

*NOTE: Please complete the request form and return it prior to the start of the meeting if you would like to speak during the meeting. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting. Thank you.*

**TOWN OF BAY HARBOR ISLANDS  
REGULAR COUNCIL MEETING AGENDA**

August 10, 2022

7:00 P.M.

**STATEMENT OF DECORUM**

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

**SPECIAL NOTICE – HYBRID MEETING**

The Town of Bay Harbor Islands Regular Council Meeting will take place in a Hybrid format, on Wednesday, August 10, 2022 at approximately 7:00 p.m., where a quorum of the Town Council will be physically present at the Town Hall Council Chambers. The public and other members of staff are welcome to participate in person or virtually via the Zoom video conferencing platform.

Zoom Meeting Link: <https://us06web.zoom.us/j/87052146180>

Meeting ID: 870 5214 6180

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.

The staff, members of the public and the applicants are strongly encouraged to attend virtually but will not be denied access to the physical meeting, consistent with public safety and health considerations.

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:

1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 870 5214 6180

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 in advance to the Office of the Town Clerk at [yhamilton@bayharborislands-fl.gov](mailto:yhamilton@bayharborislands-fl.gov) .

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

**SPECIAL PRESENTATION:**

1. Introduction of Circuit Court Judge Candidate - Lody Jean
2. Ruth K. Broad Student of the Year - Cameron Mann
3. Presentation of Police Explorer Badges

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

**TOWN MANAGER’S REPORT:**

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

**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.*

**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.

**Consideration and Approval** to utilize the Sourcewell (Formally NJPA) contract with Enterprise Fleet Management (EFM) for the lease of two (2) new fleet vehicles in the amount of \$13,961.04 annually for five (5) years with a total cost of \$69,805.20, to be utilized by the Public Works Water and Sewer Department. Enclosed is a copy of the proposal and other supporting documents.

5. **Consideration and Approval** to issue a Request for Proposal (RFP) to replace HyperV Terminal Servers that have reached their End-of-Life (EOL) cycle. Both the BHIPD Network and the Administrative Network will be replaced. Enclosed is a copy of the draft RFP.
6. **Consideration and Approval** to renew the Mutual Aid Agreement between the City of Aventura and the Town of Bay Harbor Islands Police Department. Enclosed is a copy of the proposed agreement.
7. **Consideration and Approval** to utilize the Sourcewell (formally NJPA) contract with ChargePoint for the installation of a dual port Level 2 EV charger in the 95th Street Parking Garage for the amount of \$20,254.00. Enclosed is a copy of the proposal and supporting documents.
8. **Consideration and Approval** of a revised Interlocal agreement between the Town of Bay Harbor Islands and Miami-Dade County School Board Police Department for placement of a School Board assigned School Resource Officer at Ruth K. Broad, for School Year 2022-2023. Enclosed is a copy of the revised agreement.
9. **Consideration and Approval** of a Resolution regarding Budget Amendment No. 2 to the FY 2021-2022 Budget. Attached is a copy of the proposed Resolution with supporting documents.
10. **Consideration and Approval** of a revised Memorandum of Understanding (MOU) in regard to funding for the Town of Bay Harbor Islands appointed School Resource Officer at Ruth K. Broad for School Year 22-23.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

**PUBLIC HEARING** - Approximately 7:15 p.m. or as soon thereafter as the matter may be heard.

11. Discussion for the purpose of hearing public comments with respect to an application for a variance from Section 23-12(6)(b)(iii); Section 23-12(8); Section 23-12(6)(v) and Section 23-12(6)(a)(x) of the Town Code to construct a boat dock facility. The application for a variance is being requested by the property owner BH Investment, LLC for the property located at 1135 103 Street, Tract F, Bay Harbor Islands, Florida. Enclosed is a copy of the variance application and other supporting documents.
12. **Approval or Denial** of a variance request for the property located at 1135 103rd Street. 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 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.

**STAFF RECOMMENDATION:** Council's Discretion.

**POLL VOTE**

**ORDINANCES ON SECOND READING:**

**ORDINANCES ON FIRST READING:**

13. **Consideration and Adoption** of an Ordinance on First Reading modifying Section 23-30(f) of Article II of the Town Code modifying the existing code provisions for mechanically stacked vehicle lifts. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE EXISTING CODE PROVISIONS GOVERNING OFF-STREET PARKING; MODIFYING SECTION 23-29.1 OF ARTICLE II OF CHAPTER 23 RELATED TO THE TOWN PARKING TRUST; MODIFYING SECTION 23-30(f) OF ARTICLE II OF CHAPTER 23 RELATED TO DETERMINING THE AMOUNT OF PARKING SPACES; MODIFYING THE CODE TO CLARIFY A 2008 TOWN COUNCIL ACTION THAT REASSIGNED THE RESPONSIBILITY TO CONSIDER ALTERNATE PARKING ARRANGEMENTS TO THE PLANNING AND ZONING BOARD (NOW KNOWN AS THE DESIGN REVIEW BOARD); MODIFYING THE EXISTING CODE AS IT RELATES TO MECHANICALLY STACKED VEHICLE LIFTS TO INCLUDE PROVISIONS FOR THE ALLOWABLE LOCATIONS AND SCREENING OF MECHANICALLY STACKED VEHICLE LIFTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion.

**POLL VOTE**

**DEFERRED ITEMS:**

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

14. **Discussion and Possible** action regarding the appointment of a member to the Litigation Committee.
15. **Consideration and Approval** of a Resolution amending Section 23-22.2 of the Town Code to modify the percentage of Town-owned Transfer of Development Right Dwelling Units that may be allocated to each project. Introduced by Council Member Stephanie Bruder. A copy of the draft Resolution is enclosed.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, MODIFYING THE PERCENTAGE OF TOWN-OWNED TRANSFER OF DEVELOPMENT RIGHT DWELLING UNITS THAT MAY BE ALLOCATED TO EACH PROJECT, PURSUANT TO SECTION 23-22.2 OF THE TOWN'S CODE OF ORDINANCES; SETTING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion.

**POLL VOTE**

**DISCUSSION ITEMS:**

16. **Consideration** and **Discussion** pertaining to the establishment of an Animal Welfare Committee. This item was submitted by Council Member Yaffe on behalf of a Town resident.
17. **Discussion** and **Possible** action regarding the design and construction of an additional story to the 1165 95th Street Parking Garage. There is a proposal from THA Consulting, who designed the existing garage, for the evaluation, design, and construction administration of an additional story (120 additional parking spaces). The amount of the proposal for the design is \$271,000.00. Enclosed are copies of the Proposal and Existing Contract between THA Consulting and the Miami Parking Authority if the Town decides to piggyback off that contract.
18. **Discussion** and **Possible** actions regarding the Town's Plans for Block 11. Some of the projects in process or being evaluated are reclaiming the 20' platted alleyway, building a parking garage, relocation of the Public Works storage area, and vertical expansion of the Town Hall.
19. **Discussion** and **Possible** action on revising various fees charged by the Town. Additionally, Council Member Yaffe requested a discussion item on the possibility of increasing the fines under Section 12- 26/27 of the Town Code pertaining to construction work before and after permissible hours, and demolition activity prior to issuance of the required permits, as per Section 5-5.1 (d), sponsored by Council Member Yaffe.

**ADJOURNMENT:** Set for 11:00 p.m. (*Any items not addressed by 11:00 PM, will be continued to the following day at 7:00 PM*)

*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.*