BAL HARBOUR

- VILLAGE -

Mayor Seth E. Salver
Vice Mayor David Wolf
Councilman Jeffrey P. Freimark
Councilman Alejandro Levy
Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez
Village Clerk Dwight S. Danie
Village Attorneys Weiss Serota Helfman Cole & Bierman, P.L.

Bal Harbour Village Council

Regular Meeting Agenda
February 17, 2026
At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

This meeting will be conducted in person. The meeting will also be broadcast on our website at https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/ . Members of the public are also encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience
The Bal Harbour Experience.pdf

CALL TO ORDER/ PLEDGE OF ALLEGIANCE

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

PRESENTATIONS AND AWARDS

PA1 Proclamation - Black History Month

PA2 Presentation - Coastal Management Program Update by Cummins Cederberg
Coastal Management Program Update by Cummins Cederberg.pdf

PA3 Presentation - Miami-Dade County Grant Award and Overview Presented by Commissioner Micky Steinberg

CONSENT AGENDA

C6 COUNCIL MINUTES

Approval of Minutes – January 20, 2026 Regular Council Meeting Minutes
VillageCouncil-RegularCouncilMeetingMinutes_January20_2026.pdf

C7 CONSENT AGENDA RESOLUTIONS

There are no Consent Agenda Resolutions

R5 – ORDINANCES

R5A Ordinance Establishing Procedures for Certified Recovery Residences in Accordance with State Law (Second Reading)

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Item Summary - Certified Recovery Residences Compliance Ordinance ADA.pdf
Memorandum - Certified Recovery Residences Compliance Ordinance ADA.pdf
Ordinance - Certified Recovery Residences Compliance Ordinance ADA.pdf
Attachment - SB954.2025 ADA.pdf
Business Impact Statement - Certified Recovery Residences Compliance Ordinance ADA.pdf

R5B Ordinance Prohibiting Electric Bicycles and Motorized Scooters (First Reading)

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF ELECTRIC BICYCLES, MOTORIZED SCOOTERS AND OTHER MOTORIZED MOBILITY DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Item Summary - Prohibiting Electric Bicycles and Motorized Scooters V2.pdf
Memorandum - Prohibiting Electric Bicycles and Motorized Scooters v3.pdf
Ordinance - Prohibiting Electric Bicycles and Motorized Scooters V2.pdf
Attachment 1- 2022-02-15 Regular Council Meeting Minutes.pdf
Attachment 2 - VillageCouncil-RegularCouncilMeetingMinutes_May21_2024_Signed.pdf
Attachment - Business Impact Statement - Prohibiting Electric Bicycles and Motorized Scooters ADA.pdf

R7 – RESOLUTIONS

R7A Resolution Urging Miami-Dade County to Restore Beach Cleaning and Sargassum Removal Funding

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; URGING MIAMI-DADE COUNTY TO RESTORE THE LEVEL OF SERVICE THAT HAS BEEN HISTORICALLY PROVIDED AND PROVIDE

ADEQUATE FUNDING FOR THE BEACH CLEANING AND SARGASSUM REMOVAL PERFORMED BY BEACH RAKER, LLC. ON ALL IDENTIFIED HOTSPOTS ON THE SHORELINE IN BAL HARBOUR VILLAGE; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR AN EFFECTIVE DATE.
Item Summary - Supporting Restoration of Beach Raking Services ADA.pdf
Memorandum - Supporting Restoration of Beach Raking Services ADA.pdf
Resolution - Supporting Restoration of Beach Raking Services ADA.pdf

R9 - NEW BUSINESS AND COUNCIL DISCUSSION

R9A Discussion Item - Traffic Impacts Related to Recent Lane Closures on Collins Avenue - Mayor Seth E. Salver
Traffic Impacts Related to Recent Lane Closures on Collins Avenue - Mayor Seth E. Salver ADA.pdf

R9B Discussion - Proposed Collins Avenue Crosswalk - Vice Mayor David Wolf
Proposed Collins Avenue Crosswalk - Vice Mayor David Wolf ADA.pdf

R9C Discussion - Exercise Equipment Along the Beach Path - Vice Mayor David Wolf
Exercise Equipment Along the Beach Path - Vice Mayor David Wolf ADA.pdf

R9D - PUBLIC COMMENT

R10 - VILLAGE MANAGER REPORT

R11 - VILLAGE CLERK REPORT

R11A Lobbyist Report
R11A1_Lobbyist Registration Report as of February10_2026.pdf

R12 - VILLAGE ATTORNEY REPORT

R12A Village Attorney Report
Monthly Attorney Report January 2026.pdf

END OF REGULAR AGENDA

ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees. The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall. If a person decides to appeal any

decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, 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 (F.S. 286.0105).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding. All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.

CUMMINS | CEDERBERG
Coastal & Marine Engineering

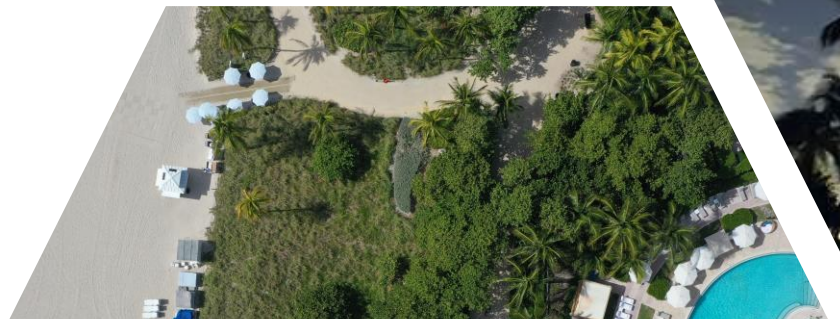
Bal Harbour Village Coastal Management Program Update

February 17, 2026

Council Meeting









USACE FCCE Nourishment – Completed Sep 2025

- **May 19, 2025**: Contractor began mobilization
- **May 28, 2025**: Sand placement began
- **September 8, 2025**: Sand placement completed
- **September 18, 2025**: New material was tilled
- **September 30, 2025**: Demobilization finished
- **December 16, 2025**: USACE submitted post-construction report to Bal Harbour – approximately 191,750 CY total



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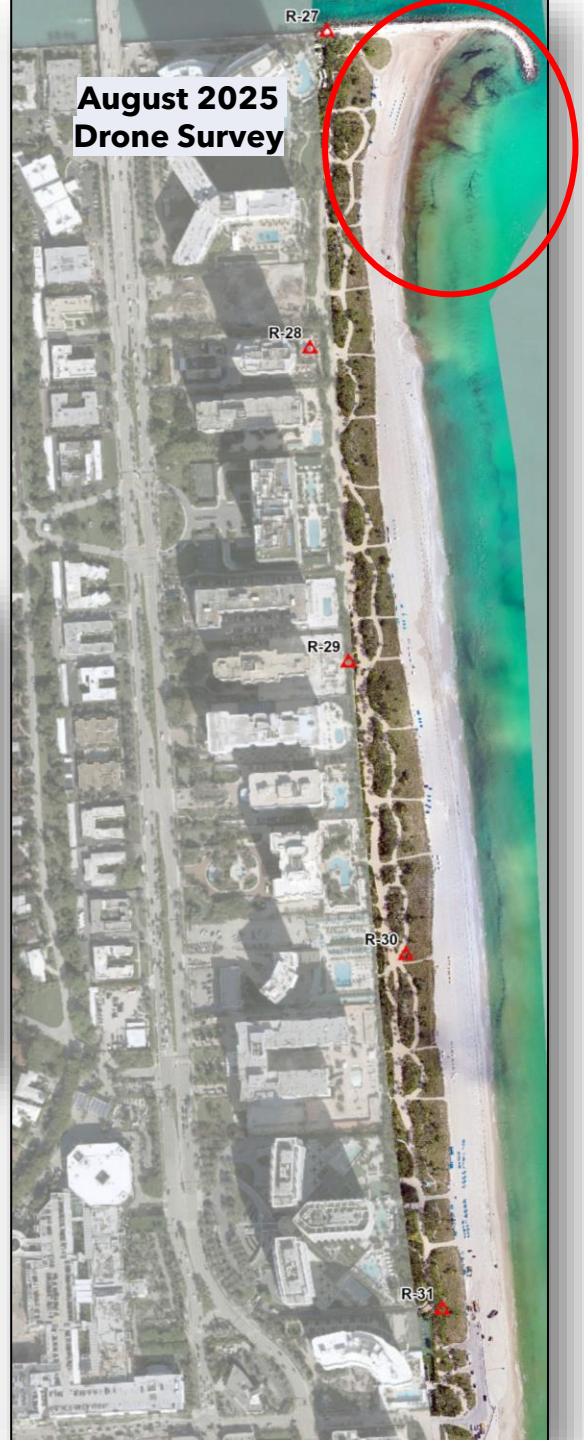


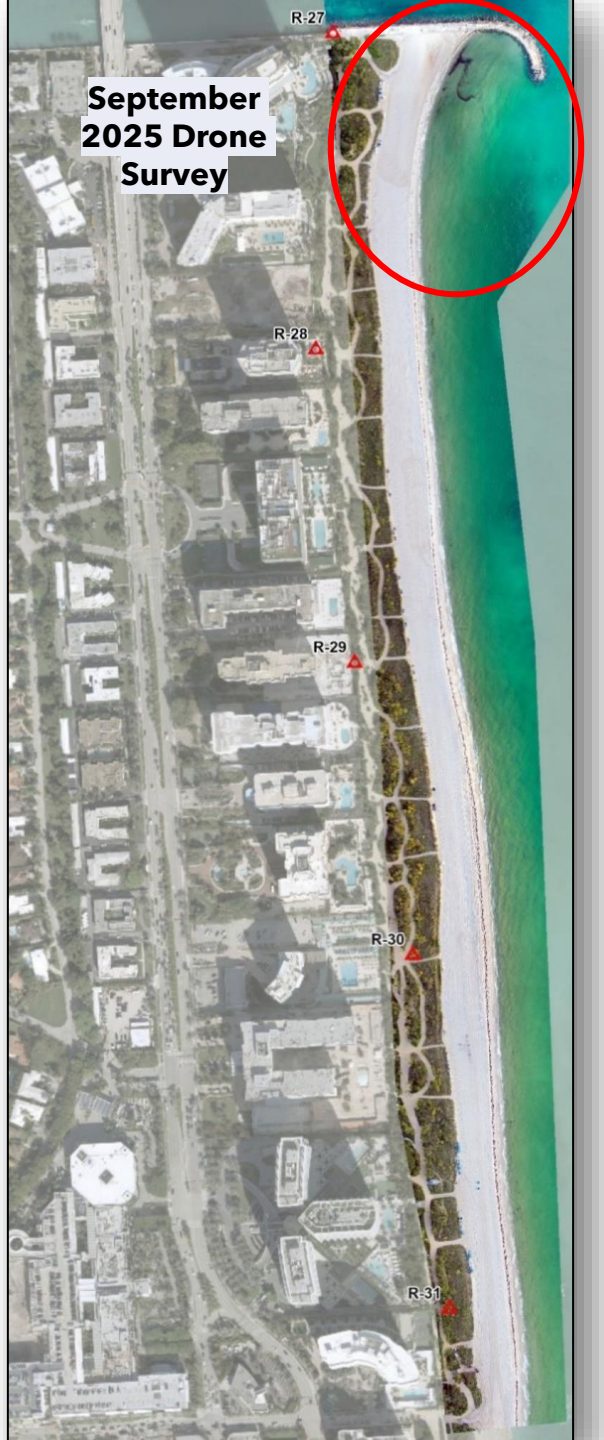
9/30/25 (Final Site Visit)

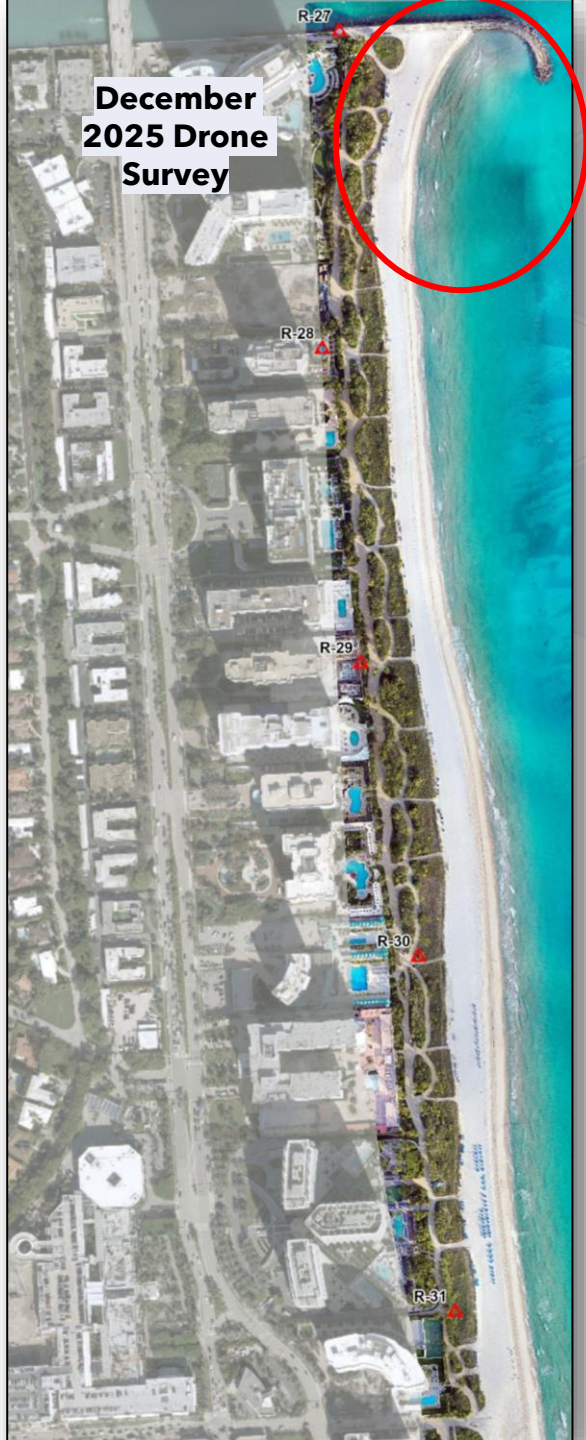
Sargassum

- Summer vs Fall 2025
- Hot spot in jetty hook

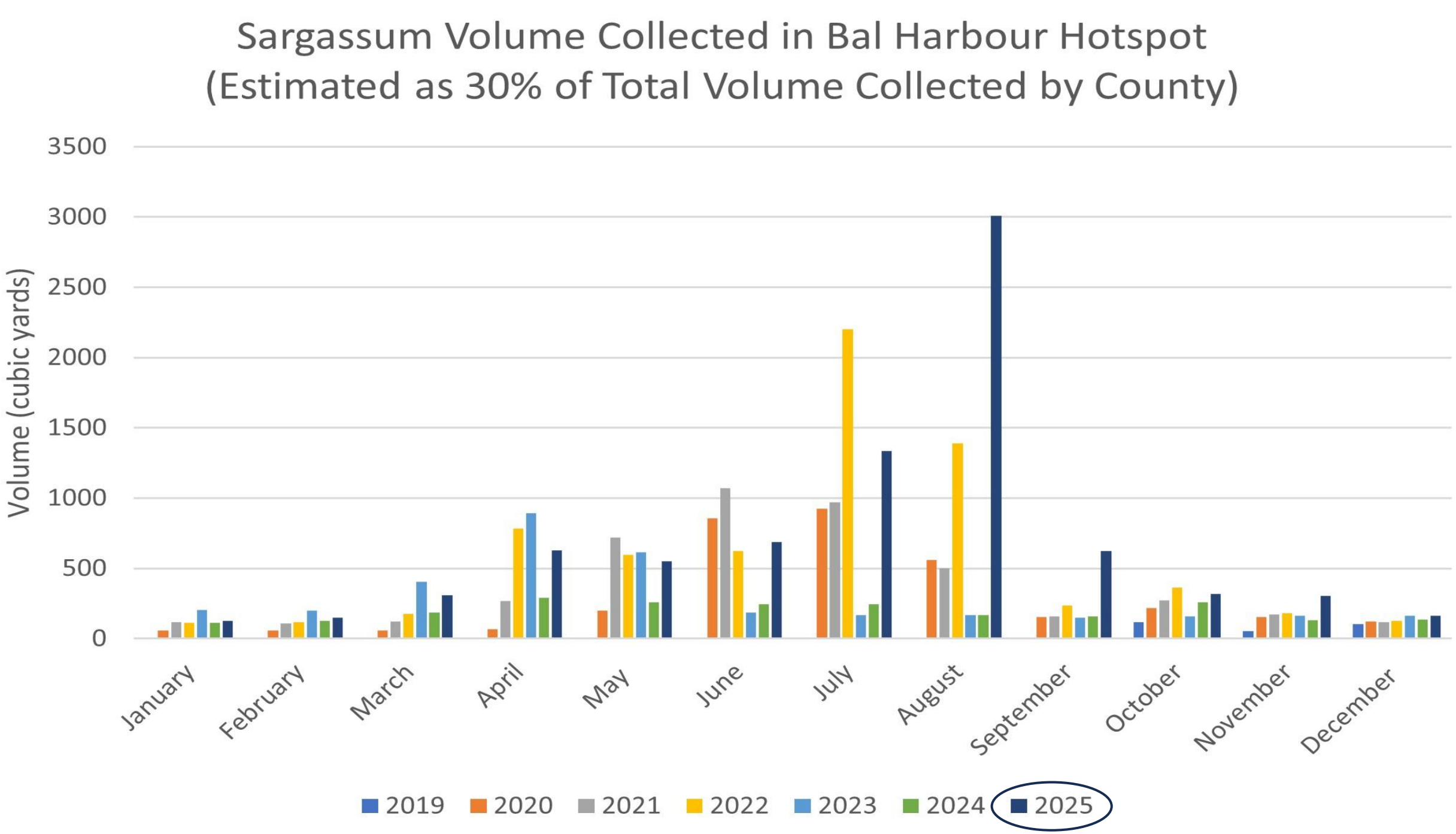






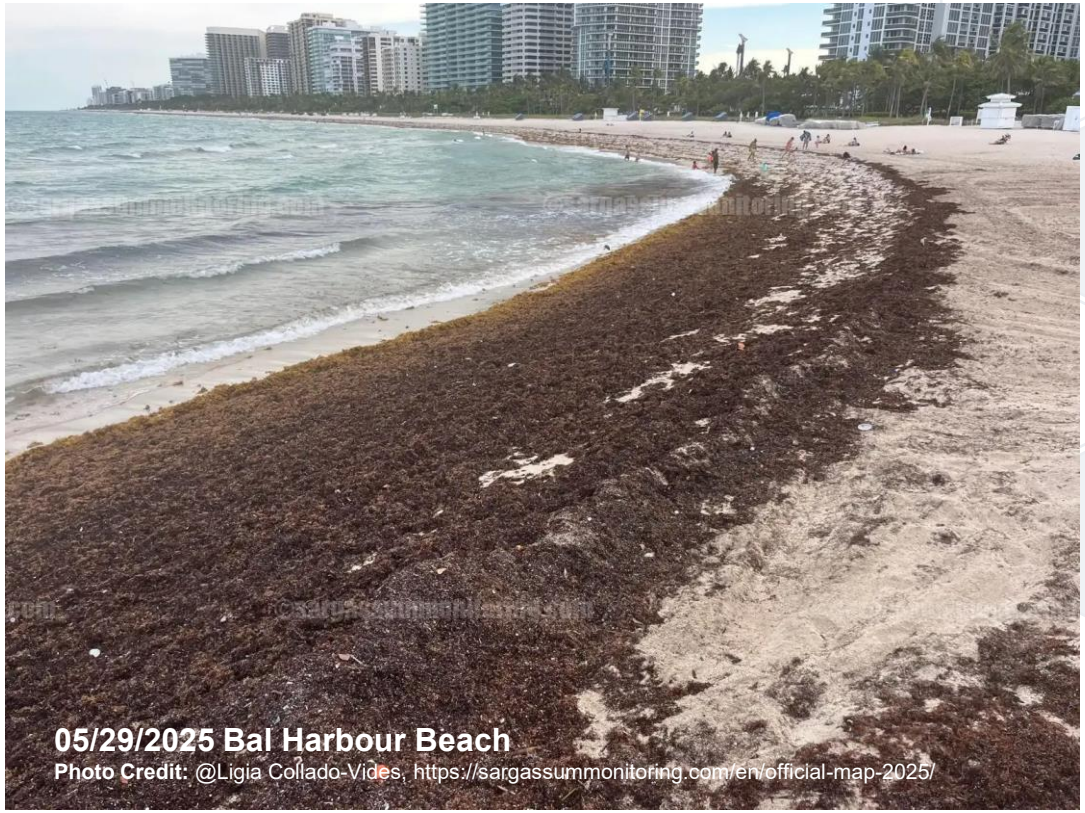


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Sargassum Volume Collected in Bal Harbour Hotspot
(Estimated as 30% of Total Volume Collected by County)
Volume (cubic yards)
3500
3000
2500
2000
1500
1000
500
0
January
February
March
April
May
June
July
August
September
October
November
December
2019
2020
2021
2022
2023
2024
2025

Sargassum CCCL Field Permits

- Coordination with Miami-Dade County PROS relative to sargassum accumulation and collection on BHV's beaches
- Tracking sargassum studies in FL, USVI, and other areas in the Caribbean
- Collection data (volume in cubic yards) obtained monthly from County
- FDEP CCCL Field Permit for BHV for sargassum collection in the jetty hot spot
  - For high volume days when County & their contractor can't keep up.



05/29/2025 Bal Harbour Beach
Photo Credit: @Ligia Collado-Vides, https://sargassummonitoring.com/en/official-map-2025/

Permit Number	Permittee	Active Dates	Location	Authorized Work
8042619	BHV	8/19/25 – 8/18/26	R-27 to R-31	Use of a skid steer below the tide line to mix sargassum with wet sand up to one foot deep.
8042591	Beach Raker	3/18/25 – 3/17/26	R-1 to R-108, or anywhere in MDC as needed. Hot Spots identified.	Use of a rear-mounted blade below the tide line to mix sargassum with wet sand up to one foot deep.
8042566	MDC	1/23/25 – 1/22/26	R-1 to R-101 at authorized hotspots including BHV's jetty.	Use of a drag bar above the tide line to remove sargassum from beaches.

October 2025 Sargassum Article

- Increased social and economic disruptions in the Caribbean region
- Field observations from the Sargassum Watch database show that sargassum season has started earlier and lasted longer in recent years
- Events are expected to cause significant negative economic impacts, in multimillion dollars annually, across all study regions
- Impact may be in billions of dollars along FL's Atlantic coast

Contents lists available at ScienceDirect

Harmful Algae

journal homepage: www.elsevier.com/locate/hal



Economic impacts of sargassum events in Puerto Rico, USVI, and coastal Florida

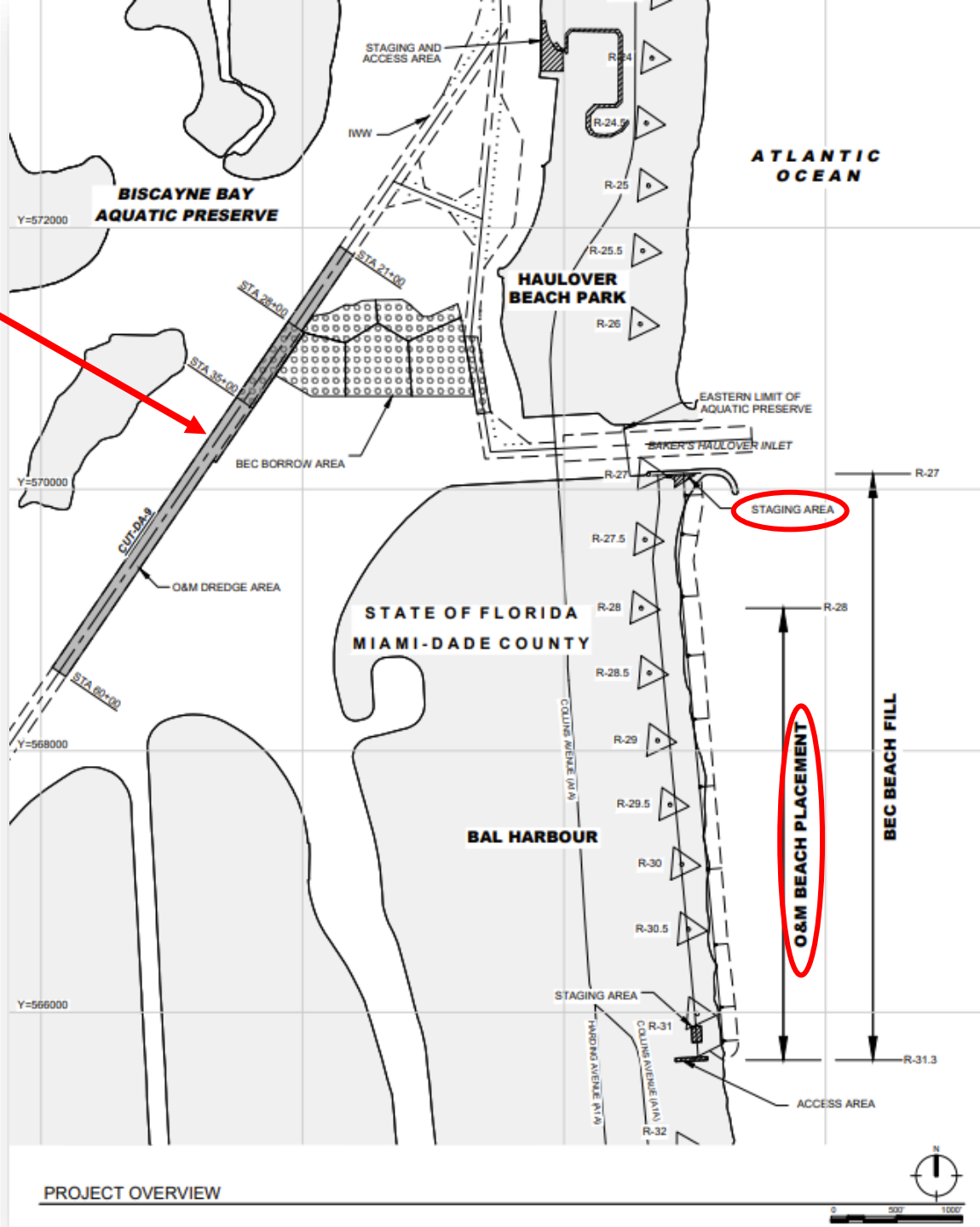
Di Jin [a,*], Avery Wang [b], Tracey Dalton [c]

Annual expected economic impacts of sargassum events on regional economy.

Region	Annual direct impact (2025$10^6$)			Annual total impact (2025$10^6$)		
	Expected value	Low	High	Expected value	Low	High
PR	595.95	86.63	1191.90	782.26	113.71	1564.53
USVI	37.92	4.74	75.85	50.50	6.31	101.01
FL NE	338.13	18.89	676.26	608.76	34.01	1217.51
FL CE	225.93	9.04	451.86	360.18	14.40	720.36
FL SE	2682.52	139.30	5365.05	5123.81	266.07	10,247.62
FL SW	15.88	0.64	31.75	25.44	1.02	50.88
FL CW	223.99	5.61	447.98	413.65	10.37	827.31
FL NW	4.11	0.02	8.23	5.30	0.03	10.60
FL PH	143.32	5.39	286.64	229.50	8.63	459.00

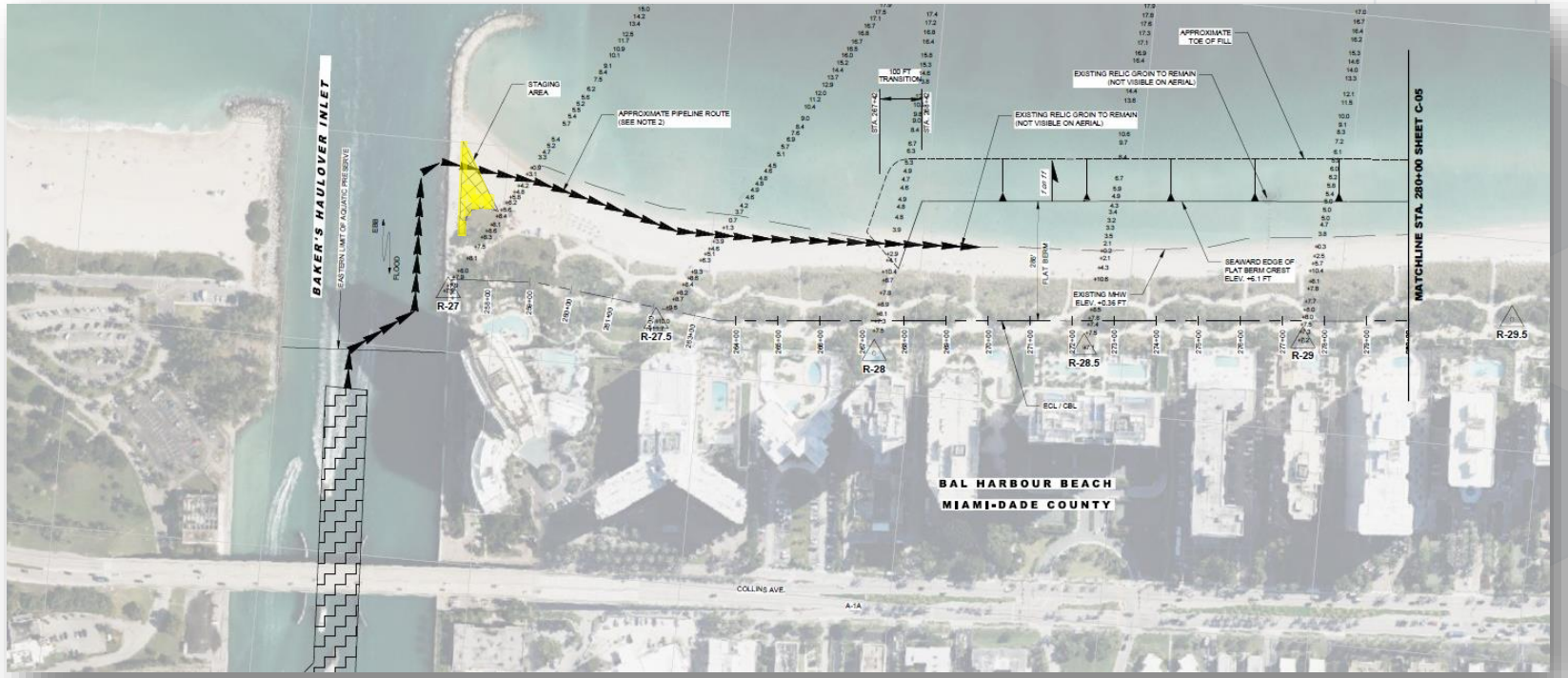
USACE / FIND Dredging and Nourishment Project

- Award anticipated: May 2026
- NTP anticipated – May 2026???
- Construction: June-August 2026
  - Mobilization = ~60 days
  - Dredging and demobilization = ~40 days
  - Nourishment = ~10-14 days
- Approximate volume = ~40,000 CY
- Using USACE's Bal Harbour Beach Nourishment FDEP Permit 0307741-006-JN – final permit not yet issued

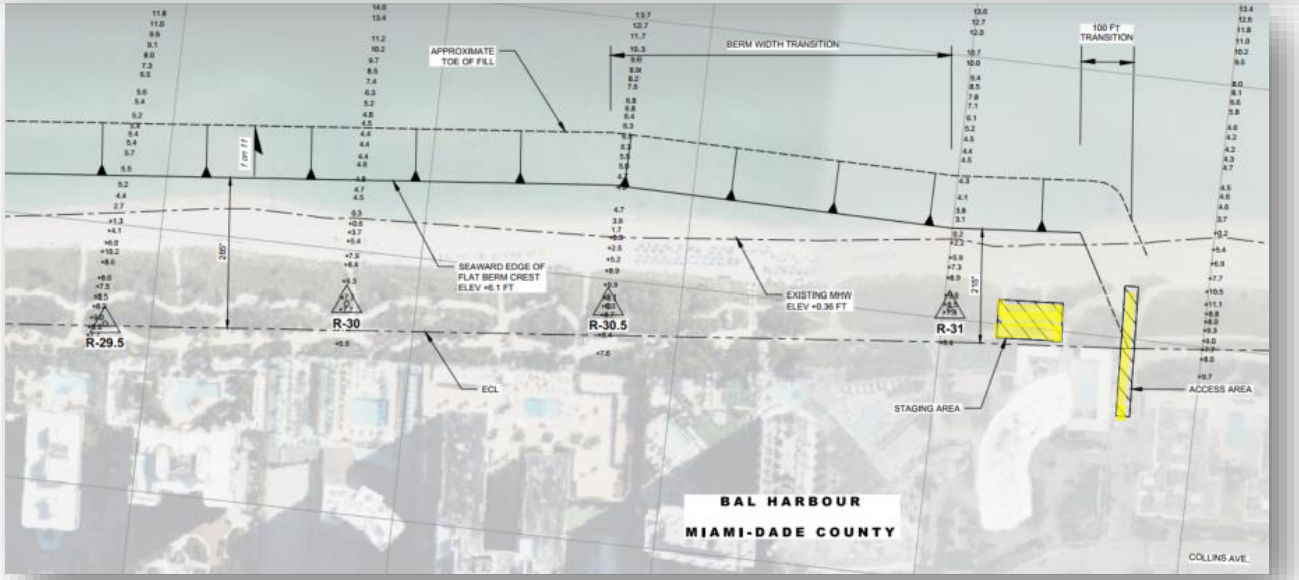


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USACE / FIND Project Staging Areas



- Sand placement N to S
- Pipeline over Jetty (~100 days)
- Needs coordination with Jetty construction

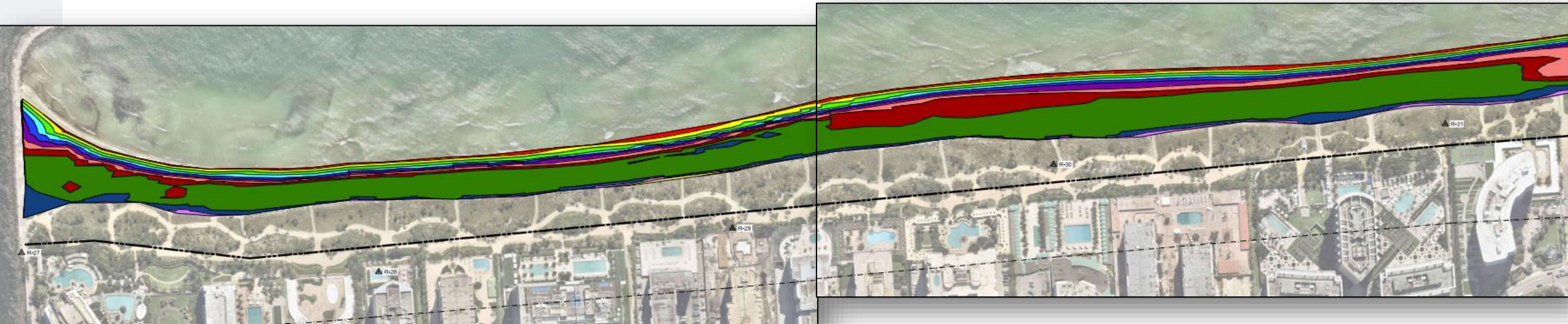


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Rivage Project, ~21,000 CY – Postponed to 2027

- Originally scheduled to begin February 2026
- December 2025 pre-construction survey documented minimal erosional hotspots following completion of the FCCE project in September 2025
- Rescheduled to 2027 due to reduced need for sand and local resident concerns

Number	Minimum Elevation	Maximum Elevation	Area	Color
1	-2.14	-1.00	23761.13	
2	-1.00	0.00	34566.93	
3	0.00	1.00	33680.10	
4	1.00	2.00	28963.31	
5	2.00	3.00	26214.72	
6	3.00	4.00	33900.26	
7	4.00	5.00	47935.04	
8	5.00	6.00	80051.97	
9	6.00	7.00	332407.30	
10	7.00	8.00	45429.85	
11	8.00	9.00	10767.88	
12	9.00	10.22	1696.81	



Bal Bay Drive "Customarily Used" Channel



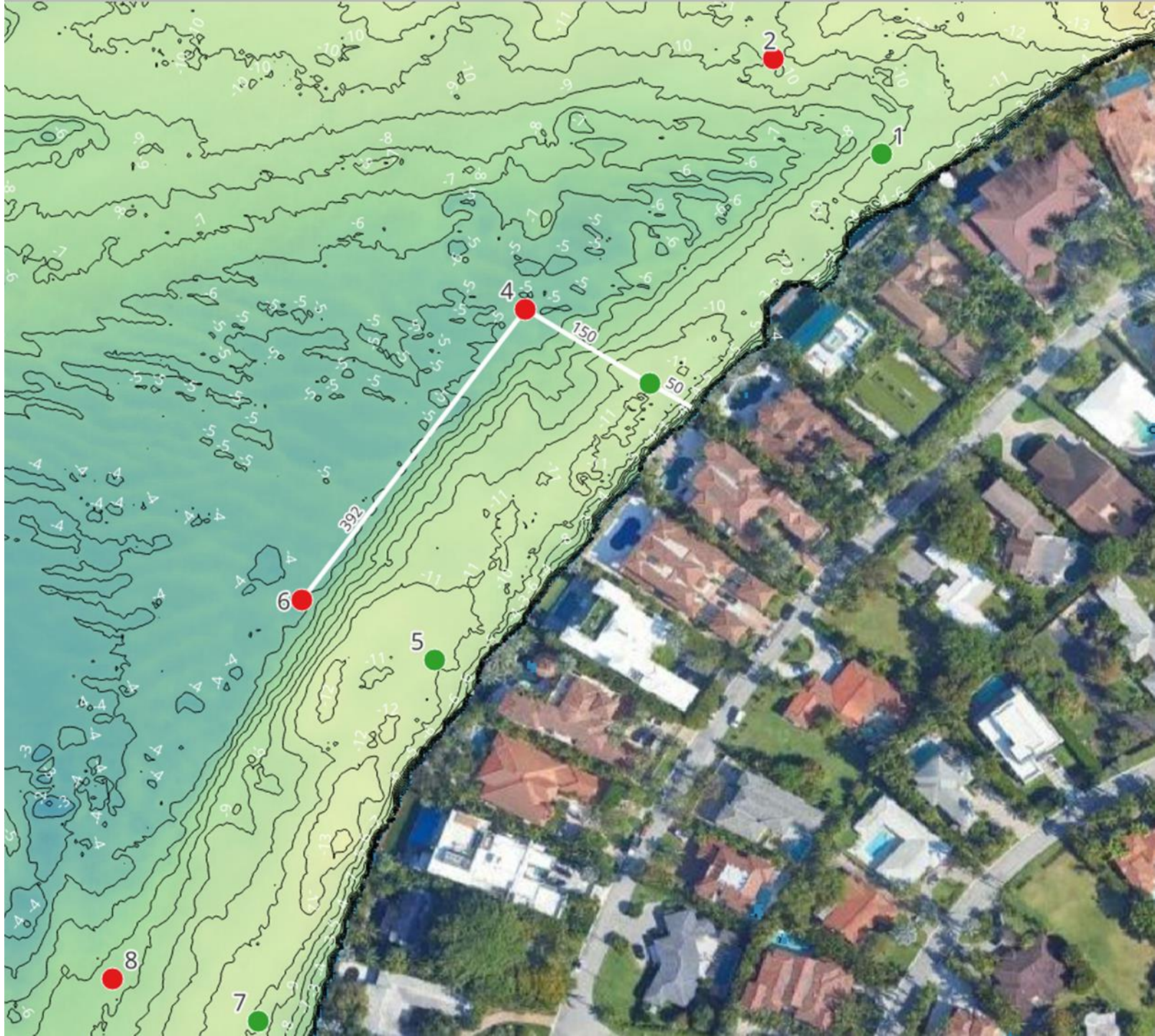
Legend

- Conceptual Channel Boundary
- ICWW Channel Boundary
- Bal Harbour Village Municipal Boundary

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Channel Marking ROM Costs

- Design / Permitting: +/- $90,000
- Installation: +/- $80,000
  - Assumes 10 channel markers and no seagrass mitigation
- Assumes lighting is not required by the USCG
  - +/-$7k each additional light with service ladder



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Flood Shoal Usage – 11/16/2025

- Estimated vessel count: 111
- Potential channel location depicted (not to scale)
- Alternative: MDC potential future dredging of flood shoal for next major MDC/USACE nourishment project



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Flood Shoal Usage – 11/23/2025

- Estimated vessel count: 84



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Flood Shoal Usage – 12/07/2025

- Estimated vessel count: 75

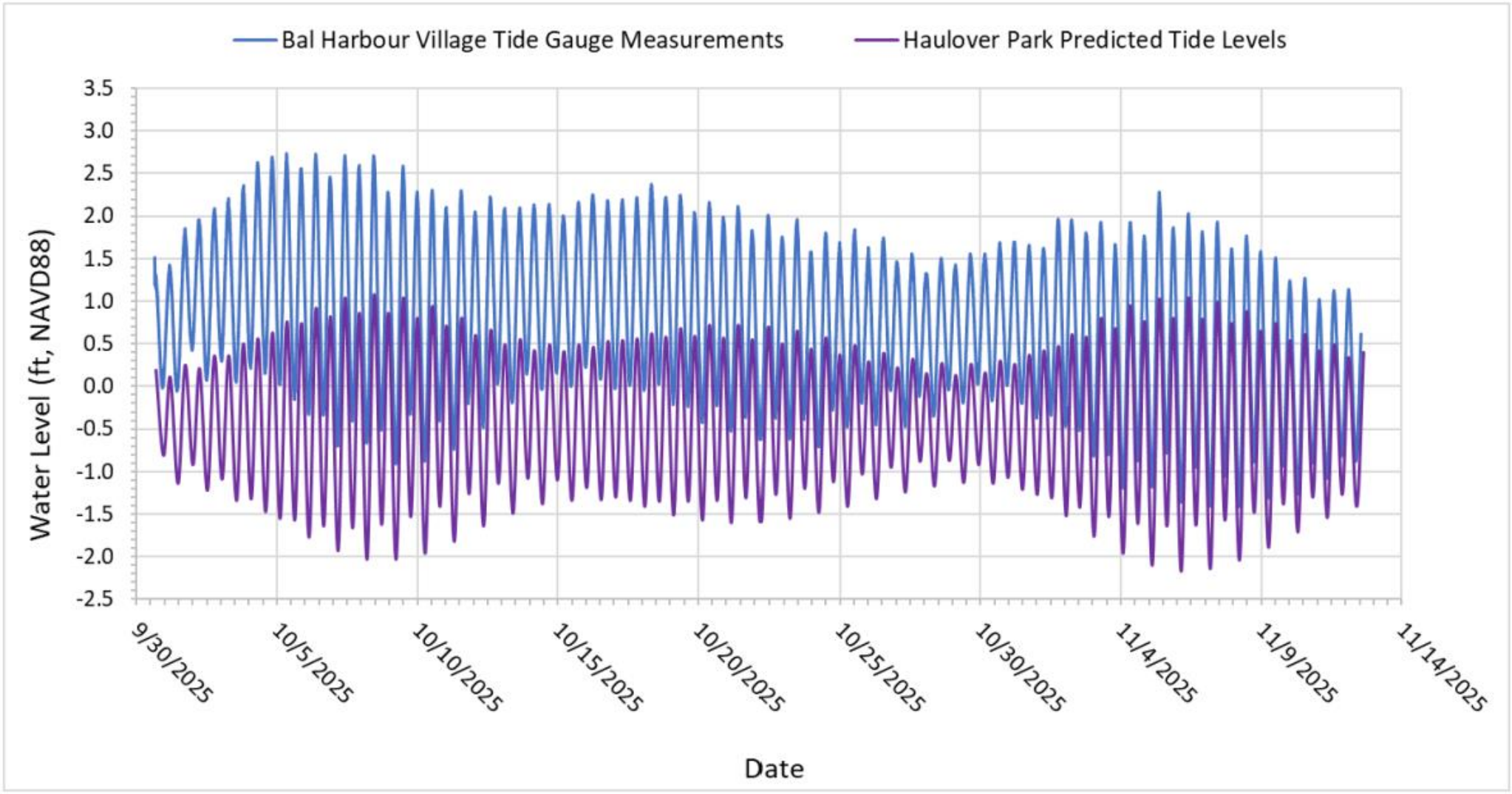


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2025 King Tides

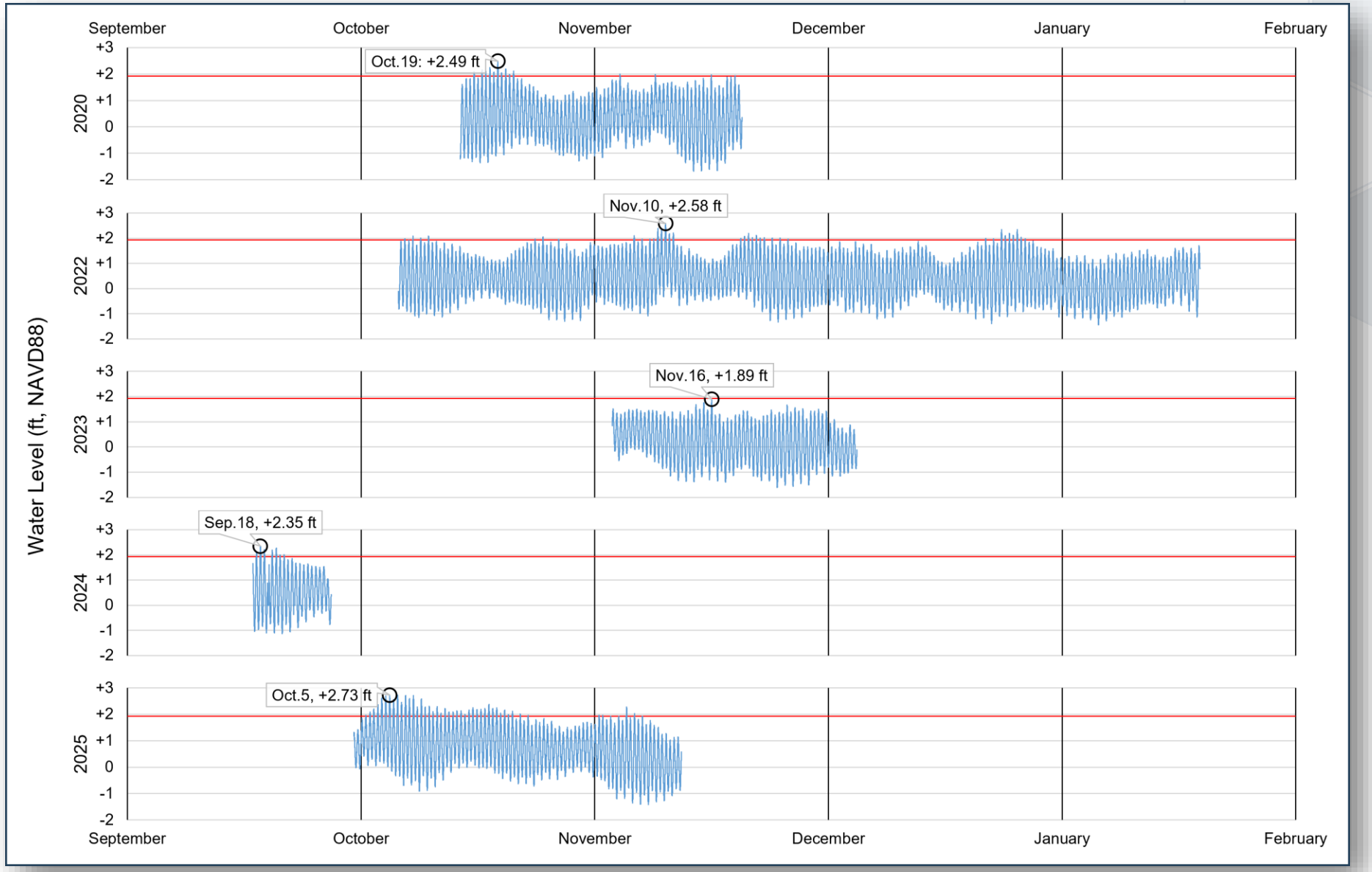
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Figure 3: Water Level Measurements Compared to Predicted Water Levels at NOAA Station 8723073



King Tide Gauge Measurements

- Callouts denote the highest water level measured for each deployment
- Red line = National Ocean Service (NOS) Minor Flood Threshold of +1.93 ft NAVD88, which is the typical threshold used for Bal Harbour



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Questions?



Danielle Irwin, Senior Director
dirwin@cumminscederberg.com



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BAL HARBOUR

- VILLAGE -

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Bal Harbour Village Council

Regular Meeting Minutes
January 20, 2026
At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

This meeting was conducted in person. The meeting was also broadcast on our website at https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/ . Members of the public were also encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE –Mayor Salver called this meeting to order at 6:50 P.M. following the General Employees' Retirement Board meeting.

The following were present:
Mayor Seth E. Salver
Vice Mayor David Wolf
Councilman Alejandro Levy
Councilman Buzzy Sklar
The following were not present:
Councilman Jeffrey P. Freimark
Also present:
Jorge M. Gonzalez, Village Manager
Dwight S. Danie, Village Clerk
Susan Trevarthen, Village Attorney

Mayor Salver announced that he would open this meeting with Agenda Item PA2, then recess this meeting to conduct the Local Planning Agency Meeting, after which he would reconvene this meeting.

The Pledge of Allegiance was led by Mayor Salver's daughter and son, Anna Rebeca Salver and David Salver, at the beginning of the General Employees' Retirement Board Meeting.

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

There were no requests.

PRESENTATIONS AND AWARDS

PA1 Proclamation - Recognition of Holocaust Remembrance Day

Mayor Salver reconvened this meeting at 7:07 P.M., after the adjournment of the Local Planning Agency Meeting. He then read a proclamation recognizing January 27, 2026 as International Holocaust Remembrance Day.

PA2 Recognition - Dr. Lewis Elias as Part of the Village's 80th Anniversary "Portraits of Bal Harbour"

This item was considered at 6:50 P.M.

Mayor Salver described the year 2026 as a milestone year in that Bal Harbour Village would be celebrating its eightieth anniversary, and in doing so, had created "Portraits of Bal Harbour" to honor residents whose lives and accomplishments reflect the community's values.

He then introduced Dr. Lewis Elias, a resident of the Village of 53 years, who had just celebrated his 100th birthday. He said that Dr. Elias attended Princeton University and Columbia Medical School and that he served as a captain in the United States Air Force as a flight surgeon during the Korean War. He described Dr. Elias' private practice for which he had a national reputation having provided care to prominent leaders across business, government, finance, entertainment and professional sports.

Mayor Salver listed Dr. Elias' major recognitions including the Ellis Island National Medal of Honor in 1998 and selection as a Miami Dolphins "Everyday Hero" in 2019. He said that Dr. Elias retired from medical practice in 2008 after more than 60 years, and that he remained active afterward through involvement with Barry University, participation on multiple boards, work connected to pharmaceutical development, and authorship of the book "Common Sense in Medicine."

Mayor Salver then recognized Dr. Elias and his wife Deanna, their sons Robert and Jamie and their daughter Tara.

This meeting was then recessed at 6:57 P.M. to conduct the Local Planning Agency Meeting, and reconvened at 7:07 P.M.

CONSENT AGENDA

C6 - COUNCIL MINUTES

Approval of Minutes – December 15, 2025 Village Council Meeting Minutes.

C7 - RESOLUTIONS

C7A A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF BAL HARBOUR, FLORIDA, AUTHORIZING THE LIMITED DISPLAY OF THE VILLAGE SEAL BY THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING CONDITIONS, RESTRICTIONS, AND REVOCABILITY OF SUCH AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

C7B A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING AN AGREEMENT WITH SPRINGBROOK HOLDING COMPANY, LLC TO PROVIDE, INSTALL AND SUPPORT FINANCE SOFTWARE; APPROPRIATING IMPLEMENTATION COSTS FOR THE CLOUD BASED FINANCIAL SOFTWARE IN THE AMOUNT OF $21,300.00; APPROVING AN ANNUAL SUBSCRIPTION COST OF $19,655.00; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: A Motion to approve the Consent Agenda was moved by Councilman Buzzy Sklar and seconded by Mayor Seth E. Salver.

VOTE: The Motion passed by unanimous voice vote (4-0).

R5 – ORDINANCES

R5A AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the ordinance was State-mandated for which the Village had little discretion, and noted that the Local Planning Agency recommended that the Village Council pass the ordinance on first reading. He said that no business impact statement was required.

Ms. Trevarthen explained that recovery residences are protected by Federal and State laws including the Fair Housing Act and ADA. She said that this ordinance formalized minimum criteria and procedures the Village would otherwise have needed to improvise to comply with federal law and case law.

Vice Mayor Wolf asked about who would conduct the certification, to which Ms. Trevarthen said that it is done at the state level in coordination with the industry organization.

There were no comments from the public.

MOTION: A motion to approve the ordinance on first reading was moved by Councilman Buzzy Sklar and seconded by Vice Mayor David Wolf.

ROLL CALL	VOTE
Mayor Seth E. Salver	**Yes**
Vice Mayor David Wolf	**Yes**
Councilman Jeffrey P. Freimark	**-**
Councilman Alejandro Levy	**Yes**
Councilman Buzzy Sklar	**Yes**

VOTE: The Motion passed by unanimous roll call vote (4-0).

R7 – RESOLUTIONS

R7A A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING AN AGREEMENT WITH BEACH RAKER, LLC., FOR THE PROVISION OF BEACH CLEANING AND ASSOCIATED SERVICES AT AN ANNUAL COST NOT TO EXCEED ANNUAL BUDGETARY ALLOCATIONS PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the Village's most recent heavy sargassum season showed that Miami-Dade County's standard beach-cleaning operations weren't sufficient for Bal Harbour's needs. He said that the Council had addressed the issue during its mini-retreat and budget process, and had approved funding to hire the County's contractor, Beach Raker, to supplement the County's service.

Chip Jones, Beach Raker, said that his company focuses on the non-hotspot portions of the beach, providing 7-days-a-week, year-round service in addition to the County's work in the hotspot area in front of the Ritz Carlton. He said that each morning, after turtle-clearance protocols allow equipment on the beach, his company would do a "clean beach" pass, adding that sargassum can quickly return due to tides and waves.

Mr. Jones said that the County's 2025 rebid of beach-cleaning services resulted in a low-bid contract that he believes would reduce resources and service levels in the hotspot area. He said that under the new contract, hotspot cleanings and upper-beach sifting would be reduced, and response capacity would be constrained, dropping from 10–12 tractors available across hotspot locations to about four tractors countywide. He said that he expects the impacts to become most visible when sargassum increases in spring.

Councilman Sklar said that he was concerned about a large berm that limited water access, especially for people that require accommodations. Mr. Jones said the berms were a result of beach renourishment, seasonal winds and cold fronts, and that Beach Raker would smooth and manage the condition within the Village contract at no extra cost, with the caveat that aggressive scraping could increase erosion. He added the County could help with dozer work if coordinated.

Councilman Sklar asked what the Village could do to restore adequate levels of service in the hotspot, to which Mr. Jones said the best approach was documenting the operational demands of hotspot events, truck needs and the duration of hauling. He said that trucking capacity determines whether cleanup keeps pace. He said that County leaders appear inclined to test the lower service level for several months and respond if complaints increase. Councilman Sklar said he would follow up with Miami-Dade Commissioner Micky Steinberg on needed support and documentation.

Mr. Jones said the biggest problem at the hotspot is getting the seaweed hauled out. He said that the exit is narrow, there are turtle-protection time limits, and crews can't leave piles there overnight, so they can only move about 16 truckloads a day. He said that last year got especially bad because a lot of seaweed showed up all at once, and that raking more each day north of the hotspot can cut down what drifts into the that corner, but it won't prevent big surges if hauling out stays limited.

MOTION: A Motion to approve the Resolution was moved by Councilman Buzzy Sklar and seconded by Mayor Seth E. Salver.

VOTE: The Motion passed by unanimous voice vote (4-0).

R9 - NEW BUSINESS AND COUNCIL DISCUSSION

R9A Discussion - Status Update: New Village Hall - Village Manager Jorge M. Gonzalez

Mr. Gonzalez introduced Jason Jensen (Wannemacher Jensen Architects, LLC).

Mr. Jensen said his presentation incorporated feedback from his individual conversations with Councilmembers including increasing buffer areas, tightening the geometry, and improving seating and the experience along the pathway that wraps around and connects the building. He described changes that he said would brighten and open the building visually and to improve how it is perceived from key public viewpoints. He said the office glazing had been increased in certain areas and that the material palette for the office volume had been lightened to create a more lightened backdrop. He said that the window openings were adjusted so they are more protected on the south side and more open to the north, improving sun control while preserving transparency and daylight.

He said that façade refinements and screening had been added to improve how the elevation appears from the neighborhood side.

He explained that the lobby and chamber materials were refined so the exterior material language continues into the interior instead of changing abruptly at the entry, and that transparency between the lobby and council chamber was increased so the chamber reads as connected to the civic arrival space rather than concealed behind walls. He said that the chamber becomes more solid where needed behind the dais to balance openness with function, and pointed to smaller refinements like planting around the stair area and adjustments to the stair configuration. He said that operational flexibility was a design objective, with a curtain-like element to quickly modulate light, openness, and acoustics for different meeting types or events.

R9B Discussion - Creation of Scooter and E-Bike Dismount Zone on East Collins - Mayor Seth E. Salver

Mayor Salver introduced the item saying that he was aware of recurring conflicts between pedestrians and fast-moving scooters, e-bikes, and bicycles on the east-side sidewalk along Collins Avenue, where the tree cutouts and narrowed pavement created pinch points. He said that there had been a pattern of near-misses and reported incidents in which people have been struck. He suggested establishing a clearly marked dismount zone, not to ban bikes or scooters outright, but to require riders to get off and walk their device through the narrow area so that someone is not traveling at high speed into foot traffic.

Ms. Trevarthen explained Collins Avenue was not fully within the Village's control, and measures like a dismount zone on the State road would require coordination and acceptance from FDOT. She said that when the idea had been explored previously, the their posture shifted from initially receptive to later not supportive.

Mr. Gonzalez asked whether the Village could "force" an electric dismount concept by local rule, to which Ms. Trevarthen clarified that e-bikes and scooters are treated differently under State frameworks, with only partial room for local regulation.

Mayor Salver said that the problem was getting worse and asked if there were any steps the Village can take within its legal authority.

Bal Harbour Police Chief Raleigh Flowers said that crashes with injuries are reportable and tend to get captured, while near-misses and lower-level incidents often go unreported, meaning the experience residents describe can be more than what appears in formal statistics.

Ms. Trevarthen recommended that, beyond local measures, the Village continue coordinated advocacy with legislators. There was a general consensus that any Collins-

side dismount zone concept would require State lobbying, outreach to the FDOT and a clearer assessment of what the Village can regulate directly.

R9C Discussion - Prohibiting Electric Motor Vehicles on Beach Path - Vice Mayor David Wolf

Vice Mayor David Wolf introduced the item saying that the beach-path issue had come up before, but what "re-triggered" him was seeing an example just south in Miami Beach where an ordinance/signage targets the east-side path approaching the beach. He said that the Village could similarly address the beach side because it carries heavier pedestrian activity, like more walkers, dogs on leashes, and slower-moving users, so the risk of high-speed e-bikes and scooters is greater there.

Councilman Sklar said that he had raised the same idea previously and that concerns about riders simply shifting elsewhere shouldn't stop action, He said that it was an "accident waiting to happen," pointing to older pedestrians, people with dogs/leashes spanning the walkway, and the near-misses that have already been discussed, and urged the Council to be proactive.

Ms. Trevarthen said that the situation was essentially the same as last year in that the Village can regulate the beach path, but the Collins Avenue east-side sidewalk is constrained by FDOT/state jurisdiction, which is why last year an approach that initially tried to cover both ended up focusing only on the beach-side path.

Mr. Gonzalez asked whether human-powered and electric devices must be treated the same under state law and how a "dismount" requirement would work in practice—while Salver and Sklar focused on the practical safety problem they're seeing on the ground (fast-moving devices threading through pedestrians). Levy floated whether a "please dismount" sign might work rather than an enforceable mandate, and Gonzalez cautioned that signage alone mostly influences people already inclined to comply.

The group then converged on a path forward: Salver summarized the emerging consensus as moving an ordinance forward for the beach-side path (since the Village can act there), while simultaneously engaging FDOT to pursue a workable approach for the Collins sidewalk; Trevarthen restated that as beach-side ordinance plus research/strategy/lobbying for Collins. Sklar added that doing the beach path first could also help generate real-world evidence about whether riders shift elsewhere, and Wolf closed by crediting Sklar for pushing the issue back onto the agenda.

R9D Discussion - Cars Loitering - Councilman Buzzy Sklar

Councilman Sklar introduced the item regarding rideshare vehicles loitering on public and private property saying that the situation has been getting worse. He described them sitting in parking areas and even "under the bridge," often with engines running. He said

this is creating frequent confrontations. He said that Miami Beach adopted a no-idling law and suggested Bal Harbour consider something similar.

Mr. Gonzalez responded that the issue is multi-layered. He said a no-idling ordinance is something the Village can legislate, and suggested the Village Attorney could draft it, but he flagged practical and legal limits depending on where the vehicles are sitting. He said that if vehicles are in a public area like the lot under the bridge, they may have a right to occupy the space, and enforcement would likely look like ticketing or other specific violations.

Councilman Sklar said that the Village already patrols and enforces in gated/private areas and has precedent for issuing citations there.

Chief Flowers said that enforcement inside gated/private communities is typically complaint-driven. He said that if the Department receives a complaint officers can issue parking citations; and if someone commits a traffic infraction, officers can cite that as well.

He said that rideshare vehicles loitering on private property, the property representative should be the first point of contact and direct the driver to leave. He said that if the driver refuses, the property representative calls police, and officers respond, reiterate the demand with the representative present, and if the driver still doesn't leave, police can issue a trespass warning.

Chief Flowers said the Department already has biweekly condo calls with building leadership and had recently asked staff to survey whether the issue is isolated or widespread. He reported responses from a couple of buildings and then pointed to the Village's "We Care" signage/authorization program as another tool. He said that it requires an affidavit/authorization from the property and is valid for a year.

R9E PUBLIC COMMENT

Babak Raheb, 128 Balfour Drive, asked whether the Village Hall rendering being discussed was the final approved design, noting he had "seen so many before," and he urged the Council to keep the scale appropriate to a "village," not a city, emphasizing the need to consider taxes and the cost of building a "grand" facility for a small community. He also commented on micromobility concerns, suggesting that age and licensing requirements could naturally shift adult riders to the roadway rather than sidewalks.

R10 VILLAGE MANAGER REPORT

R11 VILLAGE CLERK REPORT

Lobbyist Report

R12 VILLAGE ATTORNEY REPORT
Attorney Report

Ms. Trevarthen announced the following case numbers for the executive sessions:

- *Bal Harbour Shops, LLC vs Bal Harbour Village*, Case No. 2024-010142-CA-01 (noise)
- *Bal Harbour Shops, LLC vs Bal Harbour Village,* Case No. 2024-001246-CA-01 (LLA).
- *Bal Harbour Shops, LLC vs Bal Harbour Village*, Case No. 2025-002494-CA-01 (FLUEDRA)
- *Bal Harbour Shops, LLC vs Bal Harbour Village*, Case 2025-010409-CA-01 (supermajority voting)
- *Bal Harbour Shops v. Bal Harbour Village*; Case No. 25-cv-24938-EA; GC2025290394 (regulatory taking, illegal taxation)
- *Village of Bal Harbour vs Zyscovich, Case No. 2025-006332-CA-01 (Waterfront Park)*

END OF REGULAR AGENDA

ADJOURNMENT- The meeting was adjourned at 8:39 P.M.

_____
Mayor Seth E. Salver

Attest:

_____
Dwight S. Danie, Village Clerk

BAL HARBOUR

- VILLAGE -

COUNCIL ITEM SUMMARY

Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW.

Issue:

This Ordinance establishes a procedure for the review and approval of certified recovery residences, and any related reasonable accommodations, as required by Florida Statute.

The Bal Harbour Experience:

☐ Beautiful Environment ☐ Safety ☐ Modernized Public Facilities/Infrastructure

☐ Destination & Amenities ☐ Unique & Elegant ☐ Resiliency & Sustainable Community

☒ Other: Statutory Requirement

Item Summary / Recommendation:

This item proposes an Ordinance establishing an administrative procedure for the review and approval of certified recovery residences, and any related reasonable accommodations, as required by Florida Statute. The rights of these residences and their ability to locate in the Village are pursuant to longstanding federal and state law, and are not affected by this Ordinance. The Village Council approved the Ordinance on first reading by a unanimous 4–0 vote.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.

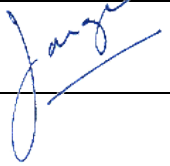
Advisory Board Recommendation:

The Village Council, sitting as the Local Planning Agency, reviewed the Ordinance and recommended approval.

Financial Information:

	Amount	Account	Account #
	X	X	X

Sign off:

		Village Manager
		Jorge M. Gonzalez
		

BAL HARBOUR

- VILLAGE -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: February 17, 2026

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I am recommending approval of this Ordinance as required by Chapter 2025-182, Laws of Florida. The Village Council, sitting as the Local Planning Agency, reviewed the Ordinance and recommended approval. The Village Council approved the Ordinance on first reading by a unanimous 4–0 vote at the January 20, 2026 Council meeting.

BACKGROUND

This statute requires local government to adopt an ordinance, subject to certain restrictions, to formalize and streamline the local government permitting process for applicants seeking reasonable accommodations from land use regulations to open a certified recovery residence. Recovery residences are residential units that serve persons recovering from addictions, which are a form of disability protected by state and federal law. The rights of these residences and their ability to locate in the Village are pursuant to longstanding federal and state law, and are not affected by this Ordinance.

Florida Substance Abuse Program:

In the 1960s and 1970s, the federal government enacted a series of laws for state to follow to address the care for individuals and families affected by substance abuse, and funding requirements for alcoholism and drug abuse. Thereafter, in response to the federal government's early initiatives, the State of Florida enacted Chs. 396 and 397, F.S. relating to alcohol and drug abuse.

In 1993, the two chapters were combined into a single law entitled the "Hal S. Marchman Alcohol and Other Drug Substance Services Act" ("Marchman Act)", which is currently codified in Ch. 397, Florida Statutes. The purpose of the Marchman Act is to administer the substance abuse services in the State of Florida. It provides the legal process for individual citizens,

affected by substance abuse or addiction, to receive proper medical attention, stabilization, and treatment. The Florida Department of Children and Family ("DCF") is responsible for the implementation and oversight of the Marchman Act.

DCF's responsibilities under the Marchman Act include but are not limited to:

- Licensing and regulations
- Developing standards
- Coordinating with courts and community-based organizations
- Maintaining data
- Providing training and technical assistance to professionals responsible for implementing the Marchman Act

DCF is also responsible for implementing federal programs and policies related to substance abuse and mental health, as well as the programs funded through the Substance Abuse and Mental Health Services Administration.

In 2025, the Florida Legislature adopted SB 954, codified in Chapter 2025-182, Laws of Florida, which requires local governments in the State of Florida to formalize and streamline the review and approval process for applicants seeking reasonable accommodation from local land use regulations to establish a "certified recovery residence". To ensure consistency with the "certified recovery residence" requirements in Chapter 2025-182 Laws of Florida and Section 397.487(15)(a), F.S., the Village desires to amend Chapter 21 of the Village Code to create Section 21-367.

The Village Council, sitting as the Land Planning Agency (LPA), will review the Ordinance prior to first reading.

ANALYSIS

The Village Attorney advised that the Village Council must adopt this Ordinance to comply with state law. The proposed Ordinance meets the minimum requirements of the new state statute, and is also drafted to comply with the background requirements of federal and state statutes and the caselaw interpreting them.

The application processes under the proposed Ordinance will be administered against the backdrop of the existing Village zoning and land use laws, and will not change those requirements. Given the highly constrained scope of review, and consistent with best practices and with legal recommendation, the proposed Ordinance provides that applications will be administratively approved.

Consistent with the recommendations of the Village Attorney based on the body of state and federal law constraining these decision-making processes, the proposed Ordinance provides for administrative approval of applications, and of appeals from decisions on those applications. Therefore, the proposed Ordinance provides that applications for

certified recovery residences will be reviewed and approved by the Building Official as the person designated by Section 21-31 of the Village Code of Ordinances to enforce zoning in the Village. Any appeals of the Building Official's determination are also administrative under the proposed Ordinance, to be decided by the Village Manager.

Based upon appropriate documentation, the application process may also involve the Building Official being asked to grant a reasonable accommodation from strict compliance with the Village's laws. Such a request must be granted only to the extent such accommodation is demonstrated to be required by federal and state statutes and caselaw. Applications for reasonable accommodation will also be administratively approved and subject to administrative appeal to the Village Manager in a similar manner, under the proposed Ordinance.

Any suggested changes to the approval process, or other aspects of the proposed Ordinance, will need to be analyzed legally and addressed on second reading.

THE BAL HARBOUR EXPERIENCE

This item is required by Florida Statute.

CONCLUSION

In conclusion, I recommend approval of the proposed Ordinance "Certified Recovery Residences" on second reading to ensure compliance with the requirements set forth in SB 954, Chapter 2025-182, Laws of Florida and amended sec. 397.487. F.S.

Attachments:

1. Ordinance
2. Senate Bill 954, Chapter 2025-182

ORDINANCE NO. 2026-____

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, Bal Harbour Village, Florida (the "Village") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the Village is committed to ensuring compliance with federal civil rights laws, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

WHEREAS, in the early 1970s, the federal government enacted laws for states to develop a continuum of care for individuals and families affected by substance abuse; and

WHEREAS, in response to the federal laws, the Florida Legislature enacted Chapters 396 and 397, F.S., relating to alcohol and drug abuse, respectively; and

WHEREAS, in 1993, the Florida Legislature adopted legislation combining Chapters 396 and 397 of the Florida Statutes into a single law, the "Hal S. Marchman Alcohol and Other Drug Services Act" (the "Marchman Act"), which encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider; and

WHEREAS, the Department of Children and Families (DCF) is responsible for administering substance abuse and mental health prevention, treatment, and recovery statewide consistent with the Marchman Act; and

WHEREAS, on June 25, 2025, the Governor signed into law Senate Bill 954, which amends Section 397.487, Florida Statutes ("Voluntary Certification of Recovery Residences"), and requires the Village to enact an ordinance providing for procedures for review and approval of certified recovery residences, including a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, it is necessary to amend the Village's Unified Land Development Regulations in the Code to comply with Section 397.487, Florida Statutes, as amended; and

WHEREAS, creating procedures to request a reasonable accommodation to establish a certified recovery residence or for other kind of residence or group home protected by federal law will provide people with disabilities equal access to housing opportunities within the Village while preserving the overall intent and purpose of the Village's planning and land use regulations; and

WHEREAS, on January 20, 2026, at a duly noticed public hearing in accordance with law, the Village Council, sitting as the Local Planning Agency reviewed and recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

WHEREAS, after conducting a public hearing and reviewing the Local Planning Agency's recommendations, the recommendations of Village staff, and comments from the public, the Village Council finds that the proposed amendments to its Code are in compliance and consistent with Florida law and with its adopted Comprehensive Plan; and

WHEREAS, the Village Council held a public hearing, at which all members of the public so desiring had an opportunity to be heard; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest and welfare of the residents of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS[1]:

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Section 1. **Recitals.** That the above stated recitals are true and correct and hereby adopted.

Section 2. **Amending the Village Code.** That Chapter 21 "Zoning", Article IV "Supplementary District Regulations" of the Code is hereby amended to create Section 21-367 "Certified Recovery Residences" to read as follows:

Chapter 21.–ZONING

* * *

Article IV–SUPPLEMENTARY DISTRICT REGULATIONS

* * *

Sec. 21-367. Certified Recovery Residences

(a) *Purpose and applicability.* This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Village Code, and related policies, practices, and procedures to open a certified recovery residence. The Village shall process requests for the establishment of certified recovery residences in accordance with this Section and make the appropriate determination(s) consistent with applicable federal and state laws, including, but not limited to, the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.), and Section 397.487(15)(a), Florida Statutes (collectively, "Applicable Laws").

(b) *Definitions.*[2] As used in this section, the following words and phrases shall have the following meanings:

Certified recovery residence. A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

(1) A Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

(2) A Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery

[2] Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

(3) A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

(4) A Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

Certified recovery residence administrator. A recovery residence administrator who holds a valid certificate of compliance.

Community housing. A certified recovery residence offered, referred to, or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. A certified recovery residence used by a licensed service provider that meets the definition of community housing shall be classified as a Level IV level of support, as described in ss.397.311(5), Florida Statutes.

Department. The Village's building department.

Department director. The Village's Building Official.

Licensed service provider. A public agency, a private for-profit or not-for profit agency, a physician or any other private practitioner licensed under Chapter 397 of the Florida Statutes, or a hospital that offers substance abuse services through one or more licensed service components.

Recovery residence. A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free living environment.

(c) *Procedure for Certified Recovery Residence Request.*

(1) *Application.* A request by an applicant for establishing a certified recovery residence under this division shall be submitted in writing to the department on an application form approved by the Village. This form will be maintained by the department, as amended from time to time. The application shall contain such questions and requests for information as necessary for processing the certified recovery residence application request, including the following:

a. Name and contact information of the applicant or the applicant's authorized representative;

b. Property address, parcel identification number, description of the property, and a survey of the property;

c. Consent of the current owner of the subject property, if the applicant is not the owner of the subject property;

d. A letter of intent identifying the existing zoning district of the property, including any previously approved conditions or modifications; and

e. Confirm the general location of off-street parking.

(2) *Assistance.* The Village will provide reasonable assistance to ensure that the process is accessible and that the applicant's request is documented on the form provided by the Village. The applicant's request for assistance or meeting shall be made in writing to the department to ensure that resources and staff are available to guide the applicant through the review and approval process.

(3) *Fees.* No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application.

(4) *Application completeness and accuracy*. The Village shall date-stamp each certified recovery residence application upon receipt. Within five (5) calendar days after receiving such an application, the department shall confirm receipt of the application using the contact information provided by the applicant. An application will be considered complete by the department if it is submitted in the required form with all mandatory information and material. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.

(d) *Decision Process for Certified Recovery Residence.*

(1) *Review*. The Village must notify the applicant in writing within the first 30 calendar days after receipt of an application, whether additional information is required, and allow the applicant at least thirty (30) calendar days to respond.

(2) *Request for Additional Information.*

a. If necessary, within the first 30 calendar days after receipt of the application, the department director may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have at least 30 calendar days after the date the information is requested to respond.

b. If the applicant fails to respond to the request for additional information, the department director shall deny the request for relief upon the basis that it has been deemed abandoned or withdrawn. No further action by the Village concerning said relief request shall be required.

(3) *Written Decision*.

a. Within sixty (60) calendar days after receipt of a completed application, the department must issue a final written determination on such application:

1. The determination may be approved in whole or in part, with or without conditions; or

2. The determination may deny the request, stating with specificity the objective, evidence-based reasons for denial, and identifying any deficiencies or actions necessary for reconsideration.

b. If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

(4) *Expiration of approval*. Approval of a request for reasonable accommodation for the establishment of a certified recovery residence shall expire after one hundred eighty (180) days if not implemented. In the event the applicant ceases to operate the property as a Certified Recovery Residence, any approved accommodations shall immediately expire and the property shall be in compliance with the Village Code.

(e) *Reasonable Accommodations for Certified Recovery Residences.* The Village shall apply the following procedures and criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:

(1) *Procedures for requesting a reasonable accommodation.*

a. *Application.* A request by an applicant for reasonable accommodation under this section shall be made in writing to the department on a

"reasonable accommodation request application form," which form is maintained by the Village. The application shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including the following:

1. Name, address, and telephone number of applicant.

2. Address of subject property and parcel identification number.

3. Consent of the owner of the subject property.

4. Current use of the property.

5. Basis for the claim that the applicant is protected under applicable law(s).

6. The Village's regulation(s) from which reasonable accommodation is being requested.

7. Identification of the specific accommodation requested and why the accommodation is necessary to make the subject property accessible to the individual.

b. *Assistance*. If the applicant needs assistance in making a request for a reasonable accommodation or meeting the requirement that the request be made in writing, the Village will provide reasonable assistance to ensure that the process is accessible, and that the applicant's request is documented on the form provided by the Village.

(2) *Criteria for determining reasonable accommodations*. In reviewing the application for reasonable accommodation for a certified recovery residence, the following criteria will be applied:

a. Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.

b. Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.

c. Whether the requested accommodation would impose an undue financial or administrative burden on the Village.

d. Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Village.

e. Whether alternative reasonable accommodations could provide an equivalent level of benefit, if applicable.

f. Whether applicant adheres to all applicable state and federal laws relating to Certified Recovery Residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a Certified Recovery Residence.

g. Whether the licensed service provider has a paid certified employee on call during the time when individuals are at a community housing location, if applicable.

h. Any other relevant criteria under applicable laws.

i. For Level IV Certified Recovery Residences that are operating as Community Housing and are actively managed by a certified recovery residence administrator approved for 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider:

(A) If electing to manage up to 150 residents: whether the residence maintains a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 10; and

(B) If electing to manage up to 300 residents: whether the residence maintains a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

(f) *Appeal.* An applicant aggrieved by a decision of the Department director under this section may appeal the decision to the Village Manager.

(1) *Exhaustion required.* A request for relief under this section shall be required prior to any person filing a lawsuit based upon applicable laws. Completion of the relief procedures provided herein shall constitute the exhaustion of all administrative remedies available from the Village.

(2) *Effect while pending.* While an application for relief or appeal of a decision of same is pending before the Village, the Village will not enforce the subject code, rules, policies, and procedures, except the Village may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(g) *Revocation.* The Department may revoke a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain licensure required under this section, if not reinstated within 180 calendar days.

(h) *Compliance*. The establishment of a reasonable accommodation process does not relieve the Village from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.). The regulation for which the applicant is seeking reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(i) *Declarations.* The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to Chapter 718; any cooperative document adopted pursuant to Chapter 719; or any declaration or declaration of covenant adopted pursuant to Chapter 720.

Sec. 21-367~~7~~8--21-380 – Reserved.

***

Section 3. Conflicts. That all prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Bal Harbour Village, Florida; that the sections of this Ordinance may be renumbered or re-lettered, and that the word "Ordinance" shall be changed to "Section," or such other appropriate word or phrase, to accomplish such intentions.

Section 6. **Effective Date.** That this Ordinance shall take effect immediately upon the adoption hereof on Second and Final Reading.

Passed on the first reading, this 20th day of January, 2026.

Passed on the second reading, this 17th day of February, 2026.



_____
Mayor Seth E. Salver

ATTEST:

_____
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.

An act relating to certified recovery residences; amending s. 397.487, F.S.; requiring, by a specified date, the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; requiring that such ordinance include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; specifying criteria for the ordinance; providing that the ordinance may establish additional requirements for the review and approval of reasonable accommodation requests; requiring that such additional requirements be consistent with federal law and not conflict with the act; prohibiting the ordinance from requiring public hearings beyond the minimum required by law; providing that the ordinance may include provisions for revocation of a granted accommodation for cause, if the accommodation is not reinstated within a specified timeframe; providing construction; amending s. 397.4871, F.S.; providing that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence; providing that a certified recovery residence administrator for Level IV certified recovery residences which maintains a specified personnel-to-patient ratio has a limitation on the number of residents it may manage; providing an

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

effective date.

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

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of

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a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number; and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

maintain certification or licensure required under this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified recovery residence operating as community housing as defined in s. 397.311(9), which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at

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the residence ~~24 hours a day, 7 days a week,~~ with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination, resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Section 3. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

BAL HARBOUR

- VILLAGE -

BUSINESS IMPACT STATEMENT

Proposed Ordinance Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Exempt - Ordinance required for compliance with federal or state law or regulation.

Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance establishes procedures for the review, approval, and reasonable accommodation of Certified Recovery Residences, as required by Section 397.487, Florida Statutes, and applicable federal civil rights laws.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

a. **Estimate of Direct Business Compliance Costs:** Exempt.
b. **New Charges/Fees on Business Impacted:** Exempt.
c. **Estimate of Regulatory Cost:** Exempt.

Good Faith Estimate of Number of Businesses Likely Impacted:

Exempt - Ordinance required for compliance with federal or state law or regulation.

BAL HARBOUR

- VILLAGE -

COUNCIL ITEM SUMMARY

Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING SECTION 10-31 "PROHIBITED ACTS" AND SECTION 19-27 "OPERATION OF VEHICLES" OF THE VILLAGE CODE RELATING TO THE OPERATION OF ELECTRIC BICYCLES, MOTORIZED SCOOTERS AND OTHER MOTORIZED MOBILITY DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES"; PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Issue:

Should the Village Council adopt amendments to the Village Code to prohibit the operation of electric bicycles, motorized scooters, and other motorized mobility devices on the hard pack area of the beach, Jetty cut walk and beach access path south of the Oceana property?

The Bal Harbour Experience:

☐ Beautiful Environment	☒ Safety	☐ Modernized Public Facilities/Infrastructure
☐ Destination & Amenities	☐ Unique & Elegant	☐ Resiliency & Sustainable Community

Item Summary / Recommendation:

The proliferation of motorized vehicles and devices, such as electric bicycles and motorized scooters, is leading to increased usage on sidewalks and in the hard pack multiuse path on the beach. This increase threatens the public health and safety of pedestrians traveling by foot or on human-powered devices because of the risk and severity of injuries attributable to collisions with these fast-moving vehicles and devices. In order to ensure that these vehicles and devices are directed to more compatible areas away from pedestrian traffic, the Village desires to amend the Village Code of Ordinances to prohibit the operation of electric bicycles, motorized scooters and other motorized mobility devices away from the Village's multiuse path located in the area of hard pack sand on the Village beach, the Jetty cut walk and beach access path south of the Oceana property.

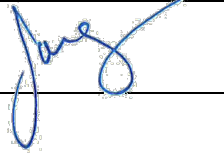
THE ADMINISTRATION RECOMMENDS APPROVAL OF THESE ORDINANCES.

Financial Information:

	Amount	Account	Account #
	X	X	X

Sign off:

	Chief of Police	Village Manager
	Raleigh Flowers, Jr.	Jorge M. Gonzalez



BAL HARBOUR

- VILLAGE -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: February 17, 2026

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF ELECTRIC BICYCLES, MOTORIZED SCOOTERS AND OTHER MOTORIZED MOBILITY DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE. (FIRST READING)**

ADMINISTRATIVE RECOMMENDATION

I am recommending approval of this Ordinance on First Reading. This recommendation includes prohibiting the use of the operation of electric bicycles and motorized scooters and other motorized mobility devices on the beach path, Jetty cut walk and the beach access path south of the Oceana property (now referred to as the "Beach Paths").

BACKGROUND

2022

On January 18, 2022, at the Village Council Meeting, Councilman Sklar led a discussion item regarding the increased usage of electric bicycles and other motorized devices on the hard pack area of the beach and on Village sidewalks. The discussion focused on the increased pedestrian activity in the Village, and the dangers posed by the increased speeds at which these motorized devices can travel.

The Council was advised that at that time, the Village Code allowed for human powered non-motorized bicycles to utilize both the hard pack area of the beach and Village sidewalks. However, Florida State Statute 316.20655 was adopted in order to regulate the usage of electric bicycles. This statute provided for users of electric bicycles to be entitled to the same rights and privileges as users of human powered bicycles. This provision could possibly present a conflict in the interpretation of bicycles as it relates to the Village Code.

The Council was also advised that FSS 316.20655 also allowed for the Village to adopt ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction. This statute authorized the municipal adoption of ordinances prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network. Operation of any vehicle other than by human power upon a bicycle path or sidewalk is already prohibited per FSS Section 316.1995(1).

The Council provided direction to create an ordinance for their consideration, which would prohibit the use of electric bicycles and all other motorized means of transportation from all Village sidewalks and the hard park multi-use path adjacent to the beach.

On February 15, 2022, at the Village Council Meeting, the Council considered an Ordinance which proposed to prohibit electric bicycles and all other motorized means of transportation on Village sidewalks and the hardpack. The proposed Ordinance was not adopted on First Reading by a vote of 2-3. See attached minutes for the February 15, 2022, Village Council Meeting.

2024

On February 20, 2024, at the Village Council Meeting, Councilman Sklar led a discussion item regarding the continued proliferation of electric bicycles and other motorized devices on the hard pack area of the beach and recent incidents in other jurisdictions involving these devices. The discussion focused on the increased interactions of pedestrians in the Village with these electric bicycles and scooters, and the dangers posed by the increased speeds at which these motorized devices can travel.

The Council provided direction to create an ordinance for their consideration, which would prohibit the use of electric bicycles and other motorized vehicles and devices from all Village sidewalks, the hard pack multiuse path adjacent to the beach, and throughout the remainder of the Village.

On April 9, 2024, at the Village Council Meeting, the Council considered an Ordinance on First Reading. At that time, the Ordinances were presented with language which would prohibit electric bicycles and motorized vehicles from both the path adjacent to the beach and all sidewalks throughout the Village. However, we advised the feasibility of enforcing the prohibition on the sidewalks on 96th Street and Collins within the Village was still under review as they are all within FDOT's right of way. The recommendation was to adopt the Ordinance on First Reading to include the language pertaining to sidewalks, with the ability to remove this language for Second Reading, if needed.

The Council considered the Ordinance; as part of the discussion, some members voiced concerns about restricting the devices on the sidewalks and creating a situation where the riders' only option would be to utilize the roadways alongside automobiles. The Council passed the Ordinance on First Reading by a vote of 3-2.

At that time, it was still not fully clear that the prohibition of these devices on sidewalks was authorized by FDOT. Therefore, the recommendation was to adopt the Ordinance prohibiting these activities on the beach path, Jetty cut walk and the beach access path south of the Oceana property (the "Beach Paths") but continue to allow for their operation on the sidewalks. The Ordinance was heard for Second Reading at the May 21, 2024 Village Council Meeting. A motion to approve was moved by Councilman Sklar; however, the motion did not move forward for lack of a second. See attached minutes for the May 21, 2024 Village Council Meeting.

2026

On January 20, 2026, at the Village Council Meeting, Vice Mayor Wolf led a discussion regarding the increased complaints regarding electric devices interacting with pedestrians along the beach path. Mayor Salver also led a discussion regarding the possibility of creating a dismount zone for electric bicycles, scooters and mobility devices on the sidewalk on the east side of Collins Avenue.

The consensus of the Council after consulting with the Village Attorney was that an Ordinance prohibiting electric bicycles, scooters and mobility devices on the beach path should be drafted for consideration at the Village Council Meeting on February 17, 2026. The question of a dismount zone for the sidewalk on Collins Avenue was deferred for a later determination of if FDOT would prevent such regulations from being applied on their right-of-way.

Additionally, Village Attorney Trevarthen noted that the statute was revised in 2025 to provide for additional regulatory powers. These include the ability to enforce an age limit and photo ID for users of electric bikes, and to provide training, as follows:

> **Section 316.20655 Electric bicycle regulations**
>
> (8) A local government may adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle and may adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle.
>
> (9) A local government may provide training on the safe operation of electric bicycles and compliance with the traffic laws of this state that apply to electric bicycles.

While these changes to state law were discussed at the last Council meeting, the Council did not direct us to incorporate these new powers into this ordinance. If the Council so desires, the Ordinance could be amended for second reading to include these requirements.

In addition, the Florida Legislature is currently considering legislation which would add further regulations for the operation of electric bicycles and mobility devices. HB 243 and SB 382 have been filed. CS/SB 382 prohibits the operation of an electric bicycle above 10 mph if within 50

feet of a pedestrian. It also requires operators to yield to pedestrians, and to give an audible signal before overtaking and passing a pedestrian on a shared use path that is not adjacent to a roadway. It creates the Electric Bicycle Safety Task Force and requires preparation of a report to the Legislature by October 1, 2026, with legislative recommendations for improvements to the state law and the regulatory framework governing electric bicycles. Finally, it requires the Florida Highway Patrol and each police department and sheriff's office to maintain a list of all traffic crashes that the respective agency investigates which involve an electric bicycle and specifies the details that must be tracked. The lists must be provided to the state DHSMV by mid-October 2026. HB 243 is similar. This is still pending legislation and we will not know the final outcome until the Legislative Session is completed.

ANALYSIS

Legal staff conducted a review of the Florida State Statutes which regulate the operation of electric bicycles, motorized scooters, and other motorized mobility devices upon sidewalks or paths. The analysis revealed the following:

- Section 316.007, Florida Statutes, provides that municipalities may only adopt ordinances on matters that are expressly authorized under Chapter 316, the Uniform Traffic Control Law.

- Section 316.008(n), Florida Statutes, provides, among other things, that local authorities are not prevented from "…prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic…" "…with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power..."

- Section 316.20655, Florida Statutes, further provides that a municipality is not prevented from adopting an ordinance "restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network…"

The proposed changes and amendments to the Village Code would include expanding and renaming Section 19-27 "Operation on Sidewalks, Jogging Path." This section currently states:

> **Sec. 19-27. Operation on Sidewalks, jogging path.**
>
> It shall be unlawful to operate motorized vehicles on the Village jogging path or any Sidewalk within the Village. Non-motorized vehicles are permitted on Sidewalks, but not on the Village jogging path located just east of the beach vehicle access road.

As such, the proposed Ordinance now only pertains to the Beach Paths. Individuals would still be able to operate their electric bicycles, motorized scooters, and other motorized

mobility devices on all roadways within the Village whether they are FDOT right of way or the right of way in the gated community. Even though the Code already says that these devices are prohibited on Village sidewalks, the sidewalks on Collins and 96th Street are FDOT rights-of-way, not Village rights-of way. Therefore, it has not been enforced because FDOT has failed to authorize this regulation of its right-of-way.

The proposed amendment would expand the existing language, which already prohibits motorized vehicles on the Village sidewalks and on the Village jogging path, but is silent on the hardpack. This language adds a new subsection (b) to create specific prohibitions of electric bicycles, motorized scooters, and other motorized mobility devices within designated areas of the Village. The designated areas are defined to include the beach vehicle access road; commonly referred to as the hard pack, along with the Jetty cut walk and the beach access path south of the Oceana property (together, the "Beach Paths"). It also provides for related definitions.

The proposed amendment also provides an exception for the following circumstances:

1. An Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device within Designated Areas by government personnel acting within their official capacity, including on-duty police or emergency personnel.
2. Motorized wheelchairs or similar mobility devices having three or more wheels being operated by a disabled person for mobility purposes.

The proposed amendment to Section 19-27 would read as follows:

Section 19-27. - Operation of Motorized Vehicles on Sidewalks, ~~and~~ Other Paths ~~jogging path~~.

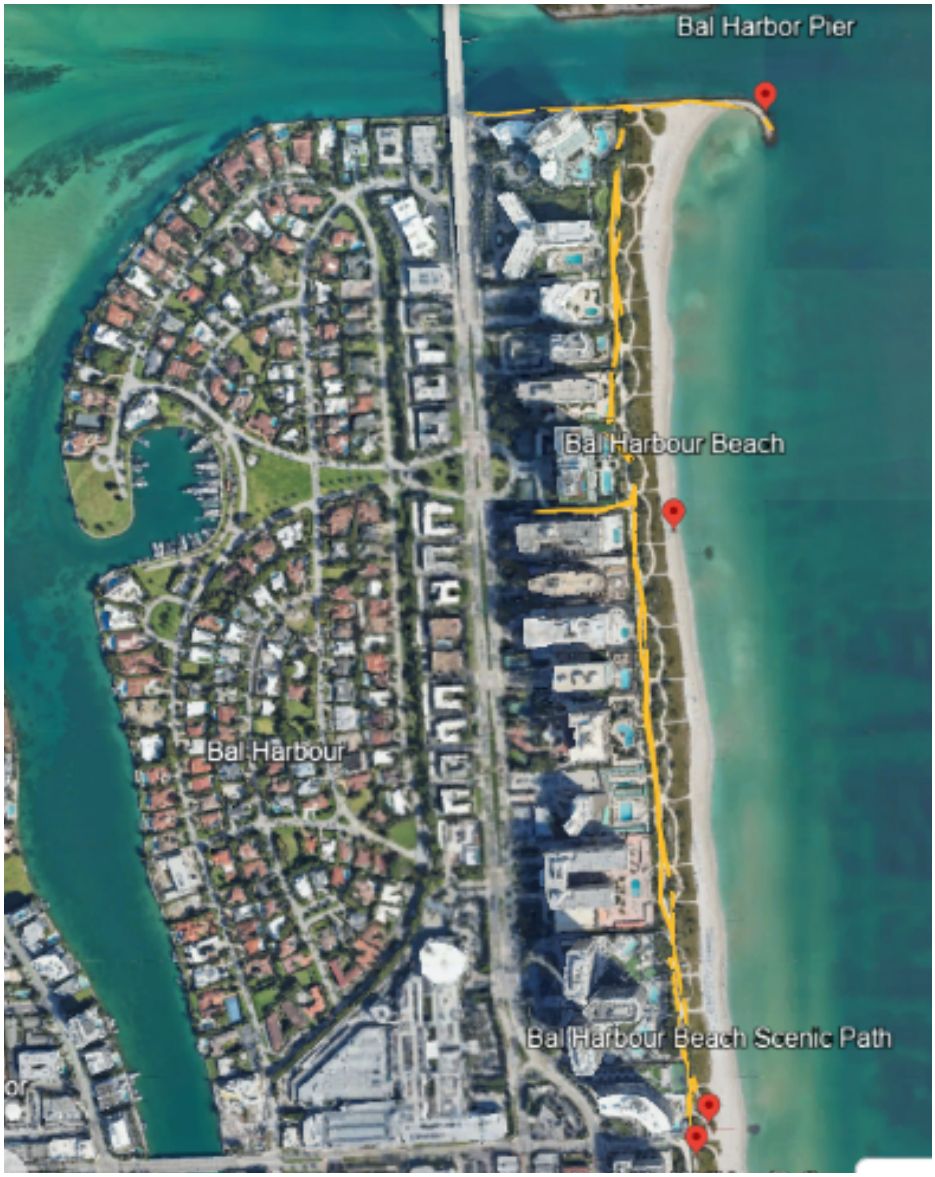
(a) It shall be unlawful to operate motorized vehicles on the Village jogging path or any Sidewalk within the Village. Non-motorized vehicles are permitted on Sidewalks, but not on the Village jogging path located just east of the beach vehicle access road.

(b) It is the intent of this Section to prohibit the use of Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices within the Designated Areas of the Village.

(1) *Definitions.* As used in this Section, the following words, terms and phrases, shall have the meanings ascribed to them unless the context otherwise indicates:

a. *Designated Area* shall mean the beach vehicle access road (hard pack), the beach access path along the Jetty cutwalk, and the beach access path

south of Oceana (together, the "Beach Paths"), as shown in the map below.



b. *Electric Bicycle* shall mean an electric bicycle as defined by Section 316.003(23), Florida Statutes.

c. *Motorized Scooter* shall mean a motorized scooter as defined by Section 316.003(48), Florida Statutes.

d. *Other Motorized Mobility Devices* shall mean any personal device that is powered by a motor with or without a seat or saddle for the use of the

rider, which is designed to travel on one or more wheels including, but not limited to, powered boards, powered skateboards, powered skates, powered hoverboards, or other similar powered personal motorized mobility devices. This definition does not include Electric Bicycles, Motorized Scooters, or motorized wheelchairs or similar mobility devices having three or more wheels being operated by a person who is disabled for mobility purposes.

(2) Unless otherwise authorized under this Section, the operation of an Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device is prohibited within the Designated Areas of the Village. Notwithstanding the foregoing, nothing in this Section shall prohibit the operation of:

a. An Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device within Designated Areas by government personnel acting within their official capacity, including on-duty police or emergency personnel;

b. Motorized wheelchairs or similar mobility devices having three or more wheels being operated by a disabled person for mobility purposes.

The Council is also considering whether they wish to amend another section of the Village Code: Section 10-31 "Prohibited Acts", to clearly cross reference and defer to the regulations in Section 19-27. The use of ordinary bicycles would continue to be allowed on the hard pack area of the beach. The amendment would clarify that the operation of electric bicycles, motorized scooters and other motorized mobility devices would be governed by Section 19-27 of the Village Code. The amendment would also include a housekeeping change, to add the maps that clearly depict the areas to which Section 10-31 pertain into the Code itself, rather than simply referencing them.

The proposed amendment to Section 10-31 would read as follows:

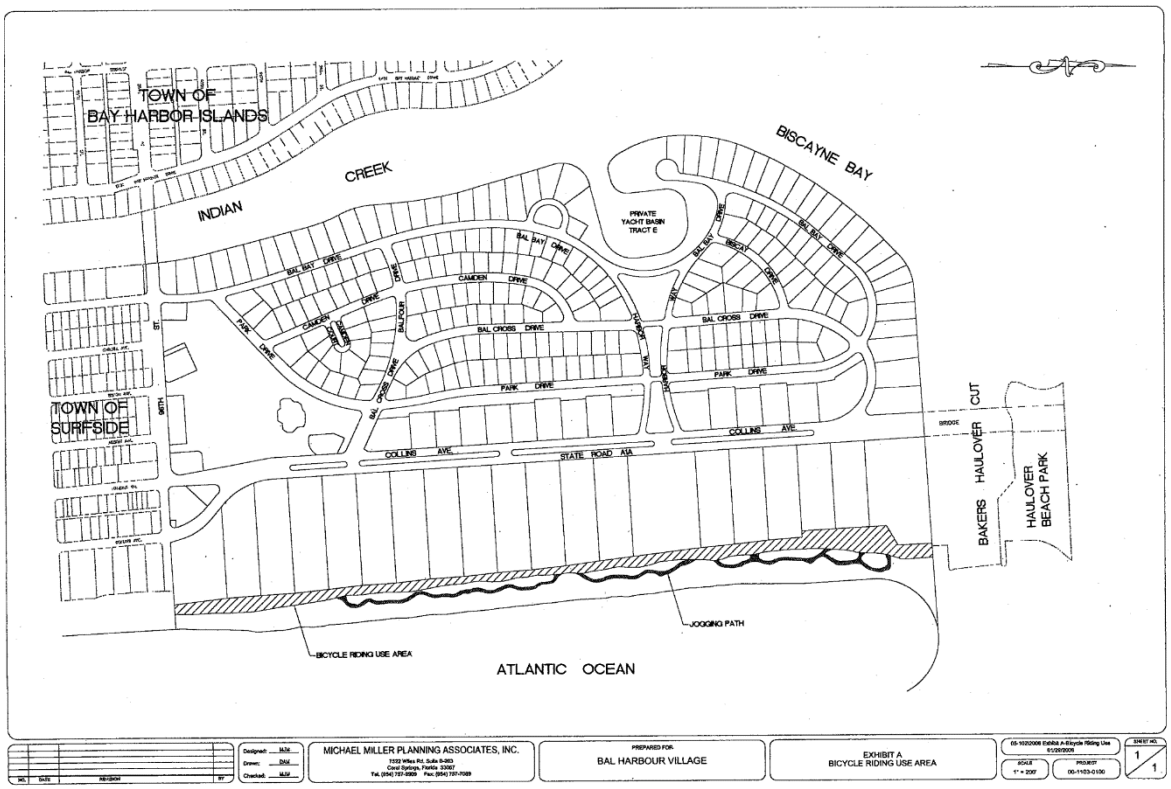
Section 10-31. - Prohibited acts.

It shall be unlawful for any Person to:

(1) Drive, operate, propel, or place any vehicle (whether or not such vehicle is motorized, propelled by human power or otherwise propelled) on the Public Beach or upon any public land, easement or right-of-way within the Public Beach, except that the operation of Electric Bicycles, Motorized

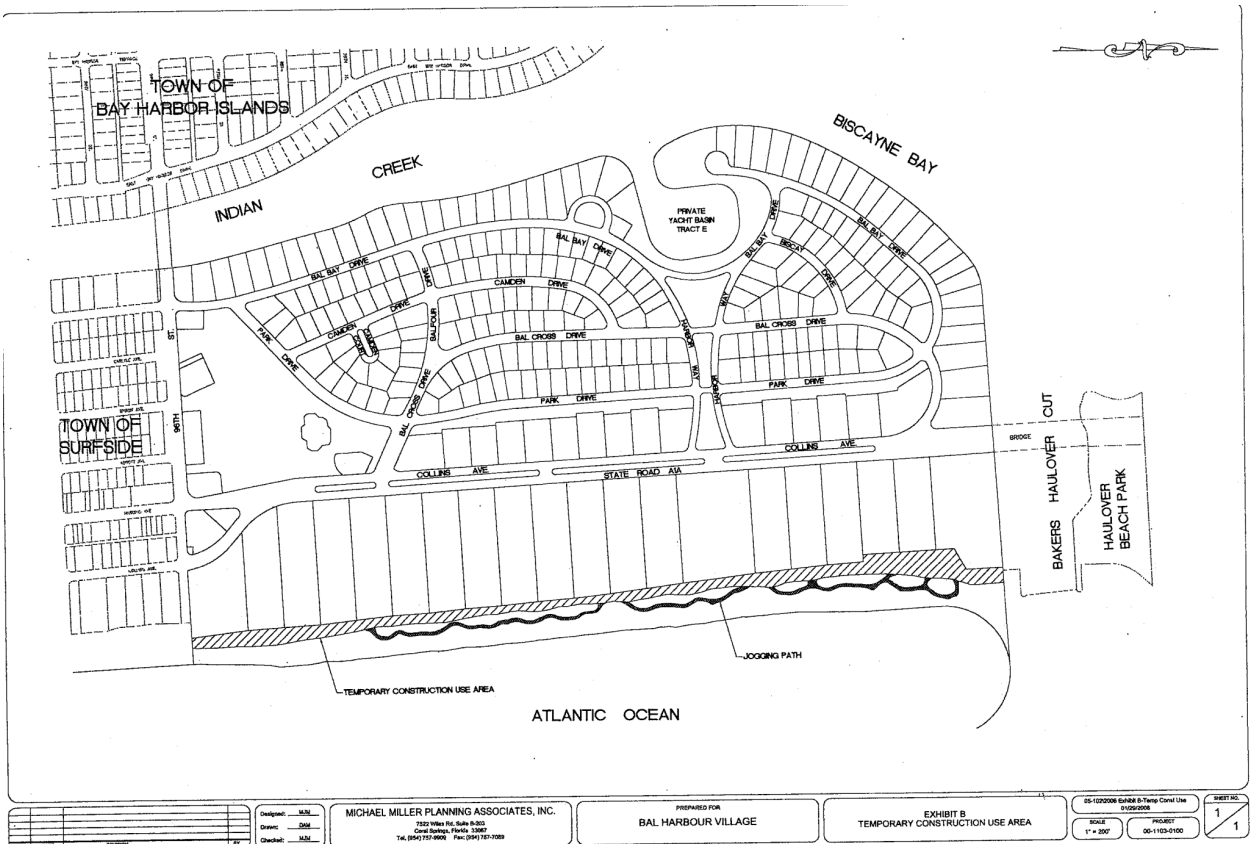
Scooters, and Other Motorized Mobility Devices shall be governed by Section 19-27 of the Village Code. This prohibition does not apply to on-duty police or emergency vehicles or to the use of human powered, non-motorized bicycles pursuant to paragraph (1)a. below:

a. The vehicle prohibition which is set forth in paragraph (1) above, is hereby modified so that human powered, non-motorized bicycles may be operated on a limited portion of the Public Beach, within the area shown below ~~which is described in Exhibit "A", a copy of which is attached hereto and incorporated herein~~, during daylight hours of each day between the time of sunrise and the time of sunset only, subject to posted rules and protocols governing the program for bicycle use as administered by the Village Manager or his designee.



b. Further, notwithstanding the motorized vehicle prohibition which is set forth above, the Village Manager is hereby authorized to grant special permits for construction vehicles to temporarily utilize a limited portion of the Public Beach, within the area shown below ~~which is described in Exhibit "B", a copy of which is attached hereto and incorporated herein~~, upon the Village Manager finding that temporary construction vehicle access is necessary in order to provide ingress and egress to construction sites to complete pending ocean-front construction projects in a manner which minimizes interference with routine public road traffic within the Village or

which facilitates convenient access of construction materials and supplies to portions of ocean-front construction sites.



* * *

The final action to be considered by the Council is the level of fine associated with a violation of any of these codes. The Council may choose to adopt the same fine of $50 as in Section 10-31 or could choose to adopt a different fine altogether. The Council may also wish to provide that a warning be issued prior to the assessment of a fine, as required with the code that regulates the leashing of dogs.

If the Council adopts the amendment to Section 19-27 with a fine of $50, then it would also need to amend the civil penalties in Section 2-191 as follows:

Section 2-191. - Schedule of civil penalties.

(a) The following table shows the sections of this Code, as they may be amended from time to time, and the dollar amount of civil penalty for the violation of these sections as they may be amended. Each "Description of Violations" below is for informational purposes only and is not meant to limit or define the nature of the violations or the subject matter of the listed Code

sections. To determine the exact nature of the activity proscribed or required by this Code, the relevant Code section must be examined.

(b) The following is the schedule of civil penalties:

	Code section	**Description of violation**	**Civil penalty**
***			
(47)	19-27	Operation of an Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device in a Designated Area.	50.00
~~(47)~~ (48)	20-1	Tampering with public utilities	250.00
~~(48)~~ (49)	21-362	Using property in residential districts for unpermitted purposes	250.00
~~(49)~~ (50)	21-362(b)	Conducting open houses and garage sales in residential districts	100.00

* * *

The Amendments would take effect immediately upon adoption on Second Reading. However, the Village Manager or his designee will engage in public education to inform all stakeholders of the new provisions. The recommendation would be to provide for a sixty (60) day courtesy period to allow for education and the placement of signage throughout the Village.

A violation of any of these codes could be addressed by a Code Enforcement Officer, a Sworn Police Officer or other authorized personnel. The individual being cited would be able to dispute the violation through the Special Magistrate process.

THE BAL HARBOUR EXPERIENCE

This Ordinance corresponds to *The Bal Harbour Experience* by seeking to increase the safety of all residents and visitors.

The proliferation of existing and developing motorized vehicles and devices, including but not limited to electric bicycles and motorized scooters, is leading to the increased usage of such vehicles on the bicycle path located in the area of hard pack sand on the beach.

The use of these motorized vehicles and devices threatens the public health and safety of pedestrians traveling by foot or on human-powered devices because of the increased risk and severity of injuries attributable to collisions.

CONCLUSION

The adoption of this Ordinance seeks to address safety concerns raised by the Village Council and residents. The adoption would ensure that motorized vehicles and devices are directed to more compatible areas away from pedestrian traffic on the Village's multiuse path located in the area of hard pack sand on the Village beach, the Jetty cut walk and beach access path south of the Oceana property. Therefore, it is recommended that the proposed amendments be approved on First Reading.

Attachments:

1. Bal Harbour Village Council Meeting Minutes – February 15, 2022
2. Bal Harbour Village Council Meeting Minutes – May 21, 2024
3. Bal Harbour Village Council Meeting Draft Minutes – January 20, 2026

ORDINANCE NO. 2026-____

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF ELECTRIC BICYCLES, MOTORIZED SCOOTERS AND OTHER MOTORIZED MOBILITY DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, pedestrians frequently travel within Bal Harbour Village (the "Village") along the beach vehicle access road on the Public Beach (the hardpack), and the beach access paths at the jetty and south of the Oceana (the "Beach Paths") and the jogging path; and

WHEREAS, the operation of motorized vehicles and devices such as electric bicycles and motorized scooters and other motorized mobility devices within the Village along the Beach Paths has increased tremendously over the last couple of years; and

WHEREAS, this increase in the operation of these motorized vehicles and devices on the Beach Paths has resulted in vehicular-pedestrian incidents and many near misses within the Village, and has created an unsafe environment for pedestrians; and

WHEREAS, the risk of incidents between pedestrians and individuals operating these motorized vehicles and devices is particularly pronounced within this densely populated barrier island community, where residents and tourists can and do walk to all of the Village's destinations and to meet most of their daily needs and religious observances; and

WHEREAS, due to this heavy pedestrian traffic, the operation of these motorized vehicles and devices on the Beach Paths is incompatible with the normal and safe movement of traffic within the Village; and

WHEREAS, Section 316.007, Florida Statutes, provides that municipalities may only adopt ordinances on matters relating to traffic control that are expressly authorized by Chapter 316, Florida Statutes (also known as, the Florida Uniform Traffic Control Law); and

WHEREAS, Section 316.008(n), Florida Statutes, provides, among other things, that local authorities are not prevented from "…prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic…" "…with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power…"; and

WHEREAS, Section 316.20655, Florida Statutes, provides that a municipality is not prevented, through the exercise of its powers under Section 316.008, Florida Statutes, from adopting an ordinance "restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network"; and

WHEREAS, Section 316.2128, Florida Statutes, further provides that a local government is not prevented, through the exercise of its powers under Section 316.008, Florida Statutes, from adopting an ordinance governing the operation of motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, the Village Council finds it necessary to adopt an Ordinance, pursuant to its authority under Article VIII of the Florida Constitution, the Village Charter, and Section 316.20655 of the Florida Statutes, to prohibit the operation of electric bicycles, motorized scooters, and other motorized mobility devices on the Beach Paths; and

WHEREAS, the Village Council hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. **Amending Chapter 19 of the Village Code.** That Section 19-27, "Operation on Sidewalks, jogging path," of Chapter 19, "Traffic and Motor Vehicles," of the Village Code is hereby amended to read as follows: [1]

CHAPTER 19 – TRAFFIC AND MOTOR VEHICLES

* * *

ARTICLE II. – OPERATION OF VEHICLES

*** * ***

Section 19-27. - Operation of Motorized Vehicles on Sidewalks, ~~and~~ and Other Paths ~~jogging path~~.

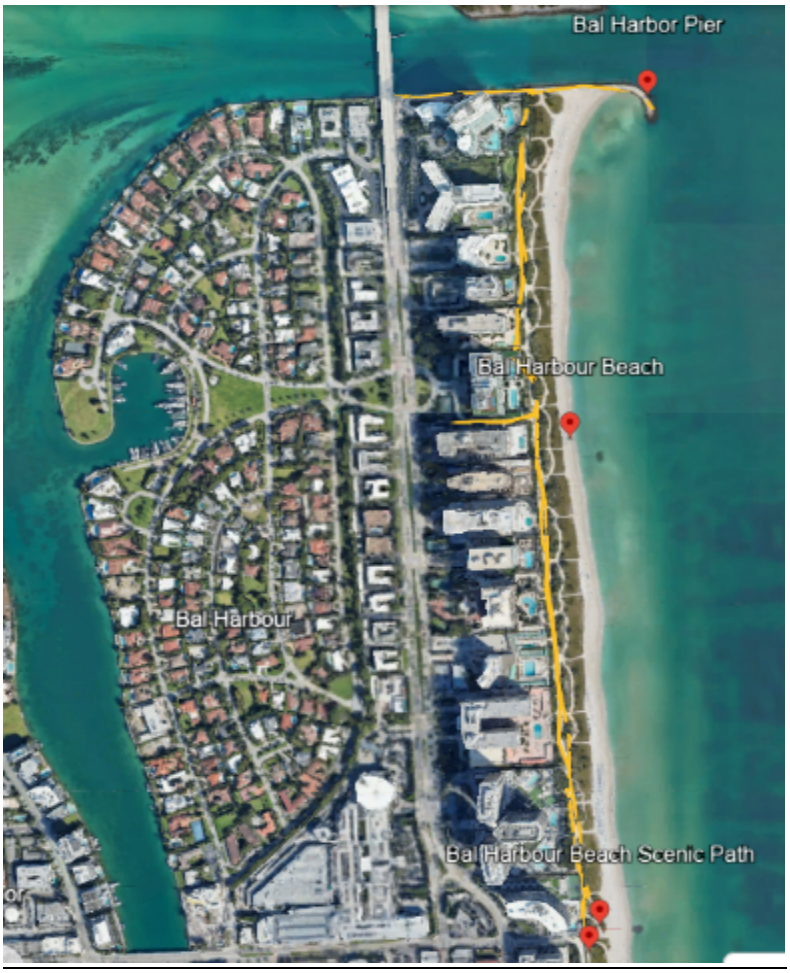
(a) It shall be unlawful to operate motorized vehicles on the Village jogging path or any Sidewalk within the Village. Non-motorized vehicles are permitted on Sidewalks, but not on the Village jogging path located just east of the beach vehicle access road.

(b) It is the intent of this Section to prohibit the use of Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices within the Designated Areas of the Village.

(1) *Definitions.* As used in this Section, the following words, terms and phrases, shall have the meanings ascribed to them unless the context otherwise indicates:

a. *Designated Area* shall mean the beach vehicle access road (hard pack), the beach access path along the Jetty cutwalk, and the beach access path south of Oceana (together, the "Beach Paths"), as shown in the map below.

[1] Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double strikethrough~~ font.



b. *Electric Bicycle* shall mean an electric bicycle as defined by Section 316.003(23), Florida Statutes.

c. *Motorized Scooter* shall mean a motorized scooter as defined by Section 316.003(48), Florida Statutes.

d. *Other Motorized Mobility Devices* shall mean any personal device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on one or more wheels including, but not limited to, powered boards, powered skateboards, powered skates, powered hoverboards, or other similar powered personal motorized mobility devices. This definition does not include Electric Bicycles, Motorized Scooters, or motorized wheelchairs or similar mobility devices

having three or more wheels being operated by a person who is disabled for mobility purposes.

(2) Unless otherwise authorized under this Section, the operation of an Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device is prohibited within the Designated Areas of the Village. Notwithstanding the foregoing, nothing in this Section shall prohibit the operation of:

a. An Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device within Designated Areas by government personnel acting within their official capacity, including on-duty police or emergency personnel;

b. Motorized wheelchairs or similar mobility devices having three or more wheels being operated by a disabled person for mobility purposes.

* * *

Section 3. Amending Chapter 10 of the Village Code. That Section 10-31 of Article II, "Use of Public Beaches," of Chapter 10 of the Village Code is hereby amended to read as follows:

CHAPTER 10 – MARINE STRUCTURES, ACTIVITIES AND WAYS

* * *

ARTICLE II – USE OF PUBLIC BEACHES

* * *

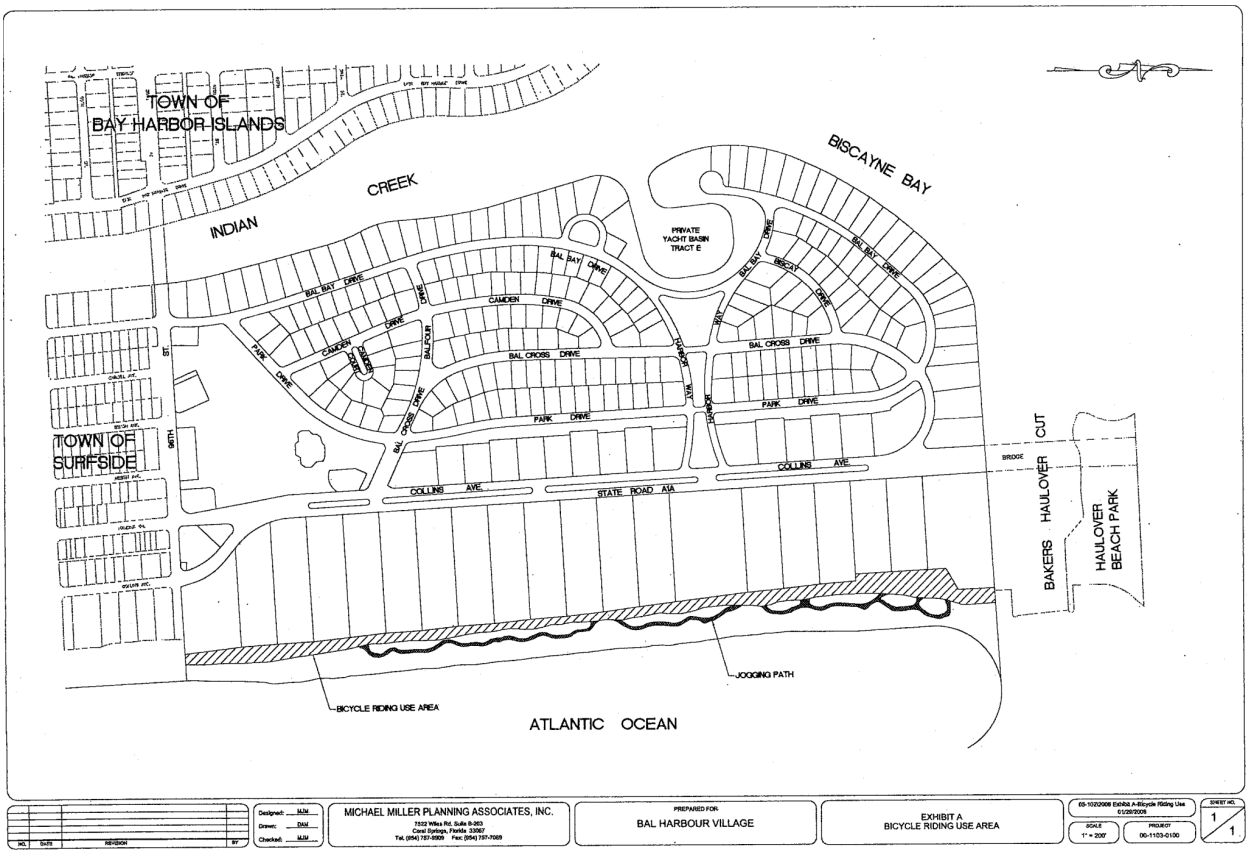
Section 10-31. - Prohibited acts.

It shall be unlawful for any Person to:

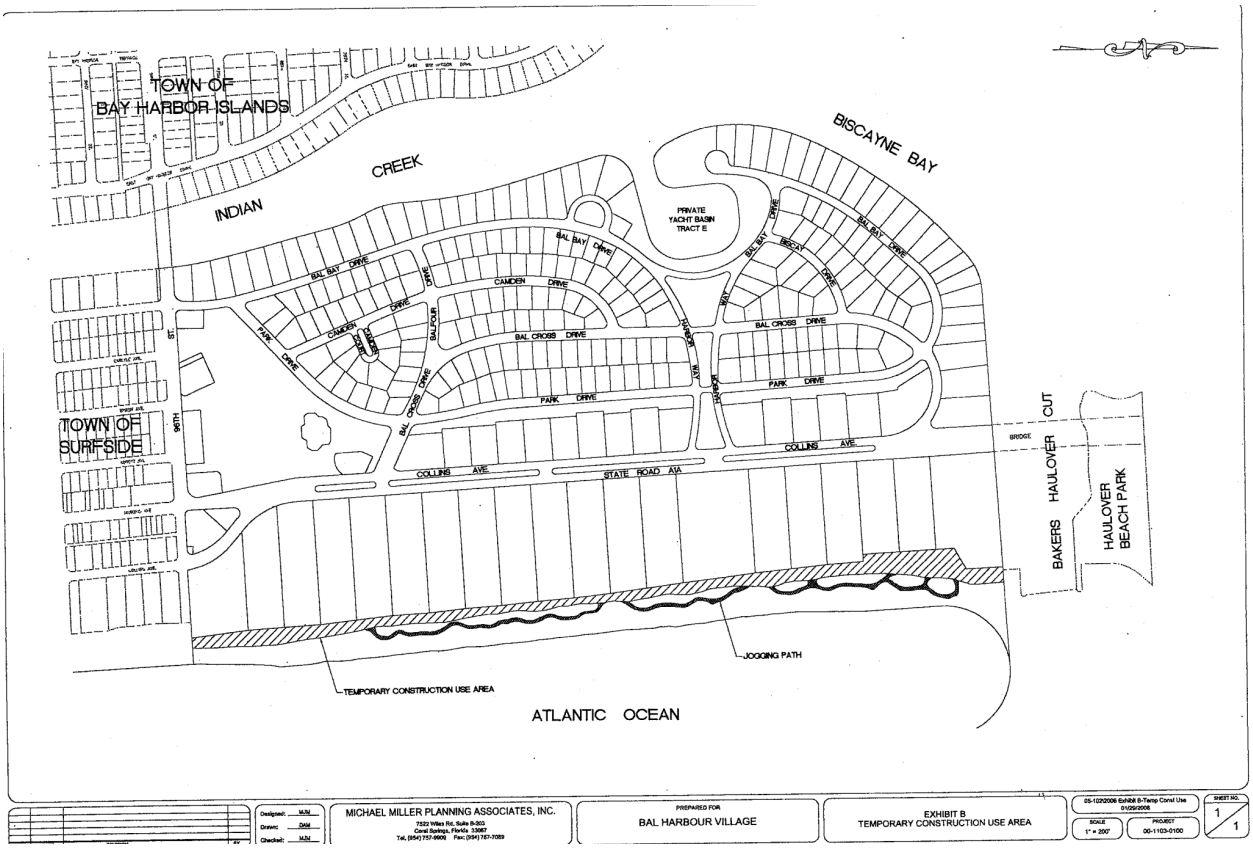
(1) Drive, operate, propel, or place any vehicle (whether or not such vehicle is motorized, propelled by human power or otherwise propelled) on the Public Beach or upon any public land, easement or right-of-way within the Public Beach, except that the operation of Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices shall be governed by Section 19-27 of the Village Code. This prohibition does not apply to on-duty police or emergency vehicles or to the use of human powered, non-motorized bicycles pursuant to paragraph (1)a. below:

a. The vehicle prohibition which is set forth in paragraph (1) above, is hereby modified so that human powered, non-motorized bicycles may be operated on a

limited portion of the Public Beach, within the area shown below ~~which is described in Exhibit "A", a copy of which is attached hereto and incorporated herein~~, during daylight hours of each day between the time of sunrise and the time of sunset only, subject to posted rules and protocols governing the program for bicycle use as administered by the Village Manager or his designee.



b. Further, notwithstanding the motorized vehicle prohibition which is set forth above, the Village Manager is hereby authorized to grant special permits for construction vehicles to temporarily utilize a limited portion of the Public Beach, within the area shown below ~~which is described in Exhibit "B", a copy of which is attached hereto and incorporated herein~~, upon the Village Manager finding that temporary construction vehicle access is necessary in order to provide ingress and egress to construction sites to complete pending ocean-front construction projects in a manner which minimizes interference with routine public road traffic within the Village or which facilitates convenient access of construction materials and supplies to portions of ocean-front construction sites.



* * *

Section 4. Amending Chapter 2 of the Village Code. That Section 2-191, "Schedule of Civil Penalties," of Chapter 2, "Administration," of the Village Code is hereby amended to read as follows:

CHAPTER 2 - ADMINISTRATION

* * *

ARTICLE V. - CODE ENFORCEMENT

*** * ***

Section 2-191. - Schedule of civil penalties.

(a) The following table shows the sections of this Code, as they may be amended from time to time, and the dollar amount of civil penalty for the violation of these sections as they may be amended. Each "Description of Violations" below is for informational purposes only and is not meant to limit or define the nature of the violations or the subject

matter of the listed Code sections. To determine the exact nature of the activity proscribed or required by this Code, the relevant Code section must be examined.

(b) The following is the schedule of civil penalties:

	Code section	**Description of violation**	**Civil penalty**
***			
(47)	19-27	Operation of an Electric Bicycle or Motorized Scooter or Other Motorized Mobility Device in a Designated Area.	50.00
~~(47)~~ (48)	20-1	Tampering with public utilities	250.00
~~(48)~~ (49)	21-362	Using property in residential districts for unpermitted purposes	250.00
~~(49)~~ (50)	21-362(b)	Conducting open houses and garage sales in residential districts	100.00

* * *

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Conflict. That all sections or parts of sections of the Village Code, all

ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 8. Effective Date. That this Ordinance shall become effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 17th day of February, 2026.

PASSED AND ADOPTED on second reading this ____ day of _____, 2026.

_____
Mayor Seth E. Salver

ATTEST:

_____
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.

BAL HARBOUR

- VILLAGE -

Mayor Gabriel Groisman
Vice Mayor Seth E. Salver
Councilman David J. Albaum
Councilman Jeffrey P. Freimark
Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez
Village Clerk Dwight S. Danie
Village Attorneys Weiss Serota Helfman Cole & Bierman, P.L.

Bal Harbour Village Council

Regular Council Meeting Minutes
February 15, 2022
At 6:30 PM

Bal Harbour Village Hall • 655 - 96th Street • Bal Harbour • Florida 33154

This meeting was conducted in-person and virtually via "Zoom" in order to minimize exposure to the Coronavirus to Councilmembers and members of the public. The meeting was also broadcast on the Village's website (www.balharbourfl.gov) and members of the public were encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE – Mayor Gabriel Groisman called the meeting to order at 6:37 P.M.

The following were present:
Mayor Gabriel Groisman
Vice Mayor Seth Salver
Councilman David Albaum
Councilman Jeffrey Freimark
Councilman Buzzy Sklar

Also present:
Jorge M. Gonzalez, Village Manager
Dwight S. Danie, Village Clerk
Susan Trevarthen, Village Attorney

The Pledge of Allegiance was led by Mayor Groisman.

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

There were no requests.

PRESENTATIONS AND AWARDS

Introduction of David Whitaker, President & CEO, Greater Miami Convention and Visitors Bureau

Mayor Groisman introduced Mr. David Whitaker and Mr. Gonzalez provided a brief overview of Mr. Whitaker's experience in working with the community. Mr. Whitaker thanked everyone saying that he had met with Mr. Gonzalez and understands the high expectations for tourism destination marketing. He said that the hotel and Shops average daily rate numbers are currently phenomenal and that it will be interesting to see how long they can be maintained with the collaboration with the Village. He said that he is looking forward to working with the Village as partner.

Mayor Groisman thanked Mr. Whitaker and encouraged him to utilized the Village, and get the Village involved as much as possible.

CONSENT AGENDA

C6 - COUNCIL MINUTES

January 18, 2022 Village Council Meeting Minutes

C7 - RESOLUTIONS

C7A A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY SHAWN WAX JTRS AND RONALD DOBRIN JTRS, FOR THE PROPERTIES LOCATED AT 10205 COLLINS AVENUE, UNITS 1501 AND 1503, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: A motion to approve the Consent Agenda was moved by Vice Mayor Seth Salver and seconded by Councilman Buzzy Sklar.

VOTE: The Motion passed by unanimous voice vote (5-0).

R5 - ORDINANCES

R5A AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 13, "PENSIONS AND RETIREMENT BENEFITS," BY AMENDING THE POLICE OFFICERS' PENSION PLAN TO CREATE A NEW SECTION 13-63, "EARLY RETIREMENT INCENTIVE PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the ordinance was consistent with the Collective Bargaining Agreement approved in November, and that this being the early retirement portion, he expects that there will be three employees that will participate. He said he was suggesting a slight amendment to the ordinance to allow for the staggering of departures, where the language would be changed to require a release of claims form on the last day of employment, instead of February 28. He then provided a brief progress report of the hiring of new officers.

There were no comments from the public.

Ms. Trevarthen read the language to be amended, adding that she was also suggesting that the word "final" be inserted before "wage cost" in Section (c)4.

MOTION: A motion to amend the ordinance to change the time for the release of claim form to be required on the last day of employment was moved by Mayor Gabriel Groisman and seconded by Vice Mayor Seth Salver.

VOTE: The Motion passed by unanimous voice vote (5-0).

MOTION: A Motion to pass the Ordinance on second reading as amended was moved by Mayor Gabriel Groisman and seconded by Vice Mayor Seth Salver.

ROLL CALL	VOTE
Mayor Gabriel Groisman	**Yes**
Vice Mayor Seth E. Salver	**Yes**
Councilman David J. Albaum	**Yes**
Councilman Jeffrey P. Freimark	**Yes**
Councilman Buzzy Sklar	**Yes**

VOTE: The Motion passed on second reading by unanimous roll call vote (5-0).

R5B AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; CREATING SECTION 17-52 OF ARTICLE II, "SIDEWALKS," OF CHAPTER 17 OF THE CODE OF ORDINANCES RELATING TO THE USE OF MOTORIZED MEANS OF TRANSPORTATION ON SIDEWALKS WITHIN THE VILLAGE; AMENDING SECTION 10-31 OF ARTICLE II, "USE OF PUBLIC BEACHES," OF CHAPTER 10 OF THE CODE TO PROHIBIT THE USE OF MOTORIZED MEANS OF

TRANSPORTATION ON THE AREA OF HARD PACK SAND ON VILLAGE BEACHES WEST OF THE SAND DUNES; AMENDING SECTION 19-27 OF CHAPTER 19, "TRAFFIC AND MOTOR VEHICLES," OF THE CODE TO CLARIFY PROHIBITIONS ON THE USE OF MOTORIZED VEHICLES ON VILLAGE SIDEWALKS AND THE VILLAGE JOGGING PATH; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES," OF CHAPTER 2 TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this ordinance was before the Council per the Council's request following a discussion item in the January 2022 meeting. Captain Mauricio Escarra, Bal Harbour Police, provided an overview of the requirements of the ordinance and State statutes regarding the allowance of the use human powered vehicles, but not motorized vehicles, on sidewalks. He said that the Beach Path fell into the category of multi-use paths, so that unlike sidewalks, vehicles could be restricted.

Council Sklar proposed that use of an ordinary bicycle under human power should be allowed on the Beach Path. He suggested that there should be a ban on electric bicycles, whether or not they are being operated with human power only, to which Councilman Freimark said that thought that that idea was too restrictive.

Mayor Groisman said that non-electric bicycles are also problematic in that they are easily capable of being operated at speeds in excess of twenty miles per hour. He said that many people, including seniors, operate electric bikes at much slower speeds. He said that he would not be opposed to regulating electric bikes on the Beach Path. He suggested that any further regulation of sidewalks be removed from this ordinance so as not to push traffic into Collins Avenue, which he said is dangerous. He also suggested that the penalties should be tiered, with a written warning being the first step.

Vice Mayor Salver said that the sidewalks were more dangerous and compact with existing pedestrian and vehicular traffic. He said that he was okay with electric bicycles, that were diverted from the Beach Path, being operated under human-power-only on the sidewalks.

Babak Raheb, 128 Balfour Drive, said that it should not matter whether or not a bicycle is powered manually or with an electric motor. He said that electric bikes are generally safer that manual bikes, and that more older people use electric bikes for that reason.

Councilman Albaum said both manually powered bikes and electric bikes can be operated at high speeds and asked what was the goal of this ordinance, to which Councilman Sklar said that electric bikes allow for a non-athletic person at the same speeds as an athletic person.

David Wolf, 223 Bal Bay Drive, asked what was the impetus of the ordinance, and asked if there had been accidents. He asked if this ordinance could actually be enforced. He added that other electric vehicles, i.e. scooters, were not capable of reaching higher speeds.

Councilman Sklar responded he had observed that the traffic on the Beach Walk was getting more congested that he had presented the item to be proactive in maintaining safety.

Penny Sepler, 10275 Collins Avenue, said that the sidewalks were more problematic than the Beach Path, in that the bus stops and be sidewalks being narrow, make the sidewalks more dangerous.

MOTION: A motion pass the ordinance as written was moved by Vice Mayor Salver and seconded by Councilman Sklar.

Councilman Freimark said that he felt that the Council was lurching from on issue to another in regards to the sidewalks and the Beach Path, and said that with all the money being invested ongoing projects, a professional guidance and a plan are needed to layout the public areas.

Mayor Groisman said that the intent of the ordinance is right, but nothing would be changed, adding that design is the only way effectively solve the issue. Councilman Freimark added that there has to be a better way for children to get to the new park, other than using Collins Avenue.

MOTION: A Motion carve out the sidewalks from the Ordinance on was moved by Mayor Gabriel Groisman. There was no second.

Councilman Albaum said that he had proposed a comprehensive plan at the time the leash ordinance was under consideration, and that he felt that he was not so sure the Council was prepared to consider this item.

ROLL CALL	VOTE
Mayor Gabriel Groisman	**No**
Vice Mayor Seth E. Salver	**Yes**
Councilman David J. Albaum	**No**
Councilman Jeffrey P. Freimark	**No**
Councilman Buzzy Sklar	**Yes**

VOTE: The Motion failed by roll call vote (2-3).

There was a general consensus that a comprehensive plan, backed by data, was the next step. Mr. Gonzalez said that he would seek proposals from those that that have the unique of skill sets required.

R7 - RESOLUTIONS

There were not resolutions to consider.

R9 - NEW BUSINESS AND COUNCIL DISCUSSION

R9A Discussion Item regarding an On-Demand Shuttle Service - Village Manager Jorge Gonzalez

Mr. Gonzalez provided a recap of the discussion held during the January Council meeting regard the On-Demand Shuttle Service. He reviewed pricing information, provided by Jason Spiegel, Freebee, the provider of the on-demand ride service, who was attending the meeting via Zoom.

He then presented vehicle options and showed maps of the geographic areas covered by a 3-mile radius and a 5-mile radius. He said that the Village was being asked to share the costs equally with Bay Harbor Island and Surfside, resulting in a $67,000 cost for Bal Harbour, which would include 2 cars and a third for an ADA compliant vehicle. Grant money, $34,000 for the Village, would also be available. He then presented stand-alone costs of around $101,000 for one vehicle and an ADA backup solely for Village residents. He said that the question before the Council was whether or not we wanted a unified service with the other communities or have our own service.

Vice Mayor Salver said he was assured that the grant was renewable, and that there was little to lose to enter into a MOU with the other communities, in a spirit of cooperation and comradery, adding that if it doesn't work, we can bring it in house and do better.

Councilman Sklar said that the importance of a service like this was the convenience to the residents.

Councilman Albaum said that he agreed with Councilman Sklar, but that he did question the need for the service. He added that he would like to see the service extend to Mt. Sinai.

Mayor Groisman said that he also agreed with Councilman Sklar. He said that since this service is becoming commonplace, and that it is being used more and more, it will be used a lot by residents of Bay Harbor and Surfside to the detriment of Village residents. He suggested that the geo-fence be narrow, encompassing Haulover, Surfside and Bay Harbor, so that trips and waiting times would be short.

Councilman Freimark said Jeffrey said that he would like to see more facts to make a decision and that the need to provide a service to Mt. Sinai can't be understated.

Mr. Spiegel said that geo-fences can be fully customized depending on the goals of the municipality, whether it be for longer travel distances with longer waiting times or shorter distances and shorter waiting times. He said that the services would be for 56 hours per week, 8 hours per day. He said that the average waiting time in Coral Gables was eight minutes, while the average waiting time in Miami Beach was fifteen to twenty-minutes.

There was a general consensus from the Council for Mr. Gonzalez to meet with Mr. Spiegel to present different options available to the Village with the goal of keeping wait times from ten to fifteen minutes.
Babak Raheb, 128 Balfour Drive, said that the service should be for Bal Harbour residents and agreed with the goal of a ten-to-fifteen-minute wait time.

Penny Sepler, 10275 Collins Avenue, said that she agreed that the service should be the Village's alone, and if successful it could be expanded. She said that if someone need to wait more than fifteen minutes, they just as easily take a bus, which would also be free for elders. She added that Uber is also available.

David Wolf, 223 Bal Bay Drive said that it was important to understand what the goals of the service are, for example, serving residents or serving anybody in the area, adding that he liked the ability to have control.

R9B PUBLIC COMMENT

Penny Sepler, 10275 Collins Avenue, asked why the traffic on Collins Avenue was so terrible up until 96th Street. Vice Mayor Salver said the problem stemmed from lane alignment, to which Mayor Groisman added that the it is also due to traffic light timing and generally more full-time residents.

Babak Raheb, 128 Balfour Drive said that he was experience and issue caused by zoning. He explained that a new house was being constructed next to his on a property whose back boundary faces the side of his property, and that zoning code does not require tiered setbacks on the back, as it does on the sides, thus presenting the effect of a thirty-foot wall the entire length of his property. He said that he was hoping for an ordinance change that would address this particular issue. He said that the Architectural Review Board could only recommend that he address the issue with the neighbor, since the project was in compliance with zoning. Mayor Groisman offered to help Mr. Raheb mediate with the neighbor.

R10 - VILLAGE MANAGER REPORT

R11 - VILLAGE CLERK REPORT

R11A Lobbyist Report

R12 - VILLAGE ATTORNEY REPORT

R12A Village Attorney Report

END OF REGULAR AGENDA

ADJOURNMENT - The meeting was adjourned at 8:15 P.M.

Mayor Gabriel Groisman

Attest:

Dwight S. Danie, Village Clerk

BAL HARBOUR

- VILLAGE -

Mayor Jeffrey P. Freimark
Vice Mayor Seth E. Salver
Councilman David J. Albaum
Councilman Buzzy Sklar
Councilman David Wolf

Village Manager Jorge M. Gonzalez
Village Clerk Dwight S. Danie
Village Attorneys Weiss Serota Helfman Cole & Bierman, P.L.

Bal Harbour Village Council

Regular Meeting Minutes
May 21, 2024
At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

This meeting was conducted in person. The meeting was also broadcast on our website at https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/ . Members of the public were also encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE - Mayor Freimark called the meeting to order at 7:12 P.M. following the Local Planning Agency Meeting.

The following were present:
Mayor Jeffrey P. Freimark
Vice Mayor Seth E. Salver
Councilman David J. Albaum
Councilman David Wolf
Councilman Buzzy Sklar

Also present:
Jorge M. Gonzalez, Village Manager
Dwight S. Danie, Village Clerk
Susan Trevarthen, Village Attorney

The Pledge of Allegiance was led by Mayor Freimark.

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

Councilman Sklar requested that Agenda Item C7A be pulled from the Consent Agenda to be considered at the end of the Regular Agenda.

PRESENTATIONS AND AWARDS

PA1 Jewish American Heritage Month - Proclamation
> Maor Elbaz Starinsky - Consul General
> Brian Siegal - Regional Director American Jewish Committee

Councilman Freimark introduced Consul General Maor Elbaz-Starinsky and Dana Kamilar, American Jewish Committee, then read a proclamation commemorating Jewish American Heritage Month.

Maor Elbaz-Starinsky thanked the Mayor and the Council for inviting him to attend the meeting. He said that Israel is a proud, prosperous, sovereign and successful country and that its relationship with the US remains strong.

Ms. Kamilar thanked the Mayor and the Council saying her organization was honored and happy to have a community like Bal Harbour to champion the values that they fight so hard to protect.

Mayor Freimark then read a statement saying that antisemitic incidents have risen and underscoring the importance of the national strategy to counter antisemitism, which focuses on increasing awareness, enhancing security, countering antisemitic normalization, and building cross-community solidarity.

PA2 Peace Officers Memorial Day and Police Officer Week – Proclamation

Mayor Freimark read a proclamation for Peace Officers' Memorial day and Police Officer Week, after which Bal Harbour Police Chief Raleigh Flowers acknowledged the officers that had fallen in the line of duty, Lt. Robert Staab and Ofc. John Melendez, and then introduced Cynthia Rivera, sister of Ofc. Melendez and presented her with commemorative shirt. He then presented a video of Bal Harbour's first Police Memorial Bike Ride.

PA3 National Public Works Week – Proclamation

Mayor Freimark read a proclamation for National Public Works Week and acknowledge the dedicated staff of the Bal Harbour Public Works Department. John Oldenburg, Director of Public Works and Beautification Department, thanked the Mayor, Village Council and residents of Bal Harbour for their continued support.

PA4 The Government Finance Officers Association (GFOA) Award – Presentation

This item was combined heard with Agenda Item R7A.

CONSENT AGENDA

C6 - COUNCIL MINUTES

C6A April 9, 2024 Bal Harbour Village Council Regular Meeting Minutes

C7 - RESOLUTIONS

C7A A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT HARBOUR RESTAURANT PARTNERS LLC, DBA MAKOTO APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO TO EXTEND THE RESTAURANT'S 4COP LICENSE TO THE TERRACE AREA ACROSS FROM RESTAURANT IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

This item was pulled from the Consent Agenda and considered at 8:14 PM after Councilman Sklar had recused himself and left the dais.

Mr. Gonzalez introduced the item. There were no comments from the public.

MOTION: A Motion to approve the Resolution was moved by Mayor Jeffrey Freimark and seconded by Vice Mayor Seth Salver.

VOTE: The Motion passed by unanimous voice vote (4-0) with Councilman Sklar not being present.

C7B A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND SOUTHERN ASPHALT ENGINEERING, INC., FOR THE RESTORATION OF THE JOGGING PATH, AS DETAILED WITHIN PROPOSAL NO. 20240069, IN THE AMOUNT NOT TO EXCEED SIXTY -TWO THOUSAND TWO HUNDRED NINETY-NINE DOLLARS ($62,299); INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY ALLOCATION IN THE AMOUNT OF FIVE THOUSAND SIX HUNDRED SIXTY-FOUR DOLLARS ($5,664), ROUNDED UP TO THE NEAREST DOLLAR; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

C7C A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE FLORIDA THANKING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS FOR PASSING RESOLUTION 281-24, COMMENCING THE PROCESS FOR CREATING A PUBLICLY-ACCESSIBLE WEBSITE FOR THE POSTING OF NOTICES AND ADVERTISEMENTS BY MUNICIPAL GOVERNMENTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 50.0311; URGING THE MAYOR OF MIAMI-DADE COUNTY TO MEET THE NINETY-DAY IMPLEMENTATION GOAL SET FORTH IN THE RESOLUTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

MOTION: A Motion to approve the Consent Agenda was moved by Councilman Buzzy Sklar and seconded by Mayor Jeffrey Freimark.

VOTE: The Motion passed by unanimous voice vote (4-0) with Councilman Wolf being not present.

R5 - ORDINANCES

R5A AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE I "IN GENERAL", "SECTION 19-7 "PARKING OF COMMERCIAL VEHICLES AND VEHICLES DISPLAYING SIGNAGE" OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this ordinance would amend the commercial vehicle ordinance to align it with the recently-passed noise ordinance to in include all Federal Holidays as the listed prohibition dates.

Deputy Police Chief, Mauricio Escarra, said that the ordinance would add four additional days to the list of dates and that the ordinance would take effect on June 1, 2024.

There were no comments from the public.

MOTION: A motion to approve the ordinance on second reading was moved by Councilman Buzzy Sklar and seconded by Councilman David Wolf.

ROLL CALL	VOTE
Mayor Jeffrey P. Freimark	**Yes**
Vice Mayor Seth E. Salver	**Yes**
Councilman David J. Albaum	**Yes**
Councilman Buzzy Sklar	**Yes**
Councilman David Wolf	**Yes**

VOTE: The Motion passed by unanimous roll call vote (5-0).

R5B AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION

OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF MOTORIZED VEHICLES AND DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that for second reading he had removed the prohibition on sidewalks due the Village's jurisdiction being unclear. He said that he had inserted the prohibition on the Cutwalk to the Jetty and on the pedestrian path south of the Oceana.

Deputy Police Chief Escarra added that a fifty-dollar fine was recommended for a first violation and there would be a sixty-day education period and proper signage.

Councilman Sklar said he was in agreement with the removal of the sidewalks until legal counsel could provide clarity on the Village's jurisdiction.

Councilman Wolf said he was in agreement with the removal of the sidewalks and asked if there had been consideration of segregating a portion of the beach path for electric vehicles. Councilman Sklar said that going forward that would be the easiest cure, and that consideration of this had been put on hold pending the creation of a master plan.

Vice Mayor Salver added that it is a lot more difficult to navigate the walking path, especially those with strollers, than on the hard pack. He recommend that there should be a holistic approach.

Patricia Cohen, 10275 Collins Avenue, suggested removing some of the hedges and widening the beach access path to allow a dedicated space for electric vehicles.

Penny Sepler, 10275 Collins Avenue, said that banning electric vehicles on the beach path would shift this traffic to the sidewalks and streets, and would create more of a problem. She agreed with creating a meandering path.

Neca Logan, 64 Camden Drive, said she agreed with shifting this traffic to the sidewalks and streets would not solve the problem. She added that creating more shade on the walking path would shift foot traffic off of the hard pack.

Mayor Freimark said that a more strategic approach was needed including review of all paths. He said he was concerned with shifting traffic to the sidewalks and streets.

MOTION: A motion to approve the ordinance on second reading was moved by Councilman Sklar.

The motion died for lack of a second.

R7 - RESOLUTIONS

R7A A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023, RELATING TO THE ANNUAL AUDIT PERFORMED BY THE VILLAGE'S INDEPENDENT AUDITOR, RSM US LLP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item and introduced Robert Feldman and Anil Harris from RSM who provided their report on the Annual Comprehensive Financial Report. Mr. Feldman commended Chief Financial Officer Claudia Dixon and her staff for receiving a Certificate of Achievement for Excellence in Financial Reporting for the ninth consecutive year.

Mr. Harris presented highlights of the audit saying that an unmodified opinion had been issued and there had been no audit adjustments or disagreements with management.

There were no comments from the public.

MOTION: A Motion to approve the Resolution was moved by Vice Mayor Seth Salver and seconded by Councilman David Wolf.

VOTE: The Motion passed by unanimous voice vote (5-0).

R7B A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FISCAL YEAR 2023-24 BUDGET; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Gonzalez introduced the item saying that it closes the fiscal year and amends items that carry forward into 2024, and provides for the disposition of the year-end surplus. He said the General Fund non-capital budget closed with a ten million dollar surplus.

Ms. Dixon said the Fiscal Year 2023 ended with a positive position in all funds. She then provided an overview of revenue and expenditure authority by fund. She the provided fund performance snapshots in terms of revenue in excess of expenditure of the General Fund ($26.7 thousand), the Resort Tax Fund ($1.7 million), the Security and Landscape Assessment Fund ($844 thousand), and the Water and Sewer Utility Fund ($1.4 million).

Mr. Gonzalez said that monies carried forward are from multi-year projects that had been approved that are yet to be spent and carried into the next fiscal year, and he

recommended that for the remaining balance of $8.4 million, $2 million added to the Capital Reserve and $6.4 or the Undesignated Fund Balance.

Mayor Freimark commended Ms. Dixon for her stellar knowledge and grasp of the entire financial process.

MOTION: A Motion to approve the Resolution was moved by Councilman David Wolf and seconded by Vice Mayor Seth Salver.

Patricia Cohen, 10275 Collins Avenue, recommended that materials that are being presented should be projected in a manner that members of the public are able to read.

VOTE: The Motion passed by unanimous voice vote (5-0).

R7C A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND BRIGHTVIEW LANDSCAPE SERVICES INC., FOR THE PROVISION OF VILLAGE WIDE LANDSCAPE MAINTENANCE AND BEAUTIFICATION SERVICES; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND BRIGHTVIEW LANDSCAPE SERVICES INC., FOR THE PROVISION OF LANDSCAPE MAINTENANCE AND BEAUTIFICATION SERVICES WITHIN THE GATED RESIDENTIAL COMMUNITY; AT ESTABLISHED RATES, IN THE AMOUNT NOT TO EXCEED ANNUAL BUDGETARY ALLOCATIONS FOR ALL MATERIALS AND RELATED SERVICES AS DEFINED WITHIN THE AGREEMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that several years ago the outsourcing of landscaping services had been spit into two separate contracts to clearly delineate the services in the Gated Community, which is funded by a special assessment, separate from the rest of the Village. He said five companies responded and an evaluation committee with representation from the Civic Association ranked the lowest and best selected firm.

Mr. Oldenburg provided overview of the process saying that in this RFP there had been an addition of a cost differential for battery operated equipment and organic pesticides and fertilizer. He said quarterly cleaning of the Jetty, and more frequent maintenance of and stations and trash receptacles had also been included.

He said he was confident that the selected firm could do the work per specifications.

Patricia Cohen, 10275 Collins Avenue, asked what percentage of chemicals currently being used are organic and how would one request more trash receptacles for the beach. Mr. Oldenburg said that regulations pertaining to the beach require environmentally

friendly methods, but this contract would ensure it everywhere. He said he would speak with Ms. Cohen regarding additional trash receptacles.

MOTION: A Motion to approve the Resolution was moved by Mayor Jeffrey Freimark and seconded by Councilman David Wolf.

VOTE: The Motion passed by unanimous voice vote (5-0).

R7D A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH AAMUSICIANS (D/B/A BEACHSIDE EVENTS) FOR EVENT PRODUCTION IN THE AMOUNT OF $95,000; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this item was to fund the Independence Day Celebration and other events for the remainder of the fiscal year. He added that the Village has been satisfied with the vendor's performance. Sylvia Flores, Director of. Recreation, Arts and Culture, said that the vendor, Beachside Events, has been responsive, flexible and work very well with the Village and that she would like to continue working with them.

There were no comments from the public.

MOTION: A Motion to approve the Resolution was moved by Vice Mayor Seth Salver and seconded by Mayor Jeffrey Freimark.

VOTE: The Motion passed by unanimous voice vote (5-0).

R7E A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the agreement that has been reached with the Oceana wherein they will put $200 in escrow for the improvement of the crescent area and access path, until after they have concluded their construction of exterior improvements, and $2 million for municipal purposes which is earmarked for a Jetty play area.

Micky Marrero, attorney for the Oceana added that the timeline for payment of the $2 million was dependent on the issuance of a special assessment.

Neca Logan, 64 Camden Drive, said she would like to have swings installed in the play area.

Patricia Cohen, 10275 Collins Avenue, suggest providing shade and comfortable benches in the crescent area.

Penny Sepler, 10275 Collins Avenue, agreed with Ms. Cohen in the need for comfortable seating.

MOTION: A Motion to approve the Resolution was moved by Mayor Jeffrey Freimark and seconded by Councilman David Albaum.

VOTE: The Motion passed by unanimous voice vote (5-0).

R9 - NEW BUSINESS AND COUNCIL DISCUSSION

R9A Discussion Item - Proposed Ordinance Amendments Related to Fair Housing Opportunities - Village Manager Jorge M. Gonzalez

Mr. Gonzalez introduce the item saying that this discussion item was to present findings by the Village's zoning consultant, Michael Miller, on improving the Village Code to enhance greater opportunity for workforce/affordable housing. He said he was presenting this to Council for consideration and to obtain direction for proceeding.

Ms. Trevarthen said that the code currently allows for guest houses and accessory dwelling but the language is antiquated. She said the proposed changes would include modernizing the language changing the word 'servants' to 'workers', clarify language for minimum floor area requirements, considering allowing encroachment into side setbacks and rear setbacks, and considering allowing higher structures. She also said there would be consideration for allowing incentives for affordable housing including a reduced FAR, reduced parking requirements, increased maximum lot coverage and allowing accessory quarters to occupy a greater lot coverage.

Vice Mayor Salver said he had reservations that these changes may allow for exploitation within homes zoned single-family, adding that he could envision a value to the homeowner, but no value for workforce housing. Councilman Sklar said he agreed with Vice Mayor Salver.

Councilman Wolf said that these were good overarching concepts but that he was unclear to what the nuts-and-bolts mean. He said that this didn't make sense for the gated community.

There was a general consensus to provide direction to the Manage to bring something back to the Council for its discussion and consideration.

R9B- PUBLIC COMMENT

Patricia Cohen, 10275 Collins Avenue, said the Village needs to be careful of allowing any encroachment into the setback within the Gated Community, and urged the Council to limit what is currently being allowed.

R10 - VILLAGE MANAGER REPORT

R11 - VILLAGE CLERK REPORT

R11A Lobbyist Report

R12 - VILLAGE ATTORNEY REPORT

R12A Monthly Attorney Report

Ms. Trevarthen announced that she would be asking for an attorney client session regarding Case # 2024-001246-CA-01 for the discussion of litigation expenditures and a possible settlement.

END OF REGULAR AGENDA

ADJOURNMENT - The meeting was adjourned at 8:14 PM.

Mayor Jeffrey Freimark

Attest:

Dwight S. Danie, Village Clerk

BAL HARBOUR

- VILLAGE -

BUSINESS IMPACT STATEMENT

Proposed Ordinance Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND OTHER MOTORIZED DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance amends Chapters 10 and 19 of the Village Code to prohibit the operation of electric bicycles, motorized scooters, and other motorized mobility devices on designated beach paths (hardpack, Jetty cutwalk, and south of Oceana beach access path), the Village jogging path, within the Village.

The ordinance is adopted pursuant to Sections 316.008, 316.20655, and 316.2128, Florida Statutes, and is intended to promote pedestrian safety, reduce vehicular-pedestrian conflicts, and protect the public health, safety, and welfare within the Village.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

a. **Estimate of Direct Business Compliance Costs:** This ordinance is not expected to have any direct business compliance cost impacts.
b. **New Charges/Fees on Business Impacted:** This ordinance is not expected to have any new charges or fees on businesses.
c. **Estimate of Regulatory Cost:** This ordinance is not expected to have any additional regulatory costs.

Good Faith Estimate of Number of Businesses Likely Impacted:

There is no expectation that any business within the Village are expected to be impacted by this ordinance, including the approximately 110 businesses in the Business District and any businesses located elsewhere in the Village.

BAL HARBOUR

- VILLAGE -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION URGING MIAMI-DADE COUNTY TO RESTORE THE LEVEL OF SERVICE THAT HAS BEEN HISTORICALLY PROVIDED AND PROVIDE ADEQUATE FUNDING FOR THE BEACH CLEANING AND SARGASSUM REMOVAL PERFORMED BY BEACH RAKER, LLC. ON ALL IDENTIFIED HOTSPOTS ON THE SHORELINE IN THE VILLAGE.

Issue:

Miami-Dade County has reduced funding and service levels for beach cleaning and sargassum removal under its contract with Beach Raker, LLC, impacting the northernmost portion of Bal Harbour Village's shoreline, an area historically recognized as a high-maintenance sargassum "hot spot."

The Bal Harbour Experience:

☒ Beautiful Environment	☐ Safety	☐ Modernized Public Facilities/Infrastructure
☒ Destination & Amenities	☒ Unique & Elegant	☐ Resiliency & Sustainable Community

Item Summary / Recommendation:

Miami-Dade County recently reduced funding for beach raking frequency, equipment deployment, and sargassum removal services provided by Beach Raker, LLC, affecting the northernmost 800 feet of Bal Harbour Village's shoreline, commonly referred to as the Jetty. Although the contractor remains the same, the reduced County budget will result in fewer trailers, earlier service cut-off times, and diminished service levels during peak sargassum periods. This area is designated by the County as a sargassum "hot spot" and requires frequent and consistent maintenance to remain in acceptable condition. Reduced service levels are expected to result in visible deterioration of beach conditions, negatively impacting residents, hotel guests, visitors, and the overall Bal Harbour brand.

Therefore, it is recommended that the Village Council adopt this Resolution to respectfully urge Miami-Dade County to reconsider the recently implemented reductions in beach cleaning and sargassum removal and to restore the level of service that has been historically provided and to provide adequate funding for the beach cleaning and sargassum removal on all the identified hot spots on the shoreline in Bal Harbour Village.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.

Advisory Board Recommendation:

The Village Council discussed this issue at the January 20, 2026 Council meeting and recommended pursuing a formal request to Miami-Dade County.

Sign off:

	Director Public Works & Beatification Department	Village Manager
	Julio Magrisso	Jorge M. Gonzalez

BAL HARBOUR

- VILLAGE -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: February 17, 2026

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; URGING MIAMI-DADE COUNTY TO RESTORE THE LEVEL OF SERVICE THAT HAS BEEN HISTORICALLY PROVIDED AND PROVIDE ADEQUATE FUNDING FOR THE BEACH CLEANING AND SARGASSUM REMOVAL PERFORMED BY BEACH RAKER, LLC ON ALL IDENTIFIED HOTSPOTS ON THE SHORELINE IN BAL HARBOUR VILLAGE; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I am recommending approval of the Resolution urging Miami-Dade County to reconsider recently implemented reductions in beach cleaning service levels which will impact Bal Harbour Village.

BACKGROUND

Village Administration has been advised that Miami-Dade County has reduced the required funding for beach raking frequency, equipment deployment and sargassum removal under a new beach maintenance contract with Beach Raker, LLC, the same contractor that has historically provided services along the 800 northernmost feet of Bal Harbour shoreline. The contractor has not changed; however, the level of service has been reduced.

ANALYSIS

At the January 20, 2026 Council meeting, the Village Council approved a one-year agreement with Beach Raker, LLC for the provision of beach cleaning and associated services throughout the entire Bal Harbour Village shoreline. This agreement is to augment the services supplied by the County. Mr. Chip Jones, owner of Beach Raker provided an overview of the planned services specified in the agreement.

Additionally, Mr. Jones further explained the budget reductions in Miami-Dade County that specifically impact Bal Harbour Village's level of service. These reductions represent a departure from the service levels historically enjoyed along Bal Harbour's beachfront. Mr. Jones informed the Council that his previous contract allowed him to deploy a maximum of fourteen (14) County-wide tractors, giving his company the ability to service the County hotspots through 5-6 pm on heavy sargassum period days. His new contract reduces the available tractors to four (4) and moves his service time cut-off to 3:00 p.m.

Miami-Dade County Parks and Recreation Department is responsible for the maintenance of all Miami-Dade beaches and performs these services with county staff and machinery under a

permit issued by the Florida Department of Environmental Protection (FDEP) and Fish and Wildlife Commission (FWC). The northern end of Bal Harbour is considered a sargassum "hot-spot" by the County, along with 3 other hot-spots within the County. Due to the extensive work required to service these hot-spots, Miami-Dade County engages the services of Beach Raker, LLC to maintain them. The 800 northern feet of Bal Harbour is included in that agreement with the County, and as such, is serviced by Beach Raker.

This segment of the shoreline requires frequent and consistent raking and sargassum removal during high peak season to remain in acceptable condition. Administration is convinced that the imposed reduction of service levels will result in rapid and visible deterioration of beach conditions in this area.

Because this location serves hotel guests, residents, and visitors daily, any degradation in beach conditions will have immediate and measurable impacts on visitor experience, hotel operations, and overall beach usability.

Therefore, it is recommend that the Village Council adopt this Resolution to respectfully urge Miami-Dade County to reconsider the recently implemented reductions in beach cleaning and sargassum removal and to restore the level of service that has been historically provided and to provide adequate funding for the beach cleaning and sargassum removal on all the identified hot spots on the shoreline in Bal Harbour Village.

THE BAL HARBOUR EXPERIENCE

The Bal Harbour Experience is centered on maintaining a beautiful environment and high standards in public spaces, with particular emphasis on cleanliness, functionality, and visitor perception. The beachfront is a defining component of that experience and a critical economic asset for the Village.

CONCLUSION

Miami-Dade County's recent budget reduction in beach cleaning and sargassum removal services presents an operational and reputational risk to Bal Harbour. Ensuring adequate and consistent beach cleaning services in known high-maintenance areas supports the Village's commitment to quality, protects visitor experience, and aligns with the expectations associated with the Bal Harbour brand.

Council is asked to approve a Resolution urging Miami-Dade County reconsider the current service level reductions and to restore prior beach service level funding along the Bal Harbour's northernmost shoreline. I therefore recommend approval of this resolution.

RESOLUTION NO. 2026-____

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; URGING MIAMI-DADE COUNTY TO RESTORE THE LEVEL OF SERVICE THAT HAS BEEN HISTORICALLY PROVIDED AND PROVIDE ADEQUATE FUNDING FOR THE BEACH CLEANING AND SARGASSUM REMOVAL PERFORMED BY BEACH RAKER, LLC. ON ALL IDENTIFIED HOTSPOTS ON THE SHORELINE IN BAL HARBOUR VILLAGE; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County is responsible for maintenance of county beaches and performs beach cleaning and sargassum removal services under permits issued by the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission; and

WHEREAS, Miami-Dade County has historically engaged Beach Raker, LLC to provide enhanced beach cleaning and sargassum removal services in designated high-maintenance areas, including the northernmost area of the Village's shoreline; and

WHEREAS, Miami-Dade County has recently awarded a new contract to Beach Raker, LLC at a reduced funding level under its beach maintenance contract, resulting in fewer deployed tractors, reduced service hours, and diminished capacity during peak sargassum periods; and

WHEREAS, the northern end of Bal Harbour Village is recognized as a sargassum "hot spot" and requires frequent and consistent maintenance to preserve acceptable beach conditions; and

WHEREAS, reduced service levels are anticipated to cause rapid and visible deterioration of beach conditions, adversely affecting residents and visitors, and impacting the Village's reputation and its economic vitality; and

WHEREAS, the Village Council finds that maintaining high-quality beachfront conditions is integral to the Bal Harbour Experience and the Village's commitment to a beautiful environment and exceptional public spaces and urges Miami-Dade County to restore the level of service that has been historically provided and to provide adequate

funding to for the beach cleaning and sargassum removal on all the identified hot spots on the shoreline in Bal Harbour Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the above stated recitals are hereby adopted and confirmed.

Section 2. Request for Restoration of Funding. The Village Council respectfully urges Miami-Dade County to reconsider the recently implemented reductions in beach cleaning and sargassum removal and to restore the level of service that has been historically provided and to provide the adequate funding for the beach cleaning and sargassum removal on all the identified hot spots on the shoreline in Bal Harbour Village.

Section 3. Implementation. The Village Manager is authorized to transmit this Resolution to Miami-Dade County officials and take any administrative actions necessary to implement its intent.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 17th day of February, 2026.

_____
Mayor Seth E. Salver

ATTEST:

_____
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.

BAL HARBOUR

- VILLAGE -

DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Seth E. Salver, Mayor

DATE: February 17, 2026

SUBJECT: **Discussion Regarding Traffic Impacts Related to Recent Lane Closures on Collins Avenue.**

Please place an item on the February 17, 2026, Village Council Meeting Agenda for a discussion regarding traffic impacts associated with recent lane closures on Collins Avenue.

BAL HARBOUR

- VILLAGE -

DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: David Wolf, Vice Mayor

DATE: February 17, 2026

SUBJECT: **Discussion Regarding the Proposed Collins Avenue Crosswalk.**

Please place an item on the February 17, 2026, Village Council Meeting Agenda for a discussion regarding the proposed pedestrian crosswalk on Collins Avenue.

BAL HARBOUR

- VILLAGE -

DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: David Wolf, Vice Mayor

DATE: February 17, 2026

SUBJECT: **Discussion Regarding Exercise Equipment Along the Beach Path.**

Please place an item on the February 17, 2026, Village Council Meeting Agenda for a discussion regarding the potential installation of exercise equipment along the Village's beach path.







BAL HARBOUR

- VILLAGE -

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Dwight S. Danie, Village Clerk

DATE: February 10, 2026

RE: Lobbyist Registration Report

Name of Lobbyist	Principal Represented	Date Registered
Ian DeMello	Mathew Whitman Lazenby	12/23/25
John Shubin	Mathew Whitman Lazenby	12/23/25
Robert Lincoln	Mathew Whitman Lazenby	12/23/25
Carter McDowell	LK Hotel, LLC	01/20/26
Nicholas Noto	Carlton Terrace Owner	01/20/26
Caroline Travis	Bal Harbour Shops LLC	01/27/26
Ivor Nicholas Massey	Bal Harbour Shops LLC	01/27/26
Benjamin Elias	Bal Harbour Shops LLC	01/27/26

BAL HARBOUR

- VILLAGE -

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Susan L. Trevarthen SLT

DATE: February 17, 2026

RE: Monthly Report of Village Attorney for January 2026 Activities

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Here is the monthly report on the Village Attorney's activities. While we attend to Village business and confer with Village officials continuously, this report highlights specific tasks and projects for the month. Please contact me or Robert Meyers if you have any questions about this report.

Retainer Services

Within the fixed fee retainer in January (138), we completed our work for the January Council/Local Planning Agency/GEP meeting agendas, attended the meetings, and began to review, advise, and prepare documents for agenda items for the February Council meeting and retreat agendas. We prepared for and attended the weekly staff meetings and the monthly agenda review and after action meetings.

Specific additional matters included:

- We advised staff on closeout of Waterfront Park project, and addressed strategy re disputes.
- We handled the settlement of the Kent Security claim for nonpayment.
- We continued to research, analyze, and address issues related to compliance with development agreement related to existing Shops expansion. We followed on up on tax exemption and liability for Fairfield property.
- We conducted research, met with staff, and addressed inquiries re public records request related to social media.
- We refreshed our prior legal research and analysis, conferred, reviewed inquiries, and reviewed the history of prior Village proposals to regulate e-bikes.
- We analyzed a development inquiry re RM-5 and the Live Local Act, and prepared a memo regarding the issue, for a Letter to Council, including analysis of covenants on the Beach Haus properties.
- We had multiple conferences, researched caselaw and codes, and conferred to analyze inquiries related to the proposed design of Village Hall.

- We reviewed and commented on legislative developments that may affect the Village.
- We assisted the police department with review of agreements, including mandatory vendor clauses.
- We analyzed and worked with staff on the Springbook agreement to upgrade finance department software.
- We prepared materials and presented an ethics training program for the manager and deputy manager. We prepared a memo re gift reporting rules re sponsorships.
- We followed up on a Beach Haus inquiry and documentation of the One Bal Harbour agreements.

Additional Services

For Security/Landscaping Assessment matter, we reviewed procurement matters for the Civic Association, reviewed and approved permissible legal expenses under the assessment, reviewed and analyzed several inquiries regarding requests to place utilities in easements;

For Zyscovich Architects matter, we coordinated with opposing counsel, had conferences and corresponded with expert, Village staff and subcontractors, gathered information, and prepared for continued settlement discussions with the architect and its subcontractors.

For Live Local Act matter, we reviewed filings in and conferred with manager and litigators concerning theories and strategy for regulatory taking lawsuit; addressed correspondence and strategy regarding default and court registry; conferred with litigator and manager concerning potential lifting of stay and mediator communications in other cases; reviewed correspondence re Harris Act letter; and addressed inquiries re scheduling order, discovery and motions.