

NOTE: A three-minute maximum time limit will be imposed on all comments from the public. A request form is available; fill it in and return to the Clerk prior to the start of 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.

**TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154**

**RESCHEDULED
REGULAR COUNCIL MEETING
AGENDA**

November 28, 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.

CALL TO ORDER at approximately 7:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL

SPECIAL PRESENTATION:

1. Retirement of Officer Kathy Sullivan

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.)*

- 2. **Consideration and Approval** of an agreement between the Town of Bay Harbor Islands and ClearGov for ClearGov Budget Preparation Setup and Subscription Fees, via BuyBoard Purchasing Cooperative, not to exceed \$30,000 per year for Fiscal Years 2022 through 2025, under the piggyback purchase provisions, pursuant to Section 2-1.2(6) of the Town's Procurement Regulations. The total cost of ClearGov Budget Preparation Setup and Subscription Fees will be \$106,600.00. Enclosed is a copy of the proposed ClearGov Service Order.
- 3. **Consideration and Approval** of the Council Meeting dates for the 2023 calendar year. Enclosed is a copy of the calendar of the proposed dates.
- 4. **Consideration and Approval** of 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. Enclosed is a copy of the proposed agreement.
- 5. **Consideration and Approval** of an agreement with a vendor/venue to host the Annual Employee Banquet.
- 6. **Consideration and Approval** of an Agreement between the Florida Department of Transportation and the Town of Bay Harbor Islands Regarding the Shepard Broad Causeway Bridge. Enclosed is a copy of the agreement.

STAFF RECOMMENDATION: Approve.

POLL VOTE

PUBLIC HEARING

- 7. **Discussion and Possible action** with respect to the appeal filed by Attorney David E. Sacks, with the law firm of Pathman Schermer Tandy, LLP, on behalf of Carroll Walk Condominium Association, Inc. at 9751 East Bay Harbor Drive, regarding the Design Review Board's November 1st approval of a new multi-family dwelling for 9781 Bay Harbor Development, LLC, concerning property located at 9781 East Bay Harbor Drive, Lot 28 of Block 4, Bay Harbor Islands, Florida. Enclosed are the Letter of Appeal, development application package, and a letter from opposing counsel, Joseph A. Ruiz, Esq., Wernick & Co. Email correspondence was received from Mr. Sacks on November 22nd requesting the appeal be tabled until an appropriate time. The other party whose project was approved by the DRB and appealed, has not agreed to postpone the matter.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

ORDINANCES ON FIRST READING:

- 8. **Consideration and Approval** of an ordinance on First Reading amending Sections 23-16.1 and 23-16.2 of the Town Code pertaining to Moratorium and Zoning in Progress. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-16.1 TO BE ENTITLED MORATORIUM AND PROVIDING FOR PROCEDURAL CHANGES; PROVIDING FOR A NEW SECTION 23-16.2 ENTITLED ZONING IN PROGRESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

9. **Consideration and Approval** of an ordinance on First Reading amending the Town Code, by creating a new Section 23-30.1 with provisions for Mechanically Stacked Parking Lifts, introduced by Council Member Bruder. 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 CODE OF ORDINANCES RELATED TO MECHANICAL AND ROBOTIC PARKING SYSTEMS; CREATING SECTION 23-30.1 ENTITLED "MECHANICAL AND ROBOTIC PARKING SYSTEMS"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

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

10. **Consideration and Approval** of a Resolution regarding FY 2022-2023 Budget Amendment No. 1 to (i) appropriate monies in the FY 2022-2023 Budget to fund the cost of the Town Public Works Director and Town Planner Positions and review of the Comprehensive Plan and the Town Charter; and (ii) for the replacement of three (3) sanitary sewer pumps at the Main Pump Station D and Discharge Piping Rehabilitation project. The actual cost of the sanitary sewer pumps project was reduced from \$1,194,350 to \$900,000, due to the different specifications required by Miami-Dade County. Only \$772,000 will need to be appropriated from reserves as \$128,000 is currently available in the current Fiscal Year revenues. The work is critical and considered an emergency. The project resulted from Hurricane Ian and the cost will be submitted to FEMA for potential reimbursement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 1 FOR THE FISCAL YEAR 2022/2023 BUDGET; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

11. **Discussion and Possible Action** regarding re-appointment of members to the Design Review Board for the 2022-2024 Term. Enclosed are applications/resumes for appointment and reappointments.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

12. **Discussion and Possible** action regarding a Memorandum of Understanding between Bay Harbor Islands and the PBA regarding the "Military Service Buy Back Program" multiplier for Police Officer Alan Castellanos. Sponsored by Council Member Stephanie Bruder. Enclosed are supporting documents.

DISCUSSION ITEMS:

13. **Discussion and Possible** action authorizing the Town Manager to issue RFP's as necessary to solicit partners for The Children's Trust Youth Development Grant response.
14. **Cancellation** of the December Design Review Board Meeting, introduced by Council Member Bruder.

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.