. He noted that such efforts fall within the established spending authority. He further emphasized the need for increased traffic enforcement to address speeding and enhance overall roadway safety throughout the Town.

Council Member Yaffe described traffic safety concerns at or near 96th Street, noting that vehicles entering from side streets often fail to stop appropriately, creating conflict points and near-collision conditions. He indicated that drivers frequently proceed into intersections without yielding, resulting in unsafe interactions with oncoming traffic. He further expressed concern for pedestrian and cyclist safety, particularly involving children utilizing scooters and bicycles in the area. He emphasized the need for additional traffic control measures to mitigate these risks.

Council Member Fuller noted that, following appropriate warnings, enforcement measures may be necessary to address ongoing traffic violations, particularly where residents have become accustomed to disregarding traffic controls. He further recommended evaluating potential design modifications to existing speed humps, including extending them into the swale area, if feasible, to prevent vehicles from bypassing the devices. He observed that drivers frequently maneuver around speed humps without reducing speed, creating hazardous conditions for pedestrians, including children, and emphasized the need to address this issue.

Mayor Salver proposed directing the Town Manager to conduct a comprehensive traffic safety analysis in coordination with the Police Department and a qualified traffic consultant. The purpose of the analysis is to evaluate existing conditions and identify appropriate traffic calming and safety improvements. He stated that the Town Manager should return to the Council with a report outlining findings and recommendations based on best practices, and emphasized that the evaluation should be guided by professional expertise rather than prescriptive direction from the Council.

After further discussion the Council reached a consensus to do an analysis of the traffic and bring back a report to see what can be done.

21. Discussion and possible action to discuss early voting for town elections. Sponsored by Council Member Robert Yaffe.

Town Manager Noel read the title of the item into the record.

Council Member Yaffe referenced cost information provided by the Town Clerk, noting that the total cost of the election with one early voting day was approximately \$21,040.44, compared to approximately \$16,500 without early voting, reflecting a difference of roughly \$4,000 to \$5,000. He further noted that, beyond the financial impact, early voting also places additional demands on candidates and their representatives, who may be required to be present for extended periods. He indicated uncertainty as to whether the added cost and logistical burden justify the inclusion of early voting.

Council Member Rappaport presented historical voter turnout data for early voting, noting that in 2024, with two early voting days, approximately 335 residents participated; in 2025, with one early voting day, approximately 191 residents participated; and in the current election cycle, early voting turnout was approximately 64 voters. He observed that early voting turnout is significantly lower than Election Day turnout, but acknowledged that early voting provides an important alternative for residents unable to vote on Election Day. He expressed support for maintaining at least one early voting day, consistent with common election practices, while suggesting that it should not be scheduled on a Saturday due to recurring conflicts with holidays and community considerations.

Town Manager Noel provided the voter turnout for 2024 and 2025 provided by the Miami Dade County Supervisor of Elections and in 2024 there were two days of early voting and there was actually a total of 195 early ballots cast and in 2025 only 122.

Council Member Yaffe stated opposition to holding early voting on weekends, noting that scheduling on Saturdays or Sundays may limit participation due to religious observances or personal availability. He suggested that, if early voting is to be maintained, it should be scheduled on a weekday, such as the Thursday preceding Election Day, to provide greater accessibility for residents.

Council Member Shagalov stated that, based on personal experience, early voting presents logistical challenges, but provides meaningful value to residents who may be unable to vote on Election Day. He noted that the low turnout for early voting held on a Saturday may be attributable to religious observances, which limit participation for some residents. He expressed support for maintaining one early voting day, provided it is

scheduled on a weekday rather than a Saturday, in order to improve accessibility and participation.

Council reached a consensus to bring this back in the November agenda when the Council sets the election date and early voting dates and possibly do 1 day of early voting on a Thursday and not on a Saturday.

22. Discussion and possible action regarding a policy on adding items to special town council meeting, regular town council meeting and workshops. Sponsored by Council Member Robert Yaffe.

Town Manager Noel read the title of the item into the record.

Council Member Yaffe raised a question regarding procedures for calling special meetings, noting that there had been confusion following a recent special meeting. He referenced the provision allowing either the Mayor or two Council Members to call a meeting and indicated that there had been differing interpretations of this requirement. He requested clarification to ensure proper application of the procedure going forward.

Vice Mayor Bruder discussed the procedures and terminology associated with calling special meetings, noting that such meetings may be initiated by the Mayor or two Council Members in accordance with the Town Charter. She emphasized that a "special meeting" is defined by the fact that it is outside the regular meeting schedule, and not by the individual or individuals who call it. She suggested that clarification or additional guidance may be warranted to avoid future confusion on who can add an item and who cannot add an item to the special meeting agenda.

Council Member Yaffe raised concerns regarding the process for setting agendas for special meetings, noting prior discussion about whether additional items may be added by other Council Members after a special meeting has been called. He expressed that the concept of calling successive special meetings to address additional items is impractical and may lead to confusion. He indicated that the governing provisions appear to be silent on this issue and suggested that clarification or formal policy guidance may be necessary to establish a consistent and orderly process for special meeting agendas.

Interim Town Attorney Cruz-Gimenez advised that Section 2.07(b) of the Town Charter authorizes the Mayor or two Council Members to call a special meeting; however, the Charter is silent regarding procedures for adding agenda items, timing, or related protocols. She noted that this lack of specificity creates ambiguity and leaves the matter subject to interpretation. She further explained that the Charter provides the Council with the authority to adopt policies and procedures governing such matters. Accordingly, the Council may determine whether special meetings are limited to specific items, whether additional items may be added, and under what conditions (e.g., majority approval). She recommended that the Council adopt a formal policy to establish clear procedures for special meeting agendas to ensure consistency and avoid future confusion.

Council Member Yaffe emphasized the importance of establishing clear procedures so that all parties understand the applicable rules. He noted that, in the absence of defined policies, staff has been required to interpret and navigate the process, and suggested that

formal guidance would improve efficiency and reduce administrative burden.

Mayor Salver requested that staff research how other municipalities handle procedures for special meetings, including agenda-setting practices. He noted that while workshops and regular meetings typically involve collaborative agenda development, the process for special meetings is less clear and may vary depending on who calls the meeting. He suggested that staff review policies adopted by comparable municipalities to determine best practices, including whether different rules apply when a special meeting is called by the Mayor versus multiple Council Members, and report back with recommendations.

Council Member Fuller distinguished between special meetings and emergency meetings, noting that emergency meetings are typically limited to specific, time-sensitive matters and should not include additional agenda items beyond the stated purpose. He stated that special meetings, by contrast, are meetings held outside the regular schedule and are not inherently limited in scope. He expressed the view that, once a special meeting is properly called and noticed, additional agenda items should not be restricted and may be added by other Council Members, provided there is no emergent limitation requiring a narrowly defined purpose. He emphasized that, absent an emergency situation, all Council Members should have the opportunity to place items on the agenda once the meeting has been called and opened.

Mayor Salver stated that the Town's operations are comparable to those of surrounding municipalities and recommended reviewing policies adopted by similarly situated cities to identify best practices. He noted that the Town has an established policy for regular meeting agendas, including a deadline for submission of new items to allow for adequate public notice, although such timelines are not always strictly adhered to. He acknowledged that the issue has created some concern and emphasized the importance of evaluating how other municipalities address similar matters. He expressed support for incorporating best practices and, if necessary, adopting or amending local policies to provide clarity and consistency going forward.

Vice Mayor Bruder referenced the Town Charter, noting that while it authorizes the Mayor to call a special meeting, it is silent regarding limitations on agenda items. She emphasized that the Mayor's role is largely ceremonial within the Town's governance structure, which operates under a strong manager form of government. She expressed the view that, in non-emergency situations, calling a special meeting should not preclude other Council Members from adding items to the agenda. She further suggested that, in evaluating potential policy changes, staff should review charters and practices of similarly sized municipalities with comparable governance structures, rather than larger cities with different forms of government.

Consensus was reached directing the Town Manager to research policies adopted by other municipalities where the governing charter is silent on procedures for special meetings, including agenda-setting practices. He was further directed to conduct a survey of comparable municipalities, as appropriate, and return to the Council with findings and recommendations.

23. Discussion regarding the Sign ordinance, Section 17-20(x). Sponsored by Council Member Robert Yaffe.

Council Member Yaffe withdrew this item.

Adjournment:

There being no further business to discuss before the council the meeting adjourned at 9:34 p.m.

Accepted this _____ day of _____, 2026.

Isaac Salver
Mayor

ATTEST

Evelyn Herbello, MMC
Town Clerk

AGENDA ITEM REPORT

May 13, 2026

ITEM NUMBER: 5.

ITEM: Authorization to Transfer Residual Funds and Close the Sewer Debt Service Bank Account. – Town Manager

DESCRIPTION:

Background

In April 1998, the Town entered into a revolving loan agreement with the State of Florida Department of Environmental Protection to finance the planning and design of a sewer rehabilitation and replacement project. Debt service payments for this State Revolving Fund Loan were collateralized by the net revenues of the Town's sewer system.

The Town made its final payment on this obligation during FY 2021, paying off the loan and all remaining interest in its entirety as of September 30, 2021.

Current Status and Request

Because the 1998 State Revolving Fund Loan has been fully retired, and the Sewer Fund currently has no other direct outstanding bonds or loans, the dedicated sewer debt service bank account is no longer needed.

We are requesting authorization to transfer residual funds totaling approximately \$105,295 from the sewer debt service bank account into the primary Sewer Fund bank account. Furthermore, we request authorization to officially close the sewer debt service bank account.

RECOMMENDED ACTION:

Approve the transfer of the remaining funds from the Sewer Debt Service account to the Sewer Fund bank account and authorize the closure of the sewer debt service bank account.

FINANCIAL ANALYSIS:

None

BUDGET IMPACT:

Submitted By: Gerald Bryan, Finance Director

ATTACHMENTS

1.	Resolution - Sewer Debt Service Bank Account
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29 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE**
30 **TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:**

31 **Section 1. Recitals.** The foregoing recitals are true and correct and are
32 incorporated herein by reference.

33 **Section 2. Approval of Transfer.** The Town Council hereby authorizes the
34 transfer of all residual funds, currently estimated at approximately \$105,295, from the
35 sewer debt service bank account into the Town’s primary Sewer Fund bank account.

36 **Section 3. Closure of Account.** The Town Council hereby authorizes the closure
37 of the sewer debt service bank account following completion of the authorized transfer
38 and confirmation that all associated obligations have been satisfied.

39 **Section 4. Implementation.** The Town Manager, Finance Director, and any other
40 appropriate Town officials are hereby authorized to take all actions necessary to
41 effectuate the intent of this Resolution, including coordination with the Town’s financial
42 institutions.

43 **Section 5. Severability.** If any section, subsection, sentence, clause, or provision
44 of this Resolution is held invalid, the remainder shall not be affected.

45 **Section 6. Effective Date.** This Resolution shall take effect immediately upon
46 adoption.

47 PASSED AND ADOPTED this 13th day of May, 2026.

48 Motion by: _____

49 Second by: _____

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55 **FINAL VOTE ON ADOPTION**

56

57 Council Member Isaac Salver _____

58 Council Member Stephanie Bruder _____

59 Council Member Molly Diallo _____

60 Council Member Joshua Fuller _____

61 Council Member Eric Rappaport _____

62 Council Member Elchonon Shagalov _____

63 Council Member Robert Yaffe _____

64

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66

67

68

69 _____

Isaac Salver

70

Mayor

71

72 ATTEST:

73

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75

76 _____

Evelyn Herbello, MMC

77

Town Clerk

78

79

80 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

81 FOR THE USE AND BENEFIT OF THE TOWN ONLY:

82

83

84

85

86 _____

McCarter & English

87

Tania Cruz-Gimenez, Esq.

88

Interim Town Attorney

89

90

AGENDA ITEM REPORT
May 13, 2026

ITEM NUMBER: 6.

ITEM: Authorization to Close the Service Station Deposit Bank Account. – Town Manager

DESCRIPTION:

Background

The Town has historically maintained a dedicated bank account for the service station deposit. According to our accounting records, this account held a principal balance of \$10,000 in FY 2016. For several years following FY2016, there was substantially no financial activity in this account other than the regular accumulation of interest earnings.

Current Status and Request

In August 2024, the \$10,000 principal balance, along with all accrued interest earnings, was transferred out of the service station deposit account and deposited into the Water Fund. Since that transfer took place, the balance of the service station deposit account has remained at \$0.

Because the account has been fully depleted and is no longer actively used or necessary for Town operations, we are requesting Town Council authorization to close the service station deposit bank account.

RECOMMENDED ACTION:

Authorize the closure of the zero-balance service station deposit bank account.

FINANCIAL ANALYSIS:

None.

BUDGET IMPACT:

Submitted By: Gerald Bryan, Finance Director

ATTACHMENTS

1.	Resolution - Service Station Deposit Bank Account
----	---

29 **Section 3. Implementation.** The Town Manager, Finance Director, and any other
30 appropriate Town officials are hereby authorized to take all actions necessary to
31 effectuate the closure of the account, including coordination with the Town’s financial
32 institutions and completion of any required administrative documentation.

33 **Section 4. Severability.** If any section, subsection, sentence, clause, or provision
34 of this Resolution is held invalid, the remainder shall not be affected.

35 **Section 5. Effective Date.** This Resolution shall take effect immediately upon
36 adoption.

37 PASSED AND ADOPTED this 13th day of May, 2026.

38 Motion by: _____

39 Second by: _____

40 **FINAL VOTE ON ADOPTION**

- 41 Council Member Isaac Salver _____
- 42 Council Member Stephanie Bruder _____
- 43 Council Member Molly Diallo _____
- 44 Council Member Joshua Fuller _____
- 45 Council Member Eric Rappaport _____
- 46 Council Member Elchonon Shagalov _____
- 47 Council Member Robert Yaffe _____

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54 _____

55 Isaac Salver

56 Mayor

57 ATTEST:

58

59

60 _____

61 Evelyn Herbello, MMC

62 Town Clerk

63

64

65 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
66 FOR THE USE AND BENEFIT OF THE TOWN ONLY:

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71 _____
71 McCarter & English

72 Tania Cruz-Gimenez, Esq.

73 Interim Town Attorney

74

75

AGENDA ITEM REPORT
May 13, 2026

ITEM NUMBER: 7.

ITEM: Consideration and Approval FY 2025-2026 Budget Amendment — Town Manager

DESCRIPTION:

We are proposing to amend the FY2025-26 budget as follows:

Park Impact Fee Fund

- The Town engaged Terracon Consultants, Inc. to provide material testing services during construction of the Kayak Park improvement project at 9600 W. Bay Harbor Drive. Terracon's scope includes earthwork observations, concrete and masonry sampling and testing, asphalt paving monitoring, and engineering oversight, at a proposed cost of \$26,508. Additionally, Longitude Surveyors has been engaged to provide surveying services for the Kayak Park project at a cost of \$45,000. Together, these two contracts total \$71,508.

The amended FY26 Park Impact Fee Fund budget allocates \$210,000 to refurbish the Tot Lot. However, the Tot Lot project will now be funded entirely by the General Capital Projects Fund, making the Park Impact Fee Fund appropriation available for other uses. This action re-appropriates \$76,508 from the Tot Lot project to the Kayak Park Improvement project. This amount covers the \$71,508 in contract costs plus a \$5,000 contingency for unforeseen testing, surveying, and other project costs.

Causeway Fund

- BCC submitted a proposal of \$553,399 to provide design, permitting, and construction inspection services for replacing Spans 1 and 5 on the West Relief Bridge (No. 875105). A separate agenda item tonight requests authorization to proceed. The adopted FY26 budget includes \$100,000 for this project. We will complete the project over two fiscal years: \$199,475 in FY26 and \$353,924 in FY27. This item requests a budget increase of \$99,475 to fully fund the FY26 portion. The remaining \$353,924 will be budgeted in FY27.

Parking Fund

- The Town budgeted \$201,500 for parking credit card merchant fees. Through the first seven months of the fiscal year, actual merchant fees have averaged \$20,200 per month, or approximately \$242,400 for the full year. We are increasing the parking fund budget by \$45,000 to cover the projected shortfall plus an additional \$4,100 for fluctuations.

RECOMMENDED ACTION:

Adopt this resolution amending the FY 2025-2026 budget.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Gerald Bryan, Finance Director

ATTACHMENTS

1.	FY26 Budget Resolution
2.	FY26 Budget Resolution _Ex A

1 RESOLUTION NO _____
2

3 A RESOLUTION OF THE TOWN COMMISSION OF THE
4 TOWN OF BAY HARBOR ISLANDS, FLORIDA,
5 AMENDING THE 2025/2026 FISCAL YEAR BUDGET IN
6 ACCORDANCE WITH THE ATTACHED EXHIBIT "A";
7 AUTHORIZING APPROPRIATIONS AND EXPENDITURES
8 IN ACCORDANCE WITH THE 2025/2026 FISCAL YEAR
9 BUDGET AS AMENDED; PROVIDING FOR CONFLICTS
10 AND AN EFFECTIVE DATE.
11

12 WHEREAS, the Town Manager has made recommendations to the Town
13 Council, which require amendment of the 2025/2026 Fiscal Year budget; and
14

15 WHEREAS, the Town Council, in accordance with the requirements of Section
16 166.241, Florida Statutes, wishes to amend the 2025/2026 Fiscal Year Budget for the
17 transfer of said funds consistent with the recommendations of the Town Manager.
18

19 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
20 TOWN OF BAY HARBOR ISLANDS, FLORIDA, THAT:
21

22 Section 1: Recitals. The foregoing "Whereas" clauses are hereby ratified and
23 confirmed as being true and correct and incorporated herein by this reference. All
24 exhibits attached hereto are hereby incorporated herein.
25

26 Section 2: Budget Amended. The Town Council of the Town of Bay
27 Harbor Islands, Florida, hereby amends the 2025/2026 Fiscal Year Town Budget as set
28 forth in Exhibit "A."
29

30 Section 3. Appropriations and Expenditures. The appropriations and
31 expenditures set forth in Exhibit "A" are hereby approved.
32

33 Section 4. Implementation. The Town Administration is directed to effectuate
34 the appropriations and expenditures reflected in Exhibit "A".
35

36 **Section 5. Conflicts.** All prior resolutions or parts thereof in conflict herewith
37 are repealed to the extent of such conflict.

38
39 **Section 6. Effective Date.** This Resolution shall become effective immediately
40 upon passage and adoption.

41
42 PASSED and ADOPTED this ___ day of May, 2026.

43
44
45 Motion By: _____
46 Second By: _____
47

48 **FINAL VOTE ON ADOPTION:**

49
50 Mayor _____
51 Vice Mayor _____
52 Council Member _____
53 Council Member _____
54 Council Member _____
55 Council Member _____
56 Council Member _____
57

58
59 TOWN OF BAY HARBOR ISLANDS, FLORIDA

60
61
62 By: _____
63 _____, Mayor
64

65 Attest:
66
67
68 _____
69 Evelyn Herbello, MMC
70 Town Clerk

71
72 Approved as to form and legal sufficiency:
73
74 _____
75 Town Attorneys

FY 2025/2026 Budget Amendment

Exhibit A to Resolution _____

REVENUES

Fund	Department - Account Number	Current	Proposed	Variance	Explanation
401 - Causeway Fund	9990-382010	10,953,064	11,052,539	99,475	Appropriation from fund balance
404 - Parking Fund	9990-382010	1,211,068	1,256,068	45,000	Appropriation from fund balance
Total Revenues				\$ 144,475	

EXPENDITURES

Fund	Department	Current	Proposed	Variance	Explanation
302 - Park Impact Fees	5310 -Park Impact	550,085	550,085	-	To re-allocate \$71,508 from the Tot Lot Improject to the Kayak Park Improvement project.
401 - Causeway Fund	5415 - Causeway Operations	19,309,194	19,408,669	99,475	To cover the anticipated FY26 portion of design, permitting, and construction inspection services on for the West Relief
404 - Parking Fund	5450 - Parking	3,118,045	3,163,045	45,000	To cover projected shortfall in parking credit card merchant fees
Total Expenditures				\$ 144,475	

AGENDA ITEM REPORT

May 13, 2026

ITEM NUMBER: 8.

ITEM: Approval of a proposal from BCC Engineering LLC in the amount of \$553,399 to complete design, permitting, bid support, and Construction Engineering Inspection (CEI) Services for Rehabilitation of the West Relief (Bridge # 875105). – Town Manager

DESCRIPTION:

PREAMBLE

In 2002 FDOT informed the Town that the West Relief Bridge was severely compromised and must be posted for weight restrictions not exceeding 2 Tons. This restriction was so severe that it prohibited any vehicle that was heavier than a car from crossing the bridge. Kimley Horn and Associates (KHA), one of the Town's CCNA consultants at the time, was commissioned to design a new bridge and obtain all regulatory permits that were required for construction.

Anzac Contractors Inc. was awarded the construction contract in September 2004, and the project was completed at the cost of \$3,447,288.58, two years later in October 2006. The new bridge was constructed using individually prestressed Sonovoid Units, which are held together by transverse post tensioning. The new bridge consists of a single structure that replaced two separate bridges, one for east-bound traffic and the other for west-bound traffic (Bridge numbers 875104 and 875105). The new bridge was assigned bridge number 875105 and bridge number 875104 was no longer required.

BACKGROUND

In 2019, the National Bridge Inventory (NBI) rating guidance for Sonovoid bridges was revised and resulted in a reduction in the sufficiency score for the West Relief Bridge. As a consequence, the FDOT Inspection report dated February 23, 2022, categorized the 16-year-old bridge as structurally deficient.

On May 11, 2022, then Town Manager Maria Lasday approved a proposal from BCC Engineering LLC (BCC) in the amount of \$154,600 to first confirm the information in the FDOT inspection report and then prepare plans and specifications to repair the bridge. To confirm the findings in the FDOT report, BCC commissioned a Life Cycle Cost Analysis (LCCA) and a Chloride Analysis. Based on these analyses it was recommended that the bridge should be rehabilitated and end spans (spans 1 and 5) needed to be replaced. Furthermore, it was concluded that there was no economic advantage in replacing the entire bridge.

Of the \$154,600, \$103,602 was spent on the LCCA and Chloride analyses, and completion of 40% design plans.

BCC is one of the CCNA consultants who are currently on contract with the Town to provide general Civil Engineering services.

DISCUSSION

Originally, designs to rehabilitate the bridge and replace spans 1 and 5 were budgeted in fiscal 2024-25.

In October 2024, Town Engineer R. L. Daniel suggested to then Town Manager Rosado that this project be reprioritized to fiscal years 2025-26 and 2026-27, for design and construction respectively, for the following reasons:

1. The term “structurally deficient” in the FDOT report means that FDOT believes that the bridge should undergo a series of repairs or replacement within six (6) years. The attached “Bridge Condition Terminology” narrative used by FDOT, defines “structurally deficient”.
2. FDOT did not request that a weight restriction be imposed for the bridge.
3. As a consequence of (1) and (2) the current structure continues to be safe for all legal vehicular loads.
4. The structurally deficient spans were being replaced so prevention of further deterioration was not a key objective.
5. Remaining useful life existed in the two spans that were earmarked to be replaced.

According to the FDOT definition of “structural deficient”, span replacements are required to be completed six years from the date of the first report in 2022 that categorized the bridge as structurally deficient, or by 2028. Notwithstanding reprioritization, replacement of spans 1 and 5 is on track for 100% construction completion in 2026-27, which is one year earlier than the 2028 due date.

The 2025-26 budget included an allocation of \$100,000 to design the replacement spans. Permitting, bid support and CEI services were added to the project scope and a proposal from BCC was submitted in the amount of \$553,399.

The adopted FY26 budget includes \$100,000 for this project. The project is expected to be completed over two fiscal years: \$199,475 in FY26 and \$353,924 in FY27. This item requests a budget increase of \$99,475 to fully fund the FY26 portion. The remaining \$353,924 will be budgeted in FY27.

A separate agenda item on this agenda (May 13, 2026, regular council meeting) requests authorization for the budget amendment.

RECOMMENDED ACTION:

Discuss and consider approval of a proposal from BCC Engineering LLC in the amount of \$553,399 to complete design, permitting, bid support, and CEI services to rehabilitate the West Relief Bridge (Bridge # 875105).

FINANCIAL ANALYSIS:

GL Line-Item Number: 401.5415.400063.000

Total Amount Budgeted: \$10,868,064.00

Encumbered Amount: \$2,243,592.74

Balance Remaining: \$8,155,953.28

BUDGET IMPACT:

Submitted By: Randy Daniel, Town Engineer

ATTACHMENTS

1.	BRIDGE CONDITION TERMINOLOGY
2.	BCC PROPOSAL TO REHABILITATE BRIDGE # 875105
3.	MEMO TO APPROVE BCC TO REHABILITATE BRIDGE # 875105 V3
4.	Resolution - BCC Bridge Rehabilitation

Bridge Condition Terminology

The term "**structurally deficient**" means that the department believes a bridge should undergo a series of repairs or replacement within the next six years. The department's policy is to repair or replace all the structurally deficient state owned bridges during that time. The department also recommends that local governments follow the same schedule for their structurally deficient bridges.

The term "**functionally obsolete**" only means that a bridge does not meet current road design standards. For example, some bridges are "functionally obsolete" because they were built at a time when lane widths were narrower than the current standard.

The "**health index**" is a tool that measures the overall condition of a bridge. The health index typically includes about 10 to 12 different elements that are evaluated by the department. A lower health index means that more work would be required to improve the bridge to an ideal condition. A health index below 85 generally indicates that some repairs are needed, although it doesn't mean the bridge is unsafe. A low health index may also indicate that it would be more economical to replace the bridge than to repair it.

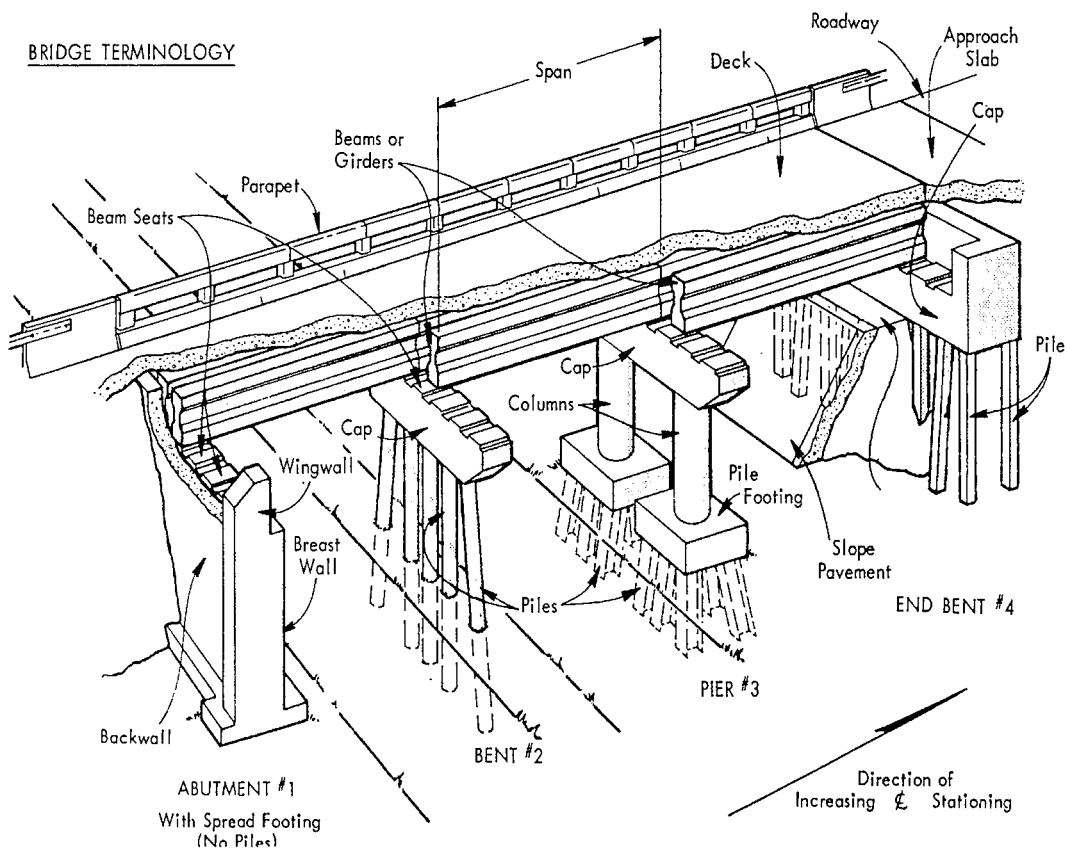
The "**sufficiency rating**" is a tool that is used to help determine whether a bridge that is structurally deficient or functionally obsolete should be repaired or just replaced. The sufficiency rating considers a number of factors, only about half of which relate to the condition of the bridge itself. The sufficiency ratings for bridges are part of a formula used by the Federal Highway Administration when it allocates federal funds to the states for bridge replacement.

Bridge Inspection Process

The bridge inspection process starts with the bridge inspectors reviewing the previous bridge inspection report and planning the inspection. The inspectors identify areas where defects were found in previous inspections. This allows them to determine if the defects previously identified have been repaired or have increased in size and severity. The inspectors coordinate traffic control and access equipment.

When the inspectors arrive at the bridge site they observe the bridge from a distance. Some major problems may be indicated if the profile of the bridge is not smooth, in other words the bridge will not look right to the experienced bridge inspector. The inspectors will then concentrate on discovering the cause and determining the extent of the problem. Depending on the exact nature of the problem emergency repair or immediate closure of the bridge may be required.

The inspectors use a systematic method to inspect the bridge, to ensure that the entire bridge is inspected. The exact order of the inspection will vary depending on the type of bridge being inspected.



The deck is the riding surface for traffic. The deck surface and road way barrier or parapet are looked at for potholes, cracking, excessive wear, and sounded for hollow areas. The deck joints are looked at for evidence of seepage, loose armor angles and if the deck joints are properly functioning to allow expansion and contraction as temperature changes.

The superstructure supports the deck and generally consists of beams or girders that may be constructed of timber, concrete or steel, and the bearings that connect the superstructure to the substructure. The inspectors pay close attention to areas of high stress and those prone to deterioration, but the entire superstructure is inspected. Timber members are inspected for wood rot, crushing, splitting and cracking. Concrete members are inspected for cracking, spalling and hollow areas. (Spalling is where a portion of the concrete has fallen away leaving a hole in the concrete.) Steel members are inspected for paint peeling, corrosion and cracking. The bearings serve to transmit loads from the superstructure to the substructure and allow the movement of the bridge that occur due to changes in temperature. The bearings are inspected for excessive deformation and evidence that they are functioning properly allowing the movements of the bridge due to temperature change.

The substructure supports the superstructure and transmits loads from the superstructure to the ground. The substructure generally consists of pier caps, columns and piles. The substructure may be constructed of timber, concrete or steel. Timber members are inspected for wood rot, crushing, splitting and cracking. Concrete members are inspected for cracking, spalling and hollow areas. Steel members are inspected for paint peeling, corrosion and cracking. In addition, the substructure is inspected for evidence of settlement or scour. Settlement is elements of the substructure move downward due to soil conditions. Scour is the undermining of a structure due to water flow removing soil which supports the structure.

The inspectors' actions will vary depending on their findings. The inspectors will recommend immediate closure or emergency repair of the bridge if a critical condition is found that endangers the public. The inspectors will recommend a repair be performed quickly when a situation exists that if not addressed may lead to a condition that could endanger the public. The inspectors will recommend routine repairs or maintenance to correct defects that if not repaired could increase in size and severity and shorten the service life of the bridge.

Documentation of Bridge Inspection Findings

The bridge inspectors document their findings in the bridge inspection report which contains:

- Inventory Data such as location, bridge name, roadway, facility crossed, geometric and other inventory data.
- Verbal descriptions of the inspectors' findings including size and severity of defects found.
- Pictures and sketches of portions of the bridge to clarify the verbal descriptions.
- Inspector recommendations.
- Evaluation of work performed on the bridge since the last inspection.
- Names of the inspectors, report reviewer and responsible professional engineer.
- Date and type of inspection performed.
- Numerical ratings of various bridge components.
- Values of the Sufficiency Rating and Health Index.



April 22nd, 2026

Randy L. Daniel, PE, PMP, CFM
Town Engineer
Town of Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, FL 33154

RE: Bridge No. 875105 – Replacement of Spans 1 and 5 due to Corrosion Intrusion in the Prestressing Strands.

Dear Mr. Daniel,

BCC Engineering, LLC. will prepare engineering plans on behalf of the Town for the repairs on Bridge No. 875105. Additional scope is required due to the replacements of Spans 1 and 5. The spans are being replaced due to the amount of corrosion already present in the concrete. Additional Scope is as follows:

- Provide Structural Plans and Calculations for the Replacement of Spans 1 and 5 for Bridge 875105
 - Updated Plan and Elevation Sheets and provide new Approach Slab Details
 - New End Bents Detail Sheet
 - Structurally Check End Bent
 - New Pier Details Sheet
 - Structurally Check Pier
 - New Finish Grade Elevations Sheets
 - Prestressed Slab Units Sheets and Details
 - New Design of the Slab Units
 - Additional Rebar Sheets
- Prepare new Load Rating Calculations
 - Update Load Rating Chart
- Update MOT plans for Spans 1 and 5 Replacement including fee from Phase 1.
- Post Design for Structures and MOT
- Permitting Support and Bidding Assistance
 - Includes benthic survey and permitting with required agencies
- Construction Engineering and Inspections (CEI)
 - Assumes a 6 month Construction Schedule
- During the 90% submittal, BCC will coordinate with FDOT for plans review in consultation with the Town and respond to any comments.
- Bridge geometry will follow existing bridge typical section and vertical profile.
- Replacement of the existing seawall underneath the bridge only

For the above services, our lump sum fee will be \$ 553,399.00

The Scope does not include the following:

- Changes to the geometry of the bridge.
- Does not include costs for construction monitoring if queen conch is found or mitigation for impacts to coral, seagrass, and/or mangroves. It also assumes that all permit application fees would be paid by others.

Thank you and please feel free to contact our office if you have any questions or wish to discuss any item further.

Respectfully,



Joan De La Rosa, PE
Structures Division Manager
BCC Engineering, LLC



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members	
THRU:	Lindsley Noel, MAcc.	Town Manager
FROM:	Randy L. Daniel, P.E., PMP, CFM	Town Engineer/ Floodplain Administrator
CC:	Gerald (Tony) Bryan Sam Zamacona, E.I. Fausto Vargas-Reyes	Finance Director Capital Improvement Program Director Procurement Officer
DATE:	May 13, 2026	
SUBJECT:	Approval of a proposal from BCC Engineering LLC in the amount of \$553,399 to complete design, permitting, bid support, and Construction Engineering Inspection (CEI) Services for Rehabilitation of the West Relief (Bridge # 875105)	

RECOMMENDATIONS

Discuss and consider approval of a proposal from BCC Engineering LLC in the amount of \$553,399 to complete design, permitting, bid support, and CEI services to rehabilitate the West Relief Bridge (Bridge # 875105).

PREAMBLE

In 2002 FDOT informed the Town that the West Relief Bridge was severely compromised and must be posted for weight restrictions not exceeding 2 Tons. This restriction was so severe that it prohibited any vehicle that was heavier than a car from crossing the bridge. Kimley Horn and Associates (KHA), one of the Town's CCNA consultants at the time, was commissioned to design a new bridge and obtain all regulatory permits that were required for construction.

Anzac Contractors Inc. was awarded the construction contract in September 2004, and the project was completed at the cost of \$3,447,288.58, two years later in October 2006. The new bridge was constructed using individually prestressed Sonovoid Units, which are held together by transverse post tensioning. The new bridge consists of a single structure that replaced two separate bridges, one for east bound traffic and the other for west bound traffic (Bridge numbers 875104 and 875105). The new bridge was assigned bridge number 875105 and bridge number 875104 was no longer required.

BACKGROUND

In 2019, the National Bridge Inventory (NBI) rating guidance for Sonovoid bridges was revised and resulted in a reduction in the sufficiency score for the West Relief Bridge. As a consequence, the FDOT Inspection report dated February 23, 2022, categorized the 16-year-old bridge as structurally deficient.

On May 11, 2022, then Town Manager Maria Lasday approved a proposal from BCC Engineering LLC (BCC) in the amount of \$154,600 to first confirm the information in the FDOT inspection report and then prepare plans and specifications to repair the bridge. To confirm the findings in the FDOT report, BCC commissioned a Life Cycle Cost Analysis (LCCA) and a Chloride Analysis. Based on these analyses it was recommended that the bridge should be rehabilitated and end spans (spans 1 and 5) needed to be replaced. Furthermore, it was concluded that there was no economic advantage in replacing the entire bridge.

Of the \$154,600, \$103,602 was spent on the LCCA and Chloride analyses, and completion of 40% design plans.

BCC is one of the CCNA consultants who are currently on contract with the Town to provide general Civil Engineering services.

DISCUSSION

Originally, designs to rehabilitate the bridge and replace spans 1 and 5 were budgeted in fiscal 2024-25.

In October 2024, Town Engineer R. L. Daniel suggested to then Town Manager Rosado that this project be reprioritized to fiscal years 2025-26 and 2026-27, for design and construction respectively, for the following reasons:

1. The term “structurally deficient” in the FDOT report means that FDOT believes that the bridge should undergo a series of repairs or replacement within six (6) years. The attached “Bridge Condition Terminology” narrative used by FDOT, defines “structurally deficient”.
2. FDOT did not request that a weight restriction be imposed for the bridge.
3. As a consequence of (1) and (2) the current structure continues to be safe for all legal vehicular loads.

4. The structurally deficient spans were being replaced so prevention of further deterioration was not a key objective.
5. Remaining useful life existed in the two spans that were earmarked to be replaced.

According to the FDOT definition of “structural deficient”, span replacements are required to be completed six years from the date of the first report in 2022 that categorized the bridge as structurally deficient, or by 2028. Notwithstanding reprioritization, replacement of spans 1 and 5 is on track for 100% construction completion in 2026-27, which is one year earlier than the 2028 due date.

The 2025-26 budget included an allocation of \$100,000 to design the replacement spans. Permitting, bid support and CEI services were added to the project scope and a proposal from BCC was submitted in the amount of \$553,399.

The adopted FY26 budget includes \$100,000 for this project. The project is expected to be completed over two fiscal years: \$199,475 in FY26 and \$353,924 in FY27. This item requests a budget increase of \$99,475 to fully fund the FY26 portion. The remaining \$353,924 will be budgeted in FY27.

A separate agenda item on this agenda (May 13, 2026, regular council meeting) requests authorization for the budget amendment.

FINANCIAL ANALYSIS

GL Line-Item Number:	401.5415.400063.000
Total Amount Budgeted:	\$10,868,064.00
Encumbered Amount:	\$2,243,592.74
Balance Remaining:	\$8,155,953.28

ATTACHMENTS

Proposal from BCC Engineering

31 or replacement of certain components should occur within approximately six (6) years;
32 and

33 **WHEREAS**, On May 11, 2022, the Town authorized BCC Engineering, LLC
34 (“BCC”) to perform analysis and preliminary design services in the amount of \$154,600,
35 including a Life Cycle Cost Analysis and Chloride Analysis; and

36 **WHEREAS**, Based on such analyses, BCC recommended rehabilitation of the
37 bridge and replacement of end spans 1 and 5, concluding that full replacement of the
38 bridge was not economically justified; and

39 **WHEREAS**, To date, approximately \$103,602 has been expended on analysis and
40 the completion of approximately forty percent (40%) design plans; and

41 **WHEREAS**, The Town Engineer has advised that, notwithstanding the “structurally
42 deficient” classification, the bridge remains safe for all legal vehicular loads, and FDOT
43 has not required load restrictions; and

44 **WHEREAS**, The Town reprioritized the project to Fiscal Years 2025–2026 for
45 design and 2026–2027 for construction, with completion anticipated prior to the 2028
46 timeframe contemplated by FDOT guidance; and

47 **WHEREAS**, BCC, an existing CCNA consultant for the Town, has submitted a
48 proposal in the amount of \$553,399 to complete final design, permitting, bid support, and
49 Construction Engineering and Inspection (CEI) services for the rehabilitation project; and

50 **WHEREAS**, The adopted Fiscal Year 2025–2026 budget includes \$100,000 for
51 design services, and the remaining \$453,399 will be appropriated through a budget
52 amendment; and

53 **WHEREAS**, Construction costs are currently estimated at approximately
54 \$2,200,000; and

55 **WHEREAS**, The Town Council finds that approval of the proposal and associated
56 budget amendment is in the best interest of the Town and necessary to ensure the
57 continued safety and longevity of critical infrastructure.

58 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE**
59 **TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:**

60 **Section 1. Approval of Recitals.** The foregoing recitals are true and correct and
61 are incorporated herein by reference.

62 **Section 2. Approval of Agreement.** The Town Council hereby approves the
63 proposal and professional services agreement with BCC Engineering, LLC in the amount
64 of \$553,399 for design, permitting, bid support, and CEI services related to the
65 rehabilitation of the West Relief Bridge (Bridge No. 875105), in substantially the form
66 attached hereto as **Exhibit “A.”**

67 **Section 3. Budget Amendment.** The Town Council hereby approves a budget
68 amendment to appropriate an additional \$453,399 to fund the approved services, with
69 funds to be allocated from the appropriate infrastructure or capital improvement accounts
70 as determined by the Town Manager.

71 **Section 4. Authorization.** The Town Manager is hereby authorized to execute the
72 agreement, approve minor modifications consistent with the intent of this Resolution, and
73 take all actions necessary to implement the project.

74

75 **Section 5. Severability.** If any section, subsection, sentence, clause, or provision
76 of this Resolution is held invalid, the remainder shall not be affected.

77 **Section 6. Effective Date.** This Resolution shall take effect immediately upon
78 adoption.

79 PASSED AND ADOPTED this 13th day of May, 2026.

80 Motion by: _____

81 Second by: _____

82 **FINAL VOTE ON ADOPTION**

83
84 Council Member Isaac Salver _____
85 Council Member Stephanie Bruder _____
86 Council Member Molly Diallo _____
87 Council Member Joshua Fuller _____
88 Council Member Eric Rappaport _____
89 Council Member Elchonon Shagalov _____
90 Council Member Robert Yaffe _____

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96 _____
97 Isaac Salver
98 Mayor

99 ATTEST:

100
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102 _____
103 Evelyn Herbello, MMC
104 Town Clerk

105
106 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
107 FOR THE USE AND BENEFIT OF THE TOWN ONLY:

108
109
110 _____
111 McCarter & English
112 Tania Cruz-Gimenez, Esq.
113 Interim Town Attorney

114

AGENDA ITEM REPORT

May 13, 2026

ITEM NUMBER: 9.

ITEM: Recognizing May as Jewish American Heritage Month (JAHM). Sponsored by Mayor Isaac Salver.

DESCRIPTION:

Recognizing May as Jewish American Heritage Month (JAHM) is an annual way to honor the achievements, resilience, and contributions of Jewish Americans to U.S. history, culture, and society. It is observed from May 1 to May 31 each year.

JAHM began in 1980 with Jewish Heritage Week proclaimed by President Jimmy Carter. Over time, it expanded into a full month in 2006, when President George W. Bush officially designated May as Jewish American Heritage Month. Since then, every U.S. president has issued a proclamation, and Congress has passed resolutions to support the observance.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Mayor Isaac Salver

ATTACHMENT:

Resolution



JEWISH AMERICAN HERITAGE MONTH

WHEREAS, Jewish Americans have contributed immeasurably to the history, culture, freedom, prosperity, and civic life of the United States through generations of leadership, service, innovation, faith, and community building; and

WHEREAS, the Town of Bay Harbor Islands' own history is deeply connected to this legacy through Shepard Broad, a Jewish American immigrant, attorney, banker, philanthropist, and civic leader whose vision helped create the Town of Bay Harbor Islands in 1947; and

WHEREAS, Shepard Broad served as the Town's first Mayor and dedicated decades of leadership to shaping Bay Harbor Islands into a distinctive, welcoming, and vibrant community, leaving a lasting civic legacy that continues to be reflected in the Town's character and spirit; and

WHEREAS, Shepard Broad's contributions extended beyond the founding of Bay Harbor Islands through his support of education, health care, legal scholarship, cultural advancement, philanthropy, and Jewish communal life throughout South Florida; and

WHEREAS, the Town of Bay Harbor Islands is home to a vibrant and longstanding Jewish community whose residents, families, businesses, congregations, and community organizations have enriched the Town's cultural identity, civic engagement, charitable initiatives, and overall quality of life; and

WHEREAS, Jewish American Heritage Month provides an opportunity for the Town to recognize the history, heritage, traditions, and achievements of Jewish Americans and to promote greater understanding, inclusion, respect, unity, and appreciation for the diversity that strengthens our community; and

NOW THEREFORE, I, Isaac Salver, Mayor of the Town of Bay Harbor Islands, do hereby proclaim May 2026 as:

JEWISH AMERICAN HERITAGE MONTH

IN WITNESS WHEREOF, I hereunto
set my hand and cause the seal of the
Town of Bay Harbor Islands to be affixed

ISAAC SALVER, MAYOR

This 13th day of May, 2026

29 **WHEREAS**, Observing Jewish American Heritage Month provides an opportunity
30 to reflect upon the history of Jewish Americans, promote mutual respect and
31 understanding, and reaffirm the Town’s commitment to inclusion, tolerance, and the
32 celebration of cultural heritage.

33 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE**
34 **TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:**

35 **Section 1. Recitals.** The foregoing recitals are true and correct and are
36 incorporated herein by reference.

37 **Section 2. Recognition.** The Town Council hereby recognizes and proclaims the
38 month of May 2026 as Jewish American Heritage Month in the Town of Bay Harbor
39 Islands.

40 **Section 3. Encouragement of Observance.** The Town Council encourages all
41 residents, businesses, schools, and community organizations to observe this month with
42 appropriate programs, ceremonies, and activities that celebrate the history, culture, and
43 contributions of Jewish Americans.

44 **Section 4. Severability.** If any section, subsection, sentence, clause, or provision
45 of this Resolution is held invalid, the remainder shall not be affected.

46 **Section 5. Effective Date.** This Resolution shall take effect immediately upon
47 adoption.

48 PASSED AND ADOPTED this 13th day of May, 2026.

49 Motion by: _____

50 Second by: _____

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FINAL VOTE ON ADOPTION

Council Member Isaac Salver _____
Council Member Stephanie Bruder _____
Council Member Molly Diallo _____
Council Member Joshua Fuller _____
Council Member Eric Rappaport _____
Council Member Elchonon Shagalov _____
Council Member Robert Yaffe _____

Isaac Salver
Mayor

ATTEST:

Evelyn Herbello, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE TOWN ONLY:**

McCarter & English
Tania Cruz-Gimenez, Esq.
Interim Town Attorney

AGENDA ITEM REPORT
May 13, 2026

ITEM NUMBER: 10.

ITEM: Consideration and Approval of the 2026/2027 Budget Preparation Calendar. Enclosed is the proposed schedule - Town Manager.

DESCRIPTION:

The Town Manager and Finance Department hereby present the proposed dates for the Fiscal Year 2026/2027 Budget Preparation Calendar.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact. This is just a Budget Preparation Calendar.

BUDGET IMPACT:

Submitted By: Gerald Bryan, Finance Director

ATTACHMENTS

1. FY27_Budget_Calendar_Tentative



TOWN OF BAY HARBOR ISLANDS, FL
2026-2027 Annual Budget
Budget Preparation Calendar

DATE	DESCRIPTION
April 14, 2026	First Departmental Budget KICK-OFF Meeting to start Department budget requests
April 17, 2026	Departmental Overview (Department Mission Statements, Budget Messages, Description of Services & Activities, and Department Goals) to be completed in Cleargov
April 21, 2026	Performance Measures to be completed in Cleargov
April 30, 2026	Capital Expenditures-Projects to be completed in Cleargov
May 1, 2026	Operating Expenditures-Departmental Budget Request for FY 2026-2027 to be completed in Cleargov
May 4-8	One-on-one meetings between the Town Manager's Office, Department Heads, and Finance to review Departmental Budget requests
May 19 thru June 6	Town Manager and Finance Finalize Proposed FY 2026-2027 Budget Changes
June 1, 2026	Property Appraiser estimated assessment of roll values (CH200.065(7) F.S.)
June 17, 2026	Town Council Budget Workshop on the Proposed FY 2026-2027 Budget (TENTATIVE)
July 1, 2026	Miami-Dade Property Appraiser Certified Taxable Value
July 22, 2026	Town Council Special Meeting-Budget Presentation and Discussion (TENTATIVE)
No Later than August 4	Town notifies Property Appraiser of Proposed Millage Rate and Budget Hearing details
September 2, 2026	School Board of Miami-Dade County First Public Hearing on FY 2026-2027 Budget (PROJECTED)



September 3, 2026	Miami-Dade County Commission First Public Hearing on FY 2026-2027 Budget
September 8, 2026	Town First Public Hearing on FY 2026-2027 Tentative Budget (TENTATIVE)
September 9, 2026	School Board of Miami-Dade County Second Public Hearing on FY 2026-2027 Budget (PROJECTED)
September 17, 2026	Miami-Dade County Commission Second Public Hearing on FY 2026-2027 Budget
September 24, 2026	Town Second Public Hearing to adopt FY 2026-2027 Final Budget (TENTATIVE)
October 1, 2026	Implement the FY 2026-2027 Budget

Note: Per Florida Statute, the Town is prohibited from holding budget hearings on the same date as the Miami-Dade County Commission or the Miami-Dade County School Board.



**TOWN OF BAY HARBOR ISLANDS
PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz, Esq., Consultant Town Attorney Evelyn Herbello, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	May 13, 2025
SUBJECT:	PUD Overlay Rezoning Application – Bijou Bay Harbor Condominium <ul style="list-style-type: none"> • Applicant: Bijou Bay Harbor Condominium Association, Inc. • Property: 9521 East Bay Harbor Drive, Lots 3 & 4, Block 1

RECOMMENDATION

Town Council discretion to approve the requested Planned Unit Development (PUD) Overlay for the Bijou Bay Harbor Condominium on second reading, subject to the conditions outlined in this report. The PUD provides the necessary legal and procedural framework to impose site-specific conditions that will bring the existing below-grade parking garage into compliance with FEMA floodplain regulations and the Florida Building Code. It also authorizes two (2) strictly limited, internal non-residential uses: (i) a small office/administrative suite, and (ii) valet parking services. The valet parking use requires Town Council approval as a commercial operation within a residential building and is expressly conditioned upon exclusive third-party management with no self-parking by residents. This PUD redesignates the building as a mixed-use structure under Town Code, which is the critical legal predicate for permitting the valet service to operate lawfully within the below-grade garage while satisfying FEMA’s floodplain requirements for non-habitable, accessory commercial space.

BACKGROUND

The project, originally approved as a 41-unit residential condominium ("Bijou," formerly "La Boutique"), received its final Site Development Plan approval from the Planning and Zoning Board on October 20, 2015 (Resolution No. 2074). The original 41-unit development required the use of the Town's Transfer of Development Rights (TDR) program to achieve its density. The developer successfully acquired and retired 23 TDR units (18 from private sources and 5 from the Town) to permit the 41 dwelling units. The building is substantially complete and occupied.

Procedural History of PUD Application:

- December 10, 2025 – Applicant submitted formal Letter of Intent and PUD Overlay Application.
- January 14, 2026 – First reading of PUD Ordinance scheduled; deferred by Town Council at applicant's request to allow for additional operational clarifications.
- February 2026 – First reading again deferred to permit further staff review of valet parking proposal.
- March 2026 – Town Council approved the PUD Ordinance on first reading with the understanding that valet parking would be addressed as a supplemental condition.
- April 22, 2026 – Second reading deferred to allow applicant to finalize valet parking operational plan and update the record with a formal Letter of Intent (dated April 29, 2026).
- May 13, 2026 – Second reading scheduled for final rezoning approval.

The primary impetus for this application is the existence of a below-grade parking garage at the south end of the building. The garage is partially located below the Base Flood Elevation (BFE). Under FEMA regulations and the Florida Building Code, such areas cannot be designated for habitable use and require specific floodproofing, construction, and operational measures to be considered lawful, non-habitable spaces. The as-built garage does not currently have the legally recorded agreements and approved plans demonstrating this compliance, which prevents the issuance of a final Certificate of Occupancy.

The applicant seeks a PUD Overlay rezoning per Town Code Section 23-18 to achieve two primary objectives:

1. The project, originally approved as a 41-unit residential condominium ("Bijou," formerly "La Boutique"), received its final Site Development Plan approval from the Planning and Zoning Board on October 20, 2015 (Resolution No. 2074). The original 41-unit development required the use of the Town's Transfer of Development Rights (TDR) program to achieve its density. The developer successfully acquired and retired 23 TDR units (18 from private sources and 5 from the Town) to permit the 41 dwelling units. The building is substantially complete and occupied.
2. Procedural History of PUD Application:
3. December 10, 2025 – Applicant submitted formal Letter of Intent and PUD Overlay Application.
4. January 2026 – First reading of PUD Ordinance scheduled; deferred by Town Council at applicant's request to allow for additional operational clarifications.
5. February 2026 – First reading again deferred to permit further staff review of valet parking proposal.
6. March 2026 – Town Council approved the PUD Ordinance on first reading with the understanding that valet parking would be addressed as a supplemental condition.
7. April 2026 – Second reading deferred to allow applicant to finalize valet parking operational plan and update the record with a formal Letter of Intent (dated April 29, 2026).
8. May 13, 2026 – Second reading scheduled for final rezoning approval.

9. The primary impetus for this application is the existence of a below-grade parking garage at the south end of the building. The garage is partially located below the Base Flood Elevation (BFE). Under FEMA regulations and the Florida Building Code, such areas cannot be designated for habitable use and require specific floodproofing, construction, and operational measures to be considered lawful, non-habitable spaces. The as-built garage does not currently have the legally recorded agreements and approved plans demonstrating this compliance, which prevents the issuance of a final Certificate of Occupancy.

The applicant seeks a PUD Overlay rezoning per Town Code Section 23-18 to achieve two primary objectives:

1. To establish a legally binding framework (via recorded conditions) mandating the specific floodproofing measures, operational plans, and use restrictions required to bring the below-grade garage into full compliance with FEMA and the Florida Building Code.
2. To authorize two (2) minor, internal non-residential components:
 - o An approximately 36.25 square foot office/administrative suite to facilitate on-site building management and resident services; and
 - o On-site valet parking services operated exclusively by a third-party valet provider within the below-grade garage, with no self-parking by residents.

This request stems from discussions with Town staff to utilize the PUD mechanism to codify the necessary compliance measures for the built garage.

ANALYSIS

A. Mixed-Use Designation Under Town Code:

The Town Code defines a mixed-use development as a single building or project containing both residential and non-residential uses. By approving this PUD Overlay, the Town Council will formally designate Bijou Bay Harbor Condominium as a mixed-use structure. This designation is legally necessary for two reasons:

- **FEMA & Florida Building Code Compliance:** Under both FEMA floodplain regulations and the Florida Building Code, a below-grade area used for parking accessory to a residential building is treated differently when the building also contains a permitted non-residential use. Here, the combination of the office suite (resident-serving commercial) and the valet parking operation (a commercial service) transforms the building into a mixed-use structure, allowing the below-grade garage to be classified as a non-habitable, accessory commercial parking area rather than a residential parking area. This distinction is critical for obtaining a final Certificate of Occupancy, as FEMA requires that any non-residential use within a floodplain must have a recorded Floodproofing and Operations Plan — precisely what this PUD mandates.
- **Authority for Valet Parking:** The Town Code does not otherwise permit a commercial valet parking operation within an RM-1 (Multiple Family Residential) district. Only through a PUD Overlay creating a mixed-use designation can the Town Council authorize this use. The valet parking is not open to the general public; it serves exclusively residents and their guests, but because it involves a third-party commercial operator, it requires this specific legislative approval.

B. Valet Parking – Operational Limitations (Council Approval Required):

The Town Code requires Town Council approval for any valet parking operation. This PUD includes that approval, subject to the following binding conditions:

- Exclusive valet operation: Residents shall not self-park. All vehicles shall be parked only by valet attendants.
- Third-party operator only: No resident or owner may act as valet. A licensed, insured third-party valet service provider must be retained.
- Controlled access: Only valet employees and authorized building management personnel may be present in the below-grade garage. Residents and guests shall not enter the garage area.
- No expansion: The valet use is limited to the as-built below-grade garage footprint, with no expansion permitted.
- Floodproofing compliance: The valet operation must comply with the approved Floodproofing and Operations Plan recorded as a deed restriction prior to Certificate of Occupancy issuance.

C. Compliance with PUD Criteria (Sec. 23-18(e)):

- Favorable Economic Effect: The PUD will allow the final CO to be issued, stabilizing the property tax base for a completed, occupied building without increasing its physical or use intensity.
- Noise/Traffic: The office use is internal and serves only residents. The valet parking use does not generate additional trip generation beyond existing resident parking demand; it merely changes how vehicles are parked. Valet operations are limited to daytime and evening hours consistent with normal building operations. No late-night activity is permitted.
- Public Facilities: No new burden on Town utilities or infrastructure is anticipated, as the building and its systems are complete and occupied.
- Safety: The PUD is the most effective mechanism to legally mandate and record a formal Floodproofing and Operations Plan for the garage. This process, overseen by the Building Official, will institute critical life-safety and flood-resilience measures that are currently not formally documented or enforceable. Crucially, by designating the building as mixed-use, the Floodproofing and Operations Plan will be enforceable under FEMA's commercial standards, which are more prescriptive and robust than residential-only standards for below-grade spaces.
- Overcrowding: The request does not propose any additional dwelling units, floor area, or height. It seeks to formalize compliance for existing elements. The project's density was legally established through the TDR program and is not affected by this request.
- Compatibility: The property is adjacent to B-1 (Commercial) zoning to the north and west. Introducing small, internal non-residential components (office and valet parking) is consistent with this transitional context. The valet operation will be invisible from the street and will not generate curb activity beyond occasional drop-offs.
- Public Benefit/Reasonable Use: The PUD provides a targeted, enforceable pathway to (a) bring a non-compliant structure into full compliance with critical life-safety codes, (b) avoid a broader text amendment to the zoning code, (c) ensure future flood resilience, (d) provide clear, enforceable operating conditions for the garage and non-residential space, and (e) authorize valet parking under strict conditions that protect public safety and welfare.

D. Staff Conditions (Updated for Valet Parking)

Staff concurs with the intent of the applicant's proposed conditions and recommends the following refined conditions for inclusion in the PUD Ordinance:

1. The PUD Overlay is based on the site plans and building elevations as last approved by the P&Z Board on October 20, 2015, with the below-grade garage as built.
2. The sole non-residential uses permitted under this PUD Overlay are:
 - (a) An internal office/executive suite for on-site management, leasing, and association activities serving condominium residents, strictly limited to a maximum of 36.25 square feet; and
 - (b) Valet parking services for residents and their guests, operated exclusively by a third-party valet service provider within the below-grade garage. Residents shall not self-park. Only valet employees and authorized building management personnel may be present in the garage.
3. No restaurant, bar, retail, or any other commercial use open to the general public shall be permitted. No outdoor seating, food service, or amplified sound is allowed. The valet parking use is limited to serving residents and their guests only and is not open to the general public.
4. Notwithstanding the PUD approval, the building and all its uses, including the permitted non-residential suite and valet parking operations, must comply with all applicable provisions of the Florida Building Code and FEMA regulations for mixed-use structures, including but not limited to construction type, fire separation, accessibility, and flood-resistant design. There is no minimum square footage exemption in these codes for commercial uses within a residential building.
5. Prior to the issuance of a Certificate of Occupancy, the owner shall record a deed restriction, in a form acceptable to the Town Attorney, which constitutes the PUD agreement. This agreement shall legally bind the property to an approved Floodproofing and Operations Plan for the below-grade garage, ensuring its classification and use comply with FEMA regulations and the Florida Building Code. The Floodproofing and Operations Plan shall specifically address valet parking operations, including emergency evacuation, flood response, and access controls.
6. The PUD conditions run with the land and are binding on all successors and assigns.

CONCLUSION

The proposed PUD Overlay is the recommended tool to impose the legally binding conditions required to bring the existing below-grade garage into compliance with FEMA floodplain regulations and the Florida Building Code. It represents a practical, enforceable solution to regularize this non-compliant condition. By approving this PUD, the Town Council will formally designate the building as mixed-use, which is the necessary legal framework for (i) permitting valet parking as a commercial use within a residential district, and (ii) satisfying FEMA's floodplain requirements for the below-grade garage under commercial而非 residential standards.

The accompanying non-residential uses (office suite and valet parking) are strictly limited and compatible with the neighborhood. The project's density remains unchanged from its original, TDR-enabled approval. The valet parking operation will be the sole commercial activity permitted in the below-grade garage, and only valet service employees will have the authority to be present and operate vehicles within that space. The recommended conditions provide strong, long-term protections for the Town and its residents. Staff finds the request meets the criteria of Section 23-18 and recommends approval on second reading.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Updated Letter of Intent (April 29, 2026) – clarifying valet parking operations
2. Complete List of Uses and Square Footage (April 29, 2026)
3. Relevant Excerpts from P&Z Board Approval History (Res. No. 2074, 2015)
4. Site Plan and Elevations
5. Draft PUD Ordinance (as revised for second reading, including valet parking)

ROBERT L. KAYE, B.C.S.*
MICHAEL S. BENDER, B.C.S.*
JEFFREY A. REMBAUM, B.C.S.*
DEBORAH S. SUGARMAN
ANDREW B. BLACK, B.C.S.*
PETER C. MOLLENGARDEN, B.C.S.*
JEFFREY D. GREEN, B.C.S.**
EMILY E. GANNON
DANIELLE M. BRENNAN, B.C.S.*
KERSTIN HENZE
ALAN SCHWARTZSEID, B.C.S.*
LAUREN T. SCHWARZFELD
JAY S. LEVIN
STUART M. SMITH
BENJAMIN L. HEYDLAUFF
JOSEPH C. STAYANOFF
ZACHARY S. MORSE
CHRISTOPHER B. POSNER
DAVID DILTS
ANTHONY J. RENALDO
MICHAEL A. GOLDSTEIN, B.C.S.*
LORI B. HILL
ERIC J. ALPERT
LISA A. MAGILL, B.C.S.*, OF COUNSEL



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WITH ADDITIONAL OFFICES IN:
PALM BEACH GARDENS
ORLANDO
TAMPA
MIAMI

*BOARD CERTIFIED SPECIALIST IN
CONDOMINIUM AND PLANNED
DEVELOPMENT LAW

**BOARD CERTIFIED SPECIALIST IN
CONSTRUCTION LAW

KBRLegal.Com

April 30, 2026

Via Email: lnobel@bayharborislands-fl.gov

lbelle@bayharborislands-fl.gov

Lindsley Noel, Town Manager
Lorraine Belle, Town Planner
1030 95th Street
Bay Harbor Islands, FL 33154

**Re: UPDATED LETTER OF INTENT – Bijou Bay Harbor PUD Overlay
Application**

Property: Bijou Bay Harbor Condominium, 9521 E Bay Harbor Dr, Bay Harbor
Islands, FL 33154 (the “Property”)

Town Manager Noel and Ms. Belle:

On behalf of Bijou Bay Harbor Condominium Association, Inc. (the “Applicant”), we submit this updated Letter of Intent in support of the pending Planned Unit Development (“PUD”) overlay application for the Property pursuant to Sec. 23-18 of the Town Code.

As you are aware, the Town Council has already approved the PUD overlay at first reading. This updated submission is provided at staff’s request to clarify certain operational aspects of the project and to supplement the record in advance of final consideration.

The purpose of the PUD remains unchanged. As previously presented, the request implements the path discussed with Town staff to resolve the remaining issue preventing issuance of a final Certificate of Occupancy, namely, recognition and regulation of the below-grade parking garage. The PUD establishes a site-specific framework that accommodates the existing conditions while ensuring compliance with the Town Code, the Florida Building Code, and applicable FEMA requirements.

April 30, 2026

Page 2

Updated Operational Clarification – Parking and Valet Services. The Applicant confirms that the Property will provide on-site valet parking services. Residents will not self-park their vehicles. Instead, all parking operations will be handled exclusively by a third-party valet service provider. This approach ensures controlled access, efficient circulation within the garage, and minimizes any potential impacts on surrounding areas.

This clarification does not increase the intensity of use, alter traffic patterns in any material way, or create additional parking demand. Rather, it formalizes the operational structure for parking management consistent with the existing design and intended function of the Property. The Applicant is also proceeding with obtaining the required business tax receipt for the valet operations through the Town.

Confirmation of Prior Submittal Elements. All other aspects of the application remain as previously submitted and presented to the Town Council at first reading, including:

- The limited office/administrative suite (approximately 36.25 square feet) utilized for onsite management, leasing, and resident-serving functions.
- The designation of the below-grade garage as a non-habitable, accessory parking component subject to floodproofing and operational safeguards.
- The absence of any high-impact commercial uses, late-night activity, or external impacts.
- The overall PUD framework, conditions, and public benefit findings outlined in the original Letter of Intent.

Conclusion. This updated Letter of Intent is submitted to address staff's requested clarification and to support the application as it proceeds toward final approval.

We appreciate the Town's continued cooperation and look forward to finalizing this matter.
Very truly yours,

Very truly yours,

/Jeffrey D. Green/

JEFFREY D. GREEN, ESQ.

JDG/jn

cc: Board of Directors (Association)

KAYE BENDER REMBAUM, P.L.

Complete List of Uses and Square Footage for Each Use

Uses: Office/Executive/Commercial suite for onsite management, leasing, association/administrative activities, and resident-serving uses. These uses are for residents and their guests only, who already have parking allocations, and they do not involve late-night or high-impact operations. The office is already being used for these purposes.

In addition, the property will provide on-site valet parking services. Residents will not park their own vehicles. All parking will be handled exclusively by a third-party valet service provider, ensuring controlled access and efficient site operations.

Square Footage: The space measures approximately 36.25 square feet.

CLIENT: JCO BAY HARBOR, LLC
 1801 BIRCHWOOD LANE, SUITE 200
 TAMPA, FL 33634
 (813) 942-1800

DESIGN ARCHITECT: REVUELTA ARCH. INTERN.
 3300 W. GULF BLVD., SUITE 110
 MIAMI, FLORIDA 33155
 (305) 441-4111

CIVIL ENGINEERS: BIRNBAUM ENGINEERING, INC.
 3300 W. GULF BLVD., SUITE 110
 MIAMI, FLORIDA 33155
 (305) 441-4111

MEP ENGINEERS: AUBAD ENGINEERING, INC.
 3300 W. GULF BLVD., SUITE 110
 MIAMI, FLORIDA 33155
 (305) 441-4111

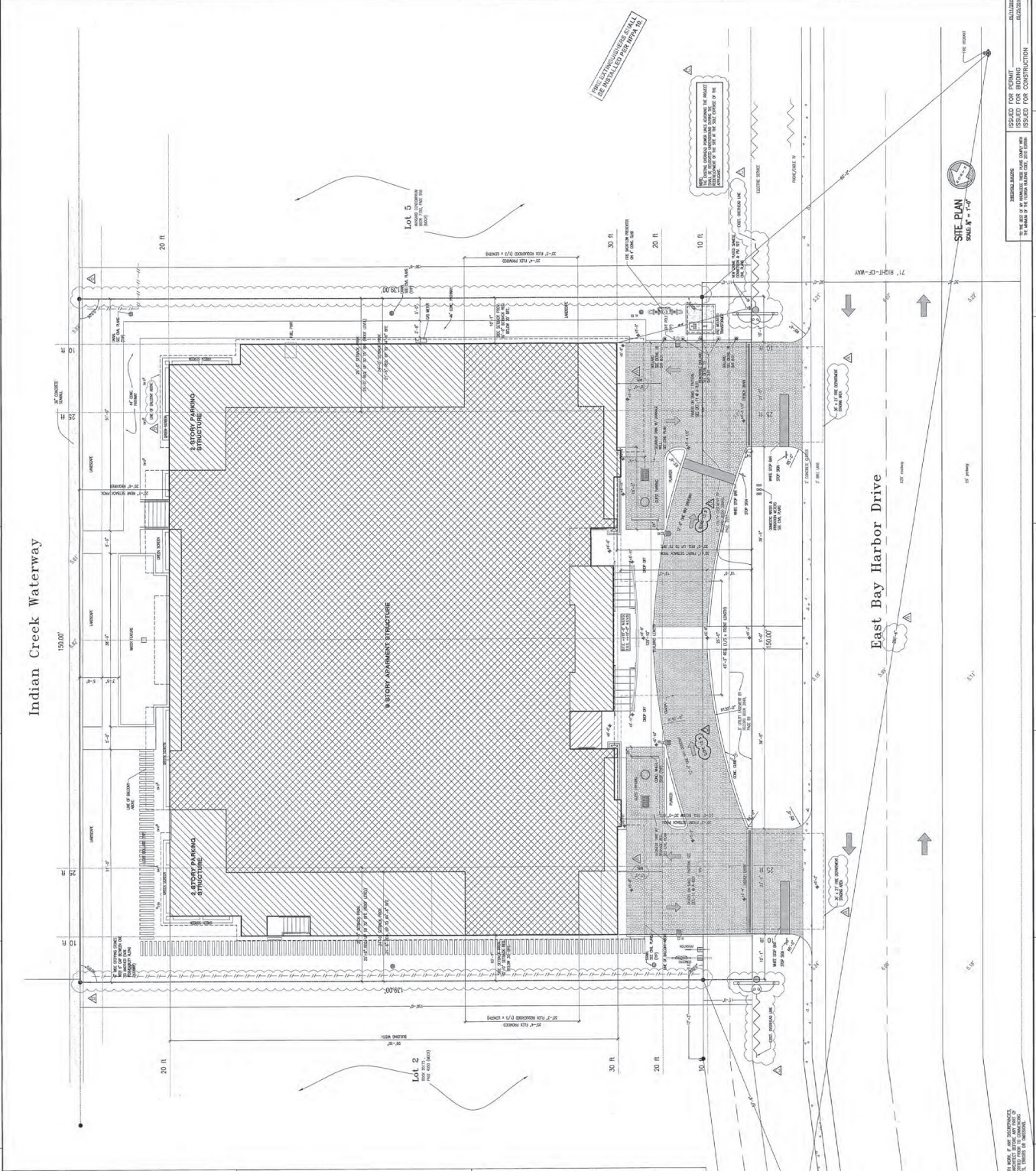
LANDSCAPE ARCHITECT: LANDSCAPE ARCHITECT
 3300 W. GULF BLVD., SUITE 110
 MIAMI, FLORIDA 33155
 (305) 441-4111

ARCHITECT OF RECORD: CHARLES H. BENSON & ASSOCIATES ARCHITECTS, P.A.
 1655 WASHINGTON AVE. 2ND FLOOR MIAMI BEACH, FLORIDA 33139
 T 305.532.6161 / F 305.532.6151
 NCARB CERTIFICATE NO. 42,136
 ARCHITECTURAL LICENSE NO. AR 44022

PROJECT: BIJOU
 9621 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

DATE: 5/15/2015
SCALE: 1/4" = 1'-0"

ISSUED FOR RECORD
ISSUED FOR CONSTRUCTION



CONTRACTOR'S RESPONSIBILITY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, STORAGE OF MATERIALS, AND THE MAINTENANCE OF THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, STORAGE OF MATERIALS, AND THE MAINTENANCE OF THE SITE.

ELABORATION CERTIFICATE: I, the undersigned, certify that I am the Architect of Record for the above project and that I have prepared the plans and specifications for the same. I have read the plans and specifications and they are in accordance with the laws and regulations of the State of Florida. I have also read the contract documents and they are in accordance with the laws and regulations of the State of Florida. I have also read the contract documents and they are in accordance with the laws and regulations of the State of Florida.

DATE: 5/15/2015
CHARLES H. BENSON
 ARCHITECT OF RECORD

NOTICE TO CONTRACTOR: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, STORAGE OF MATERIALS, AND THE MAINTENANCE OF THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, STORAGE OF MATERIALS, AND THE MAINTENANCE OF THE SITE.

NOTICE TO ARCHITECT: THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION, STORAGE OF MATERIALS, AND THE MAINTENANCE OF THE SITE. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION, STORAGE OF MATERIALS, AND THE MAINTENANCE OF THE SITE.

CLIENT
 GUYTON BAY HARBOR, LLC
 1000 BROADWAY, SUITE 3000
 MIAMI, FL 33139
 305.555.5555

DESIGN ARCHITECT
 REVUELTA ARCH. INTERN.
 2000 W. FLORISSANT BLVD, SUITE 110
 MIAMI, FL 33135
 305.555.5555

CIVIL ENGINEERS
 HOLLAND ENGINEERING, INC.
 1700 WOODLAND AVENUE
 MIAMI, FL 33135
 305.555.5555

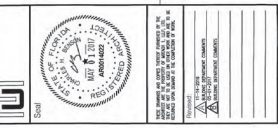
STRUCTURAL ENGINEERS
 HOLLAND ENGINEERING, INC.
 1700 WOODLAND AVENUE
 MIAMI, FL 33135
 305.555.5555

MECHANICAL ENGINEERS
 HOLLAND ENGINEERING, INC.
 1700 WOODLAND AVENUE
 MIAMI, FL 33135
 305.555.5555

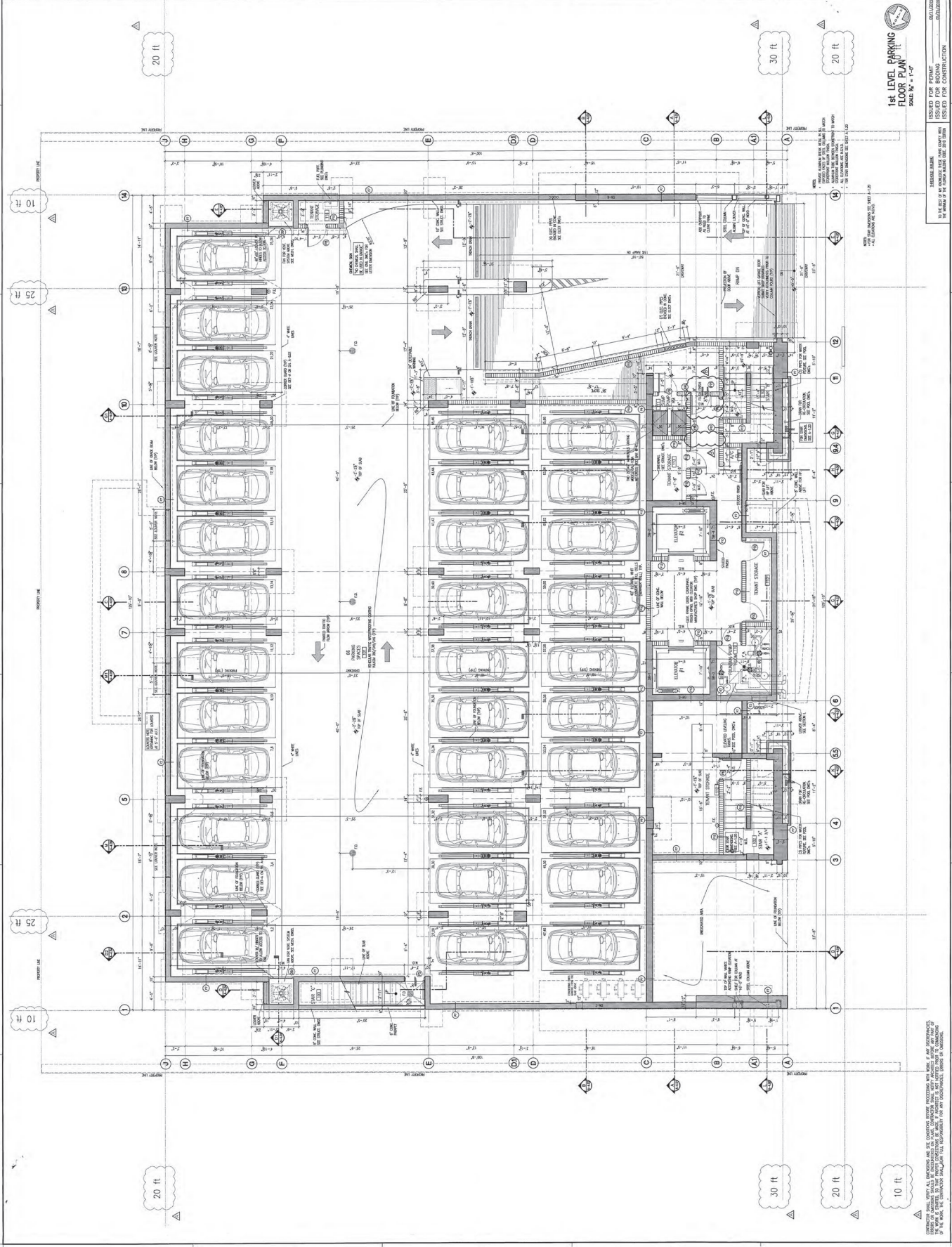
LANDSCAPE ARCHITECT
 J.F.S. DESIGN INC.
 1700 WOODLAND AVENUE
 MIAMI, FL 33135
 305.555.5555

ARCHITECT OF RECORD
 CHARLES H. BENSON & ASSOCIATES ARCHITECTS, P.A.
 Interiors | Planner | Architect
 1666 WASHINGTON AVE. 2ND FLOOR MIAMI BEACH, FLORIDA 33139
 T 305.532.6161 F 305.532.6151
 ARCHITECTURAL LICENSE NO. AY 14022
 NCARB CERTIFICATE NO. 42136

PROJECT
 BIJOU
 8521 EAST BAY HARBOR DRIVE BAY
 HARBOR ISLAND, FLORIDA 33154

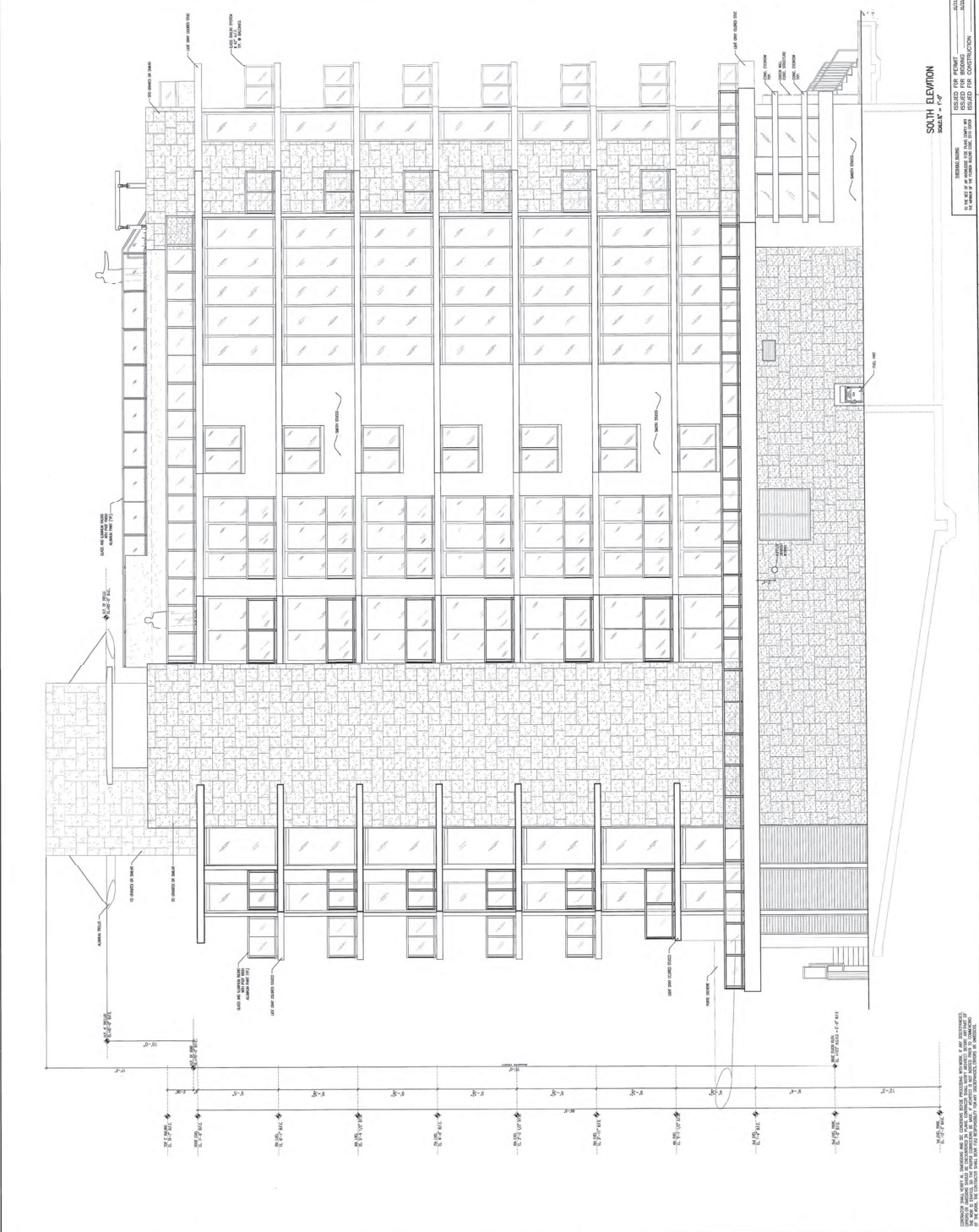


1st LEVEL PARKING FLOOR PLAN
 5/13/2018
 21804
A-1.02

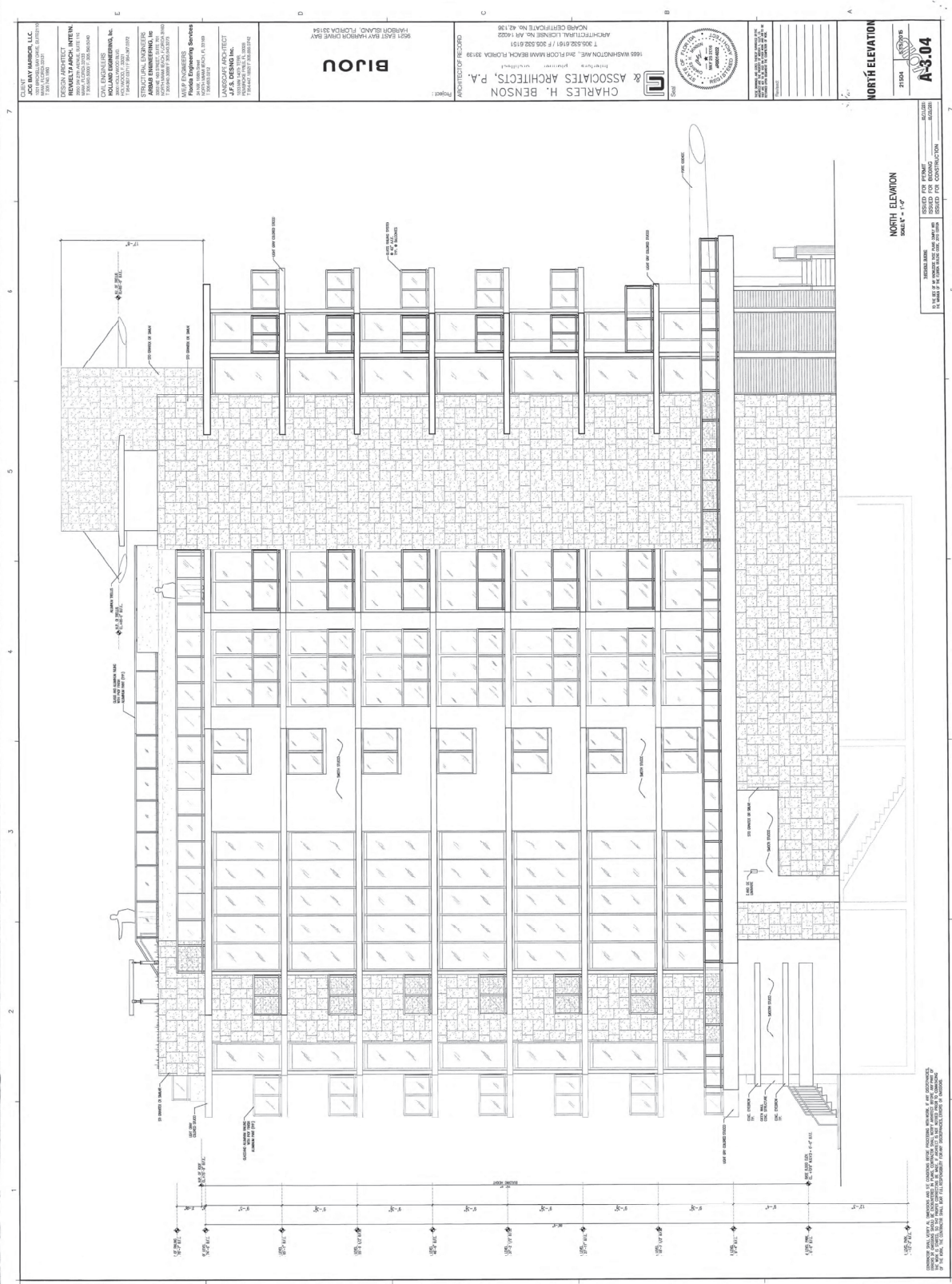


ISSUED FOR PERMIT
 REALIZED
 BY ALLIED OF THE FUTURE IN THE BEST OF US
 10/15/2018

PROJECT: JACOBY HARBOR, LLC
 9541 EAST BAY HARBOR DRIVE
 HARBOR BLVD., FORT LAUDERDALE, FL 33309
ARCHITECT: CHARLES H. BENSON & ASSOCIATES ARCHITECTS, P.A.
 1865 WASHINGTON AVE., 2ND FLOOR MIAMI BEACH, FLORIDA 33139
 PHONE: (305) 531-1111
 FAX: (305) 531-1112
DATE: 05/11/2009
PROJECT NO.: 21084
SCALE: 1/8" = 1'-0"
PROJECT TITLE: SOUTH ELEVATION
PROJECT NO.: A-302



CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF FLORIDA AND ALL APPLICABLE CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



NORTH ELEVATION
 21004
 A-3.04

DESIGNED FOR PERMANENT RECORD
 PREPARED FOR PERMANENT RECORD
 TO BE USED IN CONNECTION WITH THE PERMANENT RECORD SET FOR CONSTRUCTION

ARCHITECT OF RECORD
CHARLES H. BENSON & ASSOCIATES ARCHITECTS, P.A.
 1688 WASHINGTON AVE., 2ND FLOOR MIAMI BEACH, FLORIDA 33139
 PHONE: (305) 833-1515
 ARCHITECTURAL LICENSE NO. AH 14022
 BOARD CERTIFICATE NO. 42138

ENGINEER
J.P. DENNO INC.
 1000 N.W. 10TH AVENUE, SUITE 114
 MIAMI, FLORIDA 33136
 ENGINEERING LICENSE NO. 14022
 BOARD CERTIFICATE NO. 42138

GENERAL CONTRACTOR
JOE BAY HARBOR LLC
 9501 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154
 CONTRACT NO. 21004

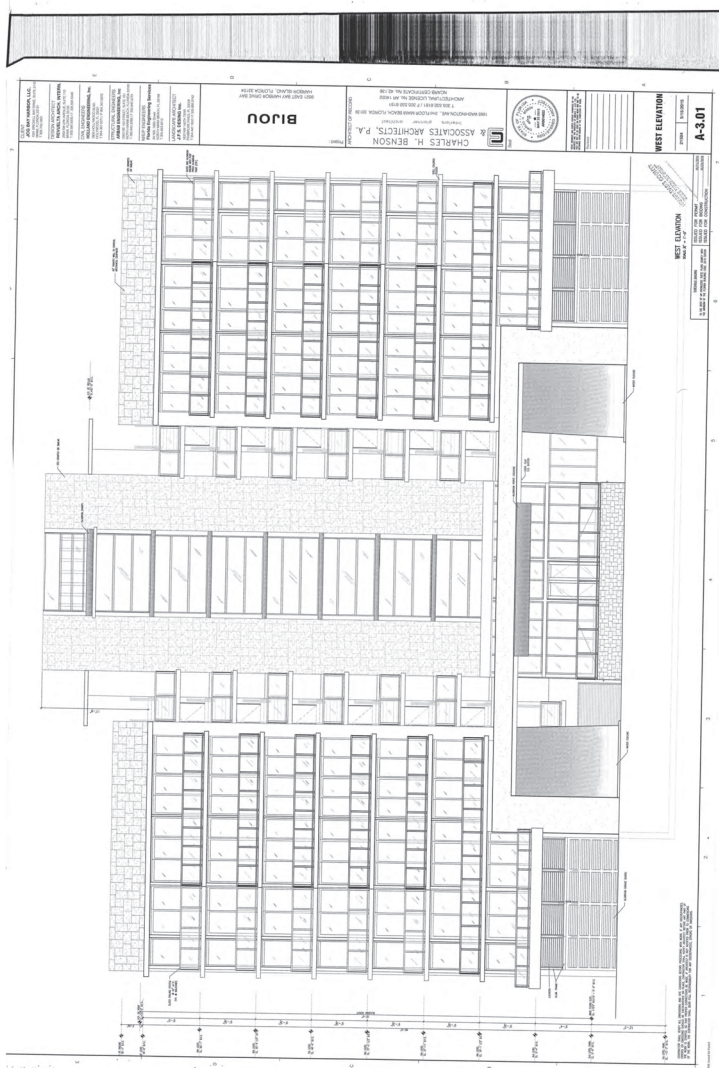
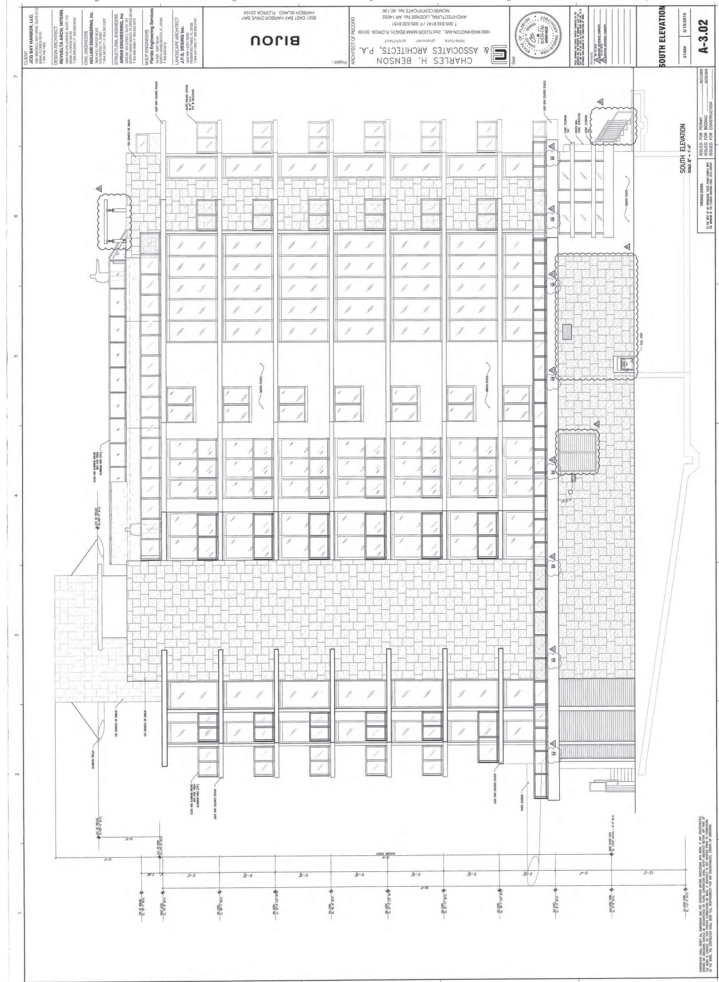
MECHANICAL ENGINEER
HEINRICH MARCH ANTEIN
 1000 N.W. 10TH AVENUE, SUITE 114
 MIAMI, FLORIDA 33136
 MECHANICAL ENGINEERING LICENSE NO. 14022
 BOARD CERTIFICATE NO. 42138

STRUCTURAL ENGINEER
CECIL ENGINEERING CONSULTANTS, INC.
 1000 N.W. 10TH AVENUE, SUITE 114
 MIAMI, FLORIDA 33136
 STRUCTURAL ENGINEERING LICENSE NO. 14022
 BOARD CERTIFICATE NO. 42138

MECHANICAL ENGINEERS
MECHANICAL ENGINEERING SERVICES
 1000 N.W. 10TH AVENUE, SUITE 114
 MIAMI, FLORIDA 33136
 MECHANICAL ENGINEERING LICENSE NO. 14022
 BOARD CERTIFICATE NO. 42138

LANDSCAPE ARCHITECT
J.P. DENNO INC.
 1000 N.W. 10TH AVENUE, SUITE 114
 MIAMI, FLORIDA 33136
 LANDSCAPE ARCHITECTURE LICENSE NO. 14022
 BOARD CERTIFICATE NO. 42138

PROJECT
BIJOU
 9501 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154



CLIENT
JOB BAY HARBOR, LLC
 1000 BROWNS BAY DRIVE, SUITE 201
 HARBOR ISLAND, FLORIDA 33154
 754.961.8800

DESIGN ARCHITECT
REVELTA ARCH. WTRIN.
 1000 BROWNS BAY DRIVE, SUITE 201
 HARBOR ISLAND, FLORIDA 33154
 754.961.8800

CIVIL ENGINEERS
AND, INC.
 3001 W. UNIVERSITY AVENUE
 SUITE 100
 MIAMI, FLORIDA 33135
 754.961.8800

STRUCTURAL ENGINEERS
ARAD ENGINEERING, INC.
 1000 BROWNS BAY DRIVE, SUITE 201
 HARBOR ISLAND, FLORIDA 33154
 754.961.8800

MEP ENGINEERS
Florida Engineering Services
 1000 BROWNS BAY DRIVE, SUITE 201
 HARBOR ISLAND, FLORIDA 33154
 754.961.8800

LANDSCAPE ARCHITECT
AND, INC.
 3001 W. UNIVERSITY AVENUE
 SUITE 100
 MIAMI, FLORIDA 33135
 754.961.8800

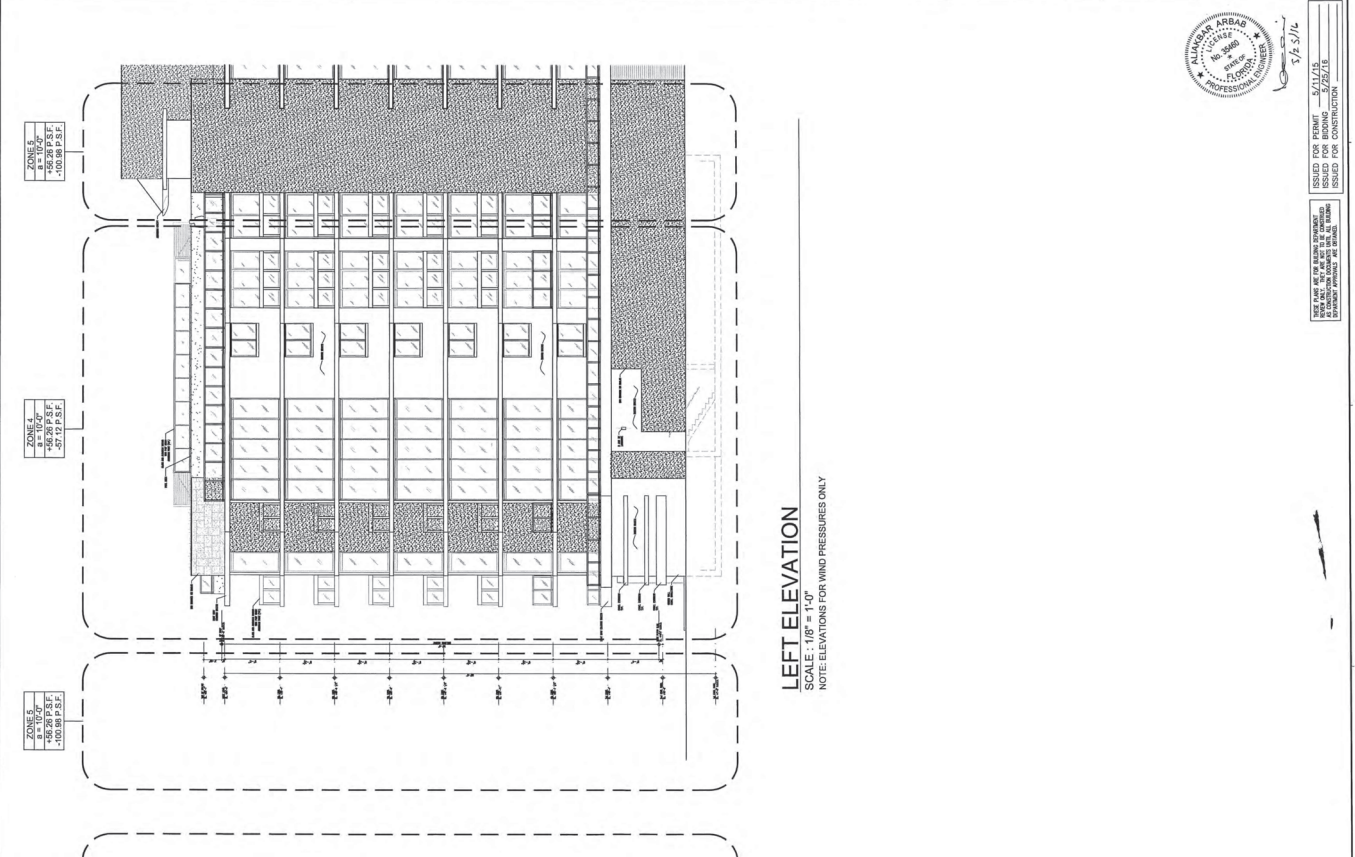
ARCHITECT OF RECORD
CHARLES H. BENSON & ASSOCIATES ARCHITECTS, P.A.
 Interior planner architect
 1656 WASHINGTON AVE., 2ND FLOOR MIAMI BEACH, FLORIDA 33139
 1 305.552.6161 / F 305.552.6151
 NCARB CERTIFICATE NO. 42,136

DATE
 08/04/2014

FOUNDATION PERMIT ONLY

WIND PRESSURES

S-6.2



REAR ELEVATION
 SCALE: 1/8" = 1'-0"
 NOTE: ELEVATIONS FOR WIND PRESSURES ONLY



LEFT ELEVATION
 SCALE: 1/8" = 1'-0"
 NOTE: ELEVATIONS FOR WIND PRESSURES ONLY

SEE PLAN SET OF ALUMINUM FORMWORK FOR WIND PRESSURES AND ALL OTHERS. WIND PRESSURES ARE BASED ON 10-MINUTE WIND SPEED OF 140 MPH. SEE PLAN SET FOR WIND PRESSURES AND ALL OTHERS.

ISSUED FOR PERMIT - 5/11/15
 ISSUED FOR BIDDING - 5/25/15
 ISSUED FOR CONSTRUCTION

5/25/15

ALAN BARBER, P.E.
 No. 5066
 PROFESSIONAL ENGINEER

NOTES: 1. ALL WIND PRESSURES ARE BASED ON 10-MINUTE WIND SPEED OF 140 MPH. SEE PLAN SET FOR WIND PRESSURES AND ALL OTHERS. 2. WIND PRESSURES ARE BASED ON 10-MINUTE WIND SPEED OF 140 MPH. SEE PLAN SET FOR WIND PRESSURES AND ALL OTHERS. 3. WIND PRESSURES ARE BASED ON 10-MINUTE WIND SPEED OF 140 MPH. SEE PLAN SET FOR WIND PRESSURES AND ALL OTHERS.

ASBUILT SURVEY



ENGINEERS - PLANNERS
SURVEYORS
9594 NW 41 ST, SUITE 201,
MIAMI, FL 33178
PH: (305) 592-1078
FAX: (305) 592-1078
E-MAIL: info@p-d.cc

PROJECT NAME: 9521 EAST BAY
BAY HARBOR DR
ASBUILT SURVEY
E BAY HARBOR, BAY HARBOR, FL 33154
FOLIO NO. 13-2227-001-0030

Scale: AS SHOWN
Drawn By: M.J.L.
Checked By: S.A.P.
Field Date: 05-25-2017
Drawn Date: 06-06-2017
Prepared for: COLUMBIA CONDUITS
Project No.: 1700555005
Sheet: 2 of 2

THIS ASBUILT SURVEY CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULLY VALID AND COMPLETE UNLESS EACH SHEET IS ATTACHED WITH THE OTHER.

No.	Date	Description	By

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POINT NUMBER	NORTHING	EASTING	POINT NUMBER	NORTHING	EASTING
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143	1000000.00	1000000.00	243	1000000.00	1000000.00
144	1000000.00	1000000.0			

MEMORANDUM

Privileged & Confidential

To: Lindsley Noel, Town Manager

Cc: Mayor and Members of the Town Council

From: Tania Cruz-Gimenez

Date: March 12, 2026

Re: Applicability of the Live Local Act to the Proposed Bijou Bay PUD Amendment

Introduction

At the January 14, 2026 Town Council meeting, the Council requested clarification regarding whether approval of the proposed Planned Unit Development (“PUD”) overlay for the Bijou Bay Harbor Condominium could implicate the Florida Live Local Act, either with respect to the Bijou Bay property itself or by creating unintended development rights that could be relied upon by adjacent parcels. Specifically, the concern raised was whether converting the property from RM-1 (Multiple Family Residential) to a site-specific mixed-use PUD could allow Bijou Bay or nearby properties to invoke the Live Local Act to circumvent the Town’s existing zoning limitations on height, density, or permitted uses.

As described in the Planning and Zoning Department’s staff report, the proposed PUD is narrowly tailored and primarily intended to establish enforceable conditions necessary to bring the building’s below-grade garage into compliance with FEMA floodplain requirements and the Florida Building Code so that a final Certificate of Occupancy may be issued. The PUD also authorizes a minimal internal office/administrative suite of approximately 36 square feet for on-site management. Importantly, the request does not increase the number of residential units, building height, density, or development intensity approved for the project. Rather, the PUD serves as a narrowly tailored, site-specific mechanism to bring an existing building into compliance with FEMA floodplain regulations and the Florida Building Code while allowing only a minimal internal administrative office use.

As discussed below, although the PUD technically introduces a mixed-use designation, the practical likelihood that the Bijou property would utilize the Live Local Act—or that adjacent parcels could reasonably rely on this approval to invoke the statute—is minimal. The project remains a completed luxury residential condominium, the amendment does not create new height or density benchmarks within the Town, and the use of a fact-specific PUD overlay appropriately

limits any broader zoning implications while allowing the Town to resolve a critical life-safety and regulatory compliance issue.

Relationship of the PUD to the Live Local Act

Technically, the PUD overlay will convert the existing RM-1 (Multiple Family Residential) zoning classification to a site-specific mixed-use PUD designation. In that narrow sense, the property would fall within a category of land use that could theoretically qualify under the Live Local Act. However, the practical likelihood of the property utilizing Live Local is extremely remote.

The Live Local Act applies only to developments that contain at least 40% affordable or workforce housing units (generally defined as units affordable to households earning up to 120% of area median income). Bijou Bay is a completed luxury residential development, and nothing in the PUD amendment alters the character, density, or physical structure of the building. As a practical matter, it is highly unlikely that the current ownership would convert a luxury condominium building to a workforce housing development simply to avail itself of the Live Local framework. Absent a catastrophic event such as a hurricane or other disaster resulting in substantial destruction of the building, there is no realistic scenario in which the property would be redeveloped in a manner that would trigger Live Local eligibility.

The Greenspoon memorandum correctly notes that Bijou itself is not seeking to invoke Live Local and that the project's luxury residential character makes such use improbable.

Impact on Adjacent Parcels

Council also asked whether approval of the PUD could allow adjacent parcels to invoke the Live Local Act and thereby circumvent the Town's zoning regulations. Based on the facts presented, that risk is minimal.

First, the PUD amendment does not increase height, density, or development intensity for the property. Therefore, the approval does not establish a new benchmark for maximum development rights within the Town.

Second, the Town is addressing this matter through a site-specific PUD overlay rather than a broader rezoning or text amendment. By using the PUD mechanism, the Town confines the approval to a fact-specific condition tied to an existing building and its unique compliance issues. This approach limits the likelihood that other properties could rely on the Bijou approval as precedent for broader zoning entitlements.

Finally, the application is fundamentally remedial in nature. Its purpose is to bring an existing structure into compliance with floodplain and building safety regulations, not to expand development rights.

Conclusion

While the conversion of the property to a mixed-use PUD technically places it within a land-use category referenced in the Live Local Act, the practical likelihood that Bijou Bay or neighboring parcels would utilize the statute as a result of this approval is extremely limited. The

amendment does not increase height, density, or unit count and is narrowly tailored to address life-safety compliance for an existing structure.

For these reasons, the proposed PUD overlay represents a fact-specific compliance mechanism, rather than a zoning change that materially expands development rights or exposes the Town to significant Live Local risk. Accordingly, based on the current record and the limited scope of the amendment, the risk of Live Local Act implications is minimal, and the PUD remains an appropriate tool to resolve the building compliance issue while protecting the Town's regulatory framework.

33 regulations and the Florida Building Code, and (2) authorize the minor, internal non residential component;
34 and

35 **WHEREAS**, a public hearing was advertised and held, as required by law, by the Town Council
36 and all interested parties were heard.

37 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY**
38 **HARBOR ISLANDS, FLORIDA:**

39 **SECTION 1:** That the foregoing recitals are adopted and hereby incorporated as if fully set forth
40 herein.

41 **SECTION 2.** Having heard the presentations by all parties during the public hearing and having
42 reviewed the plans and other portions of the PUD Application submitted to the Town, the Town Council
43 hereby determines that:

44 (a) the PUD Application complies with the development parameters of the PUD
45 Ordinance;

46 (b) the PUD Application complies with the development parameters of the underlying
47 zoning district regulations (RM-1);

48 (c) the PUD Application will have a favorable effect on the economy of the Town;

49 (d) the PUD Application will not generate excessive noise or traffic congestion;

50 (e) the PUD Application will not cause an undue or excessive burden on any public
51 facilities;

52 (f) the PUD Application will not tend to create fire or other equally dangerous
53 hazards;

54 (g) the PUD Application will not cause excessive over-crowding or concentration of
55 people or population;

56 (h) the PUD Application will be compatible with the surrounding area and its
57 development; and

58 (i) the PUD Application is a reasonable use of the property and results in a public
59 benefit including but not limited the enhancement of the subject property.

60 **SECTION 3.** Conditions:

- 61 1. The PUD Overlay is based on the site plans and building elevations as last approved by the
62 P&Z Board on October 20, 2015, with the below-grade garage as built.
- 63 2. The sole non-residential uses permitted under this PUD Overlay are:
- 64 a) An internal office/executive suite for on-site management, leasing, association
65 activities, and resident-serving functions, strictly limited to a maximum of 36.25
66 square feet; and
- 67 b) Valet parking services for residents and their guests, operated exclusively by a
68 third-party valet service provider within the below-grade garage. Residents shall
69 not self-park. All parking operations shall be managed by the valet service to
70 ensure controlled access and efficient circulation.
- 71 3. No restaurant, bar, retail, or any other commercial use open to the general public shall be
72 permitted. No outdoor seating, food service, or amplified sound is allowed.
- 73 4. Notwithstanding the PUD approval, the building and all its uses, including the permitted
74 non-residential suite, must comply with all applicable provisions of the Florida Building
75 Code and FEMA regulations for mixed-use structures, including but not limited to
76 construction type, fire separation, accessibility, and flood-resistant design. There is no
77 minimum square footage exemption in these codes for commercial uses within a residential
78 building.
- 79 5. Prior to the issuance of a Certificate of Occupancy, the owner shall record a deed
80 restriction, in a form acceptable to the Town Attorney, which constitutes the PUD
81 agreement. This agreement shall legally bind the property to an approved Floodproofing
82 and Operations Plan for the below-grade garage, ensuring its classification and use comply
83 with FEMA regulations and the Florida Building Code.
- 84 6. The PUD conditions run with the land and are binding on all successors and assigns.
- 85 7. The issuance of a Final Certificate of Use and Occupancy shall be deemed as full

86 compliance with the conditions contained herein.

87 8. All conditions and terms and obligations of this PUD and Ordinance shall constitute
88 covenants running with the land and shall be obligations of the present and all future
89 owners and occupiers of the subject property.
90

91 **SECTION 4.** The Town Council, having heard the testimony and having reviewed the information
92 presented to the Town, hereby grants approval of the PUD Application as proposed and determines that the
93 PUD Application serves and protects the public health, safety and welfare to at least an equivalent degree
94 as the underlying "RM- 1" Multi-Family Residential zoning district.

95 **SECTION 5.** The official zoning map of the Town of Bay Harbor Islands is hereby amended to
96 show a PUD Zoning Overlay designation on the property which is the subject of the PUD Application and
97 the Town Manager is hereby directed to make the appropriate notations on the map.

98 **SECTION 6:** That is any section, phrase, clause, paragraph, sentence or word of this Ordinance or
99 the application thereof to any person or circumstance is held invalid or unconstitutional by a court of
100 competent jurisdiction, that the invalidity shall not affect the other sections, phrases, clauses, paragraphs,
101 sentences, words or application of this Ordinance, and such portion or words shall be deemed a separate
102 and independent provision and such holding shall not affect the validity of the remaining portions thereof.

103 **SECTION 7:** That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions conflict
104 herewith be and the same are hereby repealed to the extent of such conflict.

105 **SECTION 8:** That this Ordinance shall be in full force and take effect immediately upon its passage
106 and adoption.

107 **PASSED on First Reading this ____ day of March, 2026.**

108
109 **PASSED on Second Reading this ____ day of May, 2026.**
110

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113 _____
114 ISAAC SALVER
115 MAYOR

116 ATTEST:
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118 _____
119 EVELYN HERBELLO, TOWN CLERK

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121 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
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123 _____
124 MCCARTER ENGLISH, LLP
125 INTERIM TOWN ATTORNEYS
126 BY: TANIA CRUZ-GIMENEZ, ESQ.



ITEM 12

TOWN OF BAY HARBOR ISLANDS PLANNING AND ZONING DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz, Esq., Consultant Town Attorney Evelyn Herbello, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	May 13, 2026
SUBJECT:	Town of Bay Harbor Islands – Ordinance Establishing Enhanced Enforcement Authority for Business Tax Receipts (BTRs) and Authorized Uses – Revocation, Suspension, Stop Work Orders, and Certificate of Occupancy Actions (to be codified as Section 13-12)

RECOMMENDATION

Town Council discretion to approve the attached ordinance on Second Reading creating a new Section 13-12 of the Town Code. The ordinance accomplishes the following:

1. Authorizes the Town to suspend or revoke a Business Tax Receipt (BTR) when a business operates in material deviation from its approved or represented use;
2. Prohibits material misrepresentations in connection with BTR applications, zoning approvals, and land use approvals;
3. Authorizes stop work orders and Certificate of Occupancy (CO/TCO) suspension, revocation, or denial for uses inconsistent with approved use;
4. Establishes notice, cure period, administrative hearing, and appeal procedures;
5. Provides cumulative remedies including code enforcement fines and injunctive relief;

6. Amends existing BTR application requirements to mandate truthful representation of use as an ongoing condition of issuance and renewal.

BACKGROUND

First Reading (April 22, 2026): The ordinance was presented for First Reading on April 22, 2026. After discussion, the Town Council unanimously approved the ordinance on First Reading, with all members present voting in favor. The ordinance is now presented for Second Reading and final adoption.

The Town has identified recurring circumstances in which applicants obtain Business Tax Receipts (BTRs) or land use approvals based on one represented use, but subsequently operate a materially different use. Such conduct undermines the integrity of the Town's zoning framework, public process, and land use approvals, and may result in uses that are otherwise prohibited in specific districts.

Currently, the Town's enforcement mechanisms rely primarily on monetary fines and code enforcement board proceedings. While effective for certain violations, fines alone may not adequately deter businesses that obtain approvals through misrepresentation or that materially deviate from approved uses. Such conduct can irreversibly alter neighborhood character, create unapproved impacts on traffic, parking, noise, or hours of operation, and circumvent the public hearing process.

The proposed ordinance establishes enhanced, non-monetary enforcement tools including suspension or revocation of the BTR itself, stop work orders, and direct action on Certificates of Occupancy. These remedies provide the Town with proportional and effective responses to deliberate misrepresentation or material deviation from approved use.

ANALYSIS

The attached ordinance creates a new Section 13-12 (Compliance with Approved Use; Misrepresentation; Enforcement) with the following key provisions:

1. Definitions (Section 13-12(b))

- "Approved Use" – The specific use authorized by zoning, site plan approval, conditional use approval, variance, or any other Town approval.
- "Material Deviation" – Any change in the nature, intensity, or classification of a use that would (i) require a different zoning classification or approval, (ii) not be permitted as of right in the applicable zoning district, or (iii) have altered the Town's approval if accurately disclosed.
- "Misrepresentation" – Any false, misleading, or incomplete statement (written or oral) made to the Town in connection with a BTR, zoning approval, or land use approval, including omissions of material facts.

2. Prohibited Conduct (Section 13-12(c))

It shall be unlawful for any business owner, operator, tenant, or property owner to:

- Operate a business constituting a Material Deviation from the Approved Use or the use stated in the BTR application;
- Advertise, market, or hold out a business as a use that differs from the Approved Use or permitted use;
- Obtain or maintain a BTR based on a Misrepresentation;
- Convert or transition a use without first obtaining all required Town approvals.

3. Condition of BTR Issuance and Continuation (Section 13-12(d))

Compliance with the Approved Use and all representations made to the Town shall be an express, ongoing condition of the issuance and renewal of any BTR. This creates automatic grounds for enforcement without requiring a separate finding of intent.

4. Enforcement Authority (Section 13-12(e))

Upon determination by the Town Manager, Code Compliance Director, or Building Official that a violation has occurred, the Town may take any or all of the following actions:

Action	Description
Immediate Suspension of BTR	Suspend BTR pending further proceedings where continued operation poses a risk of ongoing violation
Revocation of BTR	Revoke BTR upon finding of Material Deviation or Misrepresentation
Stop Work Order	Require immediate cessation of operations inconsistent with Approved Use
Certificate of Occupancy Actions	Deny, suspend, or revoke a CO or TCO where use is inconsistent with Approved Use
Code Enforcement Proceedings	Initiate proceedings before Special Magistrate, including daily fines and liens
Additional Remedies	Pursue injunctive relief in court of competent jurisdiction

5. Notice and Opportunity to Cure (Section 13-12(f))

Except in cases involving an immediate threat to public health, safety, or welfare, the Town shall provide written notice and a reasonable opportunity to cure, not to exceed ten (10) days. Failure to cure results in enforcement action.

6. Administrative Hearing and Appeal (Section 13-12(g))

Any suspension or revocation of a BTR or CO/TCO under this section shall be subject to an administrative hearing before the Special Magistrate or other designated hearing officer, with appeal available in accordance with applicable law.

7. Independent Violations (Section 13-12(h))

Each day a violation continues constitutes a separate and distinct offense.

8. Non-Exclusive Remedies (Section 13-12(i))

The remedies provided are cumulative and not exclusive. The Town may pursue any other remedies available under the Town Code, state law, or equity.

9. Truthful Representation of Use – Amendment (Section 13-12(j))

All applications for a BTR shall accurately describe the intended use of the property. Any material misrepresentation or omission shall constitute grounds for denial, suspension, or revocation.

CONCLUSION

This ordinance provides the Town with critical, proportionate enforcement tools to address businesses that obtain approvals through misrepresentation or that materially deviate from approved uses. Unlike monetary fines alone, the ability to suspend or revoke a BTR, issue stop work orders, or take action on Certificates of Occupancy directly targets the business's ability to operate unlawfully.

The ordinance includes robust procedural protections: notice, a cure period (except for imminent threats), an administrative hearing before the Special Magistrate, and appeal rights. The definitions of "Material Deviation" and "Misrepresentation" are objective and targeted to changes that would have altered the Town's original approval.

The ordinance was unanimously approved on First Reading on April 22, 2026, and is now presented for Second Reading and final adoption. Approval of this ordinance will protect the integrity of the Town's zoning framework, public process, and land use approvals while providing fair and efficient enforcement mechanisms consistent with due process.

FINANCIAL ANALYSIS

GL Line Item Number: N/A (fee revenue)

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

2nd Reading Ordinance

34 **Section 1:** That the foregoing recitals are adopted and hereby incorporated as if
35 fully set forth herein.

36 **Section 2:** That the Town of Bay Harbor Islands Code of Ordinances is hereby
37 amended by creating a new section, to be designated as **Section 13-12**, to provide
38 regulations with respect thereto, as more fully set forth in the attached Exhibit "A", and by
39 reference are made a part hereof.

40 **Section 3:** That any section, paragraph, sentence or word of this Ordinance or the
41 application thereof to any person or circumstance is held invalid, that the invalidity shall
42 not affect the other sections, paragraphs, sentences, words or application of this
43 Ordinance.

44 **Section 4:** That it is the intention of the Town Council of the Town of Bay Harbor
45 Islands, and it is therefore ordained, that the provisions of the Ordinance shall become
46 and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections
47 of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and
48 that the word "Ordinance" shall be changed to "Section" or other appropriate word.

49 **Section 5:** That all Ordinances, parts of Ordinances, Resolutions or parts of
50 Resolutions in conflict herewith be and the same are hereby repealed to the extent of
51 such conflict.

52 **Section 6:** That this Ordinance shall be in full force and take effect immediately
53 upon its passage and adoption.

54 PASSED on First Reading this 22nd day of April, 2026

55 PASSED on Second Reading this 13th day of May, 2026.

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59 _____
60 Mayor

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62 ATTEST:
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Evelyn Herbello, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Town Attorneys
BY:

EXHIBIT A

Sec. 13-12 – Compliance with Approved Use; Misrepresentation; Enforcement.

(a) Purpose and Intent.

This section is intended to ensure that any business operating within the Town strictly adheres to (i) the use approved by the Town Council, Town Manager, Planning and Zoning Board, or other approving authority, and (ii) the use described in its Business Tax Receipt application and supporting materials. This section shall be construed broadly to prevent circumvention of the Town's zoning regulations through misrepresentation or material deviation in actual operations.

(b) Definitions.

For purposes of this section:

1. "Approved Use" means the specific use authorized by zoning, site plan approval, conditional use approval, variance, or any other Town approval.
2. "Material Deviation" means any change in the nature, intensity, or classification of a use that would (i) require a different zoning classification or approval, (ii) not be permitted as of right in the applicable zoning district, or (iii) have altered the Town's approval if accurately disclosed.
3. "Misrepresentation" means any false, misleading, or incomplete statement, whether written or oral, made to the Town in connection with a BTR, zoning approval, or land use approval, including omissions of material facts.

(c) Prohibited Conduct.

It shall be unlawful for any business owner, operator, tenant, or property owner to:

1. Operate a business in a manner that constitutes a Material Deviation from the Approved Use or the use stated in the BTR application;
2. Advertise, market, or hold out a business to the public as a use that differs from the Approved Use or permitted use under the Town Code;
3. Obtain or maintain a BTR based on a Misrepresentation; or
4. Convert or transition a use without first obtaining all required Town approvals.

(d) Condition of BTR Issuance and Continuation.

Compliance with the Approved Use and all representations made to the Town shall be an express, ongoing condition of the issuance and renewal of any Business Tax Receipt. Any violation of this section shall constitute grounds for immediate enforcement action.

(e) Enforcement Authority.

Upon a determination by the Town Manager, Code Compliance Director, or Building Official that a violation of this section has occurred, the Town may take any or all of the following actions:

1. Immediate Suspension of BTR. Suspend the Business Tax Receipt pending further proceedings where continued operation poses a risk of ongoing violation.
2. Revocation of BTR. Revoke the Business Tax Receipt upon a finding of Material Deviation or Misrepresentation.

- 156 3. Stop Work Order. Issue a stop work order requiring the immediate cessation of
157 operations, including but not limited to the provision of services inconsistent with the
158 Approved Use.
- 159 4. Certificate of Occupancy Actions. (i) Deny issuance of a Certificate of Occupancy
160 ("CO") or Temporary Certificate of Occupancy ("TCO"); (ii) Suspend or revoke an
161 existing CO or TCO, subject to applicable law, where the use is inconsistent with the
162 Approved Use.
- 163 5. Code Enforcement Proceedings. Initiate proceedings before the Special Magistrate,
164 including the imposition of daily fines and liens.
- 165 6. Additional Remedies. Pursue injunctive relief, including immediate cessation of
166 unlawful use, in a court of competent jurisdiction.

167
168 (f) Notice and Opportunity to Cure.
169 Except in cases involving an immediate threat to public health, safety, or welfare, the Town
170 shall provide written notice of violation and a reasonable opportunity to cure, not to exceed
171 ten (10) days. Failure to cure within the prescribed time shall result in enforcement action.
172

173 (g) Administrative Hearing and Appeal.
174 Any suspension or revocation of a BTR or CO/TCO under this section shall be subject to an
175 administrative hearing before the Special Magistrate or other designated hearing officer. The
176 decision may be appealed in accordance with applicable law.
177

178 (h) Independent Violations.
179 Each day that a violation continues shall constitute a separate and distinct offense.
180

181 (i) Non-Exclusive Remedies.
182 The remedies provided herein are cumulative and not exclusive. The Town may pursue any
183 other remedies available under the Town Code, state law, or equity.
184

185 (j) Truthful Representation of Use – Amendment to Existing Section.
186 All applications for a Business Tax Receipt shall accurately describe the intended use of the
187 property. Any material misrepresentation or omission shall constitute grounds for denial,
188 suspension, or revocation pursuant to this Section 13-12.
189



**TOWN OF BAY HARBOR ISLANDS
PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz, Esq., Consultant Town Attorney Evelyn Herbello, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	May 13, 2026
SUBJECT:	Town of Bay Harbor Islands – Ordinance Establishing General Waiver Provisions for the Land Development Code – Minor Numerical Waiver Authority for Single-Family, Multi-Family, and Commercial Properties (Sec. 2-30 through 2-35)

RECOMMENDATION

Town Council discretion to approve the attached ordinance creating Article III of Chapter 2 (Sections 2-30 through 2-35) of the Town Code. The ordinance accomplishes the following:

1. Authorizes the Town Manager to grant a minor numerical waiver of up to five (5) percentage points of the requirement set forth in Section 23-11 of the Land Development Code for single-family detached dwellings only;
2. Expands applicability beyond single-family detached dwellings to include multi-family and commercial properties, subject to additional safeguards;
3. Establishes application requirements, conditions for approval, and a non-refundable fee of \$500 (single-family only);
4. Requires Building Official sign-off and third-party professional certification for multi-family and commercial waivers;
5. Provides that disapproval requires the applicant to seek a variance under Section 2-16;
6. Excludes vacant lots without an associated application and Florida Building Code requirements.

FIRST READING ACTION (April 22, 2026)

On April 22, 2026, the Town Council held the first reading of this ordinance. Following Staff Report –Sec.2-30

discussion of Council concerns, Council Member Yaffee called for the question. A majority of the Town Council agreed to end debate and proceed to a vote. The Council then voted 5 in favor and 1 against to advance the ordinance to second reading with amendments.

Council Concerns Raised During the Meeting:

Several Council members expressed that the original ordinance was too general and lacked sufficient guidance on what types of waivers could be approved. Concerns included:

- The need to expressly exclude height from any waiver authority;
- The importance of preventing waiver requests for projects that had already been denied by the DRB or Town Council;
- Clarifying that the waiver process should not circumvent prior adverse decisions by advisory boards or the governing body.

Resulting Amendments

In response to the concerns raised and discussed during the April 22 meeting and following Council Member Yaffee’s successful call for the question and the majority vote to advance the following changes can be made to the ordinance on second reading:

Original Provision (First Reading)	Amended Provision (Second Reading)
No explicit exclusion of height from waiver authority	Height regulations are expressly excluded from the Town Manager's waiver authority in Sections 2-30 and 2-31(a).
No prohibition on projects previously denied by DRB or Town Council	New Section 2-35 (Exclusions and Prohibited Applications) provides that any waiver request for a project previously denied by the DRB or Town Council shall be rejected as incomplete and not processed.
The fee is too low, so it was increased from \$500	Application fee: \$2,000 (non-refundable) for all applications
No definition of "parcel"	Section 2-33 now defines "parcel" as a single tax lot as recorded in Town property records.
Limitation: one waiver per property	Section 2-31(d) – clarified that cumulative reductions exceeding five percentage points are prohibited, and no series of waivers may be used to achieve a greater reduction.

BACKGROUND

The Town's Land Development Code currently contains strict numerical standards in Section 23-12(A). Property owners seeking relief from even minor numerical requirements must file a formal variance application before the Town Council, a process that can be time-consuming and administratively burdensome for both applicants and staff.

The proposed ordinance is designed to provide limited, streamlined flexibility for single-family multi-family and commercial properties to provide streamlined flexibility for a broader range of minor development constraints while preserving the Town's ability to protect public health, safety, welfare, and neighborhood character.

The five (5) percentage point threshold remains reasonable across all property types. Unlike a percentage-based reduction, a percentage-points approach allows the same absolute reduction regardless of the underlying numerical standard, providing greater predictability. For multi-family and commercial properties, the ordinance imposes additional safeguards, including Building Official review and third-party certification to address structural, life safety, fire, and accessibility concerns. The ordinance also explicitly preserves the variance process for any request that exceeds five percentage points or is disapproved of by the Town Manager.

ANALYSIS

The attached ordinance makes the following key additions to the Town Code:

1. Creation of General Waiver Provisions (Article III, Chapter 2, Sec. 2-30 through 2-35):
The ordinance establishes a new article that applies only to numerical requirements in the Land Development Code (not the Florida Building Code or other state/federal codes). This clarifies the limited scope of the waiver authority.
2. Town Manager Authority for Minor Numerical Waiver (Sec. 2-31):
 - a. Applicability: Residential (single-family and multi-family) and non-residential (commercial) properties.
 - b. Waiver Limit: Cannot exceed five (5) percentage points of the original requirement set forth in Section 23-11.
 - c. Conditions for Single-Family:
 - i. Written statement from applicant (extent, duration, reason);
 - ii. Finding that reduction does not undermine public health, safety, welfare, nor negatively impact adjacent single-family properties.
 - d. Additional Conditions for Multi-Family and Commercial:
 - i. Building Official Sign-Off: Written approval certifying no violation of Florida Building Code or unsafe conditions.
 - ii. Third-Party Certification Letter: From a licensed Florida engineer or architect, at applicant's cost, certifying no structural, life safety, fire, or accessibility issues.
 - e. Limitation: No cumulative reductions exceeding five (5) percentage points for the same parcel, regardless of multiple requests.
3. Disapproval – Variance Required (Sec. 2-32):
If the Town Manager denies a waiver, the applicant may only seek relief through the Town Council variance process under Section 2-16. This ensures that more significant or contested requests still receive Council oversight.
4. Scope of Waiver (Sec. 2-33):
Any approved waiver applies only to the specific lot and circumstances and is non-transferable.
5. Application Fee (Sec. 2-34):
A non-refundable fee of \$500, no application is complete until the fee is paid.
6. Exclusions (Sec. 2-35) The waiver does not apply to vacant lots without an approved development application or the Florida Building Code.

CONCLUSION

This ordinance provides a measured, efficient administrative process for minor numerical waivers (up to five percentage points) for single-family, multi-family, and commercial properties. It reduces unnecessary variance applications, preserves Council oversight for disapprovals or larger requests, and includes clear safeguards for public health, safety, welfare, and adjacent properties.

For multi-family and commercial applications, the additional requirements of Building Official sign-off and third-party certification ensure that structural, life safety, fire, and accessibility concerns are fully addressed.

Approval of this ordinance on second reading will implement a streamlined waiver process consistent with the Town's goal of efficient government while protecting neighborhood character.

FINANCIAL ANALYSIS

GL Line Item Number: N/A (fee revenue)

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

2nd Reading Ordinance

ORDINANCE NO. ---

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY CREATING ARTICLE III OF CHAPTER 2, TO BE DESIGNATED AS SECTIONS 2-30 THROUGH 2-36, TO ESTABLISH GENERAL WAIVER PROVISIONS FOR THE LAND DEVELOPMENT CODE; AUTHORIZING THE TOWN MANAGER TO GRANT A MINOR NUMERICAL WAIVER OF NO MORE THAN FIVE (5) PERCENTAGE POINTS OF THE REQUIREMENT SET FORTH IN SECTION 23-11 OF THE LAND DEVELOPMENT CODE FOR SINGLE-FAMILY, MULTI-FAMILY, AND COMMERCIAL PROPERTIES; PROVIDING FOR ADDITIONAL CONDITIONS FOR MULTI-FAMILY AND COMMERCIAL APPLICATIONS INCLUDING BUILDING OFFICIAL SIGN-OFF AND THIRD-PARTY CERTIFICATION; PROVIDING THAT DISAPPROVAL REQUIRES A VARIANCE PURSUANT TO SECTION 2-16; ESTABLISHING A NON-REFUNDABLE APPLICATION FEE; PROVIDING FOR EXCLUSIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of By Harbor Islands desires to provide limited flexibility in the application of certain numerical requirements of the Land Development Code for single-family, multi-family, and commercial properties; and

WHEREAS, Section 23-11 of the Land Development Code establishes certain numerical standards; and

WHEREAS, granting the Town Manager authority to approve minor reductions of no more than five (5) percentage points of such requirements will reduce administrative burden and avoid unnecessary variance applications; and

WHEREAS, such authority is consistent with the Town's goals of efficient government while protecting public health, safety, and welfare; and

WHEREAS, the Town Council finds that a five (5) percentage points waiver threshold is reasonable and will not negatively impact adjacent properties or the character of the Town; and

WHEREAS, this ordinance provides for a variance process under Section 2-16 in the event the Town Manager disapproves of a waiver request.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BY HARBOR ISLANDS, FLORIDA:

Section 1: That the foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of By Harbor Islands Code of Ordinances is hereby amended by creating Article III of Chapter 2, to be designated as Sections 2-30 through 2-35, to provide regulations with respect thereto, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 22nd day of April 2026.

PASSED on Second Reading TBA

ISAAC SALVER
MAYOR

ATTEST:

EVELYN HERBELLO, TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

MCCARTER & ENGLISH, LLP TOWN
ATTORNEYS
BY: Tania Cruz, ESQ.

“EXHIBIT A”

Sec.2-25- Sec.2-29: Reserves

ARTICLE III.— GENERAL WAIVER PROVISIONS FOR THE LAND DEVELOPMENT CODE

Sec.2-30– Waiver of Land Development Requirements

This section applies only to numerical requirements contained in the Town of By Harbor Islands Land Development Code. This section does not apply to, and does not waive any requirement of, the Florida Building Code or any other state or federal construction or safety code.

Sec. 2-31- Minor Numerical Waiver – Town Manager Authority

- a. **Applicability.** For residential and nonresidential , the Town Manager is hereby authorized to grant a waiver reducing any numerical requirement set forth in Section 23-11 of the Land Development Code by no more than five (5) percentage points of the originally required number.
- b. **Conditions for Approval – Single-Family.** The Town Manager may grant such waiver only upon:
 - i. Submission of a written statement by the applicant specifying the precise extent and duration of the requested waiver and the reason for the request;
 - ii. A finding that the reduction will not undermine public health, safety, or welfare, nor negatively impact adjacent single-family properties.
- c. **Conditions for Approval – Multi-Family and Commercial.** For multi-family and commercial properties, in addition to the requirements set forth in subsection (c) above, the Town Manager may grant such waiver only upon:
 - i. **Building Official Sign-Off.** Written approval from the Town's Building Official certifying that the requested waiver will not violate any provision of the Florida Building Code or create any unsafe condition;
 - ii. **Third-Party Certification Letter.** A letter from a qualified, independent third-party professional engineer or architect, licensed in the State of Florida, certifying that the requested waiver will not create any structural, life safety, fire, or accessibility issue. The certification shall specifically address the affected systems and provide a professional opinion that the waiver will not adversely impact the property or adjacent properties. The third-party professional shall be selected by the applicant at the applicant's sole cost and expense; and

- iii. Finding of No Adverse Impact. A finding that the reduction will not create any drainage, traffic, parking, environmental, or public safety issue.
- d. Limitation. The Town Manager may not approve cumulative reductions exceeding five (5) percentage points of the original requirement for the same single-family parcel, regardless of multiple waiver requests.

Sec.2-32- Disapproval – Variance Required

If the Town Manager disapproves of a waiver request under this ordinance, the applicant may seek relief only through the variance process before the Town Council in accordance with Section 2-16 of this Code.

Sec.2-33- Scope of Waiver Granted

Any waiver granted shall apply only to the specific single-family lot and circumstances for which it was requested and shall not transfer to any other parcel.

Sec.2-34 Application Fee (Single-Family Homes Only)

- e. A non-refundable application fee of five hundred dollars (\$500.00) shall be submitted to the Town at the time of filing a request for a waiver under this section. The fee shall be used to cover administrative costs, staff review, and preparation of the written recommendation by the Planning Division. No application shall be deemed complete or processed until the required fee has been paid in full.

Sec.2-35 Exclusions.

This article does not apply to vacant lots not associated with an approved development application or any requirement of the Florida Building Code.

AGENDA ITEM REPORT
May 13, 2026

ITEM NUMBER: 14.

ITEM:

Discussion and Possible Action regarding Committee attendance, quorum requirements, and potential disbandment and reconstitution of committee following consecutive meeting cancellations due to lack of quorum. Sponsored by Council Member Robert Yaffe.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Council Member Robert Yaffe

ATTACHMENTS

None

ORDINANCE NO. 1105

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF THE PARKS AND RECREATION COMMITTEE; AMENDING CHAPTER 15, ARTICLE I, RETITLING FROM RESERVED TO SECTION 15-2 "THE PARKS AND RECREATION COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town; and

WHEREAS, the Town of Bay Harbor Islands originally adopted a Resolution for the Parks and Recreation Committee on August 14, 2017, in order to deal with issues relating to the planning and developing of parks and to plan for the provision of certain education, recreation, leisure and cultural development for the citizens of the Town of Bay Harbor Islands, the Town Council should create a committee to advise them on such matter; and

WHEREAS, section 316.2128, Florida Statutes, allows for local governments to regulate by ordinances the operation of micromobility and motorized scooters on streets, highways, sidewalks, and sidewalk areas within the local government's jurisdiction; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Chapter 15 of the Town Code entitled Parks and Recreation is hereby retitled reserved to Section 15-2 "The Parks and Recreation Committee", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 14th day of August 2024.

PASSED on Second Reading this 12th day of September 2024.

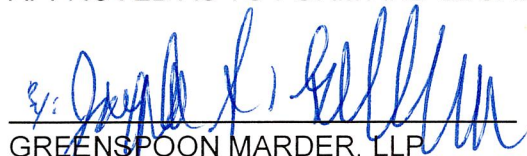


JOSHUA D. FULLER, MAYOR

ATTEST:


WONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

ARTICLE I. - IN GENERAL

Sec. 15-2. ~~Reserved~~ The Parks and Recreation Committee

The Parks and Recreation Committee is charged with advising the Town Council upon issues involving the development and renovation of parks and recreational facilities that provide the Town of Bay Harbor Islands residents with opportunities for education, recreation, leisure and cultural development. The Committee will accomplish this mission through long-range planning and policy formation based upon monitoring public need and usage of park and recreational facilities for recommendation to the Town Council.

- a) Members. The membership of the Parks and Recreation Committee shall be five (5) members, and two (2) additional members may be appointed by the Town Council to serve as alternates. Alternates may attend Committee Meetings in order to establish a quorum and, thereafter, participate in the discussion and vote on the matters presented. Alternates shall not vote or participate in discussion if a quorum is present without the alternate(s).
 1. All appointments shall be residents of the Town for a minimum of six (6) months or shall demonstrate an ownership interest for a minimum of six (6) months in a business located in the Town for a minimum of six (6) months.
- b) Terms. Members and alternates of the Parks and Recreation Committee shall be appointed to serve two-year terms. To be considered for reappointment, all members and alternates must reapply at the end of their term.
- c) Appointments. All candidates are required to complete the Town's advisory board/committee application. Both new candidates and current members seeking reappointment must submit the necessary documentation. Along with the completed application and evidence of their residency. The members and alternates of the Parks and Recreation shall be appointed by resolution by the Town Council. All documents must be emailed to the Town Clerk before the deadline. The Town Council shall appoint five (5) board members and two (2) alternate by the majority vote of the Council present at the meeting. In order for a candidate to be appointed to the Parks and Recreation Committee, the candidate must meet the membership requirement and must be approved by at least five (5) town council members. To act in an advisory capacity to the Town Council.
- d) Vacancies. The Town Clerk shall issue a public notice regarding any vacancies on the Parks and Recreation Committee. In the event that a Parks and Recreation Committee member resigns, fails to meet the residency requirement, is removed in

accordance with subsection (e), or is otherwise unable to fulfill their duties, the vacancy shall be filled by one (1) of the alternates to complete the remaining term. The Town Council shall appoint an alternate to serve as a member by a majority vote of the Council members present at the meeting.

- e) Removal of members. The Town Council, upon the vote of at least five (5) Council members, may remove any Parks and Precreation Committee member, with or without cause, at any time.
- f) Meetings. The Committee shall meet at least quarterly. The chairperson shall have the right to call meetings more often. The Town Clerk shall advise the Town Council if a Committee has not met at least once a quarter, at which time, the Town Council shall take a vote as to whether to dissolve the Committee.
 - 1. During the organizational meeting of the Committee each year, the membership shall elect a committee member to serve as Chairperson. The Committee may also elect a Secretary and a Vice Chairperson to preside in the absence of the Chairperson.
 - 2. No item may be discussed for longer than 45 minutes absent a successful without a motion to extend the time for discussion time, which shall be done only in increments not to exceed 15 minutes.
 - 3. Meetings of the Parks and Recreations Committee shall conclude by 10:00 p.m., provided that any item which has begun to be heard by the board before 10:00 p.m. shall be allowed to proceed until there is a board vote on the item (subject to the 45-minute limit established above). Any unfinished business shall be deferred to the next meeting.
 - 4. There is a two (2) minute time limit for each speaker during public comments.
- g) Notice of Meetings. The Town Clerk shall be responsible for providing public notice of all Parks and Recreation Committee meetings.
- h) Quorum. The presence of a majority of the Committee members shall constitute a quorum. If a quorum is not present, the meeting shall not take place and no discussions, presentations, or exchange amongst Committee members shall occur.
- i) Attendance. Committee members who are absent three (3) or more times during a twelve (12) month period shall be subject to removal by the Town Council. The Committee staff liaison shall notify the Town Clerk when a member is absent more than three (3) times in a twelve (12) month period. The Town Clerk shall notify the Town Council of such absence and the Council shall decide if replacement is necessary and a vacancy exists. Compensation. Committee members shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

- j) Staff Liaison. The Town Manager shall designate a staff member to serve as a liaison to the Committee. The liaison shall attend Committee meetings and provide staff support.
- k) Agenda. The staff liaison, in consultation with the chairperson, shall prepare an agenda for each Committee meeting. The agenda shall be submitted to the Town Clerk for posting as required by Resolution No. 1050 referenced above.
- l) Committee Reports. The Chairperson or his/her designee shall submit a written report to the Town Clerk, that shall set forth the Committee's recommendations to the Town Council. The contents of the report shall be approved by the Committee prior to the submission to the Town Clerk and the Committee's presentation of the report to the Town Council, through its representative, at a publicly held meeting.
- m) Rules of Procedures. The Committee may adopt its own order of business and rules of procedure governing its meetings, and adverse not inconsistent with the provisions set forth herein. Such rules and procedures shall be filed with the Town Clerk. The Committee shall comply with all requirements of Chapter 119 (Public Records) and 286 (Sunshine Law), of the Florida Statutes, together with the Town Code of Ordinances.