Town Of Bay Harbor Islands
Regular Town Council Meeting
AGENDA
April 22, 2026
7:00 PM
Council Chambers, Community Center,
Rooms 2-3,
1175 95th Street, Bay Harbor Islands,
FL 33154

STATEMENT OF DECORUM

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

SPECIAL NOTICE

A Regular Town Council Meeting of the Regular Town Council Meeting of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform.
In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town's equipment. There is no guarantee that internet service will be reliable or that the Town's equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments.

1. **CALL TO ORDER:**

2. **PLEDGE OF ALLEGIANCE:**

3. **ROLL CALL:**

4. **SPECIAL PRESENTATION:**

   4.1 Presentation of Police Office of the Quarter.
   Present 2025 Bay Harbor Islands Police Department Officer of the Quarter.

   BACKGROUND:
   Award being presented to:
   1. Captain Alan Castellanos
   2. Sergeant John Davilmar

5. **REQUESTS FOR WITHDRAWALS. DEFERMENTS AND FUTURE AGENDA ITEMS:**

6. **TOWN MANAGER'S REPORT:**

7. **COUNCIL REPORTS:**

8. **TOWN ATTORNEY REPORTS:**

9. **COMMITTEE REPORTS:**

10. **PUBLIC COMMENT:**
    Speakers are allowed three (3) minutes and up to no more than five (5) minutes at the discretion of the presiding officer to speak on any items on the agenda only during the Public Comment portion of the meeting. Speakers may apportion their time during Public Comment to various agenda items however they wish. Any person who wishes to speak during a public hearing may be heard for no more than two (2) minutes during each public hearing or ordinance on second reading. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than five (5) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

11. **MINUTES:**

    11.1 March 20, 2024 Regular Town Council Meeting Minutes
    April 10, 2024 Organizational Town Council Meeting Minutes
    April 10, 2024 Regular Town Council Meeting Minutes
    May 08, 2024 Regular Town Council Meeting Minutes
    July 25, 2024 Regular Town Council Meeting Minutes
    August 14, 2024 Regular Town Council Meeting Minutes
    September 12, 2024 First Budget Public Hearing Minutes
    September 12, 2024 Regular Town Council Meeting Minutes
    September 26, 2024 Final Budget Public Hearing Minutes
    October 14, 2024 Regular Town Council Meeting Minutes
    November 4, 2024 Special Town Council Meeting Minutes
    November 20, 2024 Regular Town Council Meeting Minutes
    December 4, 2024 Special Town Council Meeting Minutes

July 08, 2025 Special Town Council Meeting Minutes
January 14, 2026 Regular Town Council Meeting Minutes
February 11, 2026 Regular Town Council Meeting Minutes
March 12, 2026 Regular Town Council Meeting Minutes
Approval of Town Council Meeting Minutes.
02-11-2026 Regular Town Council Meeting Minutes.pdf
03.20.2024 Regular Council Meeting.pdf
05.08.2024 Regular Council Meeting.pdf
07-08-2025 Special Town Council Meeting Minutes.pdf
07-25-2024 Regular Council Meeting.pdf
08-14-2024 Regular Council Meeting.pdf
09-12-2024 First Budget Public Hearing.pdf
09-12-2024 Regular Council Meeting.pdf
09-26-2024 Final Budget Public Hearing.pdf
10-14-2024 Regular Council Meeting.pdf
11-4-2024 Special Council Meeting.pdf
11-20-2024 Regular Council Meeting.pdf
12-04-2024 Special Council Meeting.pdf

12. CONSENT AGENDA:

(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)

12.1 Council authorization to auction and dispose capital asset (surplus police vehicles).
Exhibit A - Assets to be Disposed.pdf

12.2 Consideration and approval of a resolution adopting the new Solid Waste Fees.
Exhibit A Solid Waste Rate Fee Schedule 2026.pdf

12.3 Budget Amendment

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

Discuss and consider a contract in favor of Hazen and Sawyer (Hazen) in the amount of $76,510, to provide engineering support associated with Cycle 3 SSES Phase 1 RFI and Phase 2 Regulatory Reporting to Miami Dade Department of Environmental Resources Management (DERM).
SSES Cycle 3 Regulatory Assistance Proposal Hazen (1).pdf

12.5 Consideration and approval of a resolution adopting the new solid waste fees.
Exhibit A Solid Waste Rate Fee Schedule 2026 (2).pdf

13. PUBLIC HEARING QUASI-JUDICIAL

13.1 PUD Overlay Rezoning Application - Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1.
Town Council discretion to approve the Planning and Zoning Board recommend approval to the Town Council of the requested Planned Unit Development (PUD) Overlay for the Bijou Bay Harbor Condominium, subject to the conditions outlined in this report. The PUD provides the necessary legal and procedural framework to impose site-specific conditions that will bring the existing below-grade parking garage into compliance with FEMA floodplain regulations and the Florida Building Code. It also authorizes a minimal, internally focused non-residential use. This site-specific solution resolves the Certificate of Occupancy impediment while ensuring full life safety and regulatory compliance.
Letter of Intent (3).pdf
Site Plan and Elevations (4).pdf
3-12-2026-Bijou Bay PUD Memorandum.docx
BHI Ordinance-PUD (1) (1).docx

14. ORDINANCES ON SECOND READING:

15. ORDINANCES ON FIRST READING:

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

15.2 Consideration and approval of an ordinance on first reading increasing the toll rates per year.

16. DEFERRED ITEMS:

16.1 Additional Design Alternatives for 3-Dimension Printing of modules associated with the Artificial Reefs at Causeway Island and the Bay Harbor Waterway. Sponsored by Council Member Joshua Fuller.
Bay Harbor Islands Reef Proposal (1).pdf

17. TOWN MANAGER ITEMS:

17.1 Ratification of the 2nd Emergency Procurement Contract in the amount of $670,879.26 with Florida Draw Bridges, Inc. (FDI) to perform Emergency Repairs at the Broad Causeway Intracoastal Waterway Bridge (Bridge No. 875101).
RECOMMENDATIONS:

Ratification of 2nd emergency contract awarded to Florida Draw Bridges Inc. in the amount of $670,879.26, that was authorized by the Town Manager to perform emergency repairs at the Broad Causeway Intracoastal Waterway Bridge.
FDOT EMAIL 2262026 (1).pdf
FDI PROPOSAL FOR 2ND EMERGENCY REPAIR CONTRACT (1).pdf

17.2 Discussion and required action regarding the Town's new branding.

17.3 Ratification of a contract in favor of Ardurra Group Inc., in the amount of

$253,880 to provide Construction Engineering Inspection (CEI) services associated with the emergency repairs for the Broad Causeway Intracoastal Waterway Bridge.
RECOMMENDATIONS

Discuss and consider ratification of a contract (Task Work Order) in favor of Ardurra Group Inc. (Ardurra) in the amount of $253,880, that was authorized by the Town Manager, to provide CEI services associated with emergency repairs of the Broad Causeway Intracoastal Waterway Bridge.
TASK WORK ORDER FOR ENG SERVICES R.pdf

18. DISCUSSION ITEMS:

18.1 Consideration and approval of a Resolution indicating the Official Intent of the Town to Issue Tax-Exempt Bonds or Notes in the amount of up to $75,000,000 to finance the costs of development and construction of a new municipal complex and to use a portion of the proceeds of such bonds or notes to reimburse expenditures paid or incurred prior to the date of issuance. Town Manager
Resolution - Tax Exempt Bond.docx

18.2 Discussion regarding tot lot designs. Sponsored by Council Member Eric Rappaport.
RECOMMENDATION

Staff is requesting approval from the Town Council regarding:

1. The design of the proposed additional playground amenities for children ages 5–12 at the Tot Lot Park, and
2. Authorization for the expenditure of up to $123,000 to cover the total estimated project cost.

Please note that even if approved, this work will be contingent upon the results of a pending survey and utility locate to confirm that sufficient space exists to install the proposed equipment in this specific area.

FISCAL IMPACT SUMMARY

We have a budget amendment elsewhere on tonight's agenda to appropriate $123,000 to fund this project.
Attachment A - Bay Harbor Tot Lot Additional Amenities Estimate (1).pdf

18.3 Appointment of Town Council Members to the Mitigation Committee.
Section of the Code-Mitigation Committee.pdf

18.4 Discussion and possible action to install traffic deterrents (speed bumps, stop signs with lights) in the East Island. Sponsored by Vice Mayor Stephanie Bruder.

19. ADJOURNMENT:

Respectfully submitted,

Lindsley Noel, MAcc
Town Manager

This meeting is open to the public, in accordance with the Americans with Disabilities Act of 1990, all persons that are disabled; who need special accommodations to participate in this meeting because of that disability should contact the office of the Town Clerk at 305-866-6241 ext. 122 no later than four (4) days prior to such proceeding.

In accordance with the provisions of section 286.0105, Florida Statutes, anyone wishing to appeal any decision made by the Town of Bay Harbor Islands Council, with respect to any matter considered at this meeting or hearing, 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 shall include the testimony and evidence upon which the appeal is to be based.

Two or more members of the Town Council and/or Town Boards/Committees may attend this meeting.

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 4.1
Date: April 22, 2026
From:
Subject: Presentation of Police Office of the Quarter.

Suggested Action: – Present 2025 Bay Harbor Islands Police Department Officer of the Quarter.

BACKGROUND:
Award being presented to:

1. Captain Alan Castellanos
2. Sergeant John Davilmar

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 11.1
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: March 20, 2024 Regular Town Council Meeting Minutes
April 10, 2024 Organizational Town Council Meeting Minutes
April 10, 2024 Regular Town Council Meeting Minutes
May 08, 2024 Regular Town Council Meeting Minutes
July 25, 2024 Regular Town Council Meeting Minutes
August 14, 2024 Regular Town Council Meeting Minutes
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November 20, 2024 Regular Town Council Meeting Minutes
December 4, 2024 Special Town Council Meeting Minutes
July 08, 2025 Special Town Council Meeting Minutes
January 14, 2026 Regular Town Council Meeting Minutes
February 11, 2026 Regular Town Council Meeting Minutes
March 12, 2026 Regular Town Council Meeting Minutes

Suggested Action: – Approval of Town Council Meeting Minutes.

02-11-2026 Regular Town Council Meeting Minutes.pdf
03.20.2024 Regular Council Meeting.pdf
05.08.2024 Regular Council Meeting.pdf
07-08-2025 Special Town Council Meeting Minutes.pdf
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11-20-2024 Regular Council Meeting.pdf
12-04-2024 Special Council Meeting.pdf

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
February 11, 2026

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

Opening

Call to Order

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

Pledge of Allegiance

Paz Torrent and Charo Torrent from Ruth K. Broad K-8 Center provided the pledge of allegiance.

Roll Call of Members

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

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

Absent: Mayor Isaac Salver.

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

Special Presentations:

1. Police Chief Alvarez introduced the new hires for the Police Department:
   - Certified Police Officers Braxton McClams and Richard Jones.
   - Public Service Aides Gabriel Monteagudo and Gabriela Bargas (transfer from Dispatch to PSA.
   - K9 Ginger

Town Manager Noel introduced the employees of the months for September 2025, October 2025, November 2025 and December 2025:

- September 2025: Maddiel Borrego
- October 2025: Doralbys Munoz
- November 2025: Merle Sardina
- December 2025: Kelly Guerra

Town Manager Noel introduced the employee of the year for 2025.

- Ayanidys Martinez

Council Member Yaffe introduced Judge Kevin Hellman who is a candidate for election this year.

Honorable Judge Hellman provided a biography of himself and introduced himself to the council and the public.

Requests for Withdrawals, Deferments and Future Agenda Items:

Council Member Fuller pulled the January 14, 2026 Regular Town Council Meeting Minutes for minor changes and will provide those changes to the Town Clerk and move the minutes to the March council meeting.

Council Member D'Amico moved item 24 (Discussion and possible action to allow the public to use the Policy Gym located at the Community Center) up on the agenda.

Town Manager Noel deferred item 19 (Discussion and possible action approving a resolution waiving competitive bidding for solid waste collection services) to the March town council meeting.

Town Manager's Report:

Town Manager Noel provided his report and discussed the events he attended and the upcoming events. He congratulated the employees of the months and the new hires.

Council Reports:

Council Member D'Amico commented on proposed logo concepts, stating that the current options were difficult to read and needed to work in black and white. She also reported on discussions regarding Live Local legislation, including concerns about home rule, barrier islands, and impacts on smaller municipalities. She further asked for an update on proposed traffic changes near 96th Street and the church, and raised concerns that the Town had not successfully coordinated the recent art festival with the school. Town Manager Noel responded that staff had repeatedly attempted to reach the school by

email, in person, and through follow-up efforts, but did not receive meaningful cooperation. Council discussion followed regarding the need for improved liaison efforts and communication with the school community.

Council Member Yaffe reported on recent Florida League of Cities legislative advocacy efforts in Tallahassee, including discussions with state legislators concerning municipal revenue sources, business tax receipts, and home rule issues. He also reported on attendance at the Miami-Dade County League of Cities meeting and noted the opening of a new art gallery in Town.

Council Member Fuller also reported on legislative advocacy efforts, emphasizing the importance of municipal home rule. He commended staff and police for their work on the art festival, reported on progress toward an artificial reef project, stated his dissatisfaction with the proposed logo options, requested a status update on west island security gates, and advised that County Commissioner Micky Steinberg was pursuing a County ordinance change to reduce the distance for enforceable noise complaints from 100 feet to 25 feet. Town Manager Noel confirmed that he had also expressed Town support for that effort.

Council Member Rappaport reported on travel to Israel and execution of a sister-city agreement with the Eshkol Region, stating that a fuller report would follow when the Mayor returned. He also raised local concerns regarding drivers using west island side streets as cut-through routes during congestion and requested improved signage. He additionally warned about third-party websites appearing in internet searches for utility bill payments and urged residents who may have been affected to contact the Town. Town Manager Noel stated that the Town's IT staff was working with vendors to try to shut down fraudulent or misleading sites and that police could take reports if residents had been scammed.

Council Member Diallo thanked the police department, referenced attendance at the League of Cities dinner and the art festival, welcomed a judicial guest, and announced upcoming Town events including a 5K and a senior dinner.

Vice Mayor Bruder thanked staff member Alan for his response to an accident involving a light pole, criticized simultaneous road closures on East and West Bay Harbor Drive that caused traffic problems, congratulated staff regarding the Children's Trust program, raised concerns about nails in the roadway from construction sites, and commented on art festival attendance, stage placement, vendor participation, and programming.

Town Manager Noel and Council Members discussed ongoing construction-site enforcement and possible adjustments for future festivals, including more consistency, more food options, stronger programming, and additional coordination with the business district.

Public Comments:

Speakers are allowed three (3) minutes and up to no more than five (5) minutes at the discretion of the presiding officer to speak on any items on the agenda only during the Public Comment portion of the meeting. Speakers may apportion their time during Public Comment to various agenda items however they wish. Any person who wishes to speak during a public hearing may be heard for no more than two (2) minutes during each public hearing or ordinance on second reading. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than five (5) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any

The following individuals from the public spoke:
Dave Sanchez spoke regarding GovWell item versus citizen serve and the pros and cons of GovWell and provided examples.
Kathleen Kennedy wished everyone a happy Black History Month. Valentine's Day, seniors programming, and community center staff; raised concerns about basketball activity after 9:00 p.m.; criticized holiday decorations; thanked staff for beautification efforts; warned that conditions at the Indian Creek Bridge were dangerous; and alleged that construction barges were polluting nearby waters. She also thanked staff generally.

John Corral spoke regarding Terra Group project and the issues that continue with that site.
Linda Zilber thanked the Council for all their hard work and wished everyone a Happy Valentine's Day.

Minutes:

2. Approval of Minutes for the following meeting dates: January 4, 2024 Regular Town Council Meeting Minutes; February 21, 2024 Regular Town Council Meeting Minutes; April 10, 2024 Organizational Town Council Meeting Minutes; April 10, 2024 Regular Town Council Meeting Minutes; January 14, 2026 Local Planning Agency Meeting Minutes and January 14, 2026 Regular Town Council Meeting Minutes.

A motion was made by Vice Mayor Bruder to approve the minutes for the following meeting dates January 4, 2024 Regular Town Council Meeting Minutes; February 21, 2024 Regular Town Council Meeting Minutes; April 10, 2024 Organizational Town Council Meeting Minutes; April 10, 2024 Regular Town Council Meeting

Minutes; and January 14, 2026 Local Planning Agency Meeting Minutes, seconded by Council Member Fuller. The motion carried with a 6-0 vote with Mayor Salver absent.

Council Member Fuller pulled the January 14, 2026 Regular Town Council Meeting Minutes and deferred them to the March council meeting in order to provide Town Clerk Herbello with the revisions.

Consent Agenda: *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

A motion was made by Council Member Yaffe to approve the consent agenda, seconded by Council Member D'Amico. The motion carried with a 6-0 vote with Mayor Salver absent.

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

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

Council Member Fuller requested to defer this item. No date certain was provided.

4. Discussion and approval of a resolution authorizing the Town Manager to direct KCI to perform Stormwater Impact Fee Analysis as outlined in the attached Task Order.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING KCI TECHNOLOGIES, INC. TO PERFORM STORMWATER IMPACT FEE ANALYSIS IN ACCORDANCE WITH THE TOWN'S AGREEMENT WITH KCI TECHNOLOGIES, INC.; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

5. Consideration and approval of a resolution to update the Building Permit Fees and Zoning Fees - Vice Mayor Stephanie Bruder.

   A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING UPDATED FEE SCHEDULES FOR BUILDING, PLANNING, AND ZONING SERVICES AND APPLICATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR THE REPEAL OF CONFLICTING FEE SCHEDULES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

   Approved on consent.

6. Consideration and Approval FY 2025-2026 Budget Amendment.

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

   Approved on consent.

7. Consideration and approval to purchase mobile barriers (Meridian Rapid Defense Group) to prevent vehicle intrusion during public events.

   A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING OF THE PURCHASE OF MOBILE BARRIERS FROM MERIDIAN RAPID DEFENSE GROUP, LLC; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

   Approved on consent.

8. Discussion to approve a five-year agreement with Transcore for maintenance of the BHI Sunpass equipment.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF AMENDMENT NO. 2 TO TOLL SYSTEM MAINTENANCE AGREEMENT WITH TRANSCORE, LP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

Ordinances on Second Reading:

9. Consideration and approval of an Ordinance on Second reading Comprehensive Plan Text Amendment – Creation of a Property Rights Element and Update to Infrastructure Element. - Town Manager.

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

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

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

Vice Mayor Bruder opened the floor to public comment.

The following individual from the public spoke:

Fran Neuhut spoke against the ordinance.

A motion was made by Council Member D'Amico to approve the ordinance on second reading, seconded by Council Member Rappaport. The motion carried with a 6-0 vote with Mayor Salver absent.

10. Consideration and Approval of an ordinance on Second Reading amending Chapter 17 of the Sign Code, Section 17-20 to remove the max height requirement. Enclosed are the Staff Memo and the proposed ordinance - Council Member Robert Yaffe.

    AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES RELATING TO EXTERIOR SIGNS; AMENDING ARTICLE II OF CHAPTER 17, ENTITLED SIGNS; BY AMENDING SECTION 17-20-EXTERIOR SIGNS TO THE TOWN'S CODE OF ORDINANCES PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, CODIFICATION, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

    Vice Mayor Bruder opened the floor to public comment.

    The following individual from the public spoke:

    Fran Neuhut spoke against the ordinance due to the size of the sign being too small.

    A motion was made by Council Member Yaffe to approve the ordinance on second reading, seconded by Council Member Fuller. The motion carried with a 6-0 vote with Mayor Salver absent.

11. Consideration and approval of an Ordinance on Second reading regarding Sec. 5-5 Construction Site Operations to Require On-Site Changing Facilities, Daily Cleanup, and No-Loitering Policy - Council Member Eric Rappaport

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

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

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

Vice Mayor Bruder opened the floor to public comment.

The following individual from the public spoke:

Fran Neuhut spoke regarding One Kane Concourse, and the construction is polluting the waters.

A motion was made by Council Member Rappaport to approve the ordinance on second reading, seconded by Council Member Yaffe. The motion carried with a 6-0 vote with Mayor Salver absent.

Ordinances on First Reading:

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

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

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

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

Vice Mayor Bruder explained that the item arose after an unsafe-building event in which police officers personally paid for temporary housing because the Red Cross would not assist in a smaller displacement situation. Discussion followed regarding the Town advancing emergency relocation costs and then recovering those costs from responsible property owners.

Council Member Fuller supported the ordinance but offered an amendment regarding demolition authority. He requested that the ordinance expressly require the Town to first seek a declaratory action before any Town-directed demolition, in order to protect the Town from later claims concerning the value of a demolished building.

Town Attorney Johnson restated the amendment for clarity.

A motion was made by Council Member Yaffe to approve the ordinance on first reading, seconded by Council Member Rappaport. The motion carried with 6-0 vote with Mayor Salver absent.

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

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A NEW SECTION 19-70, "TRANSPORTATION IMPACT FEE," TO THE TOWN'S CODE OF ORDINANCES; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING APPLICABILITY, PURPOSE, AND DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF A TRANSPORTATION IMPACT FEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

Vice Mayor Bruder stated that a study had been requested some time ago because the Town’s impact fees lagged behind comparable municipalities and thanked Town Planner Lorrainia Belle for bringing the matter forward.

Council Member Fuller supported the measure but cautioned that the legislature was closely scrutinizing municipal impact fees and that the Town should make clear it was simply aligning with customary practices rather than overreaching.

Planner Bell explained that the fee schedules would be attached at second reading and that each category required a separate study.

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading, seconded by Council Member Yaffe. The motion carried with 6-0 vote with Mayor Salver absent.

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

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

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

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

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading, seconded by Council Member Yaffe. The motion carried with 6-0 vote with Mayor Salver absent.

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

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

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

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

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading, seconded by Council Member Yaffe. The motion carried with 6-0 vote with Mayor Salver absent.

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

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

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

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

Council Member Fuller clarified that the measure did not change prior approvals but instead cleaned up numbering and codification issues.

A motion was made by Council Member Fuller to approve the ordinance on first reading, seconded by Vice Mayor Bruder. The motion carried with 6-0 vote with Mayor Salver absent.

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

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

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

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

Council Member Fuller and staff noted that the wrong cover sheet had initially been read and corrected the record so the proper ordinance title could be read.

Council Member Yaffe then commented on language concerning legally nonconforming ground-floor uses.

A motion was made by Vice Mayor Bruder to approve the ordinance on first reading, seconded by Council Member Fuller. The motion carried with 6-0 vote with Mayor Salver absent.

Deferred Items:

Town Manager Items:

18. Discussion and Possible Action to approve a design for the Tot Lot Park and authorize the Town Manager to expend up to $240,000 and to make modification to the design as needed.- Town Manager.

    A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF A CONTRACT TO PROVIDE PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT BETWEEN PLAYCORE WISCONSIN, INC. D/B/A GAMETIME AND THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

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

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

    Council Member Yaffe explained that the project related to the Tot Lot Park and noted that, at a prior meeting, the developer of One Kane Concourse had agreed to contribute $240,000 toward the park, which would reimburse the Town's general fund when received. He stated that the front portion of the park would remain largely as-is for older children, while the redesigned area would focus on making equipment safer for younger children.

Council Member D'Amico expressed concern that the visual materials did not clearly convey the proposal.

Council Member Rappaport, speaking as a frequent user of the park with young children, argued that the redesign appeared too heavily weighted toward very young children and reduced play opportunities for older children.

Additional discussion referenced adding swings and other features.

A motion was made by Vice Mayor Bruder to approve the resolution, seconded by Council Member Yaffe. The motion carried with 6-0 vote with Mayor Salver absent.

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

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AN AMENDMENT TO THE RESIDENTIAL SOLID WASTE, BULK WASTE, AND RECYCLING COLLECTION AND DISPOSAL SERVICES AGREEMENT WITH COASTAL WASTE & RECYCLING, INC. FOR SOLID WASTE COLLECTION SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE

Town Manager Noel deferred the item to the March Town Council Meeting.

20. Discussion and possible action to enter into an agreement with KC Property or the use of property and parking in Block 11- Town Manager.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF THE INGRESS, EGRESS AND PARKING USE AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND KC PROPERTY, LLC, INC.; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

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

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

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

The council by consensus will not agree to renew or sign an new lease with KC property. The resolution was denied.

21. Discussion on an update from the Town Attorney on the bridge grant and how it would affect a possible long-term lease with Sunshine Gasoline Distributors for the motor fuel service station and convenience store located at 1501 Broad Causeway, Bay Harbor Islands, Florida - Council Member Joshua Fuller

Discussion Items:

22. Discussion and Possible Action to Direct the Town Manager to Issue a Request for Proposals (RFP) for Town Attorney Services and to Return to the Town Council with recommendations - Vice Mayor Stephanie Bruder.

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

    Vice Mayor Bruder stated that she wanted to review the market and compare service options because she expected the attorney attending meetings to be the same person performing the day-to-day legal work.

    Council Member D'Amico agreed that comparison was reasonable and noted the usefulness of receiving a clearer work list from counsel.

    Council Member Yaffe cautioned that the process would not be completed by April.

    Council Member Fuller stated that he had seen improvement in response time and preferred to continue evaluating the current arrangement rather than immediately issue an RFP.

    Town Attorney Ahmand Johnson responded that the firm had already issued a memorandum confirming that he, rather than Skip, would serve as the lead Town attorney going forward, and that Brad Bergman would assist him for continuity.

    After discussion, the matter did not proceed to approval of an RFP. The Council elected to continue with the current arrangement and monitor performance rather than move forward immediately with an RFP.

23. Discussion and possible action to advertise for interested members to apply to be part of the Charter Review Committee- Council Member Teri D'Amico.

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

    Council Member D'Amico discussed advertising for interested residents to serve on a charter review committee

    Council Member Yaffe explained that a prior charter and ordinance review committee had successfully generated amendments that later passed and that the committee was intended to be reestablished on a five-year cycle, but prior advertisements had received no response.

    Vice Mayor Bruder suggested advertising in the newsletter.

    Council Member Fuller noted that the primary qualification was willingness to devote substantial time to detailed review.

    Council Member D'Amico stated that she would try to help recruit interested residents.

    The Council reached consensus to advertise in the newsletter and on the website and to bring the matter back in April, with Clerk Herbello noting that appointments would ultimately need to be made by resolution.

24. Discussion and possible action to allow the public to use the Police Gym located at the Community Center - Council Member Teri D'Amico

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

    This item was moved up on the agenda and heard before the consent agenda.

    Town Manager Noel read into the record an item regarding possible public use of the police gym at the community center.

    Town Attorney Ahmand Johnson advised that his understanding was that the gymnasium had been constructed or funded through federal forfeiture funds and therefore must be used exclusively for law-enforcement-related purposes.

    Council Member D'Amico questioned that interpretation and expressed concern that the gym was physically located within the community center and should potentially be available for broader public use.

    Additional discussion reflected concerns that the facility was not ADA-compliant, that police equipment and storage remained in the space, that security issues

existed because of access from the rear alley, and that opening the space could create conflicts with Children's Trust security requirements.

The discussion concluded with consensus that the concept of finding gym space for seniors was worthwhile, but that the police gym was not an appropriate location.

25. Consideration and approval to authorize the Town Manager to procure outside counsel for the pending litigation of 1310 Land Holdings, LLC v. the Town of Bay Harbor Islands - Vice Mayor Stephanie Bruder.

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

26. Consideration and approval of a resolution affirming support for the preservation of the Miami-Dade Urban Development Boundary ("UDB") and urging the Miami Dade County Board of County Commissioners to uphold County Mayor Daniela Levine Cava's Veto of the proposed development outside the UDB - Joshua Fuller.

    A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AFFIRMING SUPPORT FOR THE PRESERVATION OF THE MIAMI-DADE URBAN DEVELOPMENT BOUNDARY ("UDB") AS IT CURRENTLY EXISTS TO PROTECT DOWNSTREAM WATER RESOURCES, INCLUDING THE BISCAYNE AQUIFER, REGIONAL GROUNDWATER SUPPLIES, AND CONNECTED COASTAL WATERS, AS WELL AS THE EVERGLADES, WETLANDS, AND AGRICULTURAL LANDS; URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO UPHOLD COUNTY MAYOR DANIELA LEVINE CAVA'S VETO OF THE PROPOSED DEVELOPMENT OUTSIDE THE UDB; URGING THE FLORIDA STATE LEGISLATURE TO OPPOSE ANY LEGISLATION THAT WOULD WEAKEN THE UDB IN THE MIAMI-DADE COUNTY CHARTER; ENCOURAGING ADVANCEMENT OF ATTAINABLE AND WORKFORCE HOUSING WITHIN THE UDB TO ADDRESS HOUSING AFFORDABILITY WITHOUT EXPANDING DEVELOPMENT INTO ENVIRONMENTALLY SENSITIVE LANDS; DESIGNATING THE PRESERVATION OF THE UDB AS A STATE LEGISLATIVE PRIORITY FOR THE TOWN OF BAY HARBOR ISLANDS; AND FURTHER, DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY MAYOR, EACH MEMBER OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE FLORIDA SENATE, THE MIAMI-DADE STATE LEGISLATIVE DELEGATION, ALL OTHER MUNICIPALITIES WITHIN MIAMI-DADE COUNTY, AND THE TOWN OF BAY HARBOR ISLANDS' STATE LEGISLATIVE LOBBYISTS

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

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

Council Member Fuller explained that the UDB protects the Town's water resources and stated that there remains sufficient land inside the boundary for infill development, making expansion outside the line unnecessary and risky.

A motion was made by Council Member Filler to approve the resolution, seconded by Council Member Yaffe. The motion carried with a 6-0 vote with Mayor Salver absent.

Adjournment:

There being no further business to discuss before the council, a motion was made by Vice Mayor Bruder seconded by Council Member Yaffe to adjourn the meeting at 9:52 p.m.

Accepted this _____ day of _____, 2026.

_____
Isaac Salver
Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
March 20, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Elizabeth Tricoche called the meeting to order at 7:02 p.m.

Pledge of Allegiance

Roll Call of Members

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

Present: Mayor Elizabeth Tricoche, Vice Mayor Joshua Fuller, Council Member Teri D'Amico, Council Member Molly Diallo, Council Member Isaac Salver, and Council Member Robert Yaffe.

Absent: Council Member Stephanie Bruder.

Also Present: Town Manager Maria Lasday.

State Representative Fabian Basabe provided an update on legislative appropriations for the police facility. He reported no grants were approved for the building during this session, though several stakeholders indicated the issue may be revisited in the next session. He also noted legislation concerning vacation rentals, unsafe structures, and the Live Local Act had passed. Representative Basabe discussed the Live Local Act in more detail, and highlighted funding secured for infrastructure repairs and a new pilot program offering up to $10,000 in grants for condominiums to harden their homes. He informed the Council that he plans to return at a future meeting to provide further updates on legislative and budget matters, which are still pending the Governor's final approval.

SPECIAL PRESENTATION:

1. Phyllis Shamis, Life Alliance Ambassador - Life Alliance Organ Recovery Agency

   Phyllis Shamis, of 625 92nd Street, Miami, Florida, introduced McKinley Etienne from Life Alliance Organ Recovery Agency and her husband, Scott Shamis, a transplant survivor.

   Scott Shamis shared his personal experience of receiving an organ transplant and spoke about his ongoing work with Life Alliance. He now supports families of transplant recipients and promotes awareness about organ donation.

   McKinley Etienne, of 1005 NW 133rd Street, Miami, Florida, representing Life Alliance Organ Recovery Agency, gave a presentation on organ donation. He shared key statistics on the number of individuals currently awaiting transplants.

   The Council thanked them both for their informative presentation.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Mayor Tricoche requested to move Item #13 up on the agenda.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- Construction has begun on the 92nd Street Dog Park, which will be closed for approximately eight months.
- She congratulated Vice Mayor Fuller and Council Members Salver and Yaffe for receiving the Hometown Hero Award.
- She traveled to Washington, D.C., where she personally thanked the staff of U.S. Representative Frederica Wilson for their efforts in securing a $500,000 grant for the Town. Unfortunately, the Town was not awarded the $15 million grant.
- Structural repairs on the Indian Creek Bridge are scheduled to begin on April 8th.
- The Shred-A-Thon and Electronic Recycling Event will take place on March 30th from 10:00 a.m. to 2:00 p.m. at Bill Bird Marina Park in Haulover.
- The Annual 5K had 138 participants. She asked which cause the $3,668.98

raised would support.

- Spring Break Camp will run from March 25th to March 29th, from 8:00 a.m. to 5:00 p.m.
- Summer Camp is scheduled from June 10th to August 2nd.
- The Egg Hunt is scheduled for March 24th, from 11:00 a.m. to 12:30 p.m.
- The Seniors on the Go event to Key West is scheduled for April 7th.
- The Town Picnic is scheduled for April 14th, and the Doggy Parade and Concert Series will take place on April 28th.

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

Council Member Yaffe mentioned that he appreciated the postcards sent to residents, which highlighted the various events for the month. He also announced that he would be attending the Police Chief's Dinner at Indian Creek Village tomorrow. He reported that the bill to repeal Local Business Taxes had failed, so the Town will continue to receive revenue from this source. Additionally, he noted that a bill amending the Florida Constitution to increase the homestead exemption based on the consumer price index had passed and would appear on the November ballot. However, the bill to increase sovereign immunity to $400,000 failed. He also reported on attending the car show and the concert. He thanked Mayor Tricoche for her dedication and service to the Town over the past eight years.

Council Member D'Amico expressed concerns about SB1526, which allows anything east of Collins Avenue to be demolished, as lawmakers deem it unsafe. She worried that developers might demolish and reconstruct the area, potentially bringing in a casino. She also reported on attending the Waterkeeper's Annual Event and asked the Chief of Police if the Town could reinstate the bike rodeo. Additionally, she suggested partnering with Christos Wrapping of the Islands for Movie Night.

Council Member Diallo shared that she had traveled to Washington, D.C. and attended an Education Taskforce Meeting with the Secretary of Education. She thanked staff for adding more spots for kids at the Spring Break Camp and for setting up a Bike/Scooter Safety Class. She also reported attending two concerts and the 5K Run, suggesting that the funds raised from the 5K be allocated to the Love Fund.

Council Member Salver ceded his time to Vice Mayor Fuller.

Vice Mayor Fuller thanked U.S. House Representative Frederica Wilson's Office for assisting the Town in securing the first $500,000 grant and for their promise to help obtain more funding in the future. He also expressed gratitude to other congressional offices for their support letters. He reported attending the National League of Cities Conference in Washington, D.C., the Waterkeeper's event, the car show, Movie Night, and the concerts. He encouraged the public to participate in the Shred-A-Thon and

electronic disposal events. Additionally, he thanked Mayor Tricoche for her years of service to the Town.

Mayor Tricoche spoke in support of Representative Frederica Wilson advocating for local communities. She asked for follow-up regarding the Small Business Administration's potential Town Hall or educational course on SBA opportunities, which would benefit local small businesses. As she would no longer be serving on the Council, she requested that Council Member Diallo work on starting a Junior Council Committee. She also offered to show the Council changes she and the staff made to the 92nd, 95th, and 98th Street parks. Mayor Tricoche shared that the PTA representative from Ruth K. Broad had informed her that the eighth-grade graduation expenses were $225 per child. Some students were facing financial difficulties, making it challenging for them to attend events or afford caps and gowns. She suggested that the Council ask the Town Manager to reach out to Surfside and Bal Harbour to help cover the shortfall between the three towns.

Amy Silverman, President of the PTA, 1050 93rd Street, explained that a division of the PTA is dedicated to raising funds for the eighth-grade graduation events. She clarified that the general fund was no longer able to support this event this year. As a result, the PTA has been organizing fundraisers and asking parents to sponsor students. She assured the Council that every child would receive a cap and gown from the PTA. Ms. Silverman requested the Council consider purchasing a sponsorship package or making a direct donation. Mayor Tricoche asked what their budgeted amount was, to which Ms. Silverman responded, $18,000.

Vice Mayor Fuller proposed donating the $3,600 raised from the 5K Run to the PTA. The Council reached a consensus to donate the funds to the PTA.

Mayor Tricoche concluded by thanking the public for allowing her the honor and privilege of serving as Mayor.

PUBLIC COMMENT

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

Alex Rangel of 10101 East Bay Harbor Drive announced his candidacy for Town Council. He praised the Council for donating $3,600 to the PTA and expressed a desire for better communication between the Town and the wider community.

Frances Neuhut, residing at 1060 Kane Concourse, spoke out about the Council's failure to address the Comprehensive Plan. She also pointed out that the school's field, which is covered in astroturf, has contamination beneath it. She voiced her opposition to the Council's decision to relocate town staff to trailers.

Eric Rappaport, from 1211 97th Street, commended the Mayor for her service and expressed hope that she would remain involved. Over the past six weeks, he has engaged with residents about issues in the town, including traffic, development, public safety, and amenities. He stated that no candidate should ever be excluded from office because of their faith and announced his own candidacy for Town Council.

Kathleen Kennedy, of 9180 West Bay Harbor Drive, declared her candidacy for Town Council and expressed frustration that she was not informed about the closure of the 92nd Street Park.

Joyce Green, from 1360 99th Street, thanked the Mayor for her dedicated work and extended appreciation to the other Council members, town staff, and the Town Manager for their outstanding efforts.

COMMITTEE REPORTS: There were no committee reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

2. Approval of the following Council Meeting Minutes:
   - A. Regular Council Meeting - February 1, 2023
   - B. Regular Council Meeting - March 8, 2023
   - C. Special Council Meeting - March 14, 2023
   - D. Regular Council Meeting - April 10, 2023
   - E. Special Council Meeting – May 1, 2023
   - F. Regular Council Meeting - May 10, 2023
   - G. Regular Council Meeting - June 14, 2023
   - H. Special Council Meeting - June 28, 2023
   - I. Special Council Meeting - July 27, 2023
   - J. Regular Council Meeting - August 8, 2023
   - K. Special Council Meeting - August 21, 2023
   - L. First Budget Public Hearing - September 13, 2023
   - M. Regular Council Meeting - September 13, 2023
   - N. Broad Causeway Bridge Replacement Workshop - September 26, 2023

O. Final Budget Public Hearing - September 27, 2023
P. Broad Causeway Bridge Replacement Project -September 28, 2023
Q. Special Council Meeting - September 27, 2023
R. Regular Council Meeting - October 11, 2023

3. **Consideration** and **Approval** of a Resolution adopting Title VI Plan update for the Town of Bay Harbor Islands. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

   Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

   A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING TITLE VI PLAN UPDATE FOR THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

4. **Consideration** and **Approval** of a Resolution for Change Order No. 3 to a contract between the Town and Engineering Control Systems Corp. awarded October 19, 2022, for the BC-158 Broad Causeway Rehabilitation Construction Project. The Change Order is for $245,000.00 to cover additional costs due to increased spall repairs and time extension of the contract because of weather days that delayed the project.

   A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 3 IN THE AMOUNT OF $245,000 TO THE AGREEMENT WITH ENGINEERING CONTROLS SYSTEMS CORP FOR THE BC-158 SHEPARD BROAD CAUSEWAY REHABILITATION CONSTRUCTION PROJECT BRIDGE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration** and **Approval** of a Resolution for Change Order No. 2 to a contract between the Town and BCC/Lakes Engineering awarded on February 10, 2020 for the BC-158 Broad Causeway Rehabilitation Construction project. The Change Order is for
   $96,500.00 for construction time extension due to FDOT critical findings,

increased repair spall repairs, and weather days resulting in delay of the project.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 2 TO THE AGREEMENT WITH LAKES ENGINEERING FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES TO THE SHEPARD BROAD CAUSEWAY BRIDGE REHABILITATION PROJECT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Consideration** and **Approval** of a Resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the Village of Indian Creek and the Town of Bay Harbor Islands for shared law enforcement services.

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

7. **Consideration** and **Approval** of a Resolution renewing the Mutual Aid Agreement and Joint Declaration between the Town of Medley and the Town of Bay Harbor Islands for shared police services.

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

8. **Consideration** and **Approval** of a Resolution for Budget Amendment No. 2 re- appropriating various funds carried forward from FY 2022-2023 to FY 2023-2024 to fund the cost of the projects that commenced during FY 2022-2023 and were not completed or were deferred until after September 30, 2023.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2023/2024 BUDGET TO PROVIDE FOR CARRYFORWARDS FROM FISCAL YEAR 2023 TO FISCAL YEAR 2024; PROVIDING INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration** and **Approval** of a Resolution **Ratifying** and **Approving** emergency service authorization to Transcore in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions, for the replacement of firewalls for Sunpass servers at Town Hall for an approximate amount of $31,950.87.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE TOWN MANAGER'S APPROVAL OF AN EMERGENCY PROCURMENT WITH TRANSCORE FOR REPLACEMENT OF THE FIREWALLS FOR THE SUNPASS SERVERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, raised a concern about the change orders and the funds spent on repairing the bridges rather than replacing them.

PUBLIC COMMENT CLOSED

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

DISCUSSION ITEMS:

13. **Discussion** and **Possible** action regarding non-renewal of the contract for the art festival. Sponsored by Mayor Elizabeth Tricoche.

Mayor Tricoche requested that the Art Festival not be held on Kane Concourse, that the event's cost be reduced as much as possible, and that a free area be provided for children.

Vice Mayor Fuller explained that the cost had been reduced by approximately one-third, the location had been moved to the open area of the old Town Hall and Public Works dome (which will feature grass), and the children's area will remain

free. The only change in the design in the meeting packet is that the portion in front of Bay Harbor Terrace, near Town Hall, will be closed. Mayor Tricoche suggested contacting the owner of the 1177 Kane Concourse property about using their parking lot.

Council Member Salver stated that he was comfortable with the new plan. He recommended canceling the current contract, putting the service out to bid, and notifying the current vendor that the Town intends to use the smaller venue. He suggested possibly renegotiating the contract to allow time for the Town to reconsider its plans. He also proposed inviting the current vendor to submit a new bid that aligns with the Town's preferences. He believed that terminating the existing agreement and starting a new conversation about the future of the festival would be a wise business decision.

Council Member Yaffe pointed out that if the festival is rescheduled, Kane Concourse will not be shut down, meaning there will be no traffic jams or street closures. He expressed concern about how long the rebidding process would take, given that during the first year, the Town had little time to plan. He noted that there were better artists the second year due to more planning time. He feared that a lengthy bid process could result in less time for planning, which might limit the ability to attract high-quality artists.

Mayor Tricoche reminded the Council that this is the final year of the current contract and suggested placing a bid now for the following year.

Vice Mayor Fuller confirmed that the contract is indeed in its final year and that the vendor is aware there is no automatic renewal. He stated that the vendor needed almost a full year to plan the event, so it would be a smoother process if the Town started planning now for the following year. The Town would learn from this year's event and could inform the vendor that the event will be put out to bid the next year. He argued that halting the process now to start the bidding would likely result in lower-quality art.

Council Member D'Amico believed the vendor should complete the current contract. She also suggested incorporating more art education and student involvement in exhibitions.

Mayor Tricoche proposed holding an art contest for students, with a $500 scholarship prize.

PUBLIC COMMENT:

Kathleen Kennedy, 9180 West Bay Harbor Drive, expressed support for the idea of placing sculptures throughout the Town, as Bal Harbour has done, and questioned why Bay Harbor hadn't followed suit. She proposed holding a food and wine festival on Kane Concourse instead of the Art Festival.

PUBLIC COMMENT CLOSED

Council Member Salver asked whether the continuation of the contract was being approved and inquired about the legal implications of not renewing the contract while staying with the same vendor. Deputy Town Attorney Skip Miller advised that the contract would need to be reviewed, and the Council would be updated in a couple of days.

Council Member Salver reiterated his support for the art festival but felt it was prudent to reassess the costs and negotiate a better deal for the town.

Council Member Salver made a motion to cancel the contract and renegotiate with the current vendor, if legally possible. However, no one seconded the motion.

Mayor Tricoche pulled the item from the agenda.

Council Member Salver left the meeting at 8:30 p.m.

ORDINANCES ON SECOND READING:

10. **Consideration** and **Approval** of an Ordinance on Second Reading amending Section 5 3/4-16 of the Town Code of Ordinances to change the name of the Litigation Committee to Mitigation Committee. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 5 ¾-16 OF THE TOWN CODE RENAMING THE LITIGATION COMMITTEE TO THE "MITIGATION COMMITTEE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Yaffe explained that the purpose of the Committee is to mitigate fines, not to engage in litigation. The Ordinance is simply aimed at changing the Committee's name.

PUBLIC COMMENT

Frances Neuhut, from 1060 Kane Concourse, spoke about homeowners losing their properties to developers, who then attempt to reduce the associated

fines.

PUBLIC COMMENT CLOSED

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

11. **Consideration** and **Approval** of an Ordinance on Second Reading amending Sections 5-20 and 5-23 of the Town Code regarding the contents of preliminary site development plans. Sponsored by Council Member Teri D'Amico.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION, ARTICLE I, SECTION 5-20 ENTITLED "CONTENTS OF PRELIMINARY PLAN, PENALTY FOR NONCOMPLIANCE", AND SECTION 5-23 ENTITLED "TIME FOR SUBMITTING OF FINAL WORKING PLANS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member D'Amico discussed the discrepancies between two lists used when packages are submitted to the Development Review Committee (DRC). She clarified that a submittal consists of a site plan package containing multiple drawings, while a site plan refers to just one drawing. She expressed concern that the checklist used by the Building Department is outdated, as it hasn't been updated since 2014. Specifically, the checklist requires waterfront properties to submit their plans to the County Shoreline Review Committee after approval by the Design Review Board. She asked Town Planner Miller to provide additional information on this matter and suggested the terms on the checklist should be more consistent.

Mayor Tricoche asked Council Member D'Amico if she believed the Ordinance was necessary for the Town. Council Member D'Amico confirmed that it was. Town Planner Michael Miller explained the Resolution process followed by the

Shoreline Review Committee. After the Design Review Board approves a site plan, it is forwarded to the County, which then decides whether to approve or deny it. The applicant must also submit proof of the County's approval before a permit can be issued by the Town.

Council Member D'Amico inquired whether the Resolution applies to multi-family, residential, or single-family properties. Town Planner Miller clarified that the Resolution covers all waterways, bays, and interconnected waterways, but single-family homes are exempt. Council Member D'Amico questioned why this information was included on the checklist. Mayor Tricoche asked if the ordinance was ready to be approved in its current form. Council Member D'Amico confirmed and explained that the Ordinance needs to be amended to update the Building Department's checklist.

PUBLIC COMMENT

Frances Neuhut, a resident of 1060 Kane Concourse, expressed concerns that new ordinances were not being enforced by Code Compliance.

PUBLIC COMMENT CLOSED

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

ORDINANCES ON FIRST READING:

12. **Consideration** and **Approval** of an Ordinance on first reading amending Section 5- 18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe.

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

Council Member Yaffe moved the item to the floor, and Vice Mayor Fuller second the motion.

Council Member Yaffe noted that many homeowners are opting to install metal roofs. He expressed the opinion that property owners should not be required to wait for approval from the Design Review Board to install them. Council Member D'Amico agreed, adding that metal roofs can be designed in an aesthetically pleasing way.

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

DEFERRED ITEMS: There were no deferred items.

TOWN MANAGER ITEMS: There were no Town Manager items.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:48 p.m.

Accepted this _____ day of _____, 2026.

_____

Mayor

ATTEST

_____

Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
May 8, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Regular Meeting of the Town Council was held on Wednesday, May 8, 2024, at 7:02 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller

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

SPECIAL PRESENTATION:

1. Teacher of the Year - Ruth K. Broad K-8 Center - Silvia Mayorga

2. Rookie Teacher of the Year - Ruth K. Broad K-8 Center -Abigail Nagler

The Council recognized the Teachers of the Year and Council Member Diallo presented them with awards and bouquets.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA

Vice Mayor Salver discussed Town Manager Lasday's resignation letter and job performance at length. Town Manager Lasday responded to the comments. After further discussion, Vice Mayor Salver deferred Item #21 and requested a formal performance evaluation of the Town Manager. Human Resources will provide the necessary evaluation forms to the Council. It was also suggested that the matter be addressed at the upcoming Town Council Retreat.

Council Member Bruder requested that Item #18 be heard after Public Comments.

ITEMS: TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- Public Hearing for Broad Causeway Bridge Project: A public hearing is scheduled for June 24, 2024.
- Broad Causeway Bridge Lane Closures: Lane closures will occur due to an extended Maintenance of Traffic (MOT) plan, which will last an additional 12 weeks as repairs are made to both the top and bottom of the bridge.
- Indian Creek Bridge Repairs: Starting mid-June, repairs will take place on the Indian Creek Bridge. Two lanes will remain open during the work, which could take up to two months. A pedestrian walkway will remain open throughout the repairs.
- Upcoming Events:
    - A concert is scheduled for May 19, 2024.
    - Senior Bingo Night is scheduled for May 16, 2024.
    - Law Enforcement Appreciation Day will be observed on May 10, 2024.
- Council Meeting Reschedule: A Council Member requested that the June 10th Regular Council Meeting be moved to June 18th due to a scheduling conflict.

COUNCIL REPORTS:

Council Member Rappaport shared that he continues to listen to residents' concerns and is working with Town Hall staff to address several requests. He also met with the new Communications Director, Byron Barkley, and requested the Council's permission to oversee the Town's communication and marketing efforts. He discussed his outreach to Congresswoman Federica Wilson's office regarding local veterans and noted Chief Noel's suggestion to involve the explorer's program in visiting veterans and retired officers.

Mayor Fuller mentioned that Chief Noel may have a list of local veterans who have participated in Veterans Day events.

Council Member Diallo reported on her attendance at an event with Commissioner Steinberg and the Children's Trust luncheon. She also praised Officer Cabrera for his impactful work with her daughter in the DARE program. Additionally, she encouraged the community to follow the Town's social media pages.

Council Member Bruder attended the Children's Trust luncheon and expressed pride in the program's positive effect on students' academic and emotional performance. She recommended informing elderly seniors about their eligibility for medical alerts through Medicaid and Medicare, as well as offering assistance to those who struggle with daily tasks, particularly during hurricane season. She proposed creating a senior citizens registry and providing hurricane preparedness information through the newsletter or website. Vice Mayor Salver suggested using CodeRed for communication.

Council Member Yaffe attended a Law Day event at the North Dade Justice Center, which celebrated the Constitution.

Council Member D'Amico attended both the Children's Trust Luncheon and a well-received bike rodeo event. She also participated in the Doggie Parade, which offered adoption opportunities, and highlighted the need for extra bedding and towels for the Humane Society.

Vice Mayor Salver attended the Children's Trust luncheon and the Florida League of Cities meeting via Zoom. He expressed appreciation for personalized letters from Florida State Representatives Dan Daley and Christine Hunschofsky.

Mayor Fuller thanked everyone involved in the successful Doggie Show event and provided updates on various regional matters. He reported on a meeting with district mayors where they discussed marine patrols, noise mitigation, and the Broad Causeway Bridge Replacement Project.

PUBLIC COMMENT:

Patricia Emison, 9400 East Bay Harbor Drive, expressed support for engaging veterans and retired officers through community visits. She also suggested that the Town reconsider the Freebee service, as it may be difficult for seniors to use the app. She recommended bringing back the trolley for seniors.

Mayor Fuller explained that while the cost of the shuttle was high and ridership was low, Freebee cars have been increased, and riders can now call for pickups without using the app.

Council Member Bruder proposed exploring the idea of a van service to transport seniors twice a week and instructed staff to look into pricing for a van.

Frank Adams, 10300 West Broadview Drive, raised concerns about the Crossing Guards' presence in the evenings when school is not in session, asking if this was a permanent measure, whether the Town was paying for it, and if it was a safety issue. Chief Noel explained that the increased security presence, including the Crossing Guards, was in response to specific intelligence and aimed at enhancing security during certain hours.

Dave Sanchez, 1080 94th Street, raised concerns about construction projects impacting sidewalks and questioned the use of security cameras to address texting while driving. He also inquired about the status of funding for the Broad Causeway Bridge. Council Member Bruder explained that the cameras are used for crime prevention and security and are not discussed in public forums. Mayor Fuller reassured that no sidewalks are permanently blocked due to construction and explained that the Town is actively working on securing funding for the Broad

Causeway Bridge.

Joyce Green, 1360 99th Street, discussed traffic congestion caused by construction on Kane Concourse and suggested adding loading docks and special entrances for police and public works at the new Town Hall. She praised the Town Manager for her hard work and emphasized the importance of collaboration.

Kathleen Kennedy, 9180 West Bay Harbor Drive, congratulated Eric Rappaport on his election and expressed concerns about staff and equipment preparedness for hurricanes. She also urged the Mayor to negotiate a contract for Dr. Pietro's building and thanked the Recreation Department and Parks and Recreation Committee for their support.

Frances Neuhut, 1060 Kane Concourse, expressed concerns about the impact of 15 proposed construction projects on the east island, particularly regarding infrastructure issues such as outdated bridges and inadequate ADA-approved sidewalks. She noted that in North Miami, high-rise projects have faced challenges securing financing, and other projects have been scaled down or abandoned.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. ***(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not requirefi1rther discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)***

PUBLIC COMMENT

Dave Sanchez, of 1080 94th Street, addressed the Council regarding Item #7**.** He inquired about the purpose of the security cameras. He also expressed concern about the company involved in Item #9, stating that he does not trust it. According to Mr. Sanchez, companies like this often file for bankruptcy, which can render purchased items obsolete. He cited the County's recent purchase of electric buses as an example—replacement parts are now unavailable because the supplier went bankrupt.

PUBLIC COMMENT CLOSED

3. **Consideration** and **Approval** of a Resolution ratifying the appointment of Christopher Benjamin as Special Magistrate to conduct Administrative Hearings on Code Violations for the Town of Bay Harbor Islands, pursuant to Section 5¾-3 of the Town Code.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPOINTMENT OF CHRISTOPHER BENJAMIN, ESQ. OF INTERNATIONAL LAW PARTNERS, LLP AS SPECIAL MAGISTRATE TO CONDUCT ADMINISTRATIVE HEARINGS ON CODE VIOLATIONS FOR THE TOWN OF BAY HARBOR ISLANDS, PURSUANT TO ENFORCEMENT PROCEDURES SET FORTH IN SECTION 5 ¾-3 OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

6. **Consideration** and **Approval** of a Resolution for the Fifth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to August 31, 2024, for operation of motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE FIFTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration** and **Approval** of a Resolution authorizing the expenditure of $30,000 to upgrade surveillance cameras throughout the Town and upgrade of the server to accommodate the additional data. The equipment and service will be obtained in accordance with the Town's procurement regulations. Sponsored by Council Member Stephanie Bruder.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, AUTHORIZING THE EXPENDITURE OF $30,000 FOR UPGRADE OF SURVEILLANCE CAMERAS THROUGHOUT THE TOWN AND UPGRADE OF THE SERVICE TO ACCOMMODATE THE ADDITIONAL DATA; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration** and **Approval** of a Resolution approving a contract with Samsara for a te1m of five (5) years, in the amount of $24,043.50, for the

purchase of an Automatic Vehicle Locating Service (AVL) to service 50 Town-owned vehicles, under the piggyback purchasing provisions, pursuant to Section 2- 1.2(6) of the Town Code.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A CONTRACT IN THE AMOUNT OF $24,043.50 WITH SAMSARA FOR A TERM OF FIVE (5) YEARS FOR THE PURCHASE OF AN AUTOMATIC VEHICLE LOCATING SERVICE FOR TOWN VEHICLES, UNDER THE PIGGYBACK PURCHASE PROVISION PURSUANT TO SECTION 2- 1.2(6) OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

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

3. Approval of the following Council Meeting Minutes:
A. November 8, 2023 - Regular Council Meeting

Council Member D'Amico suggested that certain details were missing regarding item
20. She will meet with the Town Clerk to amend the minutes.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about the section in the minutes related to the public comment decorum Resolution.

PUBLIC COMMENT CLOSED

The item was deferred.

5. **Consideration** and **Approval** of a Resolution approving a contract with Florida Drawbridge Inc. for a term of five (5) years, under the piggyback purchasing provisions, pursuant to Section 2-1.2(6) of the Town Code, for "drawbridge" repairs & maintenance services for the Broad Causeway drawbridge.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS,

FLORIDA APPROVING A CONTRACT WITH DRAWBRIDGE, INC. FOR DRAWBRIDGE REPAIRS AND MAINTENANCE SERVICES FOR THE BROAD CAUSEWAY DRAWBRIDGE, UNDER THE PIGGYBACK PURCHASING PROVISIONS PURSUANT TO SECTION 2-1.2(6) OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

Council Member D'Amico raised concerns about whether the Town was voting on a specific contract or if it was using a piggyback agreement. Town Attorney Geller clarified that while the Town is piggybacking on another contract's terms, the Council would still enter into its own separate contract with the provider if the item is approved. Council Member D'Amico emphasized the importance of monitoring the bridge.

Town Engineer Carrero Santana explained that the contract is solely for maintenance and repairs. It allows the Town to access skilled workers to complete necessary, preventative work on the bridge.

Vice Mayor Salver asked the Town Engineer to describe the issues with the bridge. Mr. Carrero Santana stated that the bridge is experiencing spalling caused by corrosion of steel reinforcements due to saltwater exposure. To perform the needed work beneath the bridge, road closures are required. When roads are closed, it indicates that work is being conducted underneath.

Vice Mayor Salver asked whether vehicle weight and traffic were contributing to the bridge's structural degradation. Mr. Carrero Santana agreed and reiterated that saltwater exposure is also a major factor.

Council Member Yaffe asked if Vice Mayor Salver's questions were leading toward imposing weight limits. Vice Mayor Salver confirmed. Mr. Carrero Santana noted that only FDOT (Florida Department of Transportation) has the authority to impose weight restrictions. Council Member Bruder suggested contacting FDOT to request weight limits in order to help extend the bridge's lifespan.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, expressed concern about the origin of this contract, stating that the Town had already entered into an agreement for a new bridge.

PUBLIC COMMENT CLOSED

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

8. **Consideration** and **Approval** of a Memorandum of Agreement between the Town of Bay Harbor Islands, Florida Department of Transportation, and the Florida State Historic Preservation Officer regarding the Broad Causeway Bridge (FDOT Bridge No. 875101) replacement, undertaking in substantially the form attached hereto as Exhibit A.

Council Member D'Amico voiced concern about signing a contract without providing any information on historic preservation. Although the bridge itself is not a historic structure, anything over 50 years old in Miami-Dade County is considered potentially eligible for historic designation. She expressed disappointment in Atkins for failing to supply more information regarding the building's historical significance. She also questioned the bridge's design, specifically the inclusion of ramps, which she believes obstruct light and air. Council Member D'Amico proposed a flyover design without ramps, suggesting it would be more accessible. She inquired about the original design concepts and whether the layout could be separated from the design. She also expressed frustration over the lack of communication throughout the process.

Mayor Fuller clarified that the matter at hand is not about whether the Town Council will be able to review the bridge design before voting. The only requirement is to submit documentation for a historic designation evaluation — not to designate the bridge as historic. He emphasized that the Town's primary responsibility is to meet the funding requirements so that taxpayers aren't burdened with the cost. He also noted that public meetings have been held, and videos posted on the Town's website to maintain transparency and gather input.

Council Member Rappaport mentioned that he had previously raised concerns about the scope of the Memorandum of Legislative Agreement (MLA) and the memorandum itself. In response, the Town Manager and staff clarified that the agreement pertains solely to the bridge and remains in draft form.

Council Member Diallo stated that the Council is being asked to approve a stipulation that may still be subject to changes due to coordination with other agencies. She emphasized that the Memorandum of Understanding (MOU) will not be signed until after a public hearing, highlighting the importance of public comment in moving the project forward.

Vice Mayor Salver asked the Town Manager about the Town's current policy on historic preservation, noting that a 2000 study found there were not enough designated historic properties to create a historic district. Town Manager Lasday, who was not with the Town at that time, stated that to her knowledge, no properties in the Town are officially designated as historic. Salver concluded

that the process appears to be motivated solely by the desire to secure grant funding.

Council Member Bruder acknowledged that the initiative is primarily about obtaining the grant but questioned whether the Council would have the final say if the gas station were determined to be historically significant.

Mayor Fuller responded that the Council does have final authority in determining whether a property is eligible for historic designation. However, he also mentioned that other parts of the Town may need to be considered in evaluating eligibility.

Council Member D'Amico reiterated her concern that signing the agreement would effectively amount to declaring the bridge building as historic.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and discussed the ongoing delay in repairing the bridge, arguing that it could lead to the State taking over the bridge. She spoke about Church by the Sea and the school being Brownfield sites just like the gas station.

PUBLIC COMMENT CLOSED

ACTION: Council Member D'Amico made a motion to approve the Memorandum. Mayor Fuller seconded the motion, and it passed 4-3 with Vice Mayor Salver, Council Member Bruder, and Council Member D'Amico opposing.

18. **Discussion** and **Possible** action regarding a concept for a new Town Hall and Parking Facility. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder stated that she has been collaborating with the design team for several months on various concepts. She acknowledged the Council's desire for open, airy parking structures that reflect water but expressed concern about how the garage would appear to nearby apartment residents. Her focus was on softening the second portion of the garage to enhance its accessibility and visual appeal.

Mark Marin, a Professor of Architecture and Director of FIU by Design, residing at 1025 SW 112th Avenue, presented the schematic design, layout, and visioning study for the Town Hall and adjacent parking facilities. He emphasized the project's alignment with zoning regulations and overall efficiency. The proposed plan includes multiple stories dedicated to Town Hall and administrative functions, with the top floor reserved for leasable space. The rooftop will feature recreational amenities including four pickleball courts and a small soccer field for community use. The main entrance to the building is located on 97th Street, while the parking garage is situated on the opposite

side. A courtyard with an amphitheater separates the two structures, helping to break up the building's mass. The ground floor houses Town Hall operations, the garage on the far side, and a central courtyard. The existing pump room is maintained in its current location. The second floor includes additional Town Hall space, parking areas, hallways, a conference room, and more leasable space within the administrative section. The overall design accommodates 390 parking spaces.

Mayor Fuller praised the design and informed Mr. Marin that the parking spots planned for the south side of the structure fall within Block 11—an area that will be removed—and requested no further planning in that section.

Mr. Marin clarified that there were no plans to use the adjacent area off 97th Street. He also presented a schematic section that highlighted the pump room, which must be preserved in both size and function.

Council Member Rappaport asked whether the design was final. Mr. Marin responded that it was not, explaining that the study was a preliminary schematic envisioning project completed by four graduate students. Council Member Rappaport expressed appreciation for the integration of greenery and glass, noting how sunlight would reflect off the building. He suggested incorporating a museum or historical exhibit space to showcase the history of Bay Harbor Islands.

Council Member Yaffe shared his enthusiasm for the design, particularly the rooftop recreational space. He proposed replacing the pickleball courts with a rooftop pool, which he felt would be valuable for children's swimming lessons and broader community use.

Council Member Bruder agreed with the idea of a pool but emphasized that the cost would exceed the budget. She clarified that the budget allocates $14 million for the Town Hall project, excluding the garage, which will be funded separately through parking trust funds. Mayor Fuller added that the Town plans to apply for grants to help cover additional expenses.

Council Member D'Amico raised questions about programmatic elements and adjacent facilities such as the police station and administrative offices. She supported the inclusion of rooftop recreational features and inquired about accommodation for seniors and the layout of the leasable space. She also asked for a detailed explanation of how police vehicles and shoppers would access and exit the building.

Mr. Marin confirmed that there will be a dedicated space for seniors and that the project includes 17,000 square feet of leasable space. When asked whether parked vehicles would have to circle the block to access nearby shops, Mr. Marin noted that the design for that section is still in progress.

Council Member D'Amico suggested creating a pathway through the blue space to Bay Harbor Terrace, ensuring accessibility for handicapped residents visiting medical offices. She also voiced safety concerns with the current garage layout, which forces pedestrians to walk along the street. Additionally, she expressed concern about how police officers would enter and exit the building. Mr. Marin responded that reserved parking for the police will be located on the second floor.

PUBLIC COMMENT

Ken Eskin, of 1310 99th Street, expressed concern about the absence of a fitness center in the new development plans. In response, Mayor Fuller acknowledged that while not all details have been finalized, there has been mention of including a gym on the first floor.

Frances Neuhut, of 1060 Kane Concourse, raised concerns regarding the lack of parking in the Business District. She alleged that both the Comprehensive Plan and the Town Charter were amended without adequate citizen involvement. She also noted that the Planning and Zoning Board has been replaced by a Design Review Board, which she claimed has been excluded from decisions related to the parking facility and the Town Hall. Additionally, she questioned how the number of parking spaces required for the Business District was determined, especially given the current lack of business in the area.

PUBLIC COMMENT CLOSED

Town Manager Lasday informed the Council that if they are satisfied with the current design, the next step would be to issue a Request for Qualifications (RFQ), while design refinements continue. She also suggested there may be one more meeting with FIU during this process.

Vice Mayor Salver raised concerns about the feasibility of having recreational facilities on the roof. He requested that an alternative be considered—specifically, converting the top floor to parking and removing the soccer field from the plans.

Council Member Diallo proposed replacing the soccer field with a quieter green space, suggesting it might be more appropriate for the setting.

Council Member D'Amico asked for the estimated budget for the new Town Hall. Town Manager Lasday replied that the current estimate is $14 million, which aligns with the available Transfer of Development Rights (TDR) funds. Additionally, the Town has about $4 million in its Parking Trust. She explained that issuing the RFP would allow the Town to obtain actual cost

estimates. Town Manager Lasday also noted that $800,000 is already allocated for a generator to support the Police Department, and the Town is applying for a grant of up to $2 million. These funds would be split between the Police Department's structure and the parking facilities.

Council Member D'Amico asked for confirmation that the $14 million would cover the entire buildout. Town Manager Lasday confirmed that it would.

Mayor Fuller asked Council Member Bruder if she wanted to revisit the item for further discussion.

Council Member Bruder expressed her support for moving forward but also wanted to leave the door open for further discussion if needed. She encouraged the Council to decide whether they preferred additional rooftop parking over recreational use—a topic that could be addressed at the upcoming Council Retreat. The Council agreed to continue the discussion at the Retreat.

ACTION: Council Member Bruder made a motion to issue an RFQ for a concept for the new Town Hall. Council Member Diallo seconded the motion, and it passed unanimously on a voice vote.

PUBLIC HEARING

10. **Consideration** and **Approval** of a request for a revision of a new commercial mixed-use building for "I I 77 Bay Harbor Islands, LLC" located at I 77 Kane Concourse, Lots 5-8 / Block 2 I & Lots 6-14/ Block 21. A site development plan for the new commercial property was approved by the Planning & Zoning Board on August 20, 2019. The owner is requesting an increase from 54 dwelling units to 66 units. Also, they are submitting the east facade for review and approval. The Town's DRB reviewed & approved the 2024 Revisions by a 6-0 vote on 4/16/24, subject to the Town Planner's and staff's conditions. However, the Board strongly felt the 2023 east building facade design (score line rectilinear pattern) was preferable to the applicant's proposed 2024 design (paint).

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

Graham Penn from Bercow Radell Fernandez Larkin & Tapanes, located at 200 S. Biscayne Blvd, Miami, Florida, introduced Luis Astoria from Arquitectonica, Steve Rosen, and Shaz Mirshahidi from Terra Group. Mr. Penn outlined the 2023 approved development plan, which included reducing the density from 90 units to 54, modifying the residential component, expanding the balconies, improving the façades, and redesigning the entrance on 97th Street.

They requested an adjustment to the residential density, proposing an increase to 66 units, with minor changes to the façade (balcony modifications), revisions to the recreational deck on the southern side, and redesigns for the eastern façade, which will eventually become an interior lot line adjacent to the neighboring property. The Design Review Board (DRB) had recommended retaining the original design, but a new design was developed based on feedback from last year.

The new design features a more organic layout, with a wide sidewalk along Kane Concourse and standard sidewalks on the other streets. Mr. Penn described the second level's changes, including alterations to the north balcony, the introduction of new glass dividers, and larger balconies that will allow two units to share a single balcony. The façade will feature extended balconies and glass dividers on both the north and south balconies, with views over Kane Concourse. The primary difference between the 2020 and 2024 proposals is the quality of the residential façades, which will now incorporate more glass and larger balconies. The eastern façade, which faces a zero-lot line with a neighboring property, will change once the adjacent parking lot is redeveloped. The original design had vines at the bottom, which had to be removed due to site constraints. Instead, a green wall in the middle with scoring on either side has been proposed as an alternative. Additionally, the right side of the building will feature an artistic mural, designed to mimic the interior of the building. Mr. Penn stated that his team had no objection to either design. If the DRB's recommendation is followed, the left design will be built, but if approved, the right design will proceed.

Town Clerk Hamilton advised the Council that this is a quasi-judicial item, and those presenting must be sworn in. The Town Clerk proceeded to swear-in the individuals providing testimony.

Council Member Bruder opposed the increase to 66 units, citing a lack of demand for larger units and the desire for more density. She expressed more comfort with the 54-unit proposal.

Mr. Penn discussed the project's development agreement, which includes paying for the units. He noted that in a previous meeting, the issue of whether to retain or reduce the density was debated. He argued for retaining flexibility in the unit count based on market conditions.

Mayor Fuller clarified that while they have Transferable Development Rights (TDRs), they don't have the necessary rights yet, which is why they are before the Council again.

Luis Asturias, the project architect from Arquitectonica, explained the difficulty people face in securing mortgages for three-bedroom units compared to one-bedroom apartments.

Council Member Bruder acknowledged the building's business and marketing aspects but emphasized that the Council's primary responsibility is to the residents, who have repeatedly requested that construction activities on the island be slowed down. She stated that, given this concern, she would reject the proposal.

Council Member Rappaport expressed admiration for the new eastern façade but inquired about the second-floor courtyard's glass enclosure and whether it would be accessible to the public. Mr. Asturias confirmed that the public could access the breezeway from Kane Concourse, which features stairs and an ADA elevator for ease of access.

Council Member Diallo asked if there was a garden. Mr. Asturias confirmed that the garden design had been updated to incorporate more tropical plants, transforming it from a corporate look to a more Miami-style aesthetic.

Council Member Rappaport asked Mr. Penn to explain his desire to retain unused TDRs for future flexibility. Mr. Penn explained that the development agreement locked in 90 units, which were paid for by providing the park on the west side of West Bay Harbor Drive. The TDRs cannot be moved without Council approval, meaning the 24 units will never be built elsewhere, which ultimately benefits the Town.

Council Member D'Amico expressed appreciation for the level of detail in the design drawings and felt that refining them further would result in beneficial adjustments to the square footage.

Vice Mayor Salver praised the designs, calling the reduction in density from 90 to 54 units a significant win for the Town. He asked how many TDR units they had left and stated that he would be inclined to approve the request if they donated the unused TDRs back to the Town. Mr. Penn clarified that he could not voluntarily agree to forfeit the additional units, as any future plans to use or sell the TDRs would require Council approval.

Council Member D'Amico stated she was in favor of the project.

Council Member Yaffe mentioned that at the previous meeting, he questioned the design of the eastern façade. He said he agreed with the DRB's recommendation and did not support the proposed design.

Mr. Penn reiterated the requests: an increase in density, revisions to the façade and balconies, a change to the recreational deck, and adjustments to the eastern façade.

Council Member Yaffe made a motion to approve the density change. However, the motion failed due to a lack of a second.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, spoke about mixed-use projects in the Business District, including Church by the Sea, 1170 Kane Concourse, and the Altair Hotel. She expressed concerns about overcrowding and the lack of proper tax reporting, highlighting the negative impact these issues have on the community.

Carol Jean Kier, from 9660 West Bay Harbor Drive, raised concerns about the construction site on 97th Street. She reported a strong, unpleasant odor caused by an overflowing porta potty and described the site as poorly managed, contributing to a deteriorating environment. She emphasized that such issues should not be tolerated in an affluent Town.

PUBLIC COMMENT CLOSED

Mr. Penn explained that the development agreement indicates the property has acquired 24 Transferable Development Rights (TDRs). These TDRs represent the exact number of units that will not be built, and they are now locked in to ensure they cannot be used elsewhere in the Town. The property plans to have 66 units, which aligns with the density allowed by zoning codes, and it is not utilizing any of the TDRs.

ACTION: Council Member D'Amico made a motion to approve the proposal for the eastern façade. Council Member Bruder seconded the motion, and it passed 6-1 on a poll vote, with Council Member Yaffe opposing.

ACTION: Council Member Yaffe made a motion to approve the proposed courtyard. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

Mr. Penn sought the Town Attorney's opinion after the Council only voted on two of the four items requested. Town Attorney Geller advised that if the Council does not address the remaining issues, they will stay pending and can be discussed at the next meeting, provided a motion is passed. If no motion is made, the matter will be considered deferred.

Council Member D'Amico expressed the view that the applicant did not require the Council's approval since the Code allows for 66 units. However, Mr. Penn clarified that the Town Manager had determined the request needed to be reviewed by the Town Council. The Town Manager explained that the Unity of Title stipulates any changes to the site plan must be

reviewed by the Council. Town Attorney Geller confirmed that the application is not considered denied. Mr. Penn agreed to the deferment.

11. **Discussion** for the purpose of hearing public comments with respect to an application for variances from Sections 23-12(6)(a)(iii), 23-12(6)(a)(v) and 23- 12(8) of the Town Code for the construction of a linear dock that will extend 46 feet from the seawall cap, where the Code requires a maximum extension of25 feet. The application for a variance is being requested by property owner Brett Reizen for the property located at 9424 West Broadview Drive, Lot 82 and West
11.85 feet of Lot 83, Block 23, Bay Harbor Islands, Florida.

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

Robert Rossi, from 6875 NE 3rd Avenue, representing the applicant, came forward to provide a brief presentation on the request for variances. He stated that the Town Planner's Report was misleading and inaccurate. He referred to Page 9 of the report by Town Planner Michael Miller, which suggested that the owner wanted a larger dock, the vessel was unusually large, and there were no environmental hardships, all of which he disputed. He explained that the applicant had submitted a request to DERM for an 11-foot walkway and a five-foot terminal platform, totaling a projection of 52 feet and six inches. DERM denied the request, citing a need for the structure to extend out 72 feet instead.

Mayor Fuller expressed concerns about the information in Mr. Miller's Staff Report, particularly regarding potential interference with the navigable waterway due to the size of the vessel. He also raised the issue of the applicant possibly building something they weren't authorized to. He emphasized that these concerns should be addressed, not just the applicant's claim of hardship. While he had no objections to the applicant working with DERM (acknowledging the challenges of dealing with dock slip regulations), he was uncomfortable with the idea of hardship being claimed because the applicant was caught doing something they shouldn't have.

Mr. Rossi responded that the floating modular jet ski float, referenced in Mr. Miller's report, was being removed. He clarified that there was no structure involved in this request and that it was not an "after-the-fact" application.

Mayor Fuller replied that Mr. Miller's statements were based on observations made during an inspection.

Council Member D'Amico mentioned the trend of larger dock projects, noting that during a recent boat ride, she observed docks extending out 75 feet. She suggested creating a policy for these types of variances to establish clearer guidelines.

Brett Reizen, Applicant, 9424 W Broadview Drive, came forward and noted that other vessels of similar size extend just as far out. He explained that he does not want his own dock to extend that far, nor do his neighbors, and his vessel doesn't need such a large dock.

Mayor Fuller reiterated his concerns about Mr. Miller's statement regarding the navigable waterway becoming a hazard due to the dock extension. He emphasized the need to ensure that this is not an issue.

Council Member Bruder agreed with Council Member D'Amico, suggesting that instead of continuing to work with DERM, the Council should develop a policy that specifies desired dock lengths, such as 70 or 75 feet. This would streamline the process and avoid lengthy waits for approval.

Council Member Diallo added that setting building standards based on the location of the island might not be effective, especially given the narrowness of the waterways.

Mr. Rossi explained that DERM limits approvals to 25% of the waterway's width which is why the current request exceeds the allowable limits.

PUBLIC COMMENT

Ryan Shapiro, 9430 West Broadview Drive, explained that the current water-based property regulations restrict construction to a triangular area to preserve neighbors' views and protect property values. He emphasized that allowing all homes to extend 75 feet would negatively impact property values.

PUBLIC COMMENT CLOSED

Mr. Rossi explained that for projects outside the triangle system, a letter of consent from the adjacent property owner is required. This letter is only necessary if the project exceeds the minimum deviation allowed by DERM regulations. If the deviation is 48 feet, the letter is required. However, if the deviation is 46 feet or less, the letter is not needed.

12. **Approval** or **Denial** of a variance request for the property located at 9424 West Broadview Drive. In accordance with Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for a variance. An affirmative vote of five (5) Council Members are necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, Miami-Dade County Code, Florida Building

Code, FEMA or any other applicable governing agency.

Vice Mayor Salver asked Mr. Rossi to provide a brief explanation of the dock's design and size. Mr. Rossi explained that DERM proposed a walkway that is 32 feet, 6 inches long and 6 feet wide, with a 5-foot-wide terminal platform running parallel to it. Additionally, a 6-inch pile is planned in front of the 46-foot section. Mr. Reizen, along with his neighbors, opposes the extended dock.

ACTION: Council Member Bruder made a motion to approve the variance. Council Member Yaffe seconded the motion which failed 4-3 with Council Members D'Amico, Diallo, and Rappaport opposing. Five (5) votes are required for approval.

ORDINANCES ON SECOND READING:

13. **Consideration** and **Approval** of an ordinance on Second Reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Sponsored by Council Member Robert Yaffe and Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Fuller requested that language be added to the Ordinance specifying when the Stop Work Order will take effect.

Town Attorney Geller clarified that, since the penalty remains the same and

the change is intended for further clarification, Mayor Fuller's requested amendment is not substantial enough to require the Ordinance to return to its first reading.

Town Manager Lasday asked for confirmation that the Stop Work Order would be for eight hours, starting at 9:00 a.m. the next day, provided it's a weekday. If the order is issued on a Friday, it will begin at 9:00 a.m. on the following Monday.

Council Member Yaffe amended the motion to confirm that the Stop Work Order would be eight hours, starting at 9:00 a.m. the next weekday, with Friday stop work order beginning at 9:00 a.m. on Monday. Council Member Bruder seconded the motion.

ACTION: Council Member Yaffe made a motion to approve the Ordinance on second reading, including language that confirms the stop work order will be in effect for eight (8) hours, starting at 9:00 a.m. the following day, provided it's a workday. If the stop work order is issued on a Friday, it will begin at 9:00 a.m. on the following Monday. Council Member Bruder seconded the motion, and it passed unanimously in a roll-call vote.

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

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "BUILDING AND CONSTRUCTION" BY REVISING SECTION 5-S(f) AND (K) PERTAINING TO "TEMPORARY CONSTRUCTION FENCES" PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder introduced the item, and Council Member Yaffe seconded the motion.

Council Member Bruder proposed that the west island be exempt from the application of the Ordinance, but the height requirement should still apply. Town Attorney Geller clarified that the amendment would specifically exclude the graphics portion from the west island for now. He also explained that this was a valid second-reading amendment because it neither expands coverage

to uncovered individuals nor reduces existing coverage.

Council Member Bruder amended her motion to exclude the graphics portion from the west island. Council Member Yaffe seconded the motion and all voted in favor.

Mayor Fuller expressed support for "grandfathering" fence projects for individuals who have already completed more than just the fencing, particularly those who have contracted and paid for the project. He also emphasized the importance of ensuring that any tarps used in the project have a vent or an opening, to allow for code enforcement inspection. He cited this as a necessary safety measure.

Town Attorney Geller explained that the Mayor's comments would be considered as an additional amendment, alongside Council Member Bruder's amendment to the Ordinance.

Council Member Bruder suggested to add a requirement for taller fencing. Council Member Yaffe suggested increasing the height from 6 feet to 8 feet. Mayor Fuller questioned whether it was necessary to include language about vents, as he wasn't sure if they were already a standard requirement for fencing. He also raised concerns about the potential safety implications of a taller fence blocking visibility inside the site. Additionally, he inquired whether a permit should be required for the vent in the fence, out of concern for the impact on officers and code enforcement.

Town Attorney Geller responded that the current Ordinance does not address vent height, as this is determined by the Building Department for safety reasons. The Building Official has discretion over the placement of vents, and there is no need to amend the Ordinance, as the current system already covers this matter.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about construction sites and Church by the Sea. She mentioned the lack of parking in the Business District.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the Ordinance on second reading and to exclude the graphics portion to the West Island. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

15. **Consideration** and **Approval** of an Ordinance on First Reading amending Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, **SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Council Member Yaffe explained that the Ordinance requires all new commercial and residential buildings to include on-site loading zones.

Council Member Bruder added that the Ordinance also specifies delivery hours.

Town Planner Lorrainia Belle clarified that the Ordinance was based on those from Sunny Isles, Bal Harbour, and Surfside and noted that it does not apply to single-family homes.

Mayor Fuller mentioned that the Town Manager has the authority to approve deliveries outside of the specified hours when necessary. This flexibility allows deliveries at specific times, provided they do not block access.

PUBLIC COMMENT

Matt Amster, Bercow Radell Fernandez Larkin & Tapanes, 200 S Biscayne Blvd, Miami, Florida, addressed the Council to inquire whether the request would still be honored, as they had previously reached an agreement with the Landon Hotel during the last Council Meeting.

Frances Neuhut, of 1060 Kane Concourse, voiced concerns about the lack of loading zones and the Town's decision to allocate the loading zone in front of her business to Church by the Sea.

PUBLIC COMMENT CLOSED

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

TOWN MANAGER ITEMS:

19. **Consideration** and **Approval** of a member to the Mitigation Committee.

Council Member D'Amico volunteered to serve on the Mitigation Committee. The Council accepted the nomination.

16. **Consideration** and **Approval** of an Ordinance on First Reading amending Section 5-
2.2 of the Town Code pertaining to responsibility for payment of cost related to pre- construction survey and/or seismic monitoring required on neighboring properties within 300 feet of a construction site, in accordance with subsection Section 5- 2.2(1). Sponsored by Vice Mayor Isaac Salver.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTIONACTIVITIES; AMENDING ARTICLE 1 OF CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION BY REVISING SECTION 5-5.2 CONSTRUCTION SITE MONITORING PERTAINING TO PAYMENT FOR PRE-CONSTRUCTION SURVEY AND/OR SEISMIC MONITORING, BY ADDING A NEW SUBSECTION D AND RENUMBERING SUBSECTION DAS SUBSECTION E, AND REVISING SAME; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Yaffe proposed amending the Ordinance to include Certified Mail and hand delivery as acceptable methods of communication.

Vice Mayor Salver clarified that the Ordinance prevents contractors

conducting seismic work and structural integrity investigations from filing a lien on neighboring properties if the developer fails to make payment.

There was further discussion about the delivery method and response time. Council Member D'Amico suggested a 30-day response period.

Mayor Fuller recommended modifying the language in Section D to include: "and/or seismic monitoring, and/or both such that..."

Council Member Yaffe then made a motion to amend the Ordinance to include Certified Mail and hand delivery as delivery methods, a 10-business-day response period, and the updated language in Section D regarding costs. Vice Mayor Salver seconded the motion.

ACTION: Council Member Yaffe moved to approve the amended Ordinance on the First Reading, which includes certified mail and hand delivery as delivery methods, a 10-business-day response period, and the revised language in Section D regarding costs. Vice Mayor Salver seconded the motion, and it passed unanimously on a roll-call vote.

17. ~~**Consideration** and **Approval** of an ordinance on First Reading amending Section 23-12 of the Town Code entitled "General Provisions" by revising Section 23-12(26) to add padel ball to the outdoor recreational game court facilities allowed in the Town, modifying fencing regulations and providing for noise mitigation to accommodate this sport. Sponsored by Mayor Fuller. Enclosed is the proposed ordinance.~~

~~AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(26) RELATED TO OUTDOOR RECREATIONAL GAME COURT FACILITIES TO CLARIFY AND EXPAND THE TYPES OF GAME COURT FACILITIES~~ ALLOWED AND TO MODIFY FENCING ~~ALLOWANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.~~

DEFERRED ITEMS: There were no deferred items.

DISCUSSION ITEMS

20. **Discussion** regarding Miami-Dade County's pending Ordinance on scooters and electric bikes. Sponsored by Council Member Eric Rappaport.

Council Member Rappaport explained that Chief Noel presented a proposed Ordinance from Miami-Dade County concerning motorized scooters and bikes, which is currently under discussion. This Ordinance includes stricter provisions than those in other municipalities. While Council Member Rappaport acknowledged personal experiences with scooters, he emphasized that this issue is especially important for seniors and parents. He expressed support for moving forward with the Ordinance.

Council Member D'Amico proposed a helmet-wearing requirement for scooter riders. In response, Council Member Rappaport emphasized the need for better enforcement of scooter regulations in the Town.

Council Member Bruder moved to extend the meeting. Council Member Yaffe seconded the motion and all voted in favor.

Vice Mayor Salver suggested adopting an Ordinance similar to the one proposed by Miami-Dade County.

Chief Noel noted that the Police Department has been proactive in running an educational campaign on scooter safety. He recommended moving forward with the Ordinance.

PUBLIC COMMENT

Frances Neuhut, from 1060 Kane Concourse, inquired whether the Town has regulations regarding the age for riding electric bikes. She expressed concern about children frequently riding bikes on 97th Street. Additionally, she pointed out that the lack of sidewalks forces children to ride their scooters on the street.

PUBLIC COMMENT CLOSED

21. ~~**Discussion** and **Possible** action relating to the Town Manager's resignation tendered on April 8, 2024. Sponsored by Council Member Isaac Salver.~~

ADJOURNMENT:

There being no further business the meeting adjourned at 11:11 p.m.

Accepted this _____ day of _____, 2026.

_____
Isaac Salver
Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Special Town Council Meeting

MINUTES
July 8, 2025
7:00 P.M.
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Opening

Call to Order

Mayor Salver called the meeting to order at 7:03 p.m.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call of Members

Town Clerk Pomales called the roll with the following members present:

Present: Mayor Isaac Salver; Council Member Robert Yaffe; Council Member Teri D'Amico; Council Member Joshua Fuller; and Council Member Molly Diallo.

Absent: Vice Mayor Stephanie Bruder and Council Member Eric Rappaport.

Requests for Withdrawals, Deferments and Future Agenda Items:

Council Member Yaffe requested that a discussion item be placed on a future agenda regarding permitted uses in the business district. He stated he had been contacted about a potential beauty lab or wellness spa concept on Kane Concourse and noted a possible issue concerning whether certain procedures might require medical supervision and whether that would implicate medical office use. He had shared the information with the Town Manager and made it available to any Council Members who wished to review it.

Council Member Teri D'Amico asked whether the potential use would be on the first floor or the second floor.

Council Member Fuller requested that the regularly scheduled August 13, 2025, Council meeting be considered for rescheduling due to his inability to attend that date. He stated the Council has historically made efforts to coordinate schedules so all members can attend when feasible. He suggested moving the meeting to August 11, 2025, and noted that the League of Cities ethics training would occur the following morning, creating a scheduling conflict for attendees.

Mayor Salver stated the Town typically meets on the second Wednesday and indicated the date had not yet been published.

The Town Manager confirmed the date was not published at that time.

Mayor Salver stated the matter would be handled offline by polling members and that, for the time being, the date would remain August 13, 2025.

Public Comment

Mayor Salver opened the floor to public comment.

The following individuals from the public spoke:

Dave Sanchez stated concerns regarding short notice of the special meeting, noting it was announced shortly before the July Fourth holiday when Town Hall was closed, and staff may have been unavailable. He stated the agenda topic was significant and difficult for the public to evaluate on short notice. He stated concerns and questions regarding the proposed private school at the Church by the Sea property near the police station, including questions about whether the organization would be tax exempt, whether a lease was already in effect, which portion of the property would be used, and the nature of any obstruction to the police station. He asked whether the issue was parking, road blockage, or a traffic plan, and whether any traffic plan was new or previously approved.

Fran Neuhut stated objections and concerns about the proposed school. She referenced prior Town approvals and documents in the meeting packet, discussed signage and prior communications relating to sign ordinance interpretation, and questioned why the Town would accept additional tax-exempt uses. She questioned the applicant's track record, accreditation, staffing qualifications, the proportion of students from Bay Harbor Islands, and impacts on congestion and parking.

Council Member Fuller clarified on the record that he did not sponsor the school and that the special meeting was called to address public safety concerns prior to any school opening.

Kathleen Kennedy stated she wanted to know who initiated the proposal and whether traffic and safety studies were conducted. She expressed concerns about traffic congestion, emergency response, and the proximity to the temporary police station. She raised concerns regarding hurricane conditions, drop off and pickup logistics, and the effect on residents including seniors traveling for appointments. She stated she intended to contact the media to investigate the matter unless reassured by Council Members.

1. Discussion and Possible action regarding the proposed school obstructing the entrance to the police station and associated traffic plan. Sponsored by Council Members Joshua Fuller and Molly Diallo.

Mayor Salver asked whether the item originated from the police department.

Town Manager Noel stated it did not originate from the police department. He then read a statement on behalf of Vice Mayor Bruder into the record. The Vice Mayor's statement indicated she received numerous inquiries from residents regarding the proposed kindergarten through eighth grade school adjacent to the police department with an expected enrollment of approximately 80 students and concerns about emergency response times and traffic congestion. The Vice Mayor requested answers to questions including whether the school was approved or licensed by the Department of Children and Families, the parking and traffic management plan, points of entry and exit, and when planning for the relocation or establishment began.

Council Member Fuller stated he brought the agenda item and Council Member Diallo co-sponsored. He stated the Council received a letter from the applicant's law firm indicating the school intended to open and that the Council had limited notice.

Mayor Salver stated he was aware of the application approximately one week earlier than other members.

Council Member Fuller stated his concern was public safety due to the school's location directly across from the temporary police station and the possibility that vehicles, buses, or pedestrians could obstruct police vehicles entering or exiting the station during emergencies. He stated the purpose of the item was not to debate whether a school was appropriate but to ensure there would be no obstruction of police operations.

Town Manager Noel stated that on June 30, 2025, the Building Department received an application for a business tax receipt from an entity identified as Student of Life, with a proposed use listed as a nonprofit religious Jewish day school at 1045 95th Street. He stated the application listed an initial lease term of one year, a ground floor premises area of approximately 8,932 square feet, dedicated on site parking identified in an exhibit, an estimated 25 employees, and hours of operation Monday through Friday from 8:00 AM to 5:00 PM. He stated the applicant provided a letter to the Town Attorney indicating an intended maximum of 80 students in grades prekindergarten through eighth grade and a need to open for the 2025 school year. He stated the B1 district does not generally permit private schools under the Town Code, and the applicant asserted state law preemption under Florida Statute 1002.42 subsection 9.

Town Manager Noel stated he met with the Interim Chief of Police to discuss concerns. Topics included drop off and pick up points of entry, school timing, resources dedicated to the school, potential collaboration on safety drills, signage such as no stopping or standing, and police response time impacts. He stated the Police Department's typical response times and referenced Florida Statute 316.126 regarding yielding to authorized emergency vehicles. He also noted the Building Official would need to inspect the premises for life safety and building code requirements, including means of egress and related safety elements.

Ben Fernandez, attorney for the applicant, addressed the Council. He stated the applicant is referred to as SOULFL, an acronym for Student of Life Florida. He stated the school is not primarily a religious school, though it has religious origins. He introduced individuals associated with the applicant, including Adam Newman participating via Zoom, and stated Adam Newman's wife Rebecca Newman founded the school and has operated similar schools in New York. He also referenced local school leadership and a transportation consultant. He stated the school's current enrollment was 79 students and the application sought a maximum of 80 students. He stated the location was intended to be temporary while the applicant pursued a permanent location in El Portal.

Adam Newman, participating via Zoom, thanked the Council and stated the applicant intended to be a good partner to the Town. He stated the applicant would request to pay taxes and support the Town. He described staggered arrival and dismissal to limit simultaneous vehicles, and stated no staff would park on site, with staff parking intended to be arranged off site. He stated the prior location in Sunny Isles was a pilot and could not accommodate the expanded enrollment. He stated the applicant expected to remain in the temporary location less than half a year while construction proceeds for the permanent location.

Council Member Yaffe asked about the Sunny Isles location and why the school could not remain there.

Adam Newman stated the Sunny Isles site could only accommodate a smaller number of students and the school had expanded. Council Member Yaffe also raised concerns about communication and stated future correspondence should be directed to the Town Manager with copies as appropriate.

Ben Fernandez described a proposed traffic plan including staggered drop off and pickup times, with right turn in and right turn out circulation, and an on-site traffic person to manage queuing and loading and unloading. He stated timing was selected to avoid conflict with Ruth K Broad K8 School drop off times.

Council Member Fuller reiterated that the core issue was preventing any obstruction of the police station entrance and operations.

Council Member D'Amico stated concerns about the speed of the proposal and stated the materials provided did not include sufficient evidence supporting traffic and life safety representations. She questioned outdoor activity needs for children and building code compliance.

Town Attorney Johnson clarified on the record that the matter was a school application, not a religious institution, and stated the Town intends to hold the applicant to representations made in the applicant's letter and business tax receipt materials, including that the site would not operate as a place of worship or allow the public to attend religious services. He also stated all communications should be directed to the Town Manager.

Council Member Diallo stated she co sponsored the item due to public safety concerns and also due to traffic congestion issues affecting residents and families. She stated she supports a plan that minimizes traffic impacts and suggested further discussion of timing adjustments.

Town Manager Noel stated additional operational and public safety considerations would be reviewed by administration and that a decision would not be made that evening regarding the operational details.

A motion was made by Council Member Fuller, seconded by Council Member Yaffe to direct the Town Attorney to take any action deemed necessary by the Town Manager, in consultation with the Interim Chief of Police, including litigation if necessary, to ensure that the proposed school does not in any way obstruct public safety or police operations related to traffic and access at the temporary police station and for the Town Manager and Interim Chief of Police review and

evaluate the applicant's plan and determine whether the plan sufficiently prevents obstruction and avoids additional costs to the Police Department, seconded by Council Member Yaffe. The motion carried with a 5-0 vote with Vice Mayor Bruder and Council Member Rappaport absent.

2. Discussion and Possible action authorizing the Town Manager to engage special counsel for the procurement and development of the Town Municipal Complex, not to exceed $75,000. Sponsored by Council Member Joshua Fuller.

Council Member Fuller stated the purpose was to support a large project and to provide additional specialized legal support.

Council Member D'Amico stated she previously discussed the matter with the Town Attorney and supported engaging special counsel to guide the Town through the process.

Town Attorney Johnson stated the Town welcomes the additional help and emphasized the importance of selecting special counsel with demonstrable experience.

A motion was made Council Member Fuller to authorize the Town Manager to engage special counsel for the procurement and development of the Town municipal complex, seconded by Council Member D'Amico. The motion carried with a 5-0 vote with Vice Mayor Bruder and Council Member Rappaport absent.

3. Discussion and Possible action authorizing the Town Manager to issue the appropriate solicitations for the design and development of the Town Municipal Complex. Sponsored by Council Member Joshua Fuller.

Mayor Salver requested that the Council receive a courtesy copy of the solicitation language for the principal design and build components for review and comment.

Town Attorney Johnson stated solicitations should be coordinated with special counsel as soon as possible to ensure the process is conducted correctly.

A motion was made by Council Member Fuller to authorize the Town Manager to issue the appropriate solicitations, seconded by Council Member D'Amico. The motion carried with a 5-0 vote with Vice Mayor Bruder and Council Member Rappaport absent.

Adjournment

A motion to adjourn the meeting was made at 8:31 p.m.

Accepted this _____ day of _____, 2026.

_____
Isaac Salver
Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
July 25, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

Roll Call:

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

1. **Consideration** and **Approval** of a Resolution adopting the proposed Millage Rate for FY 2024-2025 and setting the dates and times for the Tentative Budget Public Hearing and the Final Budget Public Hearing, pursuant to FS 200.065. It is suggested the Tentative Budget Hearing be held on September 12th at 6:00 p.m. and the Final Budget Hearing on September 26th at 7:30 p.m.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DETERMINING THE TOWN'S PROPOSED MILLAGE RATES AS REQUIRED BY SECTION 200.065, FLORIDA STATUTES, AND SETTING THE DATE, TIME, AND PLACE OF PUBLIC HEARINGS TO ADOPT THE TENTATIVE AND FINAL MILLAGE AND BUDGET FOR FISCAL YEAR 2024-2025; DIRECTING THE TOWN CLERK AND THE TOWN MANAGER TO FILE THIS RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AUTHORIZING THE TOWN MANAGER TO CHANGE THE BUDGET HEARING DATES IF NECESSARY; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Fuller clarified that the Council's goal has always been to either return to the rollback rate or reduce taxes. Given the additional expenses the Town will

face in the coming year, along with the various issues that need to be addressed, the staff put in considerable effort to maintain the current millage rate. He emphasized that the Council had no intention of increasing the millage rate and expressed his gratitude and appreciation for the staff's hard work in ensuring the budget remained balanced.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, came forward to comment on the budget, expressing concerns about the Town's proposal to raise property taxes by 10%, rather than adopting the rollback rate of 2.8%.

PUBLIC COMMENT CLOSED

Vice Mayor Salver pointed out a typo in the Town Manager's Budget Memo and requested that the record reflect the correct information. Under "Revenue Adjustment", the memo should state "additional taxable value of $96,671,178" instead of "additional ad valorem revenue of $96,671,178."

Vice Mayor Salver then asked what the dollar difference would be if the budget were prepared using the rollback rate instead of last year's rate. Town Manager Rosado responded that using the rollback rate would result in an additional $578,000 in revenue this year.

Mayor Fuller clarified that the rate is currently being published, and if a way is found to switch to the rollback rate between now and then, the Council would be willing to do so. However, he emphasized that while the millage rate cannot be increased, it can be reduced.

Vice Mayor Salver further noted that if the Town keeps the same millage rate as last year, it will still be required to publish a tax increase.

Mayor Fuller responded that the Council is actively working to lower the millage rate. He explained that the taxable value is determined by the County, not the Town. The Council remains optimistic, as significant additional projects are expected to come online in the following year, which will increase taxable value. These projects were not included in this year's tax roll.

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

2. **Consideration** and **Approval** of a Resolution ratifying approval of an agreement with the YMCA of South Florida, Inc. for providing community programming services. The signed contract is attached subject to approval by the Town Council.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AND RATIFYING A CONTRACT WITH YMCA OF SOUTH FLORIDA, INC. TO PROVIDE TOWN COMMUNITY PROGRAMMING SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder made a motion to approve the Resolution, with the option to donate all revenue from the Town's 30% share to reduce costs for residents. Council Member Rappaport seconded the motion, and it passed unanimously on a poll vote.

Frances Neuhut, 1060 Kane Concourse, expressed concerns about the overcrowding at the Community Center, noting that there isn't enough space. She also commented on the unfairness of Surfside not allowing Bay Harbor Islands residents to use their facilities and raised concerns about the impact of neighboring towns on local roads and the Bal Harbour garage. She also discussed the potential effects of placing a high school in the Town, claiming it would lead to overcrowding in schools, with insufficient space and funding.

Former Mayor Linda Zilber, from 1231 95th Street, joined via Zoom. She thanked the Council for giving residents a financial break.

Vice Mayor Salver inquired about how the 30% rebate would be calculated and whether it would be applied directly to residents or go to the Town's budget. Town Manager Rosado explained that every February 1st, when the Town renews the agreement, the Town Council has the option to revisit whether to lower the resident rate by 30% for the upcoming year or keep the rates equal to non-resident rates. Currently, the monthly resident rate for each child is $220, which already reflects a 30% discount based on prior discussions. The non-resident rate will remain higher.

Vice Mayor Salver also asked the Town Manager to explain the cost comparison between the Town's community service programs and those offered by the YMCA. Town Manager Rosado clarified that there would be no cost to the Town for YMCA-run programs. In fact, the Town could potentially make money if it opts to retain its 30% share.

Vice Mayor Salver further questioned whether the YMCA was obligated to provide specific staffing, positions, or hours. Rosado responded that Patrick Teneus, who had been retained full-time by the Town, would continue working with the YMCA. A deal was being negotiated where the YMCA would reimburse the Town for a significant portion of his salary, recognizing the benefits his coordination with the school could provide. Initially, the Town was going to pay for four hours of his eight-

hour workday, with the other four hours covered by the Children's Trust. However, the YMCA is now interested in retaining him. The savings resulting from personnel changes total $651,000. Vice Mayor Salver acknowledged that this reduction in payroll costs had eliminated any additional costs.

Town Manager Rosado further explained that the YMCA program would be operated out of the school, which helps with the interlocal agreement for classroom and field usage, while the program will not be held at the Community Center.

Council Member Bruder inquired about the rates for the enrichment programs. Town Manager Rosado explained that there are varying rates for different programs. For example, Art Explosion (from October 7 to November 15) will cost $125 for residents, including the 30% discount. Enrichment programs and afterschool care are billed separately.

Council Member Bruder asked about weekend programs. Town Manager Rosado confirmed that the YMCA intends to start a "Mommy and Me" program for toddlers on Sundays in October, with plans to expand into other enrichment programs depending on participation. They are also considering adding archery and martial arts.

Council Member Bruder also asked whether the YMCA would offer senior programs. Town Manager Rosado noted that they could supplement the senior programs and Movie Nights if the Council desired.

Council Member Diallo asked if the $220 monthly rate applies to aftercare, where students will be supervised doing homework, similar to what the Children's Trust offers. She also inquired about the program's ending time. Town Manager Rosado confirmed that the program would end at 6:00 p.m. and clarified that if a child wished to play basketball, there would be no additional cost, and the child could transition between the aftercare program and sports as needed.

Mayor Fuller referred to Page 24 of the YMCA's presentation, which listed the cost for residents as $125 and $145 for non-residents—figures that did not represent a 30% discount. Town Manager Rosado agreed that the numbers need to be revisited to ensure that the full 30% resident discount is reflected. Mayor Fuller asked whether the Town would take 30% of all revenue or apply a 30% discount to residents. Town Manager Rosado clarified that the Town's 30% share would be applied as a discount to the program's costs. The Mayor noted that under the current agreement, the two options are: either the Town takes 30% of the total revenue or applies the 30% share toward reducing the cost to residents, which might exceed 30%. Given that the cost for residents are higher than non-residents, this would mean residents should benefit from a greater discount.

Vice Mayor Salver added that if the registration fees for residents were waived, it would better align with the 30% discount.

Mayor Fuller reiterated that they wanted to ensure the registration fees were adjusted to compensate for the 30% reduction. Town Manager Rosado mentioned that the YMCA was open to reciprocal usage of facilities, though not for programming within the centers. Mayor Fuller emphasized that this provision should be included in the contract. He argued that Bay Harbor Islands residents should have access to YMCA facilities in other parts of Miami-Dade, Broward County, or even across the state, as part of the program. He stressed that many residents work outside the Town, and if they encounter YMCA locations elsewhere, they should be able to access those facilities as a benefit. Town Manager Rosado confirmed that she would ensure an addendum is added to include this reciprocity provision.

Council Member Bruder amended the motion to include that Bay Harbor Islands residents would not have to pay a registration fee.

Vice Mayor Salver clarified that the 30% reduction worked for the $175 non-resident fee and the $150 resident fee, but not for $300 programs. He suggested that the numbers need to be revisited to reflect the correct 30% discount. Mayor Fuller proposed an alternative, stating that if the numbers didn't work out, the Town could reimburse residents with a check after receiving funds at the end of the year.

Council Member Bruder emphasized the need to clearly distinguish between residents and non-residents.

Vice Mayor Salver suggested that the Town Manager oversee the matter, ensuring that there is a clear distinction between resident and non-resident fees, as well as proper reciprocity.

Council Member Bruder amended the motion to initiate a discussion with the YMCA to ensure that the full 30% discount is applied, or part of it through waiving registration fees, and that reciprocity is granted for residents to use YMCA facilities in other locations. Council Member Rappaport seconded the motion.

ACTION: Council Member Bruder made a motion to approve the Resolution, with the condition that the Town engage in discussions with the YMCA to ensure it receives the full 30% discount, that registration fees be included as part of the discount, and that there be reciprocity allowing residents to access other YMCAs. Council Member Rapport seconded the motion, and it passed unanimously on a poll vote.

3. **Consideration** and **Approval** of a Resolution approving an Employment Agreement between the Town of Bay Harbor Islands and Town Manager Jenice Rosado.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT WITH

TOWN MANAGER JENICE ROSADO; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

Council Member Bruder requested that Item #3 be deferred until the Council receives a comparative analysis from other cities, prior to ratifying the contract.

Vice Mayor Salver inquired with the Town Manager whether deferring the contract would have any impact on her. Town Manager Rosado responded that it would not, as she had requested the contract be retroactive. Staff will provide the necessary comparison, and the Town Attorney will contact the Council members regarding the contract. As a result, Item #3 was deferred to the next Council Meeting.

4. **Discussion** and possible action regarding weight restrictions on the Broad Causeway Bridge. Sponsored by Council Member Teri D'Amico.

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

Council Member D’Amico explained that she had understood a progress report on the bridge would be provided, and a weight limitation might be imposed.

Council Member Bruder reported that Stacey Miller from FDOT had advanced the inspection, so the Town would not have to spend any money. FDOT will conduct the analysis. The Town Attorney had informed her that an analysis must be completed before a weight restriction can be imposed, which she supports. Council Member Yaffe noted that during a prior meeting, it was discussed that trucks, including cement trucks, could carry lighter loads to reduce weight, making it easier to transport them across the bridge, should a weight restriction be imposed.

Vice Mayor Salver expressed concern over the visible deterioration on the surface of the bridge and alarming images of its underside. He mentioned that repairs made between January and today had already shown signs of deterioration. The project seems to be endless. He shared a formula from the School of Architecture and Design in Wisconsin, which illustrates how non-conventional vehicles cause significant deterioration. He also noted that the sick bridge is becoming worse due to the weight of the vehicles. He asked the Town Manager whether the Town has the right to impose weight restrictions without waiting for the FDOT analysis and Structural Integrity Report, and he believed the answer was yes.

Town Manager Rosado responded that the Town owns the bridge and can take action as it sees fit. However, the Council suggested waiting for the results of the load analysis to determine the exact weight limit. The analysis is just beginning and will take 90 days.

Council Member Bruder stated that the Town Attorney had advised waiting. However, in her view, the bridge's rapid deterioration due to poor quality of work and lack of supervision is unacceptable. She observed several pieces of wood covered with nails where metal should have been used. She believes that proper supervision and project management are needed to ensure the bridge's repairs are done correctly. If a weight restriction can be implemented immediately while the work continues, she would support it.

Council Member Salver expressed concern about potential litigation from stakeholders relying on heavy vehicles to cross the bridge. However, he believes the Town could justify the weight restriction by pointing to the visible deterioration from January to July. He assumes a judge would uphold the weight restrictions, as it's the Town's bridge.

Town Attorney Geller clarified that he was unaware of the 90-day process starting. He advised that the Town doesn't have to wait that long. Based on the Vice Mayor's statement, the situation demands immediate action. The Town has the authority to protect public safety, and if FDOT's analysis could take months, the Town may need to act sooner.

Town Attorney Geller emphasized that the Town must base any weight restrictions on a reasonable assessment. He suggested that the Town could immediately hire a consulting engineer to assess the situation and make a recommendation within five days. If there's no objection, the Council could approve the recommendation without another meeting.

Mayor Fuller added that the Town Manager already has the authority to intervene if there's a life-safety issue. Coming back to the Council for approval may not be necessary. He also mentioned that statements from staff indicated weight might not be a factor, so he wants to resolve whether the weight is indeed a problem. Once clarified, the exact weight limit can be determined scientifically.

Town Attorney Geller clarified that a report from a competent source specifying the weight and the impact on the bridge is needed.

Mayor Fuller explained that the Council needs to decide if they want to hire someone quickly. He's not in favor of imposing a weight limit without professional confirmation of its necessity. He also asked for a revenue impact analysis, specifically focusing on heavier trucks, to assist with budget planning.

Council Member D'Amico acknowledged that weight is likely contributing to the bridge's deterioration, particularly with heavy trucks idling on the bridge. She inquired about who is performing the actual inspections, to which it was clarified that FDOT is conducting them.

Council Member D'Amico further suggested that the Town Engineer, working with drones and other monitoring tools, could help enforce inspections. She also questioned the current engagement with the ATKINS contract, asking if they were responsible for some of the inspections. It was clarified that ATKINS is not involved with the current bridge inspections.

Council Member Bruder emphasized that FDOT has been inspecting the bridge and reporting on its condition. She stated that after seeing the bridge's poor condition, she reached out to FDOT to accelerate the inspection process. The Town Manager confirmed that FDOT would conduct the analysis and that it would take about 90 days.

Town Attorney Geller confirmed that the Council's directive to the Town Manager was clear: find alternatives for the analysis that could stand up in court, if necessary, and determine how much it would cost. If someone can conduct the analysis in a shorter time frame and at a reasonable cost, they should proceed.

Vice Mayor Salver suggested contacting Ali Arbab, the previous bridge inspector.

Council Member Bruder moved to hire an inspector—recommended by Vice Mayor Salver—to inspect the bridge and provide a cost estimate and timeline for an emergency assessment. She also proposed hiring a Project Manager dedicated to overseeing the Broad Causeway and Indian Creek bridges, ensuring contractor compliance and assisting with traffic coordination.

Vice Mayor Salver asked whether a consulting engineer is involved in the bridge construction. Town Manager Rosado confirmed that a construction engineer is overseeing the project in coordination with BCC Engineering Inc. MTX Group is responsible for work on the top of the bridge, while Engineering Controls Systems Corp is handling work beneath it.

Mayor Fuller stated that any new hires must work within the parameters of the existing contracts.

Council Member D'Amico raised concerns about the lack of coordination between the Town and ATKINS, a bridge design company. She asked who is overseeing the testing being done on the bridge. Mayor Fuller explained that FDOT is overseeing the inspections, and ATKINS is only involved in the new bridge project.

Town Attorney Geller clarified that there is nothing in the Town's contract prohibiting the Town Manager from addressing improperly done repair work by putting the contractor on notice or bringing in a new company to correct the issues.

Council Member Yaffe asked if the Causeway Bridge would be fully open before school starts, as previously anticipated. Town Manager Rosado explained that due to additional potholes discovered, the project has experienced delays, and the bridge may not open as originally planned.

Council Member Bruder acknowledged the delays and expressed concern about the difficulty of entering the Town due to traffic. She suggested that Surfside and Bal Harbour should coordinate efforts to ease traffic congestion, especially with the start of school approaching.

Council Member Salver discussed ongoing traffic issues, particularly at the garage's traffic light, which is causing significant backups. He inquired about who regulates the light, and Council Member Bruder confirmed that FDOT is responsible.

Council Member Bruder made a motion to hire a Project Manager for the bridge project and direct the Town Manager to obtain an analysis within 10 days. Council Member D'Amico felt 10 days wasn't sufficient to secure an engineer.

Council Member Bruder emphasized the urgency of moving as quickly as possible.

Mayor Fuller suggested that the Town Manager explore cost-effective options and report back within 30 days. If it would take longer than that, the Town would wait for FDOT's analysis.

Council Member D'Amico noted that bridge monitoring could be done with drones and other technology. She also suggested that the Town Engineer, Rodney-Carrero Santana, could assist in the process.

PUBLIC COMMENT

Frances Neuhut, from 1060 Kane Concourse, came forward to inquire about the weight restriction placed on the Indian Creek Bridge. She referenced a study that reported 22,000 vehicles on the road daily and questioned the impact of trucks. She also highlighted the bridge's rating of 11 out of 1000, noting its designation as structurally deficient.

Mrs. Neuhut cited a 2008 Miami Herald report that ranked the bridge 11th in the nation in terms of poor condition. She mentioned a plan for the bridge dating back 20 years, which allegedly received $10 million in funding, and raised

concerns about the construction activity in the Town. She also noted the restrictions on other local bridges, including the one in Sunny Isles, and expressed that the issues with the bridge have been ongoing for a long time.

Former Mayor Linda Zilber, from 1231 95th Street, participated via Zoom. She warned that traffic congestion will worsen once Bal Harbour begins construction on the parking lot, which will block one lane of traffic. With only one lane open, Mrs. Zilber emphasized that trucks carrying construction materials will need to use the bridge, making the weight restriction crucial. She voiced concern over the amount of time cars remain stationary on the bridge, as the heat causes potholes to form. She agreed that a Project Manager should be appointed to assess the impact of the construction and the prolonged stoppage of traffic, ensuring that the bridge's integrity is not compromised by the ongoing work.

ACTION:

Council Member Bruder made a motion to hire a Project Manager dedicated solely to the bridges and asked the Town Manager to explore the cost and timeline for conducting an analysis of the bridges' weight capacity. Council Member Yaffe seconded the motion, and it passed unanimously.

PUBLIC COMMENT CLOSED

ADJOURNMENT:

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

Accepted this _____ day of _____, 2026.

_____

Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
August 14, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Regular Meeting of the Town Council was held on Wednesday, August 14, 2024, at 7:03 p.m. Upon roll call the following members responded:

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

Council Member Robert Yaffe was absent.

SPECIAL PRESENTATION:

1. Army Command Sergeant Major Stuart Sword-Retired - Bay Harbor Islands Veteran's Outreach Event

   Kevin McDean, representing Army Command Sergeant Major Stuart Sword, presented the upcoming events for the Bay Harbor Islands Veterans Outreach.

   Council Member Rappaport shared that his interactions with veterans during his campaign inspired him to take action. He coordinated with the Town Manager and Police Chief, which led to a partnership with Veterans Affairs. This collaboration resulted in the development of the program by Mr. Sword, aimed at enhancing services for local veterans.

   Mayor Fuller announced that the Town will be hosting a Veterans event on September 6th and 7th, from 8:00 a.m. to 4:00 p.m.

2. Vice Mayor Isaac Salver - Florida League of Cities - 2024 Mayor John Land Years of Service Awards

   Chris Holley, from the Florida League of Cities, presented Vice Mayor Salver with the 2024 Mayor John Land Years of Service Award in recognition of his twenty-five years of dedicated public service.

3. BHI Bright Paths Youth Development Program Summer Camp - 2024 Dade

County Battle of the Books Reading Literacy Competition Champions.

Joel Jacobi, the Educational Programs Director, announced that the 4th and 5th grade group from the BHI Bright Paths Youth Development Program Summer Camp won first place in the Dade County Battle of the Books Reading Literacy Competition. He presented awards to the participating students and their Reading Coach. In recognition of this accomplishment, the Council also honored Mr. Jacobi with an award.

5. Award of Scholarship to Police Explorer Nicolaj Holm

Chief Noel presented Nicolaj Holm with the Police Explorer Scholarship, valued at $1,500.00.

4. Presentation of the Town's Annual Comprehensive Financial Report (ACFR) for the year ended September 30, 2023 by the Town's Auditors managing partner Moises Ariza from Marcum LLP.

Hermes Garzon from Marcum LLP presented the Town’s Annual Comprehensive Financial Report for the period ending September 30, 2023, and explained the key points. In their opinion, the financial statements fairly and accurately represent the Town’s financial position as of September 30, 2023. This opinion, known as an "unmodified" or "clean" opinion, is the highest standard achievable in a financial statement audit. Achieving this opinion requires significant effort and reflects positively on the oversight provided by both the Town Council and management. Mr. Garzon discussed the basis for their opinion, which followed auditing standards generally accepted in the United States, as well as additional government auditing standards, since the Town is a governmental entity.

Vice Mayor Salver inquired about the connection between the separately provided report and the first five pages of the bound financial report. Mr. Garzon clarified that the separate letter is a required communication for the Town Council and the Town Manager at the conclusion of the financial audit. This letter summarizes management issues, significant audit findings, policy changes, and any encountered delays, focusing on relevant information beyond the detailed financial report.

Vice Mayor Salver noted that the supplemental letter is less favorable than the Independent Auditor’s Report, which states that the financial statements are fairly presented. In contrast, the supplemental letter highlights issues from the audit, such as unprepared schedules and discrepancies in the records. Mr. Garzon explained that the Independent Auditor’s Report in the Annual Comprehensive Financial Report assesses whether the financial statements are materially misstated based on the audit procedures. Despite some challenges, the report concluded that the financial statements were fairly presented, resulting in a clean opinion. He also mentioned that this conclusion was reached despite significant turnover in the finance department, which caused delays as new staff worked to resolve substantial accounting issues and catch up on records.

Council Member Bruder asked if recommendations had been made to the Town Manager to help prevent similar issues in the next audit cycle. Mr. Garzon confirmed that they had communicated the areas for improvement, and the new Town Manager had already implemented several internal policies and procedures to address these challenges.

Vice Mayor Salver also asked Mr. Garzon about his company's acquisition by another entity. Mr. Garzon confirmed that Marcum LLP had been acquired by CBIZ and that the process was still in its early stages.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Mayor Fuller deferred Item #6, and Item #13 was removed from the Consent Agenda for discussion. Additionally, Item #18 was pulled from the Consent Agenda and moved to the end of the agenda for discussion.

Council Member D'Amico pulled Item #19A from the Consent Agenda for discussion.

TOWN MANAGER'S REPORT:

Interim Town Manager Rosado's Report:

- Bridge and School Preparations: All lanes of the Broad Causeway Bridge have reopened in time for the first day of school. Town staff is actively involved in ensuring a smooth start, with police managing traffic and coordinating with neighboring municipalities.
- Community Center and Public Works Updates: The interior of the Community Center has been refreshed with painting and cleaning. Public Works is identifying areas for improvement, including refurbishing park bathrooms, replacing broken equipment, and updating street and park signage. Landscaping updates are also being assessed.
- Indian Creek Bridge Construction: Construction is ahead of schedule by two months, with an expected completion date in November.
- Florida League of Cities Conference: The Town Manager will be attending the conference along with the Mayor and Council Members.
- Upcoming Events:
    - The Town will celebrate staff birthdays monthly, with the next celebration on Friday, August 23, at Town Hall Trailer 5.
    - Veterans' Event on September 6th & 7th from 8:00 a.m. to 4:00 p.m. at the Community Center.
    - September 11th Remembrance Ceremony at the old Town Hall at 7:30 p.m.
    - First Budget Public Hearing on September 12, 2024, at 6:00 p.m., followed by the Regular Council Meeting.
    - Final Budget Public Hearing on September 26, 2024, at 7:30 p.m.

COUNCIL REPORTS:

Council Member D'Amico reported that although Biscayne Times hasn't extensively covered the area, they recently published an article about the bridge.

She is collaborating with the Town Planner to enhance the Business District and improve traffic flow, with a focus on pedestrian and bike safety. The plan includes redesigning the parking garage for better access for residents and visitors. She is also working with Chief Noel on safety issues, particularly pedestrian crossings, and has started discussions with neighboring municipalities like Surfside and Bal Harbour to collectively address traffic and safety concerns. She will attend the Florida League of Cities conference and stay informed on state-level discussions regarding flooding and building retrofitting.

Council Member Rappaport stated that over the summer, he held regular meetings with the Town Manager, Assistant Town Manager, Staff, and the Police Chief to review ordinances and discuss town planning matters. These topics will be covered in the evening's meeting agenda.

Council Member Diallo reported working with Chief Noel and Interim Town Manager Rosado to address noise issues at the north end of the island, a concern raised by residents, including those in her building. She congratulated Vice Mayor Salver on his accomplishments and recognized the students who won the literacy competition.

She commended Educational Program Director Jacobi for the positive impact of the summer program on students, including her own daughter. She wished everyone a safe start to the school year and welcomed the new principal at Ruth K. Broad, Ms. Balderramos, expressing her enthusiasm for collaborating and supporting her.

Council Member Bruder reported a positive meeting with the new school principal, who is eager to engage with the community and is responsive to the Town's concerns. She highlighted two upcoming programs at the school: one through the Children's Trust and another with the Bay Harbor YMCA, starting in October, which will also include senior programs. With school starting tomorrow, she advised residents to allow extra time when leaving the island or to walk if nearby. She thanked Chief Noel for addressing noise complaints with a solution involving a jet ski to monitor and ticket noisy boats, noting that the initiative is fully funded.

Vice Mayor Salver reported attending a Children's Trust Budget Committee meeting where he worked to renew and expand existing programs, aiming to secure 60 to 70 additional slots for Bay Harbor Islands. He also chaired an Employee Retirement Board meeting. He proposed addressing air quality issues related to boat fumes affecting the area between 97th and 98th Street on East Bay Harbor Drive. He suggested conducting air quality and carbon monoxide assessments on weekends and holidays, due to the proximity of the sandbar to the shore. He also recommended considering the elimination of the sandbar as a docking area and installing signs to prohibit vessel stopping.

Mayor Fuller reported collaborating with the county and neighboring cities to effectively address the sandbar issues. A key challenge is the inability to have police monitor the area 24/7 due to staffing and budget limitations. He proposed a rotation system where police from various jurisdictions share monitoring

responsibilities. This strategy aims to reduce noise and emissions while ensuring consistent oversight. Although the initiative is in progress, full implementation will take time, and he plans to provide more updates soon. The goal is to create a long-term solution that eases the burden on residents and benefits the entire community.

Council Member Bruder suggested that the sandbar should be completely off-limits for anchoring or docking due to its proximity to homes and the resulting noise and emissions issues.

Vice Mayor Salver believed that other municipalities have such ordinances.

Mayor Fuller advised that Miami-Dade County does not have an ordinance.

Council Member D'Amico noted that a grant, the Clean Vessel Act, may help address this issue and suggested applying for it to support efforts to resolve the sandbar problems.

PUBLIC COMMENTS:

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

Joel Johnson,1080 99th Street, a new resident from Portland, raised concerns about bike and pedestrian safety, specifically that cyclists, especially e-bikers, often ignore dismount rules on the bridge and bike lanes. He shared his personal experience of breaking his hand after a driver failed to yield. He called for better enforcement of dismount rules and more driver awareness regarding road safety.

Mayor explained that existing bridges don't meet modern ADA standards, but the new causeway bridge will have separate areas for pedestrians and bikes. The Town is enforcing existing ordinances and exploring ways to improve safety in the interim

Harry Bruder, 1281 94th Street, expressed concern about rising property insurance, maintenance costs, and assessments affecting seniors in Florida. He urged the Town to proactively address this issue and suggested collaborating with developers or exploring reverse mortgages for relief. He proposed adding this topic to a future agenda.

Council Member Bruder proposed establishing a dedicated resource at Town Hall to assist seniors with understanding available programs and help with applications. She emphasized the importance of publicizing this service through the Town's newsletter.

John Corral, 9660 West Bay Harbor Drive, expressed frustration over persistent issues near his building, such as poor conditions, unresolved construction issues, and hazardous parking. He requested better follow-up on citations and support.

Barbara Alvarez, 9660 West Bay Harbor Drive, complained about constant construction noise, blocked streets, and disruptions, especially at night, due to a special permit for sewer work. She also expressed concern about new plans to add 12 more units, which many residents oppose, and the lack of communication about these changes.

Mayor Fuller requested staff to explain the scope of the special permit. Public Works Director David Hernandez explained that complications with utilities required emergency nighttime work to replace a manhole. Mayor Fuller recommended notifying building management and residents during emergency actions.

Vice Mayor Salver suggested sending a Code Red alert when there is late-night work.

JoAnn Kerbawy, 1075 92nd Street, expressed frustration with the stalled Sophie Project, which has made minimal progress over the past five years. She raised concerns about rusted rebar and asked for help to investigate the situation. Mayor Fuller noted that delays are due to state legislation allowing developers to extend permits despite minimal progress. The project is in foreclosure, limiting the Town's enforcement options. Council Member D'Amico emphasized the need for accountability and suggested placing a lien on the property for outstanding debts.
Kathleen Kennedy, 9180 West Bay Harbor Drive, commended Public Works Director Hernandez and his team for noticeable improvements in landscaping. She suggested installing speed bumps.

Frances Neuhut, 1060 Kane Concourse, memorialized Former Mayor Stanley Tate and complained about the Council's approval of Church by the Sea's development.

Linda Zilber, 1231 95th Street, congratulated Vice Mayor Salver for his work and dedication to the community and thanked Council Member Bruder for her support of residents, especially seniors.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. ***(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)***

~~6. Approval of Council Meeting Minutes:~~
~~A. Regular Council Meeting - January 10, 2024~~
~~B. Regular Council Meeting - February 21, 2024~~
~~C. Regular Council Meeting - March 20, 2024~~
~~D. Organizational Meeting - April 10, 2024~~

~~E. Regular Council Meeting - April 10, 2024~~
~~F. Regular Council Meeting - May 8, 2024~~
~~G. Town Council Retreat - May 28, 2024/May 29, 2024~~
~~H. Special Council Meeting - June 10, 2024~~
~~I. Town Council Budget Workshop - June 18, 2024~~

7. **Consideration** and **Approval** of a Resolution updating the official signatories of the Town of Bay Harbor Islands for banking and depository purposes with Bank of America.

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

8. **Consideration** and **Approval** of a Resolution ratifying and approving an emergency proposal from MTX Group One in the amount of $39,800.00, in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions, for repair of a caved-in portion of 95th Street and East Broadview Drive.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING APPROVAL OF A PROPOSAL FROM MTX GROUP ONE FOR EMERGENCY REPAIR OF A CAVED-IN AREA AT 95TH STREET AND EAST BROADVIEW DRIVE; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

9. **Consideration** and **Approval** of a Resolution ratifying and approving proposals from MTX Group One in the amount of $ 62,852.60, under the emergency procurement provision, in accordance with Section 2-1.3 of the Town Code, for repair of potholes on the Shepard Broad Causeway Bridge No. 875101, Project (BC-158).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPROVAL OF A PROPOSAL FROM MTX GROUP ONE FOR EMERGENCY REPAIR OF POTHOLES ON THE SHEPARD BROAD CAUSEWAY BRIDGE (BC-158/BC REHABILITATION BRIDGE NO. 875101 PROJECT); PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

10. **Consideration** and **Approval** of a Resolution for the Sixth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to November 29, 2024, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor

Islands, Florida.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE SIXTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

11. **Consideration** and **Approval** of a Resolution designating authorized signatories with Mellon Bank for the town investment accounts.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, UPDATING THE AUTHORIZED SIGNATORIES FOR THE TOWN'S INVESTMENT ACCOUNTS HELD WITH MELLON BANK, N.A.; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

12. **Consideration** and **Approval** of a Resolution approving an Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County to continue the services of the Civil Citation Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR ENFORCEMENT OF SPECIFIED STATE MISDEMEANORS AS CIVIL CITATIONS THROUGH THE COUNTY'S CODE ENFORCEMENT AND DIVERSION PROGRAM, PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THE INTERLOCAL AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS, AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

14. **Consideration** and **Approval** of a Resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Sweetwater and the Town of Bay Harbor Islands for shared law enforcement services.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF SWEETWATER FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND

SETTING AN EFFECTIVE DATE.

15. **Consideration** and **Approval** of a Resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of North Miami Beach and the Town of Bay Harbor Islands for shared law enforcement services.

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

16. **Consideration** and **Approval** of a Resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah and the Town of Bay Harbor Islands for shared law enforcement services.

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

17. **Consideration** and **Approval** of a Resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah Gardens and the Town of Bay Harbor Islands for shared law enforcement services.

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

19. **Consideration** and **Approval** of a Resolution approving Memorandums of Understanding (MOU) with the School Board of Miami-Dade County and Surfside and Bal Harbour for School Resource Officers at Ruth K. Broad/K-8.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING MEMORANDUMS OF UNDERSTANDING WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND WITH THE TOWN OF SURFSIDE AND VILLAGE OF BAL HARBOUR

FOR SCHOOL RESOURCE OFFICERS AT RUTH K. BROAD; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENTS; AND SETTING AN EFFECTIVE DATE.

ACTION: Council Member Bruder made a motion to approve the Consent Agenda. Council Member D'Amico seconded the motion, and it passed unanimously.

13. **Consideration** and **Approval** of a Resolution approving a proposal from Transcore in the amount of $355,068.60 to upgrade all of the servers and software on the SunPass toll system.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROPOSAL FROM TRANSCORE IN THE AMOUNT OF $355,068 UNDER THE SOLE SOURCE PROVISION PURSUANT TO SECTION 2.1.2 OF THE TOWN CODE, TO UPGRADE THE SERVERS AND SOFTWARE ON THE SUNPASS TOLL SYSTEM; PROVIDING FOR INCORPORATION OF RECITALS, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

Council Member D'Amico moved the item to the floor, and Mayor Fuller seconded the motion.

Mayor Fuller mentioned that in a previous meeting, the need to upgrade the toll plaza technology was discussed. While acknowledging its importance, he emphasized the need to ensure the Town does not commit to additional years under the SunPass contract in case the Town decides to explore managing the toll system independently. He stressed the importance of avoiding a long-term commitment with SunPass.

Interim Town Manager Rosado clarified that the contract is sole source, meaning that regardless of whether the Town continues with SunPass or manages the system independently, the equipment is necessary for toll collection. Roberto Gonzalez, IT Director, confirmed that Transcore is the only company available to handle the SunPass equipment. Mayor Fuller underscored the importance of the Council fully understanding the Town's position regarding the SunPass system and requested confirmation that there is no exclusive agreement or any restrictions that might limit the Town's future options.

Mr. Gonzalez informed the Council that the change involves only hardware. Mayor Fuller then inquired if Transcore has an exclusive agreement with SunPass. Mr. Gonzalez responded that he believed they do. Mayor Fuller highlighted that this could present a potential issue and suggested that the Town Attorney review the Town's options before proceeding with the hardware upgrade, ensuring that the Council can decide whether to continue with SunPass before committing to any upgrades that might lock the Town into a contract.

Vice Mayor Salver asked if the upgrade would help prevent future issues and missed transactions with SunPass customers. Mr. Gonzalez confirmed that it would. The Vice Mayor also questioned whether the upgrade would truly enhance service, given the numerous problems with SunPass over the past three years. He noted that many of the calls he receives involve issues with BayPass and SunPass accounts. Additionally, he raised concerns about the $355,000 invoice, particularly the significant portion allocated to labor. He questioned whether such a high cost is reasonable for a hardware upgrade, given that modern technology should not require 260 man-hours at $200 per hour for these tasks.

Mr. Gonzalez explained that Transcore, being the sole provider, sets its own rates, and there are limited alternatives for vendors. He emphasized that the upgrade is crucial to avoid a major system failure, which could lead to extended downtime and significant costs. He also pointed out that the current system is nearly ten years old, despite updates typically being made every five years.

Mr. Gonzalez further stated that his department has been working on these issues for the past three years, and the necessary equipment is now available.

Vice Mayor Salver suggested exploring the possibility of having an IT consultant—either internally or externally—review and potentially re-engineer the invoice to ensure the charges, particularly for man-hours and installation, are justified and that the Town isn't paying for services that aren't being delivered.

Mr. Gonzalez indicated that he might be able to reduce costs by sourcing the hardware independently and suggested exploring options to find the equipment on their own to lower expenses. However, he expressed concern that sourcing the hardware could take longer and result in delays.

Interim Town Manager Rosado explained that the equipment has been in high demand for several years, and delays have been worsened by COVID. The hardware is now available and was budgeted last year, carrying over into this year. The urgency for the upgrade is due to the outdated and critical condition of the current equipment, as emphasized by Mr. Gonzalez.

Mayor Fuller reiterated his main concern was the possibility of being locked into a contract. He noted that even if the Town continues using SunPass, rising costs are a concern since the Town pays a percentage based on increasing toll revenues. He believed the Town should have considered renegotiating sooner. To move forward with the upgrade, he suggested modifying the motion to include a condition that the Town Attorney must approve it, ensuring that the upgrade does not bind the Town to SunPass. This would allow future negotiations, and with that condition in place, he would support the motion.

Council Member D'Amico amended the motion to approve the Resolution, contingent on the Town Attorney ensuring that the agreement does not bind the Town to SunPass and allows for future negotiations with SunPass. Mayor Fuller

seconded the motion.

Council Member Bruder left the meeting at 8:53 p.m.

ACTION: Council Member D'Amico made a motion to approve the Resolution with the condition that the Town Attorney ensures the agreement does not bind the Town to SunPass and allows the town to negotiate with SunPass in the future. Mayor Fuller seconded the motion, and it passed 5-0. Council Member Bruder was absent.

19A. **Consideration and Approval of the issuance of a Request for Proposals (RFP) for 96th Street New Park and Kayak Launch – Design Building Project. Sponsored by Mayor Joshua Fuller.**

Vice Mayor Salver moved the item to the floor, and Council Member D'Amico seconded the motion.

Mayor Fuller stated that the original design company submitted an unsuitable plan, transforming the area into a parking lot rather than emphasizing green space. Although the plan was returned for revision, updates have been slow. The Town's regular vendors submitted excessively high quotes, prompting the Request for Proposals to find businesses to help design the kayak park. It was the consensus of the Council to re-advertise the project.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, expressed concern about the allocation of taxpayer funds for seawall repairs, stating that too much is being given to developers while essential street and safety improvements are neglected. She noted that the project includes parking limited to 20 minutes, which residents cannot fully use.

Mayor Fuller clarified that the money for the seawall repairs came from the developer, and the repairs are being funded through a grant.

PUBLIC COMMENT CLOSED

ACTION: Mayor Fuller made a motion to issue a Request for Proposal for the 96th Street New Park and Kayak Launch – Design Building Project. Council Member D'Amico seconded the motion, and it passed unanimously.

PUBLIC HEARING:

20. Consideration and Approval of a request by 1177 Bay Harbor Islands, LLC for modifications to the approved development plan for a new commercial mixed-use building at 1177 Kane Concourse, Lots 5-8 / Block 21 & Lots 6-14, Bay Harbor Islands, Florida. Sponsored by Council Member Eric Rappaport.

Graham Penn, Bercow, Radell Fernandez Larkin & Tapanes, 200 S. Biscayne Boulevard, Miami, Florida, addressed the Council. He stated that after hearing residents' concerns, they have agreed to schedule a meeting in September to discuss the issues. Mr. Penn presented the project, noting that there are four key components to the application:

1. Minor changes to the North building facade.
2. Improvements to the second-floor recreational deck, including landscaping.
3. Finalizing the design for the eastern wall facing the parking lot.
4. Pending revisions to the development density.

He proposed 66 units, 24 fewer than the originally approved 90 but 12 more than last year's revision. He clarified that while this appears to be an increase, it is still a reduction from the original agreement. The original approval of 90 units was based on Transfer of Development Rights (TDRs) granted by the Town in exchange for the park and public benefits, such as a $513,000 sewer upgrade and $500,000 for park improvements. The Town also agreed to vacate the alley and allow additional building height.

Since the project is now reduced to 66 units, the original TDRs are no longer necessary. He offered to return eight TDRs to the Town at no cost and requested that this be included in the approval motion.

PUBLIC COMMENT

Carol Jean Kier, 9660 West Bay Harbor Drive, raised concerns about a 22% increase in residential units at The Well, which could worsen traffic during peak hours, especially for children walking to Ruth K. Broad School. She also noted that six other ongoing construction projects on West Bay Harbor Drive will contribute to congestion and pollution. Ms. Kier urged the Council to consider the traffic and air quality impacts before deciding.

Frances Neuhut, 1060 Kane Concourse, supported Ms. Kier’s comments and raised concerns about the lack of unity of title among the multiple properties involved, which is typically required for building permits. She also noted that the mix of commercial, residential, and garage spaces does not comply with the Town’s zoning laws, as residential properties on 96th, 97th, and 98th Streets should have commercial spaces on the ground floor.

Lourdes Perez Berkley, 9521 East Bay Harbor Drive, expressed concerns via Zoom about the one-hour free parking, suggesting that an additional hour would be more beneficial as an incentive for the Town.

PUBLIC COMMENT CLOSED

Mr. Penn clarified that the project was initially analyzed for 90 units, but the current proposal represents a 26% reduction from that number. He emphasized that this change does not increase density. The project will maintain 522 parking spaces, and the requirement for free parking will be honored for the next ten (10) years.

Council Member Rappaport noted the many concerns raised by residents and expressed a desire to hear from the more senior Council Members for their perspectives.

Council Member Diallo expressed concerns about the "project flexibility" language, which seemed open-ended, and questioned what it might mean for future changes to the project.

Mr. Penn explained that there are no plans to increase the density beyond the proposed 66 units. The remaining TDRs are meant for long-term use, with the building expected to last 50 to 60 years.

Council Member D'Amico reviewed the situation and confirmed that the project is permitted for 66 units. She appreciated the decrease in density but emphasized that the Council had granted significant benefits, such as increased height and alley access, to enhance the project. She stated that the TDRs should be returned to the Town for future use and had no objections to the proposed number of units.

Vice Mayor Salver inquired about the TDR value in 2019. Town Planner Michael Miller responded that it was $65,000. Vice Mayor Salver expressed a desire to see TDRs used without leading to overdevelopment and suggested incorporating the additional 24 units into the office building for better livability.

Council Member D'Amico expressed concern about the developer retaining the TDRs and stated that she would not approve the project unless all unused TDRs are returned to the Town.

Council Member D'Amico made a motion to approve the request contingent upon the return of the 24 TDRs to the Town. There was no second to the motion.

Mayor Fuller then made a motion to approve an increase of 12 units in density, allowing the applicant to retain 12 TDRs, return 12 TDRs to the Town, and add one additional hour of free parking.

Mr. Penn modified his request to approve the initial proposal to increase residential density by 12 units and return all 24 TDRs to the Town.

Council Member Diallo seconded Council Member D'Amico's motion.

ACTION: Council Member D'Amico made a motion to approve the applicant's request, contingent upon the developer returning all 24 TDRs to the Town. Council Member Diallo seconded the motion, and it passed unanimously.

ORDINANCES ON SECOND READING:

20. **Consideration** and **Approval** of an Ordinance on Second Reading amending Sections 18- 9 to Section 18-15 of the Town Code relating to regulation of bicycles, motorized, non- motorized and other similar devices. Sponsored by Council Member Eric Rappaport.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF BICYCLES, MOTORIZED AND OTHER SIMILAR DEVICES; AMENDING CHAPTER 18, ARTICLE I, SECTION 18-9 "PROHIBITION OF THE RIDING OF BICYCLES AND MOTORIZED DEVICES", SECTION 18-11 "BICYCLES AND MOTORIZED DEVICES PARKING"; RETITLING FROM RESERVED TO SECTION 18-10 "REGULATION OF BICYCLES AND MOTORIZED DEVICES (EXCLUDING BRIDGES)", SECTION 18-12 "REQUIREMENT FOR OPERATORS UNDER SIXTEEN (16) YEARS OLD", SECTION 18-13 "ENFORCEMENT", SECTION 18-14 "SCHEDULE OF CIVIL PENALTIES", AND SECTION 18-15 "APPEALS"; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Rappaport moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member Rappaport explained that although this is the second reading and the Ordinance is set to become law, it may be revisited for potential adjustments based on feedback from the Chief of Police and the Police Department.

Town Planner Belle explained an 18-month pilot program in collaboration with the Chief of Police, aimed at providing crossing guards to assist children crossing the bridge during school hours. Chief Noel discussed plans to install signs instructing users to dismount motorized scooters, as well as to launch an educational campaign using social media, newsletters, and flyers distributed by officers. Enforcement of these measures is set to begin immediately. Town Planner Belle clarified that no motorized vehicles, including bicycles and motorcycles, are allowed on the sidewalks of the bridges, and riders must dismount when crossing.

Council Member D'Amico pointed out that when the Town closes the causeway bridge and separates the lanes, it creates confusion, with pedestrians and scooter riders treating the middle space as an additional lane. She emphasized the importance of proper signage and expressed her support for the ordinance as a positive first step.

Mayor Fuller stressed the need for effective enforcement.

PUBLIC COMMENTS

Frances Neuhut, 1060 Kane Concourse, voiced concerns about children riding scooters. She also mentioned the need for a new bridge.

Nicholas Sarysz, 1080 99th Street, expressed frustration about the restrictions on who

can use the pedestrian areas of the bridge. He shared that he moved to the area for its walkability and does not own a car. While he feels generally safe, he finds it challenging to walk his bike across the bridge into Surfside due to limited space and only one open sidewalk. He also mentioned the difficulties of navigating the streets safely, despite the "Shop Local" signs, and expressed hope for future improvements in pedestrian safety.

Mayor Fuller responded that the Council is working to address the issue. The bridges were built at a time when pedestrian considerations were not a priority. Unfortunately, there is very little the Town can do to retrofit them; any changes, such as adding lanes or widening the bridge, would require a complete replacement rather than just an addition.

PUBLIC COMMENTS CLOSED

ACTION: Council Member Rappaport made a motion to approve the Ordinance on second reading. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

21. **Consideration** and **Approval** of an Ordinance on Second Reading amending Section 2-
1.1 and Section 2-1.2 of the Town Code relating to procurement limitations.
Sponsored by Council Member Eric Rappaport.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO PROCUREMENT LIMITATIONS; AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1.1 PROCUREMENT LIMITATIONS; COMPETITIVE BIDDING AND SECTION 2-1.2 EXEMPTIONS AND WAIVERS FROM COMPETITIVE BIDDING; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Rappaport explained that due to rising costs, it is reasonable to raise the procurement threshold. In response to a request from Town staff, the proposal is to increase the threshold to $25,000.

Vice Mayor Salver requested a monthly report listing all expenditures up to $25,000.

ACTION: Council Member Rappaport made a motion to approve the Ordinance on second reading. Council Member Diallo seconded the motion, and it passed unanimously on a poll vote.

22. **Consideration** and **Approval** of an Ordinance on Second Reading amending Section 5- 5(h) of the Town Code to provide for maintenance of construction job sites twice daily within specific time frames from 9:00 a.m. to 11:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, and once daily between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. Sponsored by Council Members Stephanie Bruder and Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO JOB SITE MAINTENANCE, AMENDING CHAPTER 5, BUILDING AND CONSTRUCTION, ARTICLE I, CONSTRUCTION SITE OPERATIONS, SECTION 5-5(h), JOB SITE MAINTENANCE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member D'Amico moved the item for discussion, and Vice Mayor Salver seconded the motion.

Mayor Fuller explained that maintenance was initially allowed only on weekdays. He also mentioned that Council Member Bruder had suggested to include weekends in the maintenance schedule, expressing concern about the burden of requiring workers to be present twice a day on weekends. Mayor Fuller also pointed out that the Town already has an Ordinance requiring watering on weekends after demolition. The proposed amendments would allow the building inspector to waive this requirement, while still permitting maintenance on Saturdays and Sundays.

Council Member D'Amico amended the motion to allow maintenance on weekdays and on weekends only as directed by the building inspector. Vice Mayor Salver seconded the amended motion.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, expressed concerns about the cleanliness of construction sites and noted that there appear to be no regulations in place regarding cleanup.

PUBLIC COMMENT CLOSED

ACTION: Council Member D'Amico made a motion to approve the Ordinance on second reading, with the condition that maintenance be performed on weekdays, and on weekends only when directed by the building inspector. Vice Mayor Salver seconded the motion, and it passed unanimously on a poll vote.

23. **Consideration** and **Approval** of an Ordinance on Second Reading amending

Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Fuller moved the item, and Council Member Rappaport seconded the motion.

PUBLIC COMMENTS

Matt Amster from Bercow Radell Fernandez Larkin & Tapanes, 200 S. Biscayne Blvd, Miami, Florida, expressed his gratitude to everyone involved in incorporating the necessary language to ensure projects like the Landon Hotel were properly addressed. He fully supported the amendment as written and requested its approval.

Frances Neuhut, from 1060 Kane Concourse, raised concerns about trucks blocking the alley during loading and unloading. She voiced frustration with Church by the Sea having all the loading zones near her businesses, believing this created a safety risk. She worried it could cause problems for her business, as well as for children and residents walking nearby, especially given the lack of sidewalks.

Mayor Fuller responded, clarifying that there had been a misunderstanding. He explained that the requirement was for new projects to include separate loading zones to ensure that trucks would not block the street for safety reasons. He emphasized that this was actually the opposite of the concerns she had raised, highlighting that the goal was to prevent trucks from obstructing the street.

PUBLIC COMMENTS CLOSED

ACTION: Mayor Fuller made a motion to approve the Ordinance on second reading. Council Rappaport seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

24. **Consideration** and **Approval** of an ordinance on First Reading amending Section 5-
23.01 of the Town Code regarding appointments to the Design Review Board. Sponsored by Council Member Eric Rappaport.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 5-23.01 OF THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE DESIGN REVIEW BOARD; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTILE II ENTITLED DESIGN REVIEW BOARD; SECTIONS 5-23.01 ENTITLED DESIGN REVIEW BOARD MEMBERSHIP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Rappaport moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member Rappaport explained that the proposed amendments to the Ordinance were developed after several meetings with Town staff. The main recommendation is to replace the staggered terms of the Design Review Board with a two-year term structure, consisting of five permanent members and two alternates.

This change aims to address attendance issues by ensuring that alternates can step in when regular members are absent. Additionally, the proposed Ordinance would require all members to be Town residents, removing the previous provision that allowed council members to appoint non-residents.

Town Manager Rosado noted that Council Member Yaffe opposed reducing the board to five members, adding two alternates, and eliminating the staggered terms.

Mayor Fuller expressed concerns about reducing the Board size from seven to five members and including alternates. He emphasized that Board Members dedicate significant time and effort in preparation, and he believes it can be frustrating for alternates who have no input during meetings. While he acknowledged the challenge of finding qualified residents willing to serve, he preferred to maintain the seven-member Board without alternates. However, he supported the other proposed changes regarding Board Member qualifications.

Vice Mayor Salver expressed a preference for a five-member Board, suggesting that it would improve the Board's dynamics. He pointed out that many other municipalities operate with smaller councils or commissions, which he finds effective. He also supported making the Board more exclusive, allowing for a more selective process when there are many qualified candidates.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, expressed concerns regarding the recent changes to the Design Review Board (DRB). She voiced her dissatisfaction with the shift of responsibilities from the Planning & Zoning Board to the DRB,

arguing that site development approvals should fall under the jurisdiction of the Council rather than the Board.

PUBLIC COMMENT CLOSED

ACTION: Council Member Rappaport made a motion to approve the Ordinance with the condition that the alternates will be removed. Council Member D'Amico seconded the motion, and it passed 4-1 on a poll vote with Mayor Fuller opposing.

30. **Discussion** and **Possible** regarding a Resolution to enter into an Employment Agreement with Town Manager Jenice Rosado. Sponsored by Council Member Stephanie Bruder.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT WITH TOWN MANAGER JENICE ROSADO; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

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

ACTION: Vice Mayor Salver made a motion to approve the Resolution. Council Member Diallo seconded the motion, and it was approved unanimously on a poll vote.

25. **Consideration** and **Approval** of an Ordinance on first reading amending Chapter 15 of the Town Code, by adding Section 15-2 regarding appointments to the Parks & Recreation Committee. Sponsored by Council Member Eric Rappaport.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO PARKS AND RECREATION BY AMENDING CHAPTER 15, ARTICLE 1, RETITLING FROM RESERVED TO SECTION 15-2 TO BE ENTITLED "PARKS AND RECREATION COMMITTEE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Rappaport noted that many people in the Town are eager to get involved and volunteer. He mentioned that they are currently going through the appointment and reappointment process to ensure that everyone reapplies. He stated that, in addition to the quarterly meetings, there is an opportunity for members to meet more frequently throughout the year, which he believes the applicants would appreciate. He stated that they would have five members and two alternates to provide more opportunities for volunteering and that this structure would work better for the Parks and Recreation Committee.

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

26. **Consideration** and **Approval** of an Ordinance on first reading amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Fuller suggested that the Stop Work Order should apply on both the current day and the following day. He noted that the current wording only affects the next day, allowing workers to complete their tasks, if it falls on the last day of work without consequence.

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

DEFERRED ITEMS: There were no deferred items.

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

27. **Request** for **Approval** of the extension of a temporary Sales Center at 10301 East Bay Harbor Drive in connection with the development of the properties at 9781

and 9927-9955, 10190 & 10301 East Bay Harbor Drive, by 10301 Bay Harbor Development LLC. Sponsored by Council Member Molly Diallo.

Vice Mayor Salver noted that the petition involved a developer working on a lot next to his condominium. He disclosed being aware of the issue and having discussions with the architect and attorney regarding the development. As a Board Member of the condominium, he inquired with Deputy Attorney Skip Miller whether he needed to recuse himself from decisions related to this matter, despite having no personal interest in the project.

Deputy Attorney Miller advised that since the Vice Mayor had not acted for or against the applicant's request to extend the sales office permission, he did not need to declare a conflict.

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

Council Member Diallo expressed she wanted to revisit the previous discussion about the sales center from the perspective of a resident at 10350 Bay Harbor Drive. There is a large project across the street where demolition has just occurred, and construction is about to begin. The sales center is currently very quiet; she drives by at all hours and rarely sees anyone there. With all the ongoing projects, it feels overwhelming to her, and she believes they need some breathing space. She is not advocating for the developer. She just wants to ensure that the residents' needs are considered. Having multiple projects happening simultaneously could be very claustrophobic for those living in the area.

PUBLIC COMMENTS

Matt Amster, Bercow Radell Fernandez Larkin & Tapanes, 200 S. Biscayne Blvd, Miami, Florida, representing 10301 Bay Harbor Drive LLC, came forward and noted significant progress with the four projects, two of which are nearing permit issuance. He highlighted the use of a single sales center for all projects, streamlining sales efforts through December 2025. He also reiterated their commitment to contributing the same financial amount to the Town.

Mayor Fuller confirmed the proffered amount is $52,000.

Frances Neuhut, 1060 Kane Concourse, came forward and complained about having sales center in the Town. She felt the Business District is affected by the sales centers.

PUBLIC COMMENTS CLOSED

Mayor Fuller emphasized that last year's extension was meant to be final due to repeated requests for more time. He sought Council Member Diallo's perspective as a nearby resident and noted that, since the sales center hasn't caused issues for residents, its removal might lead to more disruption. Therefore, he was open to extending the sales center for another year, provided that the condition remains that it must be removed when the lease ends, even if construction on

the new building hasn't started by December 2025.

ACTION: Council Member Diallo made a motion to approve the request for extension of the sales center until December 31, 2025. Council Member Rappaport seconded the motion, and it passed unanimously on a poll vote.

28. **Consideration** and **Approval** of a Resolution granting the authority to the Town Manager to apply for a Line of Credit for emergency purposes, should the need arise. Sponsored by Council Member Stephanie Bruder.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, GRANTING THE AUTHORITY TO THE TOWN MANAGER TO APPLY FOR A LINE OF CREDIT, WHEN NECESSARY, FOR EMERGENCY PURPOSES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

Council Member D'Amico moved the item to the floor, and Vice Mayor Salver seconded the motion.

Town Manager Rosado explained the item is to ensure the Town has the necessary paperwork in place ahead of time, in case the Town is faced with an emergency and needed to apply for a Line of Credit.

Mayor Fuller raised a concern that the $40,000 set up fee was expensive.

ACTION: Council Member D'Amico made a motion to approve the Resolution, Vice Mayor Salver seconded the motion, and it passed unanimously on a poll vote.

DISCUSSION ITEMS:

~~31. **Discussion** and **Possible** action regarding Shepard Broad Causeway Bridge Monitoring Device and Services. Sponsored by Council Member Teri D'Amico.~~

18. **Consideration** and **Approval** of a Resolution amending Resolution No. 2269 to revise the fees for the Broad Causeway SunPass Toll.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2269 REGARDING THE SCHEDULE OF TOLLS ON THE SHEPARD BROAD CAUSEWAY; REPEALING OTHER RESOLUTIONS; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

Mayor Fuller clarified that he initially proposed pulling this item from the Consent Agenda because there are two options available. He emphasized that anyone moving the item needs to select one of the two choices provided in the Resolution.

Vice Mayor Salver moved the item to the floor, and Council Member D'Amico seconded the motion.

ACTION: Vice Mayor Salver made a motion to approve the Resolution with Option 2. Council Member D'Amico seconded the motion, and it passed 4-1 on a poll vote with Mayor Fuller opposing.

ADJOURNMENT:

There being no further business the meeting adjourned at 11:03 p.m.

Accepted this _____ day of _____, 2026.

_____

Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

First Budget Hearing Meeting
MINUTES
September 12, 2024
6:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Budget Public Hearing of the Town Council was held on Thursday, September 12, 2024, at 6:02 p.m. Upon roll call the following members responded:

Mayor Elizabeth Tricoche
Vice Mayor Joshua Fuller — Council Member Teri D'Amico
Council Member Molly Diallo — Council Member Isaac Salver
Council Member Robert Yaffe

Council Member Stephanie Bruder was absent.

1. **Announcement** of the proposed FY 2025 property tax rate of 3.1728 mills per $1,000 taxable value. The "rolled-back" millage rate is 2.8829 mills per $1,000 taxable value. The proposed FY 2025 Millage Rate is 10.06% more than the rolled-back rate, needed to fund expenditures and expenses for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025. Enclosed are supporting documents.

   Town Manager Jenice Rosado announced the proposed FY 2025 property tax rate of 3.1728 mills per $1,000 taxable value, the "rolled-back" millage rate of 2.8829 mills per $1,000 taxable value, and the proposed FY 2025 Millage Rate which is 10.06% more than the rolled-back rate, needed to fund expenditures and expenses for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025.

2. **Discussion** regarding the Tentative Budget and Tentative Millage Rate for Fiscal Year 2024- 2025 Enclosed is a copy of the Tentative Budget.

   The mayor opened the floor to public comments and public input, and there were none.

3. **Consideration** and **Approval** of a resolution adopting a Tentative Millage Rate of 3.1728 mills for Fiscal Year 2024-2025, which is 10.06% more than the rolled back rate of 2.8829 mills per $1,000 of taxable property value. Enclosed is a copy of the proposed resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.1728 MILLS FOR FISCAL YEAR 2024-2025, WHICH IS GREATER THAN THE ROLLED BACK RATE OF 2.8829 MILLS, COMPUTED PURSUANT TO STATE LAW WITH A 10.06% INCREASE; CONFIRMING THE DATE OF THE SECOND BUDGET PUBLIC HEARING; PROVIDING FOR INCORPORATION OF RECITALS, AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Rappaport moved the item to the floor, and council member Diallo seconded the motion.

Council Member Salver stated that the council should have a goal of having the roll back rate. He asked how much the difference between the proposed millage rate and the roll back rate was. Finance Director Siefken responded that the difference was $637,000.

Council Member Yaffe mentioned that he was not sure what can be cut to get to the roll back rate without comprising services that are provided to the community.

The Vice Mayor clarified that his comments were intended to memorialize the goal the council should have to keep the size of the government the same as it was the prior year.

Council Member D'Amico stated that income would be the way that the council would provide more services.

Vice Mayor Salver stated that expenses can be cut, or revenues increased outside of the millage rate.

Council Member D'Amico stated that if Vice Mayor Salver is saying he wants the council to roll back the rat every year, they have to figure out some way, because things go up in cost.

Council Member Yaffe pointed out that hopefully there will be more taxable value coming online in the next year or two with some of the new projects.

Mayor Fuller stated that they all have the same goal. They would rather have the roll back rate or lower if possible. The issue becomes that cost go up for certain things. Staff has been cut back but salary has to go up for certain things to match what the current market is. Cost for certain things have gone up.

Vice Mayor Salver mentioned his intent to support the budget and commended the Town Manager and staff for an organized, detailed budget. With new development coming online, the taxable value should go up. He stated that they have to be a little bit conservative considering the state of disrepair of the bridges and the huge project they could be taking on in the near future.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, spoke about the consistency of the proposed millage rate (3.1728) and the lack of announcement regarding a budget deficit, despite a 10% increase in taxes; the council's ability to make

downward modifications to the millage rate at the meeting, as stated at the first public hearing; preferential treatment and discrimination related to the approval of relocating a tax-exempt church by the sea into the business district, the potential for adding a tax-exempt school; concerns about overcrowding, traffic, and the impact on residents' quality of life.

PUBLIC COMMENT CLOSED

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

4. **Consideration** and **Approval** of a resolution adopting a Tentative Budget for the Fiscal Year commencing October 1, 2024 and ending September 30, 2025. Enclosed is a copy of the proposed resolution and Town of Bay Harbor Islands Fiscal Year 2025 Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, IN THE AMOUNT OF $52,013,266; CONFIRMING THE DATE OF THE SECOND BUDGET PUBLIC HEARING; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, expressed concerns about the council allowing non-conforming usages in the business district, particularly regarding retail and restaurant stores and municipal parking.

Specific mention was made of the approval and issuance of a certificate of occupancy to the Church by the Sea Bell Harbor Shops before the developers allegedly paid $23 million to the Miami-Dade property appraiser's office for a new, non-conforming, mixed-use, tax-exempt, approximately 90,000 square foot church.

The site plan for this development was originally approved by the Planning and Zoning Board on July 19, 2016.

The resident noted that religious institutions are not allowed in the Bell Harbor Shops, Mar, and Surfside's groundswell business district, and raised concerns about the placement of town employees and police officers in a trailer park for many years.

The resident also highlighted the lack of a transparent review process and the potential impact on the town's tax base and community resources.

PUBLIC COMMENT CLOSED

Council Member Rappaport commended the Town Manager Rosado and Finance Director Siefken for doing an amazing job to set up the budget, the overtime, and all the hard work they put in. Town Manager Rosado stated that it was a team effort, and every department director worked very had to get the budget completed.

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

5. **Announcement** of the Second Budget Public Hearing scheduled for Thursday, September 26, 2024, at 7:30 p.m.

   Town Manager Rosado announced the Second Public Hearing for September 26, 2025, at 7:30 p.m.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:17 p.m.

Accepted this _____ day of _____, 2026.

_____

Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
September 12, 2024
7:00 PM or immediately following the First Budget Hearing Meeting
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Regular Meeting of the Town Council was held on Thursday, September 12, 2024, at 6:17 p.m. Upon roll call the following members responded:

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

Council Member Bruder joined the meeting at 6:24 p.m.

SPECIAL PRESENTATION:

1. Introduction of New Police Officer Jaileen Romo

   Chief Lindsley Noel introduced Officer Romo and Mayor Fuller administered the Law Enforcement Oath of Office.

2. Proclamation - Recognition of September as Childhood Cancer Awareness Month - Mystic Force Foundation

   Mayor Fuller read a Proclamation proclaiming October 23-31, 2024, as Red Ribbon Week in Bay Harbor Islands.

3. Proclamation - Suicide Prevention. Sponsored by Council Members Stephanie Bruder and Teri D'Amico

   Mayor Fuller read a Proclamation proclaiming September as National Suicide Prevention Month in Bay Harbor Islands.

   Council Member D'Amico spoke of the importance of recognizing the warning signs of suicide to assist with prevention.

4. Proclamation - Florida Climate Week 2024 - DMH Americas

   Mayor Fuller read a Proclamation proclaiming October 7-13, 2024, as Florida Climate Week in Bay Harbor Islands.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

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

TOWN MANAGER'S REPORT:

Town Manager Jenice Rosado provided the following updates:

- The handicap ramp at 92nd Street Park has been completed. The park gates are currently being modified to meet ADA requirements, with an expected completion date in the next few weeks.
- Staff is reviewing potential dates for the grand opening of the 92nd Street Park.
- The Police Chief has scheduled a mandatory active assailant training for Staff on October 18th, from 10:00 a.m. to 1:00 p.m. As a result, Town Hall will be closed for three hours, and notifications will be posted online and via CodeRed.
- The Second Budget Public Hearing is scheduled for Thursday, September 26th, at 7:30 p.m.
- A Special Council Meeting may be called to discuss water rates from Miami-Dade County.
- The 9/11 event was canceled due to inclement weather.
- A remembrance event may be held on October 7th to honor those who lost their lives on 9/11.
- The next Regular Council Meeting is scheduled for October 9th. A professional photographer will be on-site from 3:00 p.m. to 6:30 p.m. to take photos of Council Members and Executive Staff.
- The Motowners concert is set for Sunday, October 20th, at 7:00 p.m.
- On October 22nd, the Police Department will host Surf/Bal/Bay Night Out from 6:00 p.m. to 9:00 p.m.
- The November 13th Council Meeting will need to be rescheduled due to a conflict with the National League of Cities conference, which takes place from November 13-16.
- This agenda includes several items related to the ongoing upkeep of the Town, including landscaping and irrigation replacements.

It was the consensus of the Council that Mayor Fuller will reach out to neighboring municipalities to inquire about the possibility of Bay Harbor joining their October 7th Memorial Service. If they are not in favor, the Town will proceed with its own ceremony and include the 9/11 event.

COUNCIL REPORTS:

Council Member Yaffe expressed gratitude to the Police Officers who assisted him with a flat tire. He commended their dedication to going above and beyond in helping residents and specifically thanked Chief Noel, Deputy Blanchard, and Officer Rego for their support.

Council Member D'Amico announced the upcoming opening of 92nd Street Park, with additional details to be shared in the *Newswaves*. She also raised concerns about the ongoing 92nd Street construction project, specifically noting that the construction company was pushing slush into the drainage system, potentially leading to blockages.

She emphasized the importance of developers adhering to proper codes. Furthermore, she reported issues with a delivery of air conditioning units and a crane obstructing the street. She provided photos to the Council, entered them into the official record, and suggested surveying and possibly repaving the streets to improve the neighborhood's hardscape.

Council Member Bruder asked whether a Police Officer is required when a crane is present at a construction site. The Town Manager confirmed that this is indeed a requirement. Council Member Bruder then inquired if the construction company would receive citations for noncompliance with this rule.

Chief Noel clarified that a right-of-way permit is necessary for deliveries taking place over an extended period, and an officer must be present. In this case, the development site was cited for lacking the required permit.

Mayor Fuller proposed creating an Ordinance that mandates a camera inspection of sewer lines either before, during, or at the end of construction projects. If developers are found to have dumped waste into the sewer system, they would be held responsible for cleaning it up and covering all related costs. He requested the Building Official to work with the Town Attorney to draft this Ordinance, with a proposal to be presented at the next meeting.

Council Member Bruder apologized for missing the presentation of the Suicide Proclamation and suggested adding barriers to the top of the parking garage to prevent incidents, as well as enhancing the camera system. She recommended that the Council consider including suicide prevention programs for teens and seniors in next year's budget. Additionally, she announced that the Police Department will be getting a Victim Advocate dog and highlighted upcoming senior events, such as biometric screenings and educational lectures for residents.

Council Member Diallo thanked Council Member D'Amico for addressing concerns related to the construction site and expressed appreciation to the Police Department for their presence during school hours. She also reminded the Council that the November Regular Council Meeting conflicts with the National League of Cities conference and will need to be rescheduled.

Council Member Rappaport shared that last week's VA Enrollment Days event had strong attendance and benefited several Town staff members who are Veterans. He thanked the Chief and the Town Manager for organizing the event.

Vice Mayor Salver reported attending the First Budget Hearing for the Children's Trust, where they approved the maximum millage rate and a budget of over $225 million.

Mayor Fuller shared that he met with the Mayors of Bal Harbour and Surfside to discuss

reducing traffic. The three Mayors agreed to collaborate with the County on synchronizing traffic lights across the municipalities and enforcing “Do Not Block the Box” regulations to improve traffic flow. Bal Harbour also plans to seek the Town's help with addressing increased mall density. Additionally, he asked the Town Manager about the possibility of the Town offering early morning yoga classes.

Council Member Yaffe requested that the Town Manager include information about the Miami-Dade County Special Assessment Program in the *Newswaves*.

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. ***A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council.*** *Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Frances Neuhut, from 1060 Kane Concourse, voiced concerns about environmental pollution and health risks in the community, particularly related to contamination and brownfield sites.

Ceil Kroop, 9240 West Bay Harbor Drive, raised the question about whether the art show generates enough profit for the Town to justify the heavy traffic it creates. Living just two blocks away, she noted that it took her 45 minutes last year to reach the corner of West Bay Harbor Drive to exit the island. She also observed that there seemed to be more police officers from Surfside, Bay Harbor, and North Miami than actual visitors to the show. She questioned the overall benefits of the event for the Town and wondered if it was worth continuing under such circumstances.

In response, Mayor Fuller explained that the art show is not meant to be a profit-generating event but rather an amenity for the community. He acknowledged that the event is still going through a period of growth and adjustment. While last year's westbound traffic was managed effectively, this year, the challenge has shifted to eastbound traffic. To address these issues, the art show has been relocated off Kane Concourse, which should help alleviate some traffic concerns. The goal is to attract more visitors, increase awareness of Bay Harbor, and benefit local restaurants and shops. The Mayor also pointed out that the number of participating artists have grown significantly, and the quality of the art has improved, all of which are part of the event's ongoing development.

COMMITTEE REPORTS: There were no Committee Reports

CONSENT AGENDA: Set for approximately 7:55 p.m. *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an*

individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)

5. **Consideration** and **Approval** of a Resolution amending Resolution No. 2268 increasing the parking meter fees, pay-by-phone rates, and parking decal permits for the Town's parking facilities.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2268 INCREASING THE RATES FOR PARKING METERS, PAY-BY-PHONE PARKING FEES, AND MONTHLY DECALS FOR THE TOWN'S PARKING FACILITIES; REPEALING OTHER RESOLUTIONS, PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

6. **Consideration** and **Approval** of a Resolution updating the official signatories of the Town of Bay Harbor Islands for banking and depository purposes with Bank of America.

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

7. **Consideration** and **Approval** of a Resolution designating authorized signatories with Mellon Bank for the Town investment accounts.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, UPDATING THE AUTHORIZED SIGNATORIES FOR THE TOWN'S INVESTMENT ACCOUNTS HELD WITH MELLON BANK, N.A.; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

8. **Consideration** and **Approval** of a Resolution approving an Engagement Letter with Caballero, Fierman, Llerena & Garcia, LLP for financial/audit preparation consulting services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH CABALLERO FIERMAN LLERENA & GARCIA, LLP TO PERFORM INDEPENDENT CONSULTING SERVICES AND AUDIT SUPPORT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING

EXECUTION OF THE AGREEMENT; AND SETTING AN EFFECTIVE DATE.

9. **Consideration** and **Approval** of a Resolution approving an Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County Clerk of Court and Comptroller for implementation of the services of the eCitation Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY CLERK OF THE COURT AND COMPTROLLER FOR IMPLEMENTATION OF THE SERVICES OF THE E-CITATION PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT; AND SETTING AN EFFECTIVE DATE.

10. **Consideration** and **Approval** of a Resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the Village of El Portal and the Town of Bay Harbor Islands for shared law enforcement services.

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

11. **Consideration** and **Approval** of a Resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Opa-Locka and the Town of Bay Harbor Islands for shared law enforcement services.

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

12. **Consideration** and **Approval** of a Resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Miami Springs and the Town of Bay Harbor Islands for shared law enforcement services.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN

THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF MIAMI SPRINGS FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

13. ~~**Consideration** and **Approval** of a resolution approving Change Order #2 to Lead Engineering for the Amount of $150,000.00 for the reconstruction of the East Side Seawall and Bridge deck of BC-159 Indian Creek Bridge No. 875103. Enclosed are the draft resolution and supporting documents.~~

~~**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING CHANGE ORDER #2 IN THE AMOUNT OF $150,000 TO THE AGREEMENT WITH LEAD ENGINEERING CONTRACTORS LLC FOR THE BC-159 INDIAN CREEK BRIDGE, AND PIPE SADDLE REPAIRS ON BRIDGE FDOT POST NO. 875103; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.~~

14. **Consideration** and **Approval** of an Invitation to Bid (ITB) for removal of the existing side front awning on the west side of the Morris N. Broad Community Center.

15. **Consideration** and **Approval** of an Invitation to Bid (ITB) to paint the exterior of the Community Center and the Parking Garage.

16. **Consideration** and **Approval** of a Resolution approving property insurance policy for the Shepard Broad Causeway Bridge from Lloyds of London and Starstone Specialty Insurance Company, for a term beginning October 1, 2024, to September 30, 2025, with a total premium not to exceed $414,008.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RENEWING BRIDGE PROPERTY INSURANCE FOR THE SHEPARD BROAD CAUSEWAY FOR FISCAL YEAR 2024-2025, WITH LLOYDS OF LONDON AND STARSTONE SPECIALTY INSURANCE COMPANY; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AGREEMENT OR RELATED DOCUMENTS; AND SETTING AN EFFECTIVE DATE.

17. **Consideration** and **Approval** of a Resolution approving a proposal from Florida Municipal Insurance Trust (Florida League of Cities) for Property & Casualty and Workers Compensation Insurance for the 2024-2025 Fiscal Year, in the amount of $757,072.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RENEWING PROPERTY

& CASUALTY LIABILITY AND WORKERS COMPENSATION INSURANCE FOR FISCAL YEAR 2024- 2025 WITH FLORIDA MUNICIPAL INSURANCE TRUST (FMIT); PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AGREEMENT OR RELATED DOCUMENTS; AND SETTING AN EFFECTIVE DATE.

18. **Consideration** and **Approval** of a Resolution approving Florida Blue to provide health and dental insurance and MetLife to provide life, disability, and Accidental Death & Dismemberment insurance for Town employees for Fiscal Year 2024-2025.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING FLORIDA BLUE TO PROVIDE HEALTH AND DENTAL INSURANCE AND METLIFE TO PROVIDE LIFE, DISABILITY AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR TOWN EMPLOYEES FOR FISCAL YEAR 2024-2025; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AGREEMENT OR RELATED DOCUMENTS; AND SETTING AN EFFECTIVE DATE.

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

PUBLIC COMMENT

Frances Neuhut, from 1060 Kane Concourse, voiced concerns about the insufficient parking in the area and the recent increase in parking meter fees. She also discussed the Causeway Bridge and its insurance policy, as well as the Town's decision to enter into Mutual Aid Agreements with several cities, pointing out that Bal Harbour and Surfside were not included in these agreements.

PUBLIC COMMENT CLOSED

Mayor Fuller explained that the Town has local agreements with all surrounding municipalities. The agreements currently being renewed are only those that are nearing expiration. He clarified that Surfside and Bal Harbour are not excluded, as the Town works with all nearby communities to ensure coordinated responses in case police assistance is needed.

Council Member Bruder raised concerns about parking on 95th Street, noting that most employees should be parking in the garage to open up spaces for residents and visitors. She mentioned that the lot was often full, making it difficult for visitors to find parking at Town Hall. She suggested the Town Manager ensure employees primarily use the garage and proposed that individuals parked in metered spots without paying for the full duration should be ticketed.

Vice Mayor Salver responded to Ms. Neuhut's concern about the insurance by explaining that Lloyd's of London is currently the only insurance provider willing to insure the bridge.

Council Member Rappaport acknowledged the significant increase in parking fees. He explained that raising prices, though unfortunate, was necessary to cover costs and manage operations effectively.

Council Member Yaffe mentioned that the Town had reduced the number of Bal Harbour shop employees using the garage, which had led to lower revenue. He emphasized that limiting employee parking in the garage would create more space for residents.

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

ORDINANCES ON SECOND READING:

19. **Consideration** and **Approval** of an Ordinance on Second Reading amending Section 5-23.01 of the Town Code regarding appointments to the Design Review Board. Sponsored by Council Member Eric Rappaport.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 5-23.01 OF THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE DESIGN REVIEW BOARD; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE II ENTITLED DESIGN REVIEW BOARD; SECTION 5-23.01 ENTITLED DESIGN REVIEW BOARD MEMBERSHIP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Council engaged in an extensive discussion about the terms of service for Board Members, including whether staggered terms should be implemented and how many members should serve on the Board.

Council Member Yaffe proposed a structure in which four members would serve two-year terms, and three members would serve one-year terms.

Council Member Rappaport emphasized that having the same seven members for at least two years would ensure continuity in decision-making, particularly with new projects coming online. He expressed confidence that many of these

members would likely remain on the Board beyond the two-year term. He noted that this was discussed in the previous meeting, where it was decided to maintain a non-staggered Board of seven members instead of adding two alternates.

Council Member Yaffe suggested that if all members are required to reapply, four members should serve two-year terms, and three should serve one-year terms, with all members transitioning to two-year terms afterward. He stated that this staggered approach would prevent a complete turnover every two years. He acknowledged Council Member Rappaport's point about the continuity of long-serving board members but maintained that staggered terms would be a more effective structure overall.

Mayor Fuller expressed support for staggered terms but raised concerns about whether implementing them at this stage would constitute a substantial change, as the discussion was at second reading.

Town Attorney Geller confirmed that amending the terms was not an issue and suggested separating the two topics for clarity during the second reading. He recommended first amending the Board structure to set the number of members at seven, as there seemed to be consensus on that. Then, the second amendment could address staggering the terms. This approach would allow the changes to be adopted promptly without combining unrelated issues.

Council Member Rappaport made a motion to amend the Board's structure to seven members with removal the alternates. Council Member Yaffe seconded the motion, and all voted in favor.

Council Member Yaffe then made a motion to amend the Board's terms to have staggered terms: four members serving two-year terms and three serving one-year terms, with everyone transitioning to two-year terms thereafter. Council Member Bruder seconded the motion, and all voted in favor.

Council Member Yaffe noted that the Ordinance included the phrase "this Board serves in an advisory role" twice, specifically in section 5-23.1. He emphasized that the Board does not act in an advisory capacity but instead makes final decisions on all projects in the Town, including residential, multifamily, and commercial developments. He proposed striking the word "advisory" in both instances.

Council Member Yaffe made a motion to amend the Ordinance by removing the word "advisory." Council Member D'Amico seconded the motion, and all voted in favor.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, expressed concerns about the changes to the Design Review Board and the projects it approves. She argued that the Board's responsibilities should fall under the Town Council.

PUBLIC COMMENT CLOSED

ACTION: Council Member Rappaport made a motion to approve the Ordinance on second reading, with the following conditions: the Board will consist of seven members, with no alternates; the members will serve staggered terms, with four members serving two-year terms and three members serving one-year terms in the first year. All members will subsequently transition to two-year terms.

Additionally, the word "advisory" will be removed. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

20. **Consideration** and **Approval** of an Ordinance on Second Reading amending Chapter 15 of the Town Code, by adding Section 15-2 regarding appointments to the Parks & Recreation Committee. Sponsored by Council Member Eric Rappaport.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO PARKS AND RECREATION BY AMENDING CHAPTER 15, ARTICLE 1, RETITLING FROM "RESERVED" TO SECTION 15-2 TO BE ENTITLED "PARKS AND RECREATION COMMITTEE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

21. **Consideration** and **Approval** of an Ordinance on Second Reading amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;

AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member D'Amico seconded the motion.

Mayor Fuller explained that the initial packet did not accurately reflect the changes that had been previously discussed, particularly regarding the Stop Work Order process. Initially, the packet proposed that the stop work order would take effect the day after a violation occurred. However, this was corrected so that the order would take effect immediately, on the same day the violation occurs. This change is crucial to prevent individuals from avoiding penalties for violations that happen later in the day. The updated draft also clarifies the definition of "the day" to ensure consistent language aligned with the intended enforcement.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, spoke up, highlighting that while Ordinances can be established, their lack of enforcement leads to issues. She shared her own experience with code enforcement and personal property problems, urging for stronger enforcement. She also criticized the Council for passing Ordinances she felt were ineffective.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the Ordinance on Second Reading. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

22. **Consideration** and **Approval** of an Ordinance on First Reading amending Section 23-12(22) of the Town Code pertaining to fences that include lighting features. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATING TO THE REGULATION OF WALLS AND FENCES; AMENDING CHAPTER 23, ARTICLE I, SECTION 23-12(22); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Yaffe explained that the request for this Ordinance was driven by the need for better oversight of new construction and renovations of existing

homes. When new homes are presented for approval, they typically show a complete design plan. However, alterations to existing homes often occur in smaller stages, which can result in design inconsistencies. For example, at a home on 101st Street, changes to the lighting had a significant impact on the house's appearance. The original plans included small, classical light fixtures on the bollards, but these were later replaced with large, globe-like bulbs. Regardless of personal opinions about the design, this change drastically altered the home's appearance at night, making the lighting a prominent feature.

The goal is to ensure that the Design Review Board (DRB) can evaluate and approve such changes to maintain aesthetic consistency.

Council Member D'Amico suggested that applicants should provide graphics of their primary materials, especially if these materials are large or prominent features of the home. She emphasized that these materials should be presented to the Design Review Board, as they are responsible for assessing compatibility during the review process. She pointed out that compatibility is one of the key criteria used by the DRB, and it is important for the Board to see all relevant details, including lighting, to make informed decisions.

Town Planner Belle explained that the Code does not require specific standards for fences with columns and lights on top. Typically, lights from stores like Home Depot or Lowe's are not bright enough to necessitate photometric information.

She mentioned that Town Planner Miller had visited the site and taken photos, which were shared to illustrate the existing conditions in the area. While many homes have similar installations, she clarified that a permit is only required for this case because the fence column does not constitute a full wall. A DRB review is only necessary when a full wall is involved. She also noted that the issue was with the permit, which depicted a more classical lighting design, while the actual installation used a large globe-shaped bulb.

Mayor Fuller questioned why Code Enforcement isn't addressing this discrepancy, given that the permit depicted one type of lighting, but the installed fixture is different.

Town Planner Belle explained that the Code does not specifically approve lighting fixtures; it only states that a light will be installed in the column, along with the fence.

PUBLIC COMMENT

Frances Council, 1060 Kane Concourse, expressed concern about shifting responsibilities from the Council to the Design Review Board (DRB), arguing that this approach doesn't work due to the close proximity of many homes. She highlighted issues such as light pollution from nearby properties and problems created by the existing lighting and wall structures, including water runoff from higher homes flooding smaller ones.

Council Member Yaffe clarified that the goal was not to add more lights but to regulate lighting installations, ensuring that only appropriate lighting is used in specific locations. He emphasized that the DRB would review the lighting to prevent the use of unsuitable fixtures, offering oversight to ensure compatibility with the neighborhood.

Linda Zilber, 1231 95th Street, participated via Zoom and noted issues with lighting, especially in areas where new buildings with second floors are adjacent to single-story homes. The bright lights from these taller structures often shine directly into neighbors' homes, causing discomfort. She inquired about possible measures to assist residents whose neighbors' lights were too bright and asked whether any rules or Ordinances were in place to inspect lighting installations.

PUBLIC COMMENT CLOSED

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

DEFERRED ITEMS:

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

23. Update on Transcore proposal for $355,068.60 to upgrade all the servers and software on the SunPass toll system that was conditionally approved at the August 14, 2024, Regular Council Meeting.

Town Manager Rosado explained that during the Regular Council Meeting on August 14, 2024, the Town Council instructed Staff to review the vendor's contract to ensure the equipment was not proprietary and would not create any binding obligations for the Town. Legal counsel reviewed the contract and confirmed that it does not impose any binding commitments on the Town.

24. **Consideration** and **Approval** of a Resolution providing for additional services under the existing contract with Brightview Landscape Services, Inc. to perform landscaping and irrigation maintenance services, including plant removal, replacement, and irrigation repairs. Sponsored by Council Members Stephanie Bruder and Robert Yaffe.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and expressed concerns about the removal of large trees during development. She emphasized that in the past, efforts were made to replant these trees on other parts of the island rather than destroying them. She strongly believed that developers should not be allowed to come in and cut down beautiful trees simply because they want to clear

the land. Mrs. Neuhut stressed the importance of preserving the Town's greenery, stating that residents deserve more than just “twigs” left behind after a project is completed.

Linda Zilber, 1231 95th Street, participated via Zoom and suggested inviting the developers to a meeting to discuss their plans and ensure community involvement. She emphasized that it’s crucial for the entire Town to maintain its beauty and for everyone to feel included in the process. If Brightview wishes to be hired and compensated by the Town, they should be open to listening to the community’s concerns and feedback.

PUBLIC COMMENT CLOSED

Council Member Bruder introduced the item for discussion and Vice Mayor Salver seconded the motion.

Council Member Bruder highlighted two key points. First, it is crucial to completely update and replace the existing landscaping. Second, she proposed establishing a program to ensure the Town avoids similar issues in the future, preventing the need for significant financial expenditures.

Council Member Yaffe expressed concerns about Brightview, the landscaping company. He explained that, following the community enhancement project years ago, the decision was made to outsource landscaping maintenance to professionals. However, he felt that Brightview had not been proactive. For example, when a corner had half-dead plants, Brightview should have notified the Town that replacements were necessary. Instead, weeds grew unchecked through the plants. After a meeting with Brightview representatives, he made it clear that, following the refurbishment, they would need to adopt a more proactive approach and communicate regularly with the Town.

Town Manager Rosado shared that in her meetings with Brightview; they had requested specific personnel to handle the Town’s landscaping needs. She believes that, with these staffing changes and the ongoing refurbishment efforts, Brightview will be more responsive and better aligned with the Town’s needs moving forward.

Vice Mayor Salver pointed out the increasing presence of Brazilian Pepper trees both inside and outside the Town. He emphasized that this invasive species had become a significant issue and that other communities had launched campaigns to eradicate them. He stressed the importance of addressing this problem proactively to maintain the Town’s aesthetic and environmental quality.

Town Manager Rosado informed the Council that a comprehensive review of various sections of the Town Code is underway. One area of focus, which Ms. Belle has already started working on, involves landscaping and maintenance. As part of proposed revisions, the Town Manager recommended implementing regulations that would prohibit invasive plants, including Brazilian Pepper trees, on private property. This would help mitigate the impact of such species and

improve the overall landscape.

Mayor Fuller raised two key concerns with Town Manager Rosado. First, he supported upgrading the Town's irrigation systems. For an additional $10 to $20 per system, the Town could implement monitoring systems that would prevent irrigation during rainfall, thus reducing flooding during the rainy season. Second, he pointed out that maintenance work is often scheduled during the day, which can disrupt residents, especially when children return home from school. He suggested that irrigation be scheduled around 3:00 a.m., to minimize disturbances. Mayor Fuller emphasized the need for Brightview to treat wildlife humanely, noting that he had witnessed instances where crabs were buried alive during replanting, an issue that must be addressed.

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

DISCUSSION ITEMS: There were no discussion items.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:59 p.m.

Accepted this _____ day of _____, 2026.

_____

Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Final Budget Public Hearing Meeting
MINUTES
September 26, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

The Town of Bay Harbor Islands Final Budget Public Hearing was held on Thursday, September 26, 2024, at 7:34 p.m. Upon roll call the following members responded:

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

Council Member Stephanie Bruder was absent.

1. **Announcement** of the Town of Bay Harbor Islands Fiscal Year 2025 millage rate of 3.1728 mills per $1,000 taxable value. The "rolled-back" millage rate is 2.8829 mills per $1,000 taxable value. The proposed FY 2025 Millage Rate is 10.06% more than the rolled-back rate, needed to fund expenditures and expenses for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025.

   Town Manager Jenice Rosado announced the Fiscal Year 2024-2025 final millage rate of 3.1728, the rolled back rate of 2.8829 mills, and the 10.06% increase over the millage rate.

2. **Consideration** and **Approval** of a Resolution adopting a final millage rate of 3.1728 mills for the Fiscal Year 2024-2025, which is 10.06% greater than the rolled back rate of 2.8829 mills.

   A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025; ANNOUNCING THE

ADOPTED FINAL MILLAGE RATE OF 3.1728 MILLS, WHICH IS GREATER THAN THE ROLLED BACK RATE OF 2.8829 MILLS, COMPUTED PURSUANT TO STATE LAW; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe made a motion to approve the Resolution adopting the 3.1728 millage rate for Fiscal Year 2024-2025. Council Member Diallo seconded the motion, and it passed 6-0 on a poll vote.

3. **Consideration** and **Approval** of a resolution adopting a final budget for the Fiscal Year commencing October 1, 2024 and ending September 30, 2025.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, IN THE AMOUNT OF $52,013,266; PROVIDING FOR EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR BUDGETARY CONTROLS; PROVIDING FOR GRANTS AND GIFTS; PROVIDING FOR BUDGET AMENDMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Salver made a motion to approve the final budget for Fiscal Year 2024-2025. Council Member Rappaport seconded the motion, and it passed 6-0 on a poll vote.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and spoke about her disappointment with the Fiscal Year 2024-2025 final budget millage rate.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:44 p.m.

Accepted and adopted this ____ day of _____, 2026.

_____

Mayor

ATTEST

_____
Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
October 14, 2024
5:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Regular Meeting of the Town Council was held on Monday, October 14, 2024, at 5:31 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller

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

SPECIAL PRESENTATION:

1. Proclamation - Red Ribbon Week - October 23-31, 2024
   Mayor Fuller read a Proclamation proclaiming October 23-31, 2024 as Red Ribbon Week in Bay Harbor Islands. Romina Tripichio, Executive Officer, PCF Bruce W. Carter MOH Young Marines, and students accepted the Proclamation.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Council Member Bruder requested that an item be added to the next agenda regarding the renewal of the License Agreement for Temporary Parking Spaces.

TOWN MANAGER'S REPORT: There was no report presented.

COUNCIL REPORTS:

Council Member D'Amico reported on the upcoming opening event for the 92nd Street Dog Park, scheduled for November 3rd at 4:00 p.m. The event will include a block party (dog party), a costume competition for dogs and their owners, and the Humane Society will be present for pet adoptions. She also shared plans for an art contest open to BHI students and residents. Additionally, she proposed starting an art club for all ages, with art appreciation lectures to be held on Monday commencing before Thanksgiving. The lectures will cover topics like art and the environment, art and culture, and art and science, leading up to the art festival.

Council Member Yaffe expressed gratitude to the Town staff, Police Department, Public Works Department, and everyone involved in storm preparations. He reported attending daily meetings led by the Miami-Dade County League of Cities, alongside the Miami-Dade County Mayor and Emergency Management Personnel. These meetings provided updates and ensured everyone was

well-prepared for the storm. He also mentioned his upcoming attendance at a Miami-Dade County Board of Rules and Appeals meeting on Thursday, where he will participate in discussions about revising recertification forms to reflect recent amendments to the Condominium Act and requirements for milestone reports. The new recertification forms will be in place starting in January.

Council Member Rappaport acknowledged the observance of the first anniversary of the October 7th event at the Shul at Bal Harbour. He thanked the Police Chief and staff for their hurricane preparedness efforts. He also mentioned the Hatzalah volunteer air ambulance stationed near the trailers on 95th Street, which is an important resource for the community, available 24/7 for emergency assistance.

Council Member Bruder suggested adding Hatzalah's phone number to the Newswaves. She also requested an update on flyers the Building Department was supposed to distribute, informing seniors about special assessment loans available through Miami-Dade County. Additionally, she requested an update on the twelve computers purchased for senior citizens' use. She commended Town Manager Rosado and her staff for their strong hurricane preparedness leadership. She also highlighted the need for nighttime crossing guards to wear reflectors for better visibility, suggesting illuminated stop signs for the crossing guards to hold at night.

Vice Mayor Salver expressed gratitude to the Town Manager and staff for their outstanding work before, during, and after the storm. He reported attending two meetings in Naples regarding the Florida League of Cities and chaired the Florida Municipal Loan Council. He noted that the cost of his trip to Naples was fully covered by the Florida League of Cities, ensuring no taxpayer dollars were used.

Mayor Fuller commended the Town staff, Town Manager Rosado, and the Police Chief for their extraordinary efforts during the hurricane. He appreciated the proactive approach taken by staff, ensuring everything was functioning properly. He reported attending the October 7th event at the Shul and the Florida League of Cities meeting, where he serves on a committee. He also met with coastal communities in South Florida to discuss regional issues like noise prevention and environmental impacts. He emphasized the importance of collaboration among municipalities to address these challenges.

Mayor Fuller also shared that the Town was approached by the Fresh Market about a potential public-private partnership at the new Town Hall. The Fresh Market has expressed interest in leasing around 29,000 square feet with 20-foot ceilings. Mayor Fuller suggested that a Fresh Market or similar tenant could help cover most of the costs of the new building. He proposed continuing discussions with the Fresh Market and asked the Council for their approval to move forward with these talks.

Council Member Yaffe raised concerns about the potential increase in traffic due to the Fresh Market, as well as the need to preserve enough space for community activities in the new facility, as the current Community Center cannot accommodate all events.

Council Member D’Amico informed the Council she was working on a schematic design to optimize the space in the new Town Hall, including areas for the Police Department and community activities. She emphasized that every square foot could potentially generate revenue for the Town and indicated that she would bring the schematic to the Council at a future meeting.

Mayor Fuller explained that the old building had not yet been demolished, but demolition was planned soon. He clarified that discussions with the Fresh Market were still in the early stages, and no firm commitments had been made yet.

Council Member Rappaport inquired about how much the parties involved were willing to contribute toward the project. Mayor Fuller responded that the discussions would focus on the financial contributions of Fresh Market, including whether they would contribute toward construction costs or a long-term lease. He noted that financing options were still being explored.

Council Member Rappaport asked if the Fresh Market would occupy the entire first two floors. Mayor Fuller confirmed that the Fresh Market would occupy the bottom two floors, except for areas needed for the police station entrance and parking access. The police station would primarily occupy the first floor, with some areas extending to the second floor.

Council Member D'Amico suggested that the Council should finalize its plans before getting into too many details with the Fresh Market. She pointed out that the previous study lacked enough information and didn't clearly define spatial relationships within the building. She recommended that the Council set clear expectations for space allocation before engaging with outside parties.

Council Member Bruder emphasized the need for realism, acknowledging that the Town's available resources might not be enough to build the full-scale project they envision. She suggested that they may need to scale back their plans and make compromises to move the project forward.

Vice Mayor Salver suggested holding a workshop to discuss the project and allow public input. Mayor Fuller asked if the Council approved continuing discussions with the Fresh Market, and the consensus was to proceed with the talks.

Council Member Yaffe announced that on November 14th at 6:30 PM, the documentary *We Will Dance Again* will be screened at Beth Moshe Congregation in North Miami. The film recounts the Supernova Music Festival massacre, with a Q&A session afterward featuring a survivor. He also expressed concerns about the condo database used for storm preparation, noting that it is often outdated. He suggested repealing the annual registration requirement if the database cannot be made more useful.

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. ***A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council.*** *Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Max Benoliel, of 9421 East Broadview Drive, expressed frustration with the SunPass system, stating that after a year of issues with his Range Rover, they were unable to find a functioning SunPass location. He explained that he had been paying $4 to $8 daily in tolls without receiving credits and questioned whether the system's narrow band was causing the issues. He complained about the lack of solutions, feeling that the burden was falling on the Town.

Vice Mayor Salver expressed confidence that the Town Manager would support efforts to resolve the issue. He mentioned ongoing discussions about assigning a staff member to work with the County's causeway team to create a pathway for solving these problems. Town Manager Rosado acknowledged improvements in problem-solving and shared that she and Pass Plan Manager Garcia had discussed implementing a license plate tolling option as a backup to the transponder system. While there are monetary concerns, they are exploring this option to address issues like those experienced by Mr. Benoliel.
Mayor Fuller informed Mr. Benoliel that new equipment to replace the existing system is on the way, which should address the issue.

Patricia Warner, of 9111 East Bay Harbor Drive, raised concerns about flooding in front of the library and asked if the community center would close during excessive flooding. She also noted flooding in the parking lot after heavy rain, particularly where water from the roof downspouts drains into an area that floods, reaching the top of car tires. She questioned whether the Town plans to address these weather-related issues, especially as storms are expected to worsen.

Mayor Fuller acknowledged the flooding issue, stating that the Town could work on improving drainage. However, he explained that the street level and building design present challenges that prevent an immediate solution for flooding near the building. He emphasized the need for barriers to protect the building from damage, although these may inadvertently block access. He assured Ms. Warner that the downspout issue could be looked into for potential rerouting and that the Town is continually working on ways to reduce flooding, though they are limited by available options.

Ms. Warner also raised a concern about zoning for new buildings, noting that while some new structures are architecturally beautiful, they are built very close to neighboring properties. She described how this proximity affects privacy, with windows and parking areas facing directly into bedrooms of adjacent buildings and questioned whether zoning regulations could help create more space between properties.

Frances Neuhut, of 1060 Kane Concourse, complained about the Bal Harbour Shops using the Town’s business district as a dumping ground for their construction workers and offices. She pointed out that the Church by the Sea, which Bal Harbour Shops found inconvenient, was relocated to the Town, contributing to a tax deficit within the business district.

Kathleen Kennedy, of 9180 West Bay Harbor Drive, raised a question about the location of the beautiful hanging flowers that used to adorn the concourse.

Council Member Bruder responded that, to her understanding, the flowers had been removed and placed in the dome because many of them needed updating. She mentioned that if they were to be displayed again, new flowers would likely need to be purchased.

Ms. Kennedy also praised the Public Works team for their excellent work cleaning the drains and the Police and Code Enforcement Departments for their quick response to a recent issue with a crane shaking during a storm. She commended the Council for improvements at the school, noting how clean and inviting it looked, creating a positive environment for students. She suggested the Town take inventory of its assets and promote the special assessment loans being offered by the County.

Ken Eskin, of 1310 99th Street, expressed frustration over recurring toll overcharges, noting that he had incurred around $180 in additional fees beyond the standard toll payment. Despite previous assurances from Town staff that the issue would be resolved, problems with faulty toll readers persist. He urged the Council to address this matter to prevent further financial impact. He also raised concerns about storm surges and flooding.

Mayor Fuller explained that, due to the Town's location on the bay, residents are especially vulnerable to storm surges. As the bay rises, the surge risk increases, and there is little that can be done beyond thorough preparation. With the current King Tide, compounded by continuous rain and saturated ground, flooding has become a significant challenge. The Town is working to clear drains, but when tides are high and the ground cannot absorb water, there are limitations to what can be done. Despite these challenges, the Town remains committed to exploring future solutions.

Linda Zilber, of 1231 95th Street, attended via Zoom and thanked Shanika Augustin for bringing her flowers for her birthday. She also thanked the Police Department for recognizing her birthday with balloons and a card.

Dave Sanchez, of 1080 94th Street, attended via Zoom and raised concerns about blocked sidewalks due to construction, bright lighting at the Church by the Sea compared to surrounding businesses, and suggested a more cohesive lighting plan. He also asked about crane safety protocols during hurricanes, referencing recent crane accidents in St. Petersburg due to Hurricane Milton, and highlighted the need to protect trees and vegetation, especially with flooding caused by recent rains.

Mayor Fuller responded that, to his understanding, the Town does not have the ability to regulate cranes, as the State has preempted local control over them.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

2. **Consideration** and **Approval** of a request authorizing the issuance of a Request for Proposal for a vendor to perform Low Voltage service for the Town.

3. **Consideration** and **Approval** of a Resolution implementing an Agreement between the Town of Bay Harbor Islands and Critical Event Response Applications (CERA) Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A SOFTWARE SERVICE AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND CERA SOFTWARE, INC., TO PROVIDE THE BAY

HARBOR ISLANDS POLICE DEPARTMENT ACCESS TO CERA THREAT RESPONSE PLATFORM TO PROACTIVELY PROMOTE PUBLIC SAFETY; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

4. **Consideration** and **Approval** of a Resolution authorizing the Town Manager to award a competitively bid contract to Awnings Universal, Inc., the lowest responsible, responsive bidder, for $62,000.00, pursuant to ITB No. ITB-8-1021-CC-0-2024/FVR, for replacement of the existing side-front awning on the west side of the Morris N. Broad Community Center.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH AWNINGS UNIVERSAL, INC. IN THE AMOUNT OF $62,000 FOR AWARD OF INVITATION TO BID NO. ITB-8- 1021-CC-0- 2024/FVR FOR REPLACEMENT OF THE EXISTING SIDE- FRONT AWNING ON THE WEST SIDE OF THE MORRIS N. BROAD COMMUNITY CENTER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration** and **Approval** of a Resolution authorizing the Town Manager to award a competitively bid contract to Smart Coat Painting LLC, the lowest responsible, responsive bidder, for $68,750.00, pursuant to ITB No. ITB-8-1020-CC-0-2024/FVR for painting the Morris N. Broad Community Center and the Parking Garage.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH SMART COAT PAINTING, LLC IN THE AMOUNT OF $68,750 FOR AWARD OF INVITATION TO BID NO. ITB-8-1020-CC-0- 2024/FVR, FOR PAINTING THE MORRIS N. BROAD COMMUNITY CENTER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Consideration** and **Approval** of a Resolution approving a Task Order with 300 Engineering Group, LLC. in the amount of $77,410 to perform the comprehensive lead service line inventory for the Town's water distribution system required by the Environmental Protection Agency (EPA).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A TASK ORDER WITH 300 ENGINEERING GROUP, LLC, IN THE AMOUNT OF $77,410, FOR THE COMPREHENSIVE LEAD SERVICE LINE INVENTORY

FOR THE TOWN'S WATER DISTRIBUTION SYSTEM REQUIRED BY THE ENVIRONMENTAL PROTECTION AGENCY; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

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

PUBLIC COMMENTS

Ken Eskins, of 1310 99th Street, voiced his frustration with the decision to replace the awning at the Community Center. He suggested that pressure cleaning and painting the existing awning would be more efficient and cost-effective, especially considering its ability to withstand hurricanes. Additionally, he noted that rust appeared on the awning shortly after installation and recommended holding the contractor accountable for this issue.

Frances Neuhut, from 1060 Kane Concourse, raised concerns about environmental issues, specifically the dumping of waste into sewer and storm drains. She expressed frustration over the Town's lack of action when these issues are reported and accused Church by the Sea of contaminating the area without facing consequences.

Dave Sanchez, from 1080 94th Street, participated via Zoom and voiced concerns about Item 3 of the agreement, particularly Section 6, which addresses the terms in the event the company is bought or merged. He worried that this section could potentially limit the Town's ability to opt out of the agreement within the specified three-year period. Additionally, he expressed concerns about Section 13, which relates to modifications in internet and telecommunications terms, arguing that such changes were common and might negatively impact the Town.

Town Attorney Geller clarified that the software in question is part of a new experimental system selected by the Police Department. The company providing the system is a startup with a unique contract. Although the Town is not required to commit to it, the Police Department believes the system is the best option to maintain state-of-the-art technology. However, the company is not very flexible about preventing mergers or acquisitions, as it anticipates future growth. While the Town does have the right to cancel the service if it proves unsatisfactory, the company is not open to many changes to the agreement.

PUBLIC COMMENTS CLOSED

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

ORDINANCES ON SECOND READING:

7. **Consideration** and **Approval** of an Ordinance on Second Reading amending Sections 20- 5 and 20-6 of the Town Code to increase the monthly rate for water service to pass through the increase charged by Miami-Dade County Water & Sewer

Department.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 20-5 AND 20-6 OF THE TOWN CODE TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO $6.23 PER ONE THOUSAND GALLONS, AND THE MINIMUM MONTHLY SERVICE CHARGE FOR EACH WATER METER TO $28.96; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder introduced the item, and Council Member D'Amico seconded the motion.

Mayor Fuller clarified that the fee in question is a pass-through charge. This means the Town is not increasing the fee for profit. Instead, it reflects the actual amount the Town is charged, and the full fee will be passed directly to the service provider, with no profit retained by the Town.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, raised concerns regarding the water bills for various properties. She questioned why a small business in the business district receives the same water bill as a large six-bedroom, eight-bathroom house. Additionally, she highlighted that tax-exempt entities such as churches and schools, which have large grease traps and other utilities, benefit from pass-through discounts. She believes this is creating a financial burden on the Town.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the Ordinance on Second Reading. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

8. **Consideration** and **Approval** of an Ordinance on Second Reading amending Section 23- 12(22) of the Town Code pertaining to fences that include lighting features. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATING TO THE REGULATION OF WALLS AND FENCES; AMENDING CHAPTER 23, ARTICLE I, SECTION 23-12(22); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Yaffe stated that a key feature in some homes should be reviewed by the Design Review Board, as it plays a crucial role in understanding the final appearance of the structure. He emphasized that if this feature is not considered by the DRB, it could result in an incomplete understanding of the house's final look after construction is completed.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, raised concerns about ongoing lighting issues, including inadequate streetlight visibility and excessive brightness. She pointed out that lighting from newly constructed two-story homes and tall fences frequently spills into neighboring properties, compromising privacy. She urged a review and potential revision of the current lighting regulations.

PUBLIC COMMENT CLOSED

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

ORDINANCES ON FIRST READING:

9. **Consideration** and **Approval** of an Ordinance on First Reading amending Chapter 24, Section 16 related to the regulations of landscape requirements. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF LANDSCAPE REQUIREMENTS, AMENDING CHAPTER 24 OF THE TOWN'S CODE OF ORDINANCES ENTITLED PROPERTY MAINTENANCE STANDARDS; AMENDING SECTION 24-16 ENTITLED MINIMUM LANDSCAPE STANDARDS TO

MODIFY THE LANDSCAPE STANDARDS; RETITLING SECTION 24-16.1 FROM "USE OF FERTILIZER" TO "TREE REMOVAL, PROTECTION, REPLACEMENT AND ABUSE"; SECTION 24-16.3 "DEFINITIONS"; RETITLING SECTION 24-16.10 FROM "MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER" TO "MAINTENANCE REQUIREMENTS"; SECTION 24-16.15 "ENFORCEMENT AND PENALTIES"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Town Planner Lorraina Belle explained that the new Ordinance will require additional landscaping, organized by specific zoning areas. Single-family zones on the West Side Island and multifamily zones elsewhere will each have different landscaping requirements. These guidelines are detailed, specifying the exact number of trees needed. In response to feedback from recent Design Review Board meetings, provisions have been added for taller trees in public rights-of-way. Additionally, based on prior discussions, the Ordinance now includes requirements for the removal of certain tree species. For any home renovations or additions exceeding 25%, a tree survey will be mandatory to identify and remove any trees that should be removed from the property.

Vice Mayor Salver inquired whether any action had been taken regarding Brazilian Pepper trees. Town Planner Belle replied that the issue is on the agenda, and penalties have been introduced for anyone planting trees in public rights-of-way. There are also penalties for construction debris that enters sewer or drainage systems.

Vice Mayor Salver also asked if the regulations would address the widespread planting of trees in the right-of-way, particularly on the West Island. He wondered if any changes would be applied retroactively.

Ms. Belle responded that Code Enforcement faces challenges visiting every site, but emphasized that if a house is demolished, a tree survey must be conducted to ensure compliance. When asked about retroactive application, Council Members Bruder and Yaffe confirmed that the Ordinance would not be applied retroactively.

Council Member Yaffe asked whether the regulations regarding Brazilian pepper trees apply to private property. Ms. Belle explained that enforcing the removal of Brazilian Pepper trees on private property is difficult. While the trees are no longer permitted, property owners would need to hire an arborist to assess the situation. The Town would need to contact each property owner, who would bear the cost of hiring an arborist. The cost of hiring an arborist or landscape architect could exceed $5,000, depending on the size of the property.

Council Member Yaffe pointed out that Brazilian Pepper trees are easy to identify due to their rapid growth, similar to weeds, and argued that an arborist isn't necessary to spot them. He asked whether the Town could require property owners to remove these trees, as they are prohibited.

Town Attorney Geller responded that while it is possible to try to compel property owners to remove Brazilian Pepper trees, this could face significant opposition. He noted that while prohibiting their planting in new construction or renovations might be manageable, forcing property owners to remove healthy trees at a significant cost would likely lead to resistance.

Vice Mayor Salver acknowledged that, although he wasn't sure which other tree species were prohibited, he agreed that the Brazilian Pepper tree is particularly invasive and spreads quickly. He noted that apps like "Picture This" make identifying such trees easy, and he concurred with Council Member Yaffe's point that these trees are very obvious. He emphasized that, although it might be a tough approach, there should be a strong push to encourage the removal of these trees.

Council Member D'Amico suggested that the Town could offer incentives for residents to report any trees they want removed. She proposed turning the removal into a citywide project and expressed support for such an initiative. Vice Mayor Salver agreed.

Council Member Rappaport mentioned that he had seen language requiring justification for tree removal. He questioned whether the Town would reject a permit request to remove a tree if the justification was insufficient. He suggested that, if a tree is removed, it should be replaced. He recommended clarifying the language to outline the process.

Ms. Belle explained that, according to State law, property owners must hire an arborist or landscaper to justify the removal of a tree—it cannot be solely for aesthetic reasons. She clarified that tree replacement is required unless the property already meets the tree requirement. For example, if a property needs five trees but has six or seven, the owner may be allowed to remove one without replacing it. If there is insufficient space for replacement, the property owner may be approved to relocate the tree within the Town or plant it within a tree trust.

PUBLIC COMMENTS

Frances Neuhut, from 1060 Kane Concourse, expressed concern about the loss of trees due to development, particularly on the West and East Islands. She also criticized the reduction of landscaping requirements from 30-35% to 15%, noting that the small setbacks between homes make it difficult for trees to thrive. Additionally, she objected to the decision to reduce parking in front of homes, which has led to the loss of space for trees and sidewalks. She warned that the Town is losing its green space and becoming more like Surfside, with smaller yards and larger buildings.

Dave Sanchez, from 1080 94th Street, spoke via Zoom and echoed the call for more greenery, particularly on the East Island. He also criticized the reduction in landscaping requirements from 35% to 15%, comparing the Town's approach to Surfside, which he believes is handling landscaping better. He pointed out that the lack of canopy coverage in new developments contributes to heat and flooding issues, and advocated for planting larger trees, like oaks, to provide shade. He also opposed the use of artificial turf and concrete, arguing that they worsen problems in the neighborhood.

PUBLIC COMMENTS CLOSED

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

DEFERRED ITEMS: There were no deferred items.

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

10. **Consideration** of a request from 9955 Bay Harbor Development, LLC, the owner of the lots located at 9927 – 9955 East Bay Harbor Drive, to modify Resolution No. 2162 to reflect a transaction for one (1) TDR unit instead of the three (3) that were previously approved.

Matt Amster, from Bercow Radell Fernandez Larkin & Tapanes, located at 200 S. Biscayne Blvd, represented 9955 Bay Harbor Development and 10301 Bay Harbor Development. He explained that both properties have approved projects, but the new owner has reorganized the unit distribution, maintaining the same total number of units while adjusting the allocation between the two properties. The previous owner had discussed a private transaction with the Council regarding these unit counts. However, with the reorganization now in place, the permit for 9955 Bay Harbor is ready to be issued. To proceed, the TDR deed must be recorded, transferring one TDR from 10301 Bay Harbor to 9955 Bay Harbor, while the remaining two TDRs will stay at 10301 Bay Harbor. This step is required for both projects to move forward according to their approved plans.

PUBLIC COMMENT

Frances Neuhut, of 1060 Kane Concourse, criticized the TDR program, arguing that the money from TDR sales should have been secured in advance but wasn't. She pointed to past issues, such as the project at 1177 Kane Concourse, where funds were instead held by the attorney. Mrs. Neuhut contended that the TDR program has failed to generate funds for Town improvements, leaving the Town without the necessary money for projects like a new Town Hall.

PUBLIC COMMENT CLOSED

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

DISCUSSION ITEMS:

11. **Discussion and possible action** regarding the location of pickleball courts on the island.
Sponsored by Council Member Stephanie Bruder.

Council Member Bruder addressed the demand for pickleball in the Town, noting that residents have expressed interest in the sport. She visited Aventura to observe their pickleball courts and inquire about noise levels. She proposed using the 97th Street Parking Lot, currently used for staging near Kane Concourse, as a potential location for a pickleball court. While she considered other possible sites, she highlighted this location's benefits, particularly its proximity to parking and relatively low noise levels. She believes a pickleball court would meet the needs of residents.

Council Member D'Amico asked if Aventura's court design or materials helped mitigate the noise from the pickleball courts.

Council Member Bruder responded that while noise mitigation in Aventura is effective, it is never perfect. She suggested that setting specific hours of operation for the pickleball courts could help address noise concerns.

Council Member D'Amico agreed that finding a location for a pickleball court is a great idea, emphasizing that it's a wonderful sport and one she personally enjoys. She added that it would be a positive community asset, allowing residents to enjoy the sport without needing to leave Town.

Council Member Rappaport expressed some reservations about the proposed location but noted the increasing concern among residents who feel underserved. He pointed out that people are comparing the Town to neighboring areas like Surfside and Bal Harbour, which have new parks. He emphasized the need for more public amenities, including recreational spaces, as the Town plans for the future.

Mayor Fuller proposed using the space under the future bridge for public amenities, similar to a project in North Miami where they converted the area beneath an expressway into a soccer field. He suggested that, depending on the final design of the bridge, this space could be used for recreational facilities such as a soccer field, pickleball courts, or other amenities. He stressed that, with limited land, the Town should explore creative ways to add public amenities in the future.

PUBLIC COMMENT

Frances Neuhut, from 1060 Kane Concourse, criticized the Town's development, pointing out the increasing use of impervious surfaces like concrete and artificial turf, which worsen flooding and reduce open space. She also highlighted parking shortages and drainage issues affecting nearby properties. She concluded that these developments are damaging the community and worsening existing problems.

PUBLIC COMMENT CLOSED

ADJOURNMENT:

There being no further business the meeting adjourned at 6:54 p.m.

Accepted and adopted this ____ day of _____, 2026.

_____

MAYOR

ATTEST

_____

Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Special Town Council Meeting
MINUTES
November 4, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Special Meeting of the Town Council was held on Monday, November 4, 2024, at 8:36 a.m. Upon roll call the following members responded:

Mayor Joshua Fuller
Vice Mayor Isaac Salver — Council Member Teri D'Amico
Council Member Eric Rappaport — Council Robert Yaffe

Council Member Molly Diallo and Council Member Stephanie Bruder were absent.

1. **Consideration** and **Approval** of a resolution setting aside funding for the design and construction of the Broad Causeway Bridge replacement in an amount up to $129 Million Dollars. Sponsored by Mayor Joshua D. Fuller.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA SETTING ASIDE FUNDING FOR THE DESIGN AND CONSTRUCTION OF THE BROAD CAUSEWAY BRIDGE REPLACEMENT IN AN AMOUNT UP TO $129 MILLION DOLLARS; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member D'Amico seconded the motion.

Mayor Fuller explained that the Town has applied for the Bridge Investment Program grant, which could provide a substantial amount of funding, approximately 50% of the total cost for the Broad Causeway Bridge Replacement Project. However, an early analysis and debrief revealed deficiencies in the current funding presentation. A key concern is the lack

of clear documentation demonstrating that the local match of $129 million is secured. The U.S. Department of Transportation (USDOT) requires assurance that these matching funds are not just intended or informally set aside but officially designated and recorded in the Town's financial records for the bridge project. The Town has to formally set aside funds by adopting a Resolution that clearly states that they are secured for the bridge project. The Town is committed to allocating additional funds over multiple years, starting with a seven-year timeline, with the potential to extend, until the full local match is met. Taking these actions will demonstrate the Town's financial commitment and significantly improve its position for receiving the grant. The resubmittal documents are due back to USDOT by November 7th.

Vice Mayor Salver asked about compliance implications of earmarking funds exclusively for the bridge and expressed concern about possible delays in the project and what happens if the current bridge deteriorates faster than expected. He wanted to understand restrictions on reusing those funds in case of changing needs or timelines.

Finance Director Siefken explained that $19 million is being set aside, along with an additional $2.5 million annually for repairs. If the repair expenses remain at or below $2.5 million per year over the next six years, the budget should remain stable. However, if the amount is exceeded, transfer of funds from the Causeway Fund to the Operating and General Funds will be necessary. In that case, consideration may be given to increasing the millage rate or securing a new loan. This is particularly important because the current loan will mature in 2028, and the Town will need to refinance or obtain a new loan at that time.

Mayor Fuller explained that this Resolution is specifically tied to the grant. If the funding is received, the Town is set up to move forward; if it's not received, the Resolution can be revised as necessary to reflect a new approach.

Vice Mayor Salver, speaking from a CPA's viewpoint, expressed concerns that funds designated for a specific purpose—especially in nonprofit or government settings—are considered restricted and must be used accordingly. For instance, funds earmarked for a bridge down payment must be reflected as such in financial statements. Redirecting them would likely require borrowing, adding complexity. It's important to consider this issue carefully and discuss it with the Town's current CPA firm, independent auditors.

Finance Director Siefken responded no but mentioned that restrictions need to be included in the audit for the financials of the current fiscal year, 2025, and for the next fiscal year, as well.

Council Member Rappaport asked if the plan is to allocate at least $36 million over the next six years. Mayor Fuller mentioned it's actually seven years. However, they don't need a detailed plan for half of that amount immediately, only to show ongoing progress toward the goal.

Mayor Fuller explained that they are committing in writing to allocate $6 million from the causeway budget over the next seven years if they receive a $129 million federal grant. This commitment depends on factors like toll revenue and other costs. The purpose is to show the Federal government that they have “skin in the game” by contributing their share, as required for the grant application. They need to provide a clear breakdown of where their funding will come from, not just a simple promise.

Council Member D’Amico stated that to match the other funds, they will need to take out a loan. There is a loan option available with a 1% interest rate.

Mayor Fuller explained that they are exploring funding options and have been in contact with the Florida Department of Transportation (FDOT), which confirmed eligibility for a $50 million long-term loan at 1% interest. This loan would contribute to a broader community funding goal of $250 million. Additionally, they are pursuing other Federal and State grants, working to secure the remaining funds in stages.

There was discussion regarding the financial breakdown related to both the old and new bridge projects. As of the end of the year, there is $7.6 million in the account, with $2.5 million allocated for old bridge repairs. There is currently about $19,500 in a particular fund; $3.5 million is being spent on current repairs, leaving $16 million in reserve. Of that, $15 million is for planning the new bridge. For FY 2025–26, $13.6 million is projected, with $6 million going into a dedicated fund and $7.6 million remaining. The $2.5 million annual repair estimate for the old bridge will come from current toll revenue, which totals about $12 million/year. The goal is to separate funds for the old and new bridges, as required by USDOT, even if they remain in the same account, to improve clarity and planning.

Council Member D’Amico expressed concern about the comingling of accounts.

Mayor Fuller explained that moving the monies later is possible if necessary, but for now, they’re being kept as-is because the administration is satisfied with the current interest rate.

Council Member D’Amico asked where the insurance funding comes from. Mayor Fuller explained that it comes from the remaining $5 million after taking $2.5 million out of the $7.5 million budget. That remaining amount covers insurance, maintenance, and salaries. He emphasized that the funds are already available due to previously raised toll, which created a surplus. They’ve already been using this surplus, and now they just need to officially acknowledge it through a Resolution.

Council Member D’Amico suggested a monitoring system and a Project Manager to oversee repairs due to the large amount of money involved. She expressed concern about the insurance since only one insurer is willing to cover the bridge, which feels risky. She expressed concern as to what would happen if the bridge had to close temporarily, which could cost around $4 million per quarter in lost revenue.

Mayor Fuller responded that if the bridge closes, several other actions would be triggered. First, the Town would seek additional Federal and emergency aid. This would be an entirely different situation, which they hope to avoid. However, if it does happen, it will change everything.

Council Member Yaffe pointed that there would be no revenue if the bridge closes down.

Mayor Fuller stated that, at that point, the federal and state governments would have no choice but to act. The Town has been warning them for a long time. However, the Town doesn't want them to take control of the bridge.

Council Member D'Amico asked what the consequences would be if the Town does not make the payment, and whether the process is merely to verify that the funds are available in the account or if the Town is actually required to pay someone.

Mayor Fuller replied that their main concern is ensuring the funds are secured. This process is consistent with what the Town has been doing so far — there's nothing fundamentally new. The focus is on how the money is categorized and the commitment the Town is making. USDOT emphasized the importance of having the funds secured. They were asked if this meant setting up a separate account, but they clarified that's not necessary. Instead, the funds just need to be clearly categorized. They want to see a detailed plan showing the source of the funds, rather than a vague statement like, Give us $129 million and we'll figure out the rest later.

Council Member D'Amico commented on the letter to the USDOT, asking whether the Town would be directly penalized or simply lose the grant money if it failed to meet the requirements. Mayor Fuller responded that if the Town is being offered $129 million, it will find a way to comply and secure the funding. Council Member D'Amico added that after the New Year and the Art Festival, she would like to schedule a revenue-focused workshop, as she does not fully understand all of the Town's revenue sources and would like to gain a better understanding.

Council Member Rappaport asked if other funds that receives support with bridge revenues, like the Police Fiduciary Fund and others, won't be receiving any funds in the near future. Mayor Fuller explained that this change doesn't affect those funds at all. In fact, the Town has been setting this money aside already—that's how it reached the original amount of $30 million. This is just a re-categorization to show where the funds are. The other $7.5 or $7.6 million, as Council Member D'Amico mentioned, funds police-related expenses and other items.

Vice Mayor Salver suggested that Council Member D'Amico set up an appointment with staff to review the financial statements and the budget, so they can explain fund accounting in detail.

PUBLIC COMMENTS

Frances Neuhut, 1060 Kane Concourse, voiced strong concerns about the Causeway Island study, citing unclear funding sources, poor public engagement, and inconvenient meeting times. She highlighted serious flooding issues, the impact of nearby construction and bridge projects, and residents' fear of long delays in replacing the bridge.

She also was alarmed about flood insurance challenges, including rejected payments, and urged for an emergency discussion and increased transparency.

Vice Mayor Fuller explained that seven public open meetings have already been held. This meeting is simply to categorize everything. The reason it's an emergency meeting is that the debrief was just received. Everything has been transparent and open to the public, and the Town is working as fast as possible to build a bridge.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the Resolution. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

2. **Consideration** and **Approval** of a resolution authorizing the Town Manager to execute a letter to the US Department of Transportation in regard to requesting a federal grant and applying up to $129 Million Dollars to be applied towards the local non-federal match for the design and construction for the Broad Causeway Bridge replacement. Enclosed are the resolution and BIP Funding Letter. Sponsored by Mayor Joshua D. Fuller

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A LETTER TO THE US DEPARTMENT OF TRANSPORTATION IN REGARD TO REQUESTING A FEDERAL GRANT AND APPLYING UP TO $129 MILLION DOLLARS TO BE APPLIED TOWARDS THE LOCAL NON-FEDERAL MATCH FOR THE DESIGN AND CONSTRUCTION FOR THE BROAD CAUSEWAY BRIDGE REPLACEMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

Mayor Fuller made a motion to approve the Resolution with the amendments to add a comma after the word bridge, in paragraph 3 in the line that starts with 'maintain the existing bridge'; on the next line, addition of a comma after 'obligations'; and addition of a comma at the end of the sentence that reads: 'The rapidly deteriorating bridge will

decrease once extensive repairs are completed in the near future', followed by 'thereby further adding to the Town's available funds, followed by a period'. In the next sentence, addition of a comma after 'cash' to read: "The Town has already allocated $58 million in cash, which will be immediately available for the project', not 'which are' since this allocation has been built up over the years. Council Member Yaffe seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, criticized the Town for failing to build flood protection infrastructure despite having funds a decade ago, choosing instead to focus on toll revenue issues with the State. She highlighted severe flooding problems affecting her and other residents, including flooded docks and blocked exits. She alleged that many, including herself, are losing flood insurance. She also noted delays in permitting—a dentist tenant, Dr. Brilliant, who has waited six months for a permit—and issues with electrical inspections, all of which are hindering progress.

Council Member D'Amico expressed concern that many residents are alarmed by how quickly severe flooding occurred—within just an hour or two. She warned that if the bridge were to fail during such an event, residents could become trapped, effectively turning the area into a flooded island. She emphasized the need for increased efforts to clear out drainage systems. Additionally, she raised concerns about ongoing construction and its potential impact on the sewer system.

Mayor Fuller explained that bridge funds are not permitted to be used for flood-related issues. Council Member D'Amico expressed concern about the flooding and requested assistance in addressing it. Mayor Fuller acknowledged the desire to tackle flooding emphasizing that using the bridge funds for that purpose would be illegal.

Council Member D'Amico responded by noting that when people see $1.2 million allocated specifically for the bridge, it gives the impression that the funds are untouchable, which feels like a sacrifice given the current flooding risks. She pointed out that any storm could happen soon, and the bridge is one of the most vulnerable parts of the infrastructure. Although the bridge funds are restricted, she urged that if the Town is investing so much in this bridge, they should ensure it will keep the island accessible and safe for at least the next ten years.

Vice Mayor Salver asked the Town Manager if there were any flood claims that were made based on any damage throughout the Town during the past two hurricanes or tropical storm episode. Town Manager Rosado responded she did not know of any.

Vice Mayor Salver stated for the record that he searched online whether FEMA covers commercial properties and confirmed that FEMA does provide coverage for them. He added that he doesn't believe FEMA can actually deny coverage, though he thinks their coverage is a basic amount of money. If any insurance checks are returned, he said, it's

usually related to other types of insurance—such as casualty insurance, windstorm insurance, or similar—not FEMA.

Council Member D'Amico mentioned an issue with the 92nd Street dog park where residents have to reach down under to open the door.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:41 a.m.

Accepted and adopted this _____ day of _____, 2026.

_____

Mayor

ATTEST

_____

Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Regular Town Council Meeting
MINUTES
November 20, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Regular Meeting of the Town Council was held on Wednesday, November 20, 2024, at 7:03 p.m. Upon roll call the following members responded:

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

SPECIAL PRESENTATION:

1. FLC University/Elected Municipal Officials (IEMO) II Certificate of Completion – Council Member Teri D'Amico

   Mayor Fuller presented a Certificate of Completion from the Florida League of Cities to Council Member Teri D'Amico for completing the 2024 Institute for Elected Municipal Officials II, (IEMO II).

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA

At this time, no requests were made for withdrawals, deferments, or future agenda items.

ITEMS: TOWN MANAGER'S REPORT:

2. Presentation of TDR Annual Report pursuant to Section 23-22.2 of the Town Code by Town Planner Michael Miller

   Town Planner Miller presented the TDR Annual Report and answered questions from Council Members. As of the end of 2023, 41 TDR units remain in the public

TDR bank for the East Island, down from an initial total of 330. On the private side, 970 TDR units are available for transfer. Once the TDRs from the 1177 Kane Concourse project are returned, the commercial area will be restored to 100% of its available units.

Council Member Bruder inquired as to whether any other member of the Council was interested in having a traffic study done to improve the flow of traffic, because of the disproportionate amount of dwellings and density. This traffic study will be different from what developers provide.

Council Member D'Amico pointed out that the TDR map does not show any TDRs from the causeway island, which is part of the formula. Town Planner Miller explained that no TDR units are assigned to the causeway island. She asked if TDRs will be needed for anything that will be done with the gas station. She asked that a meeting of the Land Planning Agency be scheduled. She further expressed concern she has yet to receive a map she requested showing the parking in the Business District.

The matter regarding the traffic study will be addressed as a future agenda items.

COUNCIL REPORTS:

Council Member D'Amico reported on the grand re-opening of the 92nd Street Dog Park. She expressed disappointment that the park fencing was not built as approved. Dog owners have to walk their dogs through the parking lot to get to the park. She believes that taking down a section of the gate will alleviate the problem.

Council Member Yaffe reported on attending the opening of the dog park. He urged everyone to attend the numerous events planned, such as upcoming movie nights, concerts, and Snow Day on December 15th. He also attended the FLC Policy Committee meeting in Orlando. He spoke of the importance of elected officials communicating with representatives in Tallahassee to ensure that the Town's priorities are being taken care of to protect Home Rule.

Council Member Rappaport commended Council Member D'Amico for receipt of the IEMO II Certificate of Completion and for her help with the opening of the 92nd Street Park. He hoped for Town Engineer Randy Daniels to relay a message to DERM to lift the sewer moratorium that is affecting many residents with businesses who are unable to open, because they cannot obtain their certificate, as well as people trying to finish construction on their homes.

Council Member Diallo reported on attending the opening of the 92nd Street Dog Park event, the Veterans Day ceremony, and the National League of Cities Summit.

Council Member Bruder spoke about the lack of unity in the community. She reported on meeting with senior citizens and learned they are having difficulty accessing information online. She added that she visited the school, and the Principal was accommodating in her willingness to provide tools for the FAST exam that mimic what

the school is doing. The Children's Trust has accepted an extra 35 kids into the program. She thanked Deputy Town Clerk Cynthia Garcia and Town Manager Jenice Rosado, who will be leaving the Town, for their service.

Vice Mayor Salver reported that, at this Monday's meeting, the Children's Trust approved an additional $204,000 for the Bay Harbor Islands' community programs. The program is funded by over half a million dollars a year. The Vice Mayor further reported on his attendance at this past Sunday's concert, which was well attended. He suggested the concerts be open to neighboring communities to bolster the crowd.

Mayor Fuller thanked Mrs. Garcia and Mrs. Rosado for their service to the Town and congratulated Town Attorney Geller on his election to the School Board. He reported on his attendance at the Town's concert, the Florida League of Cities Legislative Conference, and the National League of Cities Conference. He wished everybody a safe and happy Thanksgiving and holiday season. He then announced that no meeting will be held in December.

Council Member Yaffe thanked Town Manager Rosado for her services to the Town. He requested that she provide the Council with a comprehensive report with the status of projects in progress and grants, before the end of December.

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. ***A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council.*** *Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Dave Sanchez, 1080 94th Street, came forward and referred to Ordinance No. 1088 that requires developers to provide notices regarding seismic monitoring. He discovered the mail that are being sent have tracking numbers of which many are undeliverable.

Council Member Yaffe spoke of being aware of Certified Mail being sent out and nobody at the properties to collect them. Therefore, the surrounding neighbors are not receiving the notice that they can request the seismic monitory. He had requested that the Ordinance be amended to provide different types of notices in addition to Certified Mail, to ensure the notices are delivered to the properties which may be affected by the construction.

Mayor Fuller agreed that the situation should be addressed. He suggested that when the Ordinance is being amended, the list of Certified Mail that were returned be looked at to see what was delivered and what was not.

Dave Sanchez suggested that notice should be provided to every apartment or directly to the building rather than to the registration of the LLC that can be in another state, which goes to the management and not to the individuals who live in the buildings. He also suggested that the 7-day timeframe be extended.

Christopher and Emily Wands, LAA Salon, 1090 Kane Concourse, Unit B expressed frustration over a moratorium imposed by DERM, preventing her from opening a new hair salon despite having obtained permits for installation of flooring from the Building Department. The Council discussed the need for better communication and a resolution. Mrs. Wands expressed gratitude for Randy's efforts with DERM's lack of cooperation. She emphasized the importance of improving communication and staff interactions, as she believed there should have been better communication from Building Official Mike Mesa.

Council Member Rappaport explained that DERM is part of the process. Permits have to go through DERM and regular businesses like hair salon/yoga cannot receive certificates because DERM is part of the step and has shut down everything in the Town.

Public Works Director David Hernandez explained that the sewer moratorium letter was received from DERM on September 25th. A meeting was held with DERM on October 18th which included new Town Engineer Randy Daniel. They conveyed that placing the Town on a moratorium to come into compliance was hurting small businesses. Mr. Daniel is working with the consultant to resolve the issue as soon as possible.

Mayor Fuller clarified that the moratorium was not initiated by the Town, but rather by the County. The County issued the directive and required the Town to comply. Once the moratorium was received, the issue was noticed. He spoke with Town Manager Rosado, who then instructed Building Official Mike Mesa to post notices about the moratorium around Town and on the Town's website. The moratorium affects all projects requiring approval from DERM. This includes pool renovations, new developments, or any work related to DERM oversight.

Vice Mayor Salver asked the Town Attorney if some kind of conditional Certificate of Occupancy could be issued if they are compliant with all of the Town's regulations, since they are not changing anything in the infrastructure. There is no plumbing or anything that would relate to the sewer system. Then they can be issued a permanent Certificate when DERM lifts the moratorium. Town Attorney Geller advised that the matter falls under County regulations. They are the environmental protection regulations, and they are binding upon the Town, and the Town has to obey them.

Council Member Bruder expressed concern that other Council Members were unaware of the sewer moratorium, noting that if they didn't know about it, the general public likely wouldn't either. She found it especially frustrating that residents could be told they're allowed to install flooring yet still be denied a Certificate of Occupancy. She emphasized the need for the Town to improve its customer service, pointing out that Mrs. Wand should have been informed about the sewer moratorium earlier in the process. Council

Member Bruder also urged the Building Department to be more cooperative and courteous.

Ken Eskin, 1310 99th Street, raised concerns about the presence of an outside motorcycle cop issuing tickets and questions about the necessity and duration of their presence.

Chief Noel explained that the Miami-Dade School Board's motor traffic unit has jurisdiction near the school. He explained that from time-to-time Miami-Dade County School Board send their motor traffic unit to the Town; they have jurisdiction within 1,000 feet of the school where they can actually enforce and write citations.

Joyce Green, 1316 99th Street, suggested restricting early morning eastbound traffic on the bridge to prevent damage and improve traffic flow. She also noted improvements in construction behavior and the need for better communication about local events as nobody was aware of the moratorium.

Francis Neuhut, 1060 Kane Concourse, highlighted ongoing issues from 2005, such as illegal religious practices, parking shortages, and flooding. She criticized the Council for not addressing these problems and noted new residential developments with inadequate parking.

PUBLIC COMMENT CLOSED

Council Member Yaffe expressed concern about the lack of updates on the Town's website regarding events and postings. Town Manager Rosado responded that she is working with the IT Department to ensure information is posted online in a timely manner.

At this time Council Member D'Amico requested to pull Item #10 from the Consent Agenda for discussion.

COMMITTEE REPORTS:

There were no committee reports.

CONSENT AGENDA: *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

3. **Consideration** and **Approval** of the Regular Council Meeting dates for the 2025 calendar year.

4. **Consideration** and **Approval** of a Resolution renewing an agreement

between the Town of Bay Harbor Islands and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA EXTENDING THE TERM OF THE PROFESSIONAL SERVICES AGREEMENT WITH DAVID CASERTA GOVERNMENT RELATIONS, INC. FOR STATE LOBBYING SERVICES FOR AN ADDITIONAL TERM OF NOVEMBER 1, 2024 THROUGH OCTOBER 31, 2025; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration** and **Approval** of a Resolution regarding a Budget Amendment to the FY 2023-2024 Budget. Attached is a copy of the draft Resolution with supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, ADJUSTING REVENUES AND EXPENDITURES OF FUNDS ESTABLISHED AND REFLECTED HEREIN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Consideration** and **Approval** of a resolution regarding carry-forward appropriations from the 2023-2024 budget year into FY 2024-2025.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 1 FOR THE FISCAL YEAR 2024-2025 BUDGET TO PROVIDE FOR CARRYFORWARDS FROM FISCAL YEAR 2024 TO FISCAL YEAR 2025; PROVIDING INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration** and **Approval** of a Resolution to enter into an Interlocal Agreement with Miami-Dade County for publishing public notices on their website.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN

INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO THE PUBLICATION OF LEGAL ADVERTISEMENTS AND PUBLIC NOTICES ON MIAMI-DADE COUNTY'S PUBLICLY ACCESSIBLE WEBSITE; PROVIDING FOR INCORPORATION OF RECITALS, PROVIDINGFOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Consideration** and **Approval** of the issuance of a Request for Qualifications (RFQ) for a certified Local Agency Program (LAP) Engineering Consultant, as required by the Florida Department of Transportation (FDOT).

9. **Consideration** and **Approval** of the issuance of a Request for Qualifications (RFQ) for a General Contractor to perform minor tasks under the direction of the Director of Public Works.

10. **Consideration** and **Approva**l of a Resolution approving Task Order No. 001 with AtkinsRealis USA in the amount of $250,000, to conduct Climate Change Vulnerability Assessment (CCVAs).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A TASK ORDER IN THE AMOUNT OF $250,000 WITH ATKINSREALIS USA, UNDER THE ENGINEERING CONSULTANT CONTINUING SERVICES AGREEMENT, TO COMPLETE THE TOWN'S VULNERABILITY ASSESSMENT PROJECT; PROVIDING FOR INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member D'Amico noted that the Town has five engineering firms and expressed concerns about whether Atkins was the right choice for the project. She felt that Atkins should have recommended the study earlier.

Town Engineer Randy Daniels explained that the Town had the option to choose from any of the five engineering firms. However, under the Consultant Competitive Negotiation Act, engineering services cannot be awarded through competitive bidding.

Atkins was previously selected through this process and has the necessary credentials. They are already providing similar services to other municipalities and are qualified to deliver the required results. Additionally, she noted that Atkins had not responded to her question.

Mayor Fuller asked Council Member D'Amico if she was referring to questions about the bridge, and she confirmed that she was. He explained that many of the inquiries she directed to Atkins couldn't be answered during the public hearings due to procedural rules. Instead, those questions must be submitted in writing so that responses can be provided later. He emphasized that they must follow the established process.

Council Member Bruder pointed out that the assessment is needed for securing grants.

Vice Mayor Salver stated that the study is needed to improve the Town's flood insurance ratings as well. The funds are reimbursable.

Council Member Bruder asked if the assessment would assist with flood insurance policies.

Mr. Daniel explained that it is a State funded program to increase flood resiliency and improve flooding; there would be a benefit.

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

11. **Consideration** and **Approval** of a Resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Doral and the Town of Bay Harbor Islands for shared law enforcement services.

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

12. **Consideration** and **Approval** of a resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Florida City and the Town of Bay Harbor Islands for shared law enforcement services.

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

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

vote.

ORDINANCES ON SECOND READING:

13. **Consideration** and **Approval** of an Ordinance on Second Reading amending Chapter 24, Section 16 related to the regulations of landscape requirements. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF LANDSCAPE REQUIREMENTS, AMENDING CHAPTER 24 ENTITLED PROPERTY MAINTENANCE STANDARDS; AMENDING SECTION 24-16 ENTITLED MINIMUM LANDSCAPE STANDARDS, TO MODIFY THE LANDSCAPE STANDARDS; RETITLING SECTION 24-16.1 FROM "USE OF FERTILIZER" TO "TREE REMOVAL, PROTECTION, REPLACEMENT AND ABUSE"; SECTION 24-16.3 "DEFINITIONS"; RETITLING SECTION 24-16.10 FROM "MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER" TO "MAINTENANCE REQUIREMENTS"; SECTION 24-16.15 "ENFORCEMENT AND PENALTIES"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Town Planner Belle explained that in the process of updating the Ordinance and reviewing the Town Code, it became evident that many provisions were originally derived from the Miami-Dade County Code. Since parts of the County Code have recently been deleted or revised, several updates to the Town's Ordinance were necessary. The revised Ordinance incorporates new elements from the updated Miami-Dade Code, as well as stricter regulations in areas where the County's guidelines remain relevant. One recommendation from the Design Review Board (DRB) was to increase the number of trees required on a property, based on the height of the building. This recommendation has been included in the Ordinance update. Additionally, the Town Council requested that any prohibitions found in the County Code also be reflected in the Town's ordinance; these have been incorporated as well.

Council Member Rappaport asked about the process for removing trees and whether proof or reasonable cause is required. Ms. Belle responded that, in her experience, some individuals attempt to remove healthy trees without justification. Trees cannot be removed unless there is a legitimate reason, and approval is

typically required from a certified Arborist or landscape architect.

Concerns were raised about the additional cost associated with these professional evaluations. Ms. Belle noted that the regulation mirrors County requirements, which the Town is obligated to follow. She added that there have not been significant issues with tree removals in the Town, as most residents value mature trees. For new developments, trees may need to be preserved, relocated, or replaced with similarly sized specimens.

ACTION: Council Member Yaffe made a motion to approve the Ordinance on Second Reading. Council Member Bruder seconded the motion and all voted in favor.

PUBLIC COMMENT

Ken Eskin, of 1310 99th Street, asked about the disposal of grass clippings. Ms. Belle clarified that placing grass clippings in the public right-of-way is prohibited.

Council Member Yaffe raised a concern regarding the mixing of garbage and recyclables. He mentioned that a resident observed sanitation workers dumping recyclables into garbage containers, resulting in both being loaded together into the truck. This raised the concern that the Town could be incurring higher waste disposal costs if recyclables are not being properly separated. He noted that once the truck reaches its destination, the mixed materials are not sorted. Acting Assistant Town Manager Hernandez agreed to follow up with the recycling company to address this issue.

Frances Neuhut, of 1060 Kane Concourse, voiced concerns about tree loss during property development and demolition, particularly in residential neighborhoods. She pointed out that developers often remove all existing trees when a structure is demolished. Once the property lines are measured, trees are cut down and fences are installed, sometimes reducing setbacks to just five feet. This results in new homes with few or no trees. She also highlighted challenges with Code Enforcement. Although the Town has good tree protection codes, enforcement is often inconsistent. She cited an example in which her neighbor cut down trees on her property without permission, underscoring the need for stronger enforcement measures.

PUBLIC COMMENT CLOSED

The Town Manager’s report was presented at this time. Town Manager Rosado thanked the Council for the opportunity to serve in her role. She shared that she is working closely with Assistant Town Manager Hernandez to ensure a seamless transition and clear communication on all ongoing matters.

Town Manager Rosado noted that installation of holiday lights has begun throughout the Town and is expected to be completed by the Wednesday before Thanksgiving. She also announced that Public Works Director David Hernandez

has been promoted to Assistant Town Manager, citing his strong knowledge of Town projects. She then asked the Council whether they wished for her to begin advertising the upcoming vacancy for the Town Manager's position.

Mayor Fuller asked if there was a general consensus among the Council to move forward with posting the job opening.

Council Member D'Amico expressed concern that the Council had not yet formally acknowledged that Mrs. Rosado would be leaving. She suggested that the Council should first discuss its expectations for the next Town Manager, whether a national search should be conducted, and the reasons behind Mrs. Rosado's departure. She also emphasized the importance of setting timelines, as the next Council meeting will occur after Mrs. Rosado's departure.

Mayor Fuller acknowledged the need for further discussion but clarified that, due to noticing requirements, the Council could not take formal action beyond providing consensus at this meeting. He explained that posting the job opening falls within the Town Manager's authority, and the immediate question was whether the Council wished to begin that process.

Further discussions on next steps could follow later.

Vice Mayor Salver mentioned the possibility of holding a workshop or retreat on January 6th to brainstorm ideas regarding the vacancy, set expectations, and establish guidelines for the hiring process.

Council Member D'Amico raised concerns that Assistant Town Manager Hernandez may not have full knowledge of all ongoing matters. Mrs. Rosado responded that she is preparing a comprehensive list of projects and grants and is working closely with Mr. Hernandez to ensure a smooth handover. She added that she would remain available by phone if needed.

Town Attorney Geller reminded the Council that formal actions cannot be taken during a workshop. He also clarified that the appointment of an acting or interim Town Manager is a decision for the Council, not the outgoing Town Manager. An appointment must be made before Mrs. Rosado's departure to avoid a vacancy in leadership.

Council Member Yaffe stated that a special meeting will be necessary before January 4th—Mrs. Rosado's last day—to appoint an acting or interim Town Manager.

Mayor Fuller indicated his intention for the job advertisement to be posted and to review any inquiries that come in. Based on the interest received, he plans to call a special meeting to discuss potential candidates and consider appointments. He emphasized that this preliminary step would help the Council gauge the talent pool and guide future decisions.

Council Member D'Amico clarified that while the advertisement could be posted, the Council would not make any hiring decisions until a full discussion had taken place.

Town Attorney Geller advised that the Town's Charter includes certain minimum qualifications for the Town Manager's role. He recommended that the job posting include the phrase "salary commensurate with qualifications," allowing the Council to defer setting a specific salary range at this time.

It was the consensus of the Council to proceed with advertising the Town Manager vacancy, using the language suggested by the Town Attorney.

ORDINANCES ON FIRST READING:

14. **Consideration** and **Approval** of an Ordinance on First Reading amending Section 12-21 of the Town Code regarding Definitions for Construction Activity.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-21 ENTITLED DEFINITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Yaffe explained that the Ordinance was created to define construction activities in light of restrictions on work hours. The goal is to ensure that contractors and property owners understand which types of activities could result in a fine or warning.

Mayor Fuller shared that a developer told him they had previously been cited for early morning deliveries. To address this, someone was stationed at the site to inform delivery drivers that they could not enter or deliver before the allowed time. However, the Town cited the developer for having someone on site to turn away early deliveries. Mayor Fuller emphasized the need for an exception that allows someone to be present solely to inform delivery drivers they cannot enter before permitted hours.

Town Attorney Geller advised that it would be appropriate for the Mayor to

amend the Ordinance on First Reading to make it clear telling people they cannot make a delivery is not performing construction services, it is enforcing the Town's ordinance. Mayor Fuller moved the amendment accordingly. Council Member Yaffe seconded the motion, and all voted in favor.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, asked if the Comprehensive Plan will be redone and spoke about contaminated buildings.

PUBLIC COMMENT CLOSED

ACTION: Mayor Fuller made a motion to amend the Ordinance on First Reading to include an exemption to allow one employee on the job site to deter early deliveries. Council Member Yaffe seconded the motion and all voted in favor.

PUBLIC COMMENT

DEFERRED ITEMS:

There were no deferred items.

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

15. **Consideration** and **Approval** of a Resolution designating a weekday (Tuesday, Wednesday or Thursday prior to the election) for Early Voting, pursuant to Section 6-4 of the Town Code.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DESIGNATING THE WEEKDAY FOR EARLY VOTING FOR THE APRIL 1, 2025 GENERAL ELECTION PURSUANT TO SECTION 6-4 OF THE TOWN CODE; AUTHORIZING THE TOWN CLERK TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

PUBLIC COMMENT

Dave Sanchez, of 1080 94th Street, expressed concern about the low voter turnout during March and April elections. He suggested moving Election Day to November, noting that it typically sees higher participation and is widely recognized as the standard time for voting.

Mayor Fuller responded by explaining that the most recent election featured a short ballot. He noted that municipal elections are always listed at the very end of the ballot. In past elections, after voters made their way through several pages—often filled with bond issues unrelated to their daily lives—many did not continue reading to reach the municipal section. As a result, interest and attention often drop off before voters reach the local races. He added that holding municipal elections in November can actually make it harder for candidates to run effective campaigns. During presidential election seasons, voters are inundated with text messages, commercials, and mailings. In that environment, local candidates struggle to get their messages noticed. Campaign materials are often overlooked, and because the municipal races are buried at the end of the ballot, many voters simply don't stick around to vote in those contests.

Vice Mayor Salver expressed support for holding elections in November, noting that the August primary ballot is much shorter.

Council Member Rappaport noted that campaigning for three full days is very demanding on candidates. He suggested reconsidering the $35,000 allocated for the election.

Mayor Fuller stated he had no objection to reducing Early Voting to a single day and was open to revisiting that option if others supported it.

Council Member Bruder expressed support for limiting early voting to one day.

Council Member Rappaport also mentioned that the election period overlaps with Passover, a time when many people are typically away.

Council Member D'Amico agreed that municipal elections tend to get overlooked when held in November. She added that April is also problematic due to travel, and that August would be even worse. She suggested a combination of a Saturday and a weekday might be a better option, given travel patterns.

Town Attorney Geller explained that if the election were moved to the Fall, it would require 14 days of Early Voting provided by the County, in addition to Election Day. That would mean 15 total days for voters to cast their ballots—not just three days to manage.

Frances Neuhut, a resident at 1060 Kane Concourse, argued that early voting is unnecessary and advocated instead for implementing term limits. She acknowledged that elections are challenging.

ACTION: The motion to approve Early Voting on the Thursday before the election made by Council Member Robert Yaffe and seconded by Vice Mayor Salver passed 6-0 on a poll vote. The Vice Mayor was absent from the dais when the vote was taken.

DISCUSSION ITEMS:

~~16. **Discussion** and **Possible** action regarding an amendment to Section 23-4 of the Town Code to establish additional permitted uses in the RM-1 and RM-2 Zoning Districts. Enclosed are the proposed ordinance and draft language for consideration. Sponsored by Mayor Joshua D. Fuller~~

17. **Discussion** and **Possible** action regarding the License Agreements for Temporary Parking Space. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder noted that on the island, the Town currently leases the first parking space in front of properties for just $20 per year. In contrast, parking spaces in nearby garages lease for $125 per month. Many rental properties use these low-cost Town-leased spaces as a selling point, offering them as secondary parking included in the rent. However, the Town does not receive any additional financial benefit from this arrangement. She pointed out that there are approximately 900 front-in parking spaces. At a modest rate of $20 per month instead of per year, the Town could see a significant increase in revenue. Council Member Bruder expressed interest in exploring whether there is support for increasing the annual lease rate to a more reasonable amount to help fund services and maintenance on the island.

Council Member Yaffe added that one reason many older buildings benefit from the current $20 fee is that it allows them to post “reserved parking” signs. The fee was originally established to provide buildings — many of which do not have two parking spaces per unit — with guaranteed parking without needing to use offsite lots.

Vice Mayor Salver explained that discussions about this issue also took place during the Town’s Phase 1, 2, and 3 community enhancement projects. He noted that each parking spot is effectively half-owned: the property owner owns the land directly in front, while the Town owns the adjacent right-of-way. The Town granted permission for these spaces to be used as formal parking spots by allowing use of the right-of-way.

Council Member Bruder further emphasized that the Town is responsible for maintaining, enforcing, and striping these parking spaces — responsibilities that incur costs exceeding the current $20 annual lease fee. Meanwhile, property owners often charge tenants extra for these spots. She suggested that either the Town should transfer maintenance responsibility back to the property owners or the lease rates should be adjusted to cover the actual costs.

Council Member D'Amico noted that all "back-out" parking is technically illegal but has been grandfathered in. She inquired about how many buildings are affected. In new developments, parking is incorporated within the building structures, and the Town deeded certain areas to these buildings as part of Transfer of Development Rights (TDRs). These deeded areas now belong to the buildings as part of their development agreements.

Chief Lindsley Noel clarified that there are currently 1,110 parking spaces leased by the Town at the $20 per year rate. These leases are renewed each fiscal year in October. At the previous Council meeting, staff was instructed to halt all lease renewals until this issue could be discussed. However, current leaseholders will be grandfathered in under existing agreements.

Compliance Manager Analily Perez confirmed the number of parking spaces and added that associations or building owners can choose to lease from the Town. When they do, they are responsible for enforcing and maintaining those spots.

Chief Noel also explained that buildings with private parking spaces may enter into agreements with the Town to have spaces designated as "reserved," with the Town providing enforcement services in return for a fee.

Council Member Yaffe clarified that the Town no longer maintains all parking spots, especially since curbside "reserved" signage is no longer allowed. In some cases, there is an 11-foot strip of land in front of certain properties that had been deeded to the Town in the past to facilitate parking maintenance. However, with the sale of TDRs, many of these 11-foot portions have since been deeded back to the property owners, increasing the buildable area and TDR allocation for those properties. As a result, the Town no longer owns or maintains many of these spaces.

It was the consensus of the Council for staff to come back with a plan.

Mayor Fuller took a recess at 9:09 p.m. The meeting reconvened at 9:19 p.m.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, criticized the Council for allowing commercial use in residential areas and accused them of poor planning.

PUBLIC COMMENT CLOSED

The Council defended their actions, emphasizing the need for development and addressing misinformation.

18. **Discussion** and **Possible** action on adopting a set of rules for members of the

Town Council, specifically regarding meetings and debate procedures, in accordance with Section 2.07 of the Town Charter. Sponsored by Council Member Teri D'Amico.

Council Member D'Amico suggested that each member of the dais be given one opportunity to comment on agenda items, rather than engaging in back-and-forth discussions. She noted that while the Town Charter allows the Council to determine its own rules, many municipalities choose to adopt Robert's Rules of Order. She also raised concerns about the appropriate way to interact with Town staff and asked the Council to consider her suggestions.

Council Member Rappaport acknowledged the importance of being aware of meeting rules but noted that strictly following them isn't always practical. He emphasized the value of having open, back-and-forth conversations and suggested that the Council might consider developing its own set of guidelines. While he appreciated the structure the rules provide, he prefers the natural, flowing discussions the Council typically has.

Vice Mayor Salver recalled that the previous Town Attorney would have a copy of *Robert's Rules of Order* at the meetings and noted that the Council has traditionally followed these rules for decades. However, he pointed out that the discussions tend to be fluid and influenced by the personalities of the members.

Attorney Geller explained that while the Council defaults to *Robert's Rules of Order*, it does so in a flexible manner. The rules are intended to facilitate decision-making and keep meetings organized, not to stifle discussion or enforce rigid procedures. The Council often relies on its own customs, allowing members to speak freely. Informal cues such as "Can we wrap this up?" are typically used in place of formal motions to end debate. Overall, *Robert's Rules* are treated as a guiding framework rather than strict mandates.

Vice Mayor Salver added that the process Council Member D'Amico proposed is already in practice. The Mayor routinely asks each Council member for their comments, followed by public input and then Council discussion.

Mayor Fuller agreed that the current process works well. He ensures everyone has a chance to speak before any vote is taken, even though some members naturally speak more than others.

In response to Council Member DiAmico's comments about not being able to communicate with staff, Mayor Fuller clarified that while Council members may communicate with staff, they are not authorized to give them direct instructions; that responsibility remains with the Town Manager.

19. **Discussion** regarding Council Member Teri DiAmico's presentation on schematic design for the new Town Hall, Police Station, and the Parking Garage. Sponsored by Council Member Teri D'Amico.

Council Member D'Amico shared an updated schematic design for the new Town Hall. She noted that she had given six months' notice of her planned absence. She reminded the Council that Town Hall, identified as a "sick building," was closed in January 2023. Following the closure, a series of meetings took place. During that time, she repeatedly requested a survey to understand the building's dimensions, emphasizing her ongoing interest in the project. However, the project was ultimately sent to Florida International University (FIU) without her input. Although she missed one of the meetings, she pointed out that the decision to involve FIU had already been made, as indicated in the October 11th agenda. The project formally began in February, and three months later she was informed that a liaison had been assigned. Still, she felt she had been excluded from the process prior to FIU's involvement. As a former adjunct professor at FIU in the relevant department, she expressed frustration at not being consulted. She criticized the resulting student work, describing it as a basic box design with inadequate attention to key features such as means of egress, which were awkwardly placed in the center. She felt the design lacked substance and wasted the students' time. She also noted that the design was put out for a Request for Proposals (RFP) but received no bids.

Town Manager Rosado clarified that the project had not been officially put out to bid; rather, they currently only have the concept developed by FIU.

Council Member D'Amico noted that she did not recall any public discussion regarding the decision to send the matter to FIU. She expressed concern that the project is currently a year and a half behind schedule, and that staff is still working out of temporary trailers. She stated that if the Council at least had a clear vision for the future workspace, it might be more tolerable to continue operations under current conditions in the short term. She also inquired whether any programming had been completed and found that none had been done. She referenced the survey and indicated that she had taken the initiative to begin work on it herself, leveraging her professional expertise. She is a licensed practitioner in International Design and emphasized that schematic designs she developed could be used to move the project forward and initiate the bidding process. She confirmed that elements such as exits, and other key design features had already been addressed in her concept. She presented then described her schematic drawings and requested feedback from the Council.

Council Member Rappaport stated that the schematic design is excellent, and that Council Member D'Amico's expertise adds credibility to the concept. He emphasized that neither the FIU rendering nor the schematic design is final. He then asked about the progress of discussions with The Fresh Market.

Mayor Fuller responded that he had reviewed the drawings included in the agenda packet, describing them as extensive and impressive. He thanked

Council Member D'Amico for her efforts on the drawings. Mayor Fuller explained that conversations with The Fresh Market are ongoing. The CEO personally visited the site and was reportedly very enthusiastic.

They are currently in talks and will commission a survey to cover the entire property. One advantage of working with The Fresh Market is that they will initially cover much of the cost for the sketch design. The Town provided them with the required square footage for Town needs, the Police Department, and parking. The Fresh Market will return with an early sketch indicating whether the project is feasible. If it is, they will proceed to stage two; if not, alternative plans will be considered. Mayor Fuller emphasized that they are moving forward with this process.

PUBLIC COMMENT

Dave Sanchez, 1080 94th Street, suggested that the design be unique, not something that blends with new development.

PUBLIC COMMENT CLOSED

Council Member Rapport proposed dedicating a space in the new Town Hall to display historical items.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:43 p.m.

Accepted and adopted this ____ day of _____, 2026.

_____

Mayor

ATTEST

_____

Evelyn Herbello, MMC
Town Clerk

Town of Bay Harbor Islands

Special Town Council Meeting
MINUTES
December 4, 2024
7:00 PM
Community Center – 1175 95th Street
Bay Harbor Islands, FL 33154

A Special Meeting of the Town Council was held on Wednesday, December 4, 2024, at 8:36 a.m. Upon roll call the following members responded:

Mayor Joshua Fuller

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

DISCUSSION ITEMS:

1. **Discussion** and **Possible** action regarding appointment of an Interim Town Manager.

   Mayor Fuller moved the item for discussion, and Council Member Bruder seconded the motion.

   Mayor Fuller explained that the Town Charter requires a Town Manager be appointed at all times. The current Manager is resigning, and the Town cannot enter January without a replacement. He clarified that he was not seeking a permanent replacement now, but rather an Interim Town Manager to serve as a placeholder. This will ensure compliance with the Charter and maintain continuity in Town operations. The appointment needs to happen quickly due to the upcoming holidays and limited availability of officials for negotiations. Waiting until January is not feasible. He stated that he believes the next Town Council, which will take office in April, should be the one to conduct a proper and ethical search for a permanent Town Manager. He reached out to Brent Latham, someone with relevant experience, to serve as Interim Manager. Mr. Latham agreed to step in short-term without seeking a long-term contract. Ideally, the

Interim Manager will overlap briefly with the current Manager, Jenice Rosado, to ensure a smooth transition. Mayor Fuller emphasized this is not an ideal situation, but a necessary one given time constraints. He proposed appointing an Interim Manager until April, when the new Council can take over the permanent search.

Mayor Fuller moved to appoint Brent Latham as Interim Town Manager, effective until the new Council takes office in the first week of April. Council Member Yaffe seconded the motion for discussion purposes.

Vice Mayor Salver stated that in his 25 years of experience, this is the first time he has seen a Special Meeting called specifically to select an Interim Town Manager. Traditionally, this decision was made more informally, often appointing someone from within the organization—typically the Assistant Town Manager—to serve in the interim role until a full, transparent search for a permanent Manager was conducted. He expressed concern that the current process, as presented, could be perceived as an unofficial Manager search.

Vice Mayor Salver added that the fact candidates were mingling with Council Members beforehand could give the impression that decisions were made behind the scenes, which is a departure from how such appointments have been handled in the past. He also voiced serious concerns about the current state of Town Hall, which he described as having been in a "horrible" condition over the last two months. He recommended holding a similar formal meeting to officially initiate the search for a permanent Town Manager.

Council Member Yaffe expressed concern about the lack of an Assistant Town Manager to step in as Interim Town Manager, which he says is unprecedented. Since the current Assistant Town Manager has declined to take the role, he emphasized the need to appoint someone else on an interim basis. He noted a lack of communication and said he hasn't been updated on situations, though he knows the Town Manager is preparing a summary. He recommended that the chosen Interim Town Manager begin working as Assistant Town Manager immediately to ensure a smooth transition and gain necessary experience before officially taking over on January 5th, when Mrs. Rosado departs.

Council Member Bruder supported having the Interim Town Manager in place while the current Town Manager is still present to ensure a smooth transition and address major issues. She praised Assistant Town Manager Hernandez for his strong communication and coordination efforts with DERM, and the Town Engineer Rodney Santana and Public Works Superintendent Sergey Koretko for working diligently and hard on some things that the Town needs. She emphasized the importance of Assistant Manager Hernandez remaining in his role due to his institutional knowledge but stressed that an experienced interim leader is still needed to guide the Town forward and handle any major issues until a permanent Town Manager is found.

Council Member Bruder nominated Jordan Leonard as the temporary Interim Town Manager, citing his experience as a former Mayor, his ongoing work in government, and his familiarity with the Town. She emphasized that Mr. Leonard is the right person at this moment to help guide the Town through its transition period until a formal search can be conducted to find a permanent Manager who aligns with the Town's needs. Mr. Leonard is well-versed in the issues the Town is currently facing, many of which he has dealt with before. His love for the Town also adds value to his appointment.

Council Member Rappaport agreed that there should be a thorough process to review all the resumes received, regardless of whether applicants have prior experience with the Town. He emphasized the importance of using the week before the holidays to meet and speak with potential candidates. He also noted that even in an interim role, a candidate may have an advantage in becoming permanent, which must be taken into consideration. He stated that there's still time to continue engaging with different candidates.

Council Member Yaffe noted that Town Manager Rosado had forwarded about six résumés to the Council. He recalled that during the previous Town Manager selection process, the candidate list was narrowed down to two or three individuals, and the Council had the opportunity to meet them in person to assess their suitability. While he supported conducting a thorough selection process again, he expressed uncertainty about whether it can be completed in the short term.

Council Member Rappaport expressed interest in understanding how the proposed Interim Manager candidates plan to address the current Town issues. He wanted to know if they are up to speed and fully aware of the situations. Additionally, he was curious about what the candidates will contribute.

Assistant Town Manager Hernandez clarified that he is not interested in the permanent Town Manager position. His focus is on ensuring the Town continues to move forward. There are many ongoing operational matters that require attention, including the bridge projects, coordination with DERM, and several other projects. His primary goal is to support the incoming permanent manager and help them get up to speed quickly.

Vice Mayor Salver expressed concern that internal staff, who are familiar with the Town operations during the transition, have not been adequately considered for the Interim Town Manager role. He highlighted Sergey Koretko, a long-term employee with over 20 years of experience and deep knowledge of the Town, as a strong candidate for this position. He emphasized that unlike Brent Latham and Jordan Leonard, who are not placeholders, Mr. Koretko could effectively serve as an Interim Manager due to his familiarity with the Town’s functions. He also noted that many municipalities appoint their Chiefs as interim managers in similar situations. Additionally, Vice Mayor Salver mentioned that some of the Town Manager

candidates have law enforcement backgrounds, pointing out that Chief Noel, Alan Castellanos, and Captain Joe Lock have impressive qualifications that could suit the Interim Manager role if they were interested, although that position is more of a temporary placeholder.

Council Member D'Amico agreed that the best course of action is to appoint someone from within as the Interim Town Manager. She noted that making such a decision in just one day is difficult. If interviews are necessary, they should be conducted within a week, and she would want to meet the candidates personally. She voiced concern about introducing political complications at this sensitive time. Additionally, she mentioned that she has not seen Mr. Leonard's résumé. Bringing in an outsider to shake things up during an election season, she said would be going too far. If a decision cannot be made immediately, she emphasized the need for a proper interview process to determine the best candidate for the interim role. She added that anyone stepping into the interim position must understand it is temporary and be willing to undergo the full vetting process.

Council Member Rappaport supported the idea of appointing an Interim Manager from within the organization. He noted that selecting someone internally would motivate the Council to expedite the search for a permanent manager. He believed there is no need to wait until April and suggested that by January or February at the latest, the Council should have met all the candidates and made a decision. He recommended considering HR Director Shaun Gelvez for the interim role or consulting with Town Manager Rosado for her recommendation on a suitable interim candidate.

Council Member Yaffe asked the Town Attorney if the Charter prevented the Council from naming any of the staff mentioned as Interim Town Manager.

Town Attorney Geller stated that he did not believe there was any legal prohibition regarding the appointment. He advised that appointing an Interim Town Manager is entirely within the discretion of the Town Council. According to the Charter, the Interim Town Manager must be someone designated by the Council. Town Manager Rosado does not have the authority to designate an Interim Town Manager. The effective date of the Interim's appointment cannot be *later than* January 5th, as she will no longer be in office at that time. However, the effective date *can* be set earlier. The Town Council does not have the authority to hire an Assistant Town Manager—that authority belongs solely to the Town Manager. The Council *can*, however, choose any effective date for the Interim Town Manager's appointment between now and 12:01 a.m. on January 5th. If the Council chooses to begin the Interim's term while the current Town Manager is still in office, they must honor the existing contract with her or reach a working agreement. Doing so would allow her to remain in place temporarily to train or transition the Interim Town Manager, in accordance with the terms of her contract.

Council Member Bruder mentioned that if a selection was to be made internally,

she would prefer Chief Noel as he would be the best suited for the position. He has a Deputy Chief, he has been with the Town a long time, and he has managerial operational experiences. Additionally, he has covered for the Town Manager, and he knows the staff.

Council Diallo stated that if the Interim Town Manager is selected internally, Chief Noel would be an exceptional choice. She emphasized his dedication, leadership, and deep commitment to the Town, noting that the community, Council, and staff all recognize and appreciate his contributions. She mentioned asking Chief Noel if he was interested in the role, and he responded that he loves being the Town's Police Chief, which is his passion.

Council Diallo stressed that anyone chosen internally for the position should genuinely want it and not feel pressured, especially given the Town's current challenges. Residents are contacting the Council continuously about unresolved issues, demanding answers that are often not forthcoming.

Council Member Bruder expressed support for asking Chief Noel whether he would be willing to serve as Interim Town Manager. She highlighted that he has a strong support team in Deputy Chief Joe Locke and Commander Alan Castellanos, who are capable of stepping up as needed. She also noted that the Police Department is currently ranked seventh in the state for safety, emphasizing that such recognition is the result of dedicated and hard work—not something that happens by chance. Council Member Bruder then asked Chief Noel if he would be willing to assume the Interim Town Manager role on a temporary basis.

Chief Noel responded that he became a public servant to serve the community. If the community is asking him to step up, he is willing to do so in order to help and assist. However, he made it clear that he does not wish to become the permanent Town Manager, as he enjoys his current role as Police Chief. He added that he would accept the interim role only with the understanding that he would return to his position as Police Chief once his service as Interim Town Manager concluded, if that was the Council's decision.

Council Member Diallo emphasized the need for someone who can start immediately without a learning curve due to the Town's current busy state. She acknowledged Jordan Leonard's extensive experience in politics, municipal government, and leadership, as well as his deep familiarity with the Town.

Mayor Fuller explained that his decision to reach out to Brent Latham was driven by a desire to keep politics out of the process. He emphasized that Mr. Latham has no affiliation with the Town Council, the elections, or any political interests, and is simply willing to serve in a short-term, non-political capacity to help the Town. He acknowledged that Jordan Leonard is a highly capable individual and a strong candidate for the permanent Town Manager position. However, appointing Mr. Leonard as the Interim Manager could introduce a political element which he was

not comfortable with. He reiterated that his goal was to maintain neutrality in the interim appointment. The Chief also keeps politics out of it.

Council Member D'Amico agreed that an Interim Manager could be found quickly. She also noted that the Chief has a strong staff, which should make the transition smooth. However, she emphasized that the Council needs to be more proactive by holding additional meetings with the departments in the meantime to stay fully informed. Council Member Bruder concurred, suggesting that an open forum meeting with the departments would allow the Council to ask questions and better understand the current status.

Council Member Bruder nominated Chief Noel as Interim Town Manager. Vice Mayor Salver seconded the motion.

Town Attorney Geller explained that since there was already a motion made and seconded, any new motion by Council Member Bruder (such as a nomination) should be treated as a substitute motion—essentially an amendment. If the substitute motion is seconded, the Council would vote on whether to replace the original motion with the substitute. If the substitute motion passes, discussion would then focus on that new motion.

Council Member Bruder then offered a substitute motion, changing her nomination from Jordan Leonard to Chief Noel. Vice Mayor seconded the motion, and all voted in favor.

PUBLIC COMMENT

John Corral, 9660 West Bay Harbor Drive, expressed deep concern over the Town's disarray, citing sewer issues, disruptive construction, and increased petty crime. He endorsed Chief Noel for temporary Manager and urged a proper search for a permanent one.

Council Member Rappaport questioned whether action was taken against 1177 Kane Concourse regarding compliance and fines during the Town moratorium. Town Manager Rosado stated that all sites, including 1177 Kane Concourse, are being held to the Ordinance requirements and no extra penalties can be imposed beyond current authority.

Dave Sanchez, 1080 94th Street, criticized the short notice for the meeting and the rushed process. He advised against appointing Chief Noel if unwilling and suggested an experienced office administrator.

Resident Kathleen Kennedy, 9180 West Bay Harbor Drive, despite personal history, endorsed Jordan Leonard for Interim Town Manager, citing his capability, knowledge of legislature, and connections, emphasizing the need to avoid past hiring mistakes.

Frances Neuhut, 1060 Kane Concourse, expressed frustration that the meeting was scheduled early at 8:30 a.m. She also said she didn't receive timely notice and disputed the claim that the announcement was posted 24 hours in advance. The announcement lacked information about the candidates and their qualifications. Both candidates have political backgrounds. She strongly opposed Jordan Leonard's consideration for the position.

PUBLIC COMMENT CLOSED

Brent Latham clarified that the idea of him stepping into a city management role was not his own, and he believes Mayor Fuller would confirm that. Initially hesitant, he expressed doubts about being involved in city management long-term, though he acknowledged similarities between Bay Harbor Islands and North Bay Village, where he served as an active Mayor for six years. His experience includes handling development-related challenges and fostering regional cooperation, particularly on environmental issues. He supported appointing an internal candidate, such as the Police Chief, for the Interim Town Manager role, aligning with the apparent consensus. He explained that Mayor Fuller approached him for his interim experience to help stabilize the Town during a transitional phase. Addressing concerns about transparency, Mr. Latham emphasized that removing his name from the agenda was a mutual decision aimed at encouraging open discussion and avoiding political complications. He stressed there was no hidden agenda or conspiracy, just a desire to help based on his past collaboration with Mayor Fuller and other local leaders. He stated that he was open to helping in the short term but has no long-term ambitions for the role.

Mayor Fuller withdrew the motion to appoint Brent Latham as Interim Town Manager.

Town Attorney Geller emphasized the importance of civic engagement and argued that instead of being criticized, these people should be appreciated. Democracy depends on people stepping up, even if others disagree with them.

Discussion ensued regarding the effective date for Chief Noel to commence as the Interim Town Manager on January 5, 2025 at 12:00 a.m.

2. **Discussion** and **Possible** action regarding terms and conditions of employment of Interim Town Manager.

Compensation and contract details will be negotiated with the Town Attorney and brought back for Council review.

RESOLUTIONS:

3. **Consideration** and **Approval** of a Resolution for the Seventh Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to March 31, 2025, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE SEVENTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

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

This matter was brought forward as the current lease will expire in December, and this extension provides 90 days.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, raised concerns over delays in the Causeway Island Bridge project, financial instability, a recent 10% property tax increase on commercial properties, and the Town's ability to repay loans, with criticism of ongoing tax exemptions for schools and churches.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the Resolution granting an extension until March 31, 2025. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

The Mayor noted that the Miami-Dade County League of Cities is awarding Ed Griffin multiple Keys to the City, and they contacted him about the Town's participation. He asked for the Council's approval to issue a Key to the City to Mr. Griffin. The Council reached a consensus to participate in the event.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:42 a.m.

Accepted and adopted this ____ day of _____, 2026.

_____

Mayor

ATTEST

_____

Evelyn Herbello, MMC
Town Clerk

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 12.1
Date: April 22, 2026
From: Police Chief Luis Alvarez
Subject: Council authorization to auction and dispose capital asset (surplus police vehicles).

Background/Analysis: – We are requesting authorization to dispose of certain surplus vehicles through public auction or internet auction, as these assets have reached the end of their useful lives and are no longer cost-effective to maintain.

The vehicles identified for disposal are detailed in Exhibit A, which includes the specific Vehicle Identification Numbers (VINs) for each asset. Following Council authorization, staff will coordinate the auction of the vehicles. All proceeds from the sale of the vehicles will be recorded in the appropriate fund from which the asset was originally purchased.

Exhibit A - Assets to be Disposed.pdf

Exhibit A - Listing of Assets for Disposal

	Asset Description	VIN Number	Department
1	2013 Ford Explorer #311	1FM5K8AR7Dgb21077	Law Enforcement
2	2015 Nissan Altima #503	1N4AL3AP8FN384913	Law Enforcement
3	2016 Ford Explorer #690	1FM5K8AR8GGD31482	Law Enforcement
4	2014 Ford Explorer #495	1FM5K8AR3EGB79754	Law Enforcement
5	2016 Ford Explorer #697	1FM5K8AR7GGB54374	Law Enforcement
6	2020 Dodge Charger #687	2C3CDXAG3LH114102	Law Enforcement
7	2016 Ford Explorer #688	1FM5K8AR1GGC60836	Law Enforcement
8	2016 Ford Explorer #689	1FM5K8AR0GGC60844	Law Enforcement
9	2019 Ford Explorer #904	1FM5K8AR6KGB44346	Law Enforcement
10	2009 Cheverolet Cobalt	1G1AS58H397119521	Law Enforcement

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 12.2
Date: April 22, 2026
From:
Subject: Consideration and approval of a resolution adopting the new Solid Waste Fees.

Exhibit A Solid Waste Rate Fee Schedule 2026.pdf

TOWN OF BAY HARBOR ISLANDS, FL

Exhibit "A"

SOLID WASTE COLLECTION & RECYCLING MONTHLY RATES

(Per Unit Per Month)

(Collection Services for Solid Waste (3 times per week)
Bulk Waste (1 time per week), and Recycling (2 times per week)

a) RESIDENTIAL UNITS (monthly per unit)	Base Vendor Rate	10% Administrative Cost Recovery Fee	Proposed Customer Rate
1. Condominium or Co-Op Building with three or more units	$ 39.50	$ -	$ 39.50
2. Rental Apartment Building with three or more units	$ 39.50	$ -	$ 39.50
3. Single Family Residences	$ 39.50	$ -	$ 39.50

B) COMMERCIAL UNITS	Base Vendor Rate	10% Administrative Cost Recovery Fee	Proposed Customer Rate
1. 96 gallon container	$ 155.45	$ 15.55	$ 171.00
2. Additional 96 gallon container	$ 95.45	$ 9.55	$ 105.00
3. Less than daily service (per cubic yard per month)(1)	$ 19.50	$ 1.95	$ 21.45

C) RESTAURANTS(2)	Base Vendor Rate	10% Administrative Cost Recovery Fee	Proposed Customer Rate
1. 96 gallon container	$ 155.45	$ 15.55	$ 171.00
2. One (1) cubic-yard container	$ 591.05	$ 59.11	$ 650.16
3. Two (2) cubic-yard container	$ 1,182.09	$ 118.21	$ 1,300.30
4. Four (4) cubic-yard container	$ 2,364.18	$ 236.42	$ 2,600.60
5. Six (6) cubic-yard container	$ 3,546.27	$ 354.63	$ 3,900.90
6. Additional 96 gallon container	$ 95.45	$ 9.55	$ 105.00
7. Less than daily service (per cubic yard per month)(1)	$ 19.50	$ 1.95	$ 21.45

Notes
(1) Based on container size - calculated as $21.45 * container size * weekly pickups * 4.33 weeks per month

For example the customer charge for a 2 yard container serviced 3 times per week is **$557.27** calculated as follows: $21.45 per cubic yard x 2 cubic yard container x 3 times per week * 4.33 weeks per month)

(2) Includes any other units that have daily collection services

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 12.3
Date: April 22, 2026
From: Town Manager Lindsley Noel
To: Mayor and Town Council Members
Subject: Budget Amendment

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 12.4
Date: April 22, 2026
From:
Subject: Discussion and consideration to approve a contract with Hazen and Sawyer in the amount of $76,510 to provide engineering support associated with Cycle 3 SSES Phase 1 RFI and Phase 2 Regulatory Reporting.

Suggested Action: – **RECOMMENDATION:**

Discuss and consider a contract in favor of Hazen and Sawyer (Hazen) in the amount of $76,510, to provide engineering support associated with Cycle 3 SSES Phase 1 RFI and Phase 2 Regulatory Reporting to Miami Dade Department of Environmental Resources Management (DERM).

Description/Background – **BACKGROUND:**

Miami Dade Conty Code (MDCC) requires that Volume Sewer Customers (VSC) of the Miami Dade Water and Sewer Department (MDWSD) comply with the threshold for infiltration and Inflow (I/I) of 5,000 gallon per day-inch-mile (GPDIM). When Cycle 3 Phase 1 Sanitary Sewer Evaluation Survey (SSES) was submitted by Hazen to DERM on November 12, 2022, three (of the six) sewer sub basins in the Town of Bay Harbor Islands were found to be out of compliance. In conjunction with the Public Works Department, a corrective action plan (CAP) was developed by Hazen to bring these basins into compliance.

DERM also indicated that the Phase 1 report was deemed to be incomplete, for all the VSC submittals. The fee associated with this agenda item is to provide two deliverables: (1) Respond to DERM'S RFI regarding the Phase 1 Report, and (2) Submit the Cycle 3 Phase 2 SSES Report.

DISCUSSION:

Both the Cycle 3 Phase 2 Report and the response to DERM's RFI are due by November 12, 2026. To show compliance with the 5,000 GPDIM threshold for all sub basins, DERM requires flow measurements during the wet season of June 1 to November 30, 2026. A prerequisite for flow measurements is the completion of projects that are expected to reduce I/I.

In September 2024 when the Town was under a Temporary Sewer Moratorium (TM), to

encourage DERM to overturn the TM, the town committed to undertaking certain sewer improvement projects which were aimed at reducing I/I. The key projects consisted of installing T-liners, sewer manhole lining, installation of lockable sewer manhole covers for manholes located in valley gutter inverts, point repairs to sewer laterals, and the installation of missing sewer caps on sewer laterals.

All projects will be completed prior to retesting sewage flows that is expected to commence on June 1, 2026. Once preliminary results are available a meeting with DERM will be convened to ensure that the final SSES Phase 2 report meets all their requirements, before final submittal on November 12, 2026.

FISCAL IMPACT SUMMARY:

GL Line-Item Number: 402.5350.400031.000
Total Amount Budgeted: $0.00
Encumbered Amount: $66,646.90
Balance Remaining: -$24,215.40 Top of Form

The amount of $76,510 was not budgeted in Fiscal year 2025-26 and will be appropriated in a budget amendment.

SSES Cycle 3 Regulatory Assistance Proposal Hazen (1).pdf

Hazen and Sawyer
999 Ponce De Leon Boulevard, Suite 1150
Coral Gables, FL • 305.443.4001

March 18, 2026

Randy Daniel, PE
Town Engineer
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Cycle 3 SSES Phase 1 RFI and Phase 2 Regulatory Reporting Assistance

Dear Mr. Daniel:

Hazen and Sawyer (Hazen) is pleased to provide this engineering services proposal to support ongoing Sanitary Sewer Evaluation Survey (SSES) tasks related to Miami-Dade County Code compliance requirements affecting the Town of Bay Harbor Islands (Town). A project background, scope of work, schedule, and fee proposal are presented herein.

Project Background

The Miami-Dade County Code (MDCC) mandates that Volume Sewer Customers (VSCs) of the Miami-Dade Water and Sewer Department (MDWASD) perform a variety of activities related to collection system assessment, rehabilitation, and management. One such requirement concerns the completion of a Sanitary Sewer Evaluation Survey (SSES), followed by sewer rehabilitation and post-rehabilitation flow monitoring to assess compliance with the 5,000 Gallon per Day-Inch-Mile (GPDIM) standard for infiltration and inflow (I&I) specified in the MDCC. The SSES requirements apply on a recurring ten-year cycle.

Hazen assisted the Town, a VSC of MDWASD, with third-cycle SSES activities including development of the required Cycle 3, Phase 1 SSES Report (Phase 1 Report). The Phase 1 SSES Report was submitted to the Miami-Dade Department of Environmental Resources Management (DERM) on November 12, 2022.

DERM reviewed the Phase 1 Report and provided comments and a Request for Information (RFI) dated February 11, 2025. The DERM RFI characterized the report as “incomplete” and included a detailed list of items to be addressed in a revised Phase 1 Report submittal required on or before November 12, 2026. DERM has since stated that **none** of the VSC submittals were accepted as complete; this status appears to relate at least in part to a change in DERM’s interpretation of certain SSES requirements, as well as DERM’s application of modified SSES guidelines that were published in 2024 **after** submittal of the Phase 1 Report. It is noted that the Cycle 3, Phase 2 SSES Report is also due on or before November 12, 2026.

DERM's detailed comments are provided as **Attachment A** for convenient reference. It is emphasized that the DERM comments also reference and incorporate corrective action projects described in the Town's letter to DERM dated December 3, 2024 (**Attachment B**) and require that completion of these corrective actions be documented in an appendix to the Cycle 3, Phase 2 SSES Report. **Attachment C** identifies specific items in the RFI as well as a source, where applicable, for the requirement in the Miami-Dade County Code or previously published DERM guidelines.

This scope of services provides for assistance in addressing the DERM RFI and developing the required Phase 1 and Phase 2 SSES Report submittals to DERM.

Scope of Services

A scope of services with associated assumptions is provided as **Attachment D**.

Performance Schedule

All services will be performed in accordance with the schedule required for regulatory submittal, and will be initiated immediately following approval of this proposal.

Fee Proposal

Hazen proposes to conduct the above-described services on a time and materials basis in accordance with the fee proposal provided in **Attachment E**. If services are extended beyond those stated or additional work is required to complete the project, an Amendment to this Service Order will be requested for continuation of engineering services.

We are prepared to begin work upon receipt of authorization from the Town, and are grateful for the opportunity to assist in this assignment. Should you have any questions or wish to discuss this project, please call us at your earliest convenience.

Very truly yours,
HAZEN AND SAWYER, P.C



Ethan Heijn
Senior Associate

Enclosure

cc: J. Page (Hazen)
C. Kish (Hazen)

Hazen

Attachment A: DERM Comments dated February 11, 2025

Department of Regulatory and Economic Resources
Division of Environmental Resources Management
Water and Wastewater Division
701 NW 1st Court, 7th Floor Miami,
FL 33136-391
Ph: (305) 372-6920

February 11th, 2025.

ELECTRONIC CORRESPONDENCE ONLY

Mr. Randy L Daniel PE, PMP, CFM, Director
Public Works Department
Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, FL 33154
Email: rdaniel@bayharborislands-fl.gov

RE: Sewer System Evaluation Survey [SSES], Third Cycle Phase I Report, for the Town of Bay Harbor Islands sanitary sewer collection system. DERM Response Letter, Request for Information No.1 (RFI#1 / Matrix).

Dear Mr. Daniel:

This Department of Regulatory and Economic Resources, Environmental Resources Management Division (RER- DERM) is in receipt of the SSES Third Cycle, Phase 1 Report, dated 11/16/2022, Phase1 Report, prepared and submitted by Mr. Christopher L. Kish P.E., Hazen and Sawyer. The submittal has been reviewed pursuant to DERM Utilities-SSES 2nd and 3rd Cycle Guidelines-Minimum Requirements and Section 24- 42.2(3)(a) of Miami-Dade County Code.

The report is *INCOMPLETE*. The review of the report revealed that additional information is required. Please provide the information requested on DERM Request for Information No.1 (RFI #1/Matrix), dated 02/11/2025, attached to this letter's email. Please submit a revised SSES 3rd Cycle Phase 1 Report in response to this letter according to the RFI#1/Matrix, General Notes, Note no.13 and no.14, before or on November 12, 2026.

Please the utility's engineer shall submit all utility SSES 3rd Cycle Reports to RER-DERM via DERM-File Transfer Protocol (FTP) Web Application. Upload the submittal(s) to the VSCO's File, City of Bay Harbor Islands Folder Name, located in the FTP application.

Please if you or/and your consultant (Mr. Kish) would like to schedule a virtual meeting, please contact Ms. Estele Anorga-WWD Administrative Secretary at Estelle.Anorga@miamidade.gov. If you have any questions any questions about the above, please contact me at Karina.Lopez@miamidade.gov Ph (305) 372-6757.

Sincerely,

Karina Lopez
Digitally signed by Karina Lopez
Date: 2025.02.11 09:14:50 -05'00'

Karina Lopez Eng. 2
Water and Wastewater Division
Environmental Resources Management Division Department
of Regulatory and Economic Resources

Cc: Christopher Kish, P.E.- Hazen and Sawyer; via email: ckish@hazenandsawyer.com
Oscar Aguirre-DERM
Pablo Asencio-DERM
Karina Lopez-DERM

File PSU-13 BHI / SSES Phase I Rpt.

BAY HARBOR ISLANDS / PSU # 13

SEWER SYSTEM EVALUATION SURVEY (SSES) - 3RD CYCLE (Period 2012-2022) PHASE 1 REPORT

DERM REQUEST FOR INFORMATION - RFI #1 / MATRIX

Date: 02/11/2025

Doc.Rev-7/15/2024 PA

The Utility SSES 3rd Cycle-Phase 1 Report submitted is incomplete according to RER-DERM SSES Guidelines and MDCEO, Chapter 24, Section 24-42.2 (3)(a).
The Utility shall submit a Revised SSES 3rd Cycle Phase 1 Report in response to the DERM Request for Information No.1 (RFI#1/Matrix) before or on November 12, 2026 [see RFI-Matrix General Notes, Note No.13 and No.14].

SSES 3rd Cycle Phase 1 Report submitted by [Utility Name]:	*Bay Harbor Islands*	*Consultant Engineer Co.*	*Hazen and Sawyer*	*Engineer of Records: [name, Ph #, and Email]*	Christopher L. Kish, PE 55480 PH: 305-443-4001 Email: ckish@hazenandsawyer.com

DERM-WWD Reviewer:	Karina Lopez, E2	Karina.Lopez@miamidade.gov	Ph#: 305-372-6757		

History and Status.

-SSES 3rd Cycle Phase 1 Rpt. [Period 2012-2022]

-Basins Smoke Test Report and Night Flow I/I Report claimed as credits.

-DERM Requests for Information (RFI) status.

SSES 3rd Cycle-Phase 1 Reports - Submitted	Submittal Date	Received Date	DERM Request for Information-RFI/Matrix Date	RFI - Response Status [Pending / Received)	Meeting Required - Outstanding RFI [Meeting Date / Comments]
SSES Phase 1 Report [+ Any Addendum No. if applicable]	11/16/2022	11/16/2022			
SSES Phase 1 - Smoke Testing Date / Smoke Test Report Date	Report "smoke testing on 100 percent of the collection system" date not provided				
MHs Inspection and Report Date					
CCTV Performed and Report Date	Clarification requested				
Night Flow I/I Measurements Performed and Report Date					

SSES 2nd Cycle Reports performed during the SSES 3rd Cycle and Utility Claimed Credits	Report Date/Basins	DERM Approval Date	Report - Claimed Accepted by DERM [Y-Yes]	Report - Claimed Not Accepted by DERM [N-No]	[Comments]
SSES 2nd Cycle-Smoke Test Report- Claimed Credit for SSES 3rd Cycle Rpt.	Clarification requested				
SSES 2nd Cycle-Night Flow I/I Test Report Claimed Credit for SSES 3rd Cycle Rpt.	Clarification requested				

RFI - REVIEW MATRIX - ABBREVIATIONS

WCTS	Wastewater Collection and Transmission System.	SSCS	Utility Sanitary Sewer Collection System.	CAP	Corrective Action Plan-Table listing / reporting all I/I sources discovered.
I/I	Inflow and Infiltration.	MDCEO	Miami Dade County Code Environmental Ordinances.	PS-WW	Pump Station Wet Well
DERM SSES-DGR	Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024"	ADF	Average Daily Flow	EOR	Engineer of record; The engineer that under his/her supervision the SSES report and related documents were produced and submitted to RER-DERM.
SSO	Sanitary Sewer Overflow.	FT(s)	Flow Measurements-Test(s) GPD	SCADA	Supervisory Control and Data Acquisition-Remote Telemetric System
PS(s)	Pump Station(s).	WWD	Water & Wastewater Division Front Desk-(305) 372-6920	CBA	Cost Benefit Analysis
FDEP	Florida Department of Environmental Protection.	DERM	Division of Environmental Resources Management.	EOR	Professional Engineer of Record [the engineer sealing, signing, and dating the SSES report].
SSES	Sewer System Evaluation Survey Report.	RER-	Dept. of Regulatory and Economic Resources.	WW	Pump station wet well.
MH	Sanitary Manhole.	KMH	Key Manhole	BOI	Basin or Sub-basin of Interest: This is the basin of sub-basin in the SSES report under SSCS evaluation and providing all the required information according to SSES requirements demonstrating compliance with less than 5,000 GPDIM-I/I and 100% completed CAP(s).
C/O DRC	C/O: Sanitary cleanout. DRC: DERM Review Comment.	EMH	End Manhole		
DWO	Domestic Wastewater Operating Permit.	ST(s)	Smoke Test(s) and Smoke Re-test(s).		

RFI SECTION No. [SSES Phase 1 Reporting Period Date]	RFI SECTION NAME	MINIMUM REQUIREMENTS TO BE PROVIDED IN THE SSES RPT. ACCORDING TO THE FOLLOWING SECTIONS IN THIS RFI/MATRIX [DERM RESERVE THE JURISDICTION TO REQUEST ADDITIONAL REQUIREMENTS OR/AND INFORMATION BASED ON UTILITY'S SPECIFIC INFORMATION, METHODS, ETC., PROPOSED IN THE SSES 3RD CYCLE REPORT(S) SUBMITTED FOR DERM'S APPROVAL] SSES 3RD CYCLE PHASE 1 & 2 (PHASE I) REPORT SUBMITTAL PRODUCED / PREPARED BASED ON A FORMAT OTHER THAN THE CURRENT DERM GUIDELINES *"Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024"* [DERM SSES-DGR], WILL NOT BE ACCEPTED, REQUIRING THE SUBMITTAL OF A REVISED REPORT AS PER DERM SSES-DGR AND REVIEW COMMENTS IN THIS RFI/MATRIX. *Remark: All SSES documents shall be in electronic PDF format and digitally singed, sealed, and dated by an engineer (EOR) registered in the State of Florida. Reports or documents that do not comply with these requirements shall not be accepted and the Utility's EOR / Utility informed.*	PROVIDED (YES / N0 / NA) [Y / N / NA]	ACCEPTED (YES / NO / NA) [Y / N / NA]	DERM REVIEW COMMENT NUMBER (DRC#)	DERM REVIEW COMMENTS (DRCs) [Remark: The review comments that are not appropriately identify in the comment's text are by default preceded by this reviewer expression "Please provide" or Please submit"]	UTILITY-EOR'S RESPONSE ATTACH THIS RFI / REVIEW MATRIX WITH COMPLETED INFORMATION IN THIS COLUNM TO THE REVISED SSES REPORT AS A SEPARATE DOC. THE EOR SHALL PROVIDE IN THIS COLUNM FOR EACH DERM REVIEW COMMENT NUMBER WITH THE NOTE "RESPONSE REQUIRED", THE REPORT PAGE NUMBER, SECTION / SUBSECTION No., EXHIBIT OR/AND APPENDIX NO., BASIN-SUB-BASIN MAP/SITE PLAN NUMBER, AND SHEET NUMBER WHERE THE REPORT'S REVISION IS LOCATED IN RESPONSE TO THE DERM REVIEW COMMENTS. ADDITIONAL SHEETS/PAGES COULD BE ADDED IN RESPONSE TO EACH REVIEW COMMENT AS NEEDED AND SUBMITTED IN A SEPARATE DOCUMENT APPROPRIATELY IDENTIFIED WITH THE MATRIX'S SECTION NUMBER / REVIEW COMMENT NUMBER. [PLEASE DO NOT PROVIDE THE REPORT / EXHIBIT / APPENDIX REVISION IN RESPONSE TO ANY DERM REVIEW COMMENT NUMBER IN THIS COLUNM; FOLLOW THE INSTRUCTIONS ABOVE] *ALL SSES SUBMITTALS SHALL BE UPLOADED TO DERM FILE TRANSFER PROTOCOL (FTP) WEB APPLICATION. PLEASE CONTACT THIS REVIEWER IF YOU NEED ASSISTANCE WITH THE APPLICATION LOG IN USERNAME, PASSWORD, AND SUBMITTAL-UPLOADING INSTRUCTIONS.*
		Is the SSES 3rd Cycle Phase 1 Report provided according to "DERM Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024" ?	Y		1	The SSES 3rd Cycle Phase I Report was submitted according to the DERM guidelines format/content. Provide a Revised SSES 3rd Cycle Phase I Report according to the DERM review comments in this RFI/Matrix, before or on November 12, 2026.	Response not required.
		Utility Name specified in the report's cover sheet(s).	Y		2	No comments.	Response not required.
		SSES 3rd Cycle + Phase 1, 1 & 2, or Phase 1 Report specified.	Y		3	No comments.	Response not required.
		Report Date specified.	Y		4	No comments.	Response not required.
		Does the report include the Cover Letter, Engr. Consultant Co., and Report Certification Sheet Signed, Sealed, Dated by a professional engineer registered in the State of Florida?	Y		5	No comments.	Response not required.
		Index and Content with main-sections provided with numbered pages in sequence. as per DERM Utility-Guidelines.	Y		6	No comments.	Response not required.

RFI SECTION No. [SSES Phase 1 Reporting Period Date]	RFI SECTION NAME	**MINIMUM REQUIREMENTS TO BE PROVIDED IN THE SSES RPT. ACCORDING TO THE FOLLOWING SECTIONS IN THIS RFI/MATRIX** [DERM RESERVE THE JURISDICTION TO REQUEST ADDITIONAL REQUIREMENTS OR/AND INFORMATION BASED ON UTILITY'S SPECIFIC INFORMATION, METHODS, ETC., PROPOSED IN THE SSES 3RD CYCLE REPORT(S) SUBMITTED FOR DERM'S APPROVAL] SSES 3RD CYCLE PHASE 1 & 2 (PHASE I) REPORT SUBMITTAL PRODUCED / PREPARED BASED ON A FORMAT OTHER THAN THE CURRENT DERM GUIDELINES "*Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024*" [DERM SSES-DGR], WILL NOT BE ACCEPTED, REQUIRING THE SUBMITTAL OF A REVISED REPORT AS PER DERM SSES-DGR AND REVIEW COMMENTS IN THIS RFI/MATRIX. *Remark: All SSES documents shall be in electronic PDF format and digitally singed, sealed, and dated by an engineer (EOR) registered in the State of Florida. Reports or documents that do not comply with these requirements shall not be accepted and the Utility's EOR / Utility informed.*	PROVIDED (YES / N0 / NA) [Y / N / NA]	ACCEPTED (YES / N0 / NA) [Y / N / NA]	DERM REVIEW COMMENT NUMBER (DRC#)	**DERM REVIEW COMMENTS (DRCs)** [Remark: The review comments that are not appropriately identify in the comment's text are by default preceded by this reviewer expression "Please provide" or Please submit"]	**UTILITY-EOR'S RESPONSE** ATTACH THIS RFI / REVIEW MATRIX WITH COMPLETED INFORMATION IN THIS COLUNM TO THE REVISED SSES REPORT AS A SEPARATE DOC. THE EOR SHALL PROVIDE IN THIS COLUNM FOR EACH DERM REVIEW COMMENT NUMBER WITH THE NOTE "RESPONSE REQUIRED", THE REPORT PAGE NUMBER, SECTION / SUBSECTION No., EXHIBIT OR/AND APPENDIX NO., BASIN-SUB-BASIN MAP/SITE PLAN NUMBER, AND SHEET NUMBER WHERE THE REPORT'S REVISION IS LOCATED IN RESPONSE TO THE DERM REVIEW COMMENTS. ADDITIONAL SHEETS/PAGES COULD BE ADDED IN RESPONSE TO EACH REVIEW COMMENT AS NEEDED AND SUBMITTED IN A SEPARATE DOCUMENT APPROPRIATELY IDENTIFIED WITH THE MATRIX'S SECTION NUMBER / REVIEW COMMENT NUMBER. [PLEASE DO NOT PROVIDE THE REPORT / EXHIBIT / APPENDIX REVISION IN RESPONSE TO ANY DERM REVIEW COMMENT NUMBER IN THIS COLUMN; FOLLOW THE INSTRUCTIONS ABOVE] *ALL SSES SUBMITTALS SHALL BE UPLOADED TO DERM FILE TRANSFER PROTOCOL (FTP) WEB APPLICATION. PLEASE CONTACT THIS REVIEWER IF YOU NEED ASSISTANCE WITH THE APPLICATION LOG IN USERNAME, PASSWORD, AND SUBMITTAL-UPLOADING INSTRUCTIONS.*
Section No.1 [Phase 1 2012-2022]	Report Format	All Exhibits, Appendixes, etc., attached to the main report are identified with capital-letters in alphabetic order or numbers, provided with numbered pages in sequence, Basin or Sub-basin number/name when applicable, Exhibit or Appendix Name, and dated. These appendices, exhibits, etc., shall be in the SSES report. Remark: Any additional document that is part of the SSES report shall be included as an Appendix, Exhibit, etc., in the report. Separate documents (Test Reports, schematic diagrams, certification forms, etc.) submitted and uploaded to DERM FTP Web Application that are not included in the SSES Report (separate documents) shall not be accepted and the re-submittal of a SSES Report including the appendixes, exhibits, etc. shall be submitted.	Y		7	No comments.	Response not required.
		All Basins and Sub-basins wastewater map / site plan shall be provided with a title block including: Sheet Numbers, Basin or Sub-basin Number/Name, Wastewater Basin WCTS, Consultant Engr. Co. Name, Utility Name, and date.	N	N	8	1. Provide sub-basins maps. [see Section No.2, DERM Comment No.2 review comments about each sub-basin map requirements]	Response required.
		All report's tables as requested in Section No.2. and Section No.3, DERM-DGR. Any table(s) proposed/presented by utility-EOR shall be replaced by DERM's tables. Only proposed tables as equal including the information in the DERM's tables shall be accepted.	N	N	9	Table 1 is incomplete, provide the basin's total gravity mains and laterals IDM. [see review comment in Section No.2, DERM Comment No.3, in this matrix]	Response required.
		Submittals of Addendum(s) to the SSES 3rd cycle Phase 1 Report after the Phase 1 report was received at DERM according to the phase1 report due date shall not be accepted. DERM shall advise the utility's EOR about any future addendum(s) after the review and a report status's response is provided by DERM to the Utility SSES 3rd Cycle Phase 2 Report (due before or on November 12, 2026).	N/A	N/A	10		Response not required.
		Provide an Overall Utility Service Area Boundary-Map showing each basin name and boundary in the overall map.	Y	N	1	1. The utility has only one Basin 13-0001. However, the required Overall Utility Service Area Boundary Map was submitted for the utility basin no. 13-0001 divided in six (6) sub-basins. Please provide in the overall map the following information: a. Specify and show the location of the Basin No.13-0001 (Master Pump Station-Basin) and show the basin overall boundary lines. b. Specify each Sub-basin (A, B, etc.) in the map and identify each sub-basin the boundary lines shown in the map. The sub-basin D appears to be part of the master PS/Basin (clarify). c. In Table 2, the A, B, C, D, E, and F letters are identified as Basin/Key Manhole. Revise the designation to "Sub-basin/Key Manhole" matching the sub-basins map. In addition, for clarity of sub-basins evaluation, etc., specify the Key Manholes for each sub-basin in each Sub-basin Map requested in the DERM Comment No.2 below.	Response required.
		Provide each Basin and Sub-basin wastewater map-site plan in compliance with DERM DGR. in addition, the map shall show/specify the entire basin SSCS, pipe sizes/material, pipe sections length between MHs, MHs number matching the utility's records, laterals size/length, force main pipe up to the basin boundary with coordination note as needed for the continuation of the FM to adjacent basin(s), and PS # / Name location including a separate wet well legible detail showing all influent-pipes and force main size (gravity mains, force mains. etc.) connected to and discharging into the WW and the force main leaving the WW. Information of any upstream pump station(s)/basin(s) name/numbers with FM pipes discharging wastewater flows into the WW or a MH in the SSCS of the BOI shall be shown in the basin map and WW detail as well [According to SSES-DGR]. Remarks: 1. Reference in the report that the utility has submitted to DERM updated annual GIS Maps for each basin does not substitute for the DERM Guidelines requirements to submit each Basin's Map allowing the appropriate review of the basin's requirements in the SSES report. 2. The utility could use the latest GIS maps available information submitted to DERM as per the GIS Annual Update Submittal Requirements to produce the basins' maps required in the SSES Reports.	N	N	2	1. Each required sub-basin map was not submitted. Therefore, the utility's EOR requires to submit each basin map as per the requirements column in this DERM Comment No.2. Revise report accordingly. [see Remark No.1 in this DERM Comment No.2-requirements about GIS Maps]. 2. Please assure that the incoming force main lines (pipes) to a sub-basin WW or KMH is shown and specified from which upstream sub-basin is coming in the map (as applicable). This information is required to evaluate wastewater upstream flows discharging in the basin (BOI) at the time of night flow I/I evaluation and for the appropriate review of the nigh flow I/I test method. Remark: As per the requirements, the utility's EOR shall show and specify in the sub-basin's map all MH numbers, each diameter/length of gravity main section between MHs, laterals size/length or just showing the lateral lines if the utility shall calculate the laterals IDM based on the DERM allow estimate of each lateral 4" diameter / 25 LF length. In addition, the EOR could provide a ID for the gravity main section between MHs and report/identify in the DERM Table 1 the gravity main section ID (matching the basin's map) instead of listing UP/DW stream MH-numbers. [see all basin's map requirements in the requirements column of this DERM Comment No.2].	Response required.

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Section No.2 [Phase 1 2012-2022]	Basin Map, Basin Inventory IDM, Smoke Test Rpt., MHs Inspection Rpt., CCTV Inspection Report, etc. [2012-2022]	Provide completed DERM Table 1-Basin Collection System Inventory for each basin and sub-basin according to SSES-DGR. The total basin / sub-basin IDM shall include the laterals shown for the properties in the basin / sub-basin map provided. If the laterals length / size are not specified as required for each lateral shown in the basin / sub-basin map, the utility's EOR is allow to estimate for each lateral four (4) inches diameter and maximum 25 feet length. Remarks: 1. Present in the table the number of laterals per pipe segment between MHs as per the basin map, laterals diameter 9grouping the lateral of the same diameter, and each lateral or group of laterals of the same diameter length, and IDM for each lateral or group of laterals, and total basin lateral IDM shall be included in a separate Table 1 or in the same Table 1 as far the information is legible and clear for review by DERM. 2. In addition, if the utility's EOR is estimating the laterals total IDM as per DERM allow criteria above, the total laterals IDM= total basin laterals (4 inches) x 25 ft length x ft-mile factor. Report the total laterals IDM in Table 1 as a remark and added to the gravity mains IDM for the basin total IDM to be used in the basin GPDIM_I/I formula.	Y	N	3	1. Provide the Basins Collection System Inventory in proposed Table 1 according to Table 1 of the SSES-DGR. Tables must include from MH# to MH# or as an option to the utility's EOR, provide from MH-ID to MH-ID the gravity main section ID between specific MHs numbers or IDs matching the basin map. 2. Please revise Table 1 Providing each sub-basin Total IDM. In addition, provide each Sub-basin Subtotal gravity mains IDM and Subtotal laterals IDM in the Table. 3. Please review and verify the diameters from the gravity mains shows with"101-inch" diameter on basin "A" Table 1; appears to be a typo. 4. Appendix B; RER Table 2: In Table 2, Note No.1 specified "IDM values from 2022 GIS records". Each Sub-basin Sub-total gravity mains and laterals and Total IDM shall be calculated based on the basin's map presented (submitted) in the Phase I report. No other proposed database, GIS maps, estimates, etc. of basins IDM shall be accepted. Therefore, submit each basin map as required and requested in DERM Comment No.2 above in this Section No.2 and provide the basins IDM calculations based on the basin's map as requested in review comment no.2 above. Remarks: 1. DERM requires to report the accurate value of each Basin GPDIM-I/I based on clear / accurate calculation of IDM values in Table 1 [see comment no.2 above]. 2. The table and gravity mains/manholes information (MH # to MH #) according to the basin's map is essential for the appropriate review of the MH Inspection Report and MH pictures, MHs discovered with I/I sources in the Smoke Test Reports, MHs rehabilitation work reported in the Corrective Action Plan(s) [CAPs], smoke test report, etc. The GIS does not provide the information according to the SSES requirements and review steps/process. The GIS is used as good reference information and does not totally comply with DERM DGR for the basin map.	Response required.
		Provide MHs Inspection Report, and CCTV Report (if applicable), for each Utility Basin and Sub-basin [see requirements for CCTV in DERM Review Comment No. 10 below in this section]. Remarks: 1. MHs Inspection Report is required (mandatory) in the Phase I report. 2. CCTV Inspection Report is not required 9mandatory) in the Phase I report. However, if the utility's EOR perform CCTV inspections, a CCTV report as per this RFI/Matrix requirements is required (mandatory) to be submitted with the Phase I report.	N	N	4	1. The MHs Inspection Reports for all basins were not submitted (missing). 2. According to the report Section 5.2, CCTV inspections were performed, but CCTV reports were not submitted.	Response not required.
		Provide Smoke Test and a Report for each Basin or Sub-basin.	N	N	5	Provide missing smoke test report for each Sub-basins (A, B, C, D, and F) in the Revised SSES 3rd Cycle Phase 1 Report to be submitted on or before November 12, 2026.	Response required.
		Does the utility claim a SSES 2nd Cycle-Smoke Test and Report credit for any basin and sub-basin? If Yes. Only complete smoke Test - Re-test reports previously approved by DERM within the years 2017-2022 are accepted to be claimed as a smoke test report credit for SSES 3rd Cycle Phase 1 and Phase II Reports.	N/A	N/A	6	No claim for smoke test report credit was presented in the SSES Phase 1 Report. if the utility shall claim smoke test credits, the test must be performed with the 3rd cycle, a copy of the complete smoke test report that was approved by DERM must be submitted for each basin claiming a credit. the proposed credit is not accepted until DERM approved the submitted report.	Response not required.
		Does any utility's basins reported with surcharge condition? The basins in surcharge condition shall be reported in the report text and DERM Table 3A. [See RFI/Matrix, General Notes, Note No.3 for basin in surcharge conditions].	N	N	7	No comments.	Response not required.
		Provide Smoke Test and Report for each Basin or Sub-basin according to the following minimum requirements and DERM SSES-DGR: Report shall include basin / sub-basin name/number, performed test's date, company name, pipe segments between MHs tested, description of method used [Complete SSCS Testing Method or Partial Testing per SSCS Sections Method], point of smoke injections shown in basin's map, pictures of all sewer accepts in normal closed position (except clean outs without caps, etc.), pictures of I/I sources discovered during the test(s), pictures with ID matching basin's map and CAP [MHs, C/Os, WW, etc.].	N	N	8	Report Section 5.4 - Smoke Testing; This section specified that "The town has performed smoke testing on 100 percent of the collection system". 1. The required smoke test report per basin was not provided. Submit smoke testing reports to comply with the SSES 3rd cycle code requirements in the Revised SSEs 3rd Cycle Phase I Report. 2. Provide smoke test report as per the requirements in the RFI/Matrix and DERM DGR including the test date, company name, pipe segments between MHs tested, description of method used, point of smoke injections shown in basin's map, complete SSCS or partially SSCS-sections tested, pictures of all sewer accepts in normal closed position (except clean outs without caps), and pictures with ID matching basin's map [MHs, C/Os, WW, etc.], smoke test report, and smoke test report CAP. 3. Any utility's basin without a completed smoke test report in the submittal of the DERM requested Revised SSES 3rd Cycle Phase I report and DERM approval shall be placed in moratorium status, but no earlier than November 12, 2026. 4. Please revise Section 5.4 text to include when the sub-basins smoke testing was performed. 5. Clarify if the utility's EOR will claim credits for the sub-basins smoke test reports; see DER Comment No.2 above. [DERM will coordinate the clarification and credits requirements in the RFI matrix meeting; see Reviewer Additional Remarks].	Response required.

RFI SECTION No. [SSES Phase 1 Reporting Period Date]	RFI SECTION NAME	**MINIMUM REQUIREMENTS TO BE PROVIDED IN THE SSES RPT. ACCORDING TO THE FOLLOWING SECTIONS IN THIS RFI/MATRIX** [DERM RESERVE THE JURISDICTION TO REQUEST ADDITIONAL REQUIREMENTS OR/AND INFORMATION BASED ON UTILITY'S SPECIFIC INFORMATION, METHODS, ETC., PROPOSED IN THE SSES 3RD CYCLE REPORT(S) SUBMITTED FOR DERM'S APPROVAL] SSES 3RD CYCLE PHASE 1 & 2 (PHASE I) REPORT SUBMITTAL PRODUCED / PREPARED BASED ON A FORMAT OTHER THAN THE CURRENT DERM GUIDELINES "*Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024*" [DERM SSES-DGR], WILL NOT BE ACCEPTED, REQUIRING THE SUBMITTAL OF A REVISED REPORT AS PER DERM SSES-DGR AND REVIEW COMMENTS IN THIS RFI/MATRIX. *Remark: All SSES documents shall be in electronic PDF format and digitally singed, sealed, and dated by an engineer (EOR) registered in the State of Florida. Reports or documents that do not comply with these requirements shall not be accepted and the Utility's EOR / Utility informed.*	PROVIDED (YES / N0 / NA) [Y / N / NA]	ACCEPTED (YES / N0 / NA) [Y / N / NA]	DERM REVIEW COMMENT NUMBER (DRC#)	**DERM REVIEW COMMENTS (DRCs)** [Remark: The review comments that are not appropriately identify in the comment's text are by default preceded by this reviewer expression "Please provide" or Please submit"]	**UTILITY-EOR'S RESPONSE** ATTACH THIS RFI / REVIEW MATRIX WITH COMPLETED INFORMATION IN THIS COLUNM TO THE REVISED SSES REPORT AS A SEPARATE DOC. THE EOR SHALL PROVIDE IN THIS COLUNM FOR EACH DERM REVIEW COMMENT NUMBER WITH THE NOTE "RESPONSE REQUIRED", THE REPORT PAGE NUMBER, SECTION / SUBSECTION No., EXHIBIT OR/AND APPENDIX NO., BASIN-SUB-BASIN MAP/SITE PLAN NUMBER, AND SHEET NUMBER WHERE THE REPORT'S REVISION IS LOCATED IN RESPONSE TO THE DERM REVIEW COMMENTS. ADDITIONAL SHEETS/PAGES COULD BE ADDED IN RESPONSE TO EACH REVIEW COMMENT AS NEEDED AND SUBMITTED IN A SEPARATE DOCUMENT APPROPRIATELY IDENTIFIED WITH THE MATRIX'S SECTION NUMBER / REVIEW COMMENT NUMBER. [PLEASE DO NOT PROVIDE THE REPORT / EXHIBIT / APPENDIX REVISION IN RESPONSE TO ANY DERM REVIEW COMMENT NUMBER IN THIS COLUNM; FOLLOW THE INSTRUCTIONS ABOVE] *ALL SSES SUBMITTALS SHALL BE UPLOADED TO DERM FILE TRANSFER PROTOCOL (FTP) WEB APPLICATION, PLEASE CONTACT THIS REVIEWER IF YOU NEED ASSISTANCE WITH THE APPLICATION LOG IN USERNAME, PASSWORD, AND SUBMITTAL-UPLOADING INSTRUCTIONS.*
		If smoke test is performed per sections of the basin or sub-basin SSCS, each section of the SSCS smoke tested shall be identified and test results reported in the smoke test report for each section tested in the basin or sub-basin. The I/I sources discovered during smoke testing of a basin or sub-basin for a section or complete SSCS shall be clearly identified and presented in the Smoke Test Report.	N	N	9	Provide the required information about how the smoke tests were performed in the basins in the SSES report text or in the cover page of each basin smoke test report [complete SSCS or partial per sections of SSCS].	Response required.
		The smoke test must be performed without surcharge conditions in the SSCS and with all sewer assets in the SSCS in closed/tight mode including MH covers, cleanout caps (if caps are present), and pump station wet well access-hatch. Smoke Tests Report with above sewer assets in open position/mode will not be accepted and a smoke retest will be required. [See RFI-General Notes, Note no.3]	N	N	10	1. Report didn't provide any comment of the test performed without surcharge conditions, and the manhole inspections were not provided. [see DERM comment no.11 for the MHs inspection report].	Response required.
		Provide Manholes Inspections and Report for each Basin or Sub-basin. Report shall include basin / sub-basin name/number, performed inspection's date, company name, list of all MHs inspected matching basin's map, MHs numbers, pictures with ID of each MH inspected, list of MHs discovered with I/I sources during the inspection and pictures with ID matching MHs numbers. Statement in the report about surcharge conditions in the MHs [no surcharge conditions in MHs or List the MHs with surcharge conditions]. Statement in the report that all sewer assets were in normal closed/tight position (MHs, C/Os, WW Hatch, etc.), except when the sewer asset has a I/I source. Statement if the report that the existing MH shown in the basin/sub-basin map was not found, located, etc., is not acceptable. The MH's Inspection Report will not be in compliance until the non-reported MHs are found and inspected as per the requirements.	N	N	11	Report Section 5.3 - Manhole Inspection. 1. The MHs Inspection Reports for all basins were not submitted (missing). DERM has waived the requirement to submit the MHs Inspection Report for all the basins based on that the utility must have reported in the Phase I report a Smoke Test Report - Corrective Action Plan (CAP) and a CCTV Inspection Report - Corrective Action Plan (CAP) [if CCTV inspection was performed].	Response required.
		Provide CCTV Inspections and Report for each Basin or Sub-basin [if applicable because CCTV report is not a mandatory requirement as per current SSES-DGR.]. If applicable, provide a CCTV report as per standard industry practice and including basin / sub-basin name/number, performed inspection's date, company name, and inspection sheet with pipe segment length (ft) between MHs, flow direction, previous pipe cleaning, Up/Dw stream MH numbers matching the basin's map, and I/I sources discovered.	N	N	12	Report, Appendix C3: 1. A CCTV Inspection Report - Corrective Action Plan is included in the report, but no CCTV reports. 2. A basin CCTV Inspection is not mandatory (as per the utility discretion). However, if a CCTV inspection is performed and I/I defects are discovered, the CCTV Inspection report for those I/I defects reported in the report as part of the Corrective Action Plan is required to be submitted with the related pictures of the I/I defects before repairs. If the before repairs pictures/video is not available, the utility must submit the supporting docs.(after repairs, pictures, etc.) demonstrating that the CCTV I/I defects in the CAP were corrected. [see DERM Comment No.3 requirements for CCTV inspection report in Section No.3]	Response required.
		All Corrective Action Plans [CAPs] below shall include pictures of the I/I sources discovered (I/I defects) before the rehabilitation work was performed as required by Phase I report. Pictures shall be listed in sequence of numbers, letters, etc., and matching the defect's ID reported in the CAPs allowing the appropriate review.	Y	N	1	Provide pictures/photos (before repairs) of I/I sources discovered and reported in the CAPs before repairs [Manholes Inspection Corrective Action Plan (CAP), CCTV Inspection - CAP, and Smoke Test Corrective Action Plan as per the requested information in this Section No.3. [see DERM Comment No.2, No.3, and No.4, in this Section no.3 for review comments about the above listed corrective action plans]	Response required.
		Provide a Manholes Inspection-Corrective Action Plan (CAP) - Table. The CAP-table shall report ONLY the public I/I sources (I/I defects) discovered PER BASIN. The Table shall include: Utility Name, Inspection Date, Basin and/or Sub-basin number/name, basin or sub-basin surcharge status, each MH-number matching basin's map, description of I/I defect(s) discovered at each MH, pictures of all MHs with I/I defect(s) matching the Manholes Inspection Report, and proposed or completed completion date for the proposed rehabilitation work to eliminate each I/I defect reported in the table. Remark: All PRIVATE I/I sources discovered (I/I defects) shall be reported in a separate Private I/I Sources-MHs Inspection Corrective Action Plan [Private-I/I-MHs inspect.-CAP]. If the utility is addressing (repairing) the private I/I sources discovered, the utility shall include the Private-I/I-MHs Inspect.-CAP in the Phase 1 report. Otherwise, DERM will advise the EOR about the private I/I sources reported during the review of the SSES 3rd Cycle Phase 1 Rpt. Completion of the Private-I/I-MHs Inspect.-CAP will not hold a basin or Sub-basin compliance with SSES 3rd cycle requirements.	N	N	2	1. Provide the MHs Inspection Report - Corrective Action Plan (CAP) based on the MHs I/I defects reported in the smoke test and CCTV inspection CAPs. [see DERM review comment no.11 in Section No.2 in this RFI/Matrix]. 2. Provide in a new Appendix with the MHs Inspection Report - Corrective Action Plan (CAP) as per comment no.1 above. The requested MHs CAP shall be submitted in the Revised SSES 3rd Cycle Phase I Report. 3. Submit pictures (before repairs if available) for each MH I/I defect listed in the MHs CAP. Remark: General requirement for the MHs-CAP and any other required Corrective Action plan (CAP) in the SSES 3rd Cycle Reports. Please be advised that this same MHs-CAP shall be submitted as completed with completion dates and supporting documentation as part of the requirements in the SSES 3rd Cycle Phase II Report. The supporting documentation MUST include pictures of each MH rehabilitation work (after repairs) if applicable according to the type of rehabilitation work performed. If the required picture(s) are not submitted with the CAP, DERM shall determine that the CAP is incomplete for the basin corresponding to the I/I defect(s) missing the required pictures and the basin shall be placed in moratorium status until the supporting documentation of the completed rehabilitation work is received from the utility and approved by DERM.	Response required.

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			N	N	2	4. All the Private I/I Sources (I/I Defects) discovered and reported in the MHs Inspection-Corrective Action Plan (CAP), Smoke Test Rpt.-CAP, and any CCTV Inspection Rpt.-CAP shall be separately reported from the public defects in a Private MHs I/I Defects Table. The private I/I defects CAP shall be listed with the name "SSES 3rd Cycle Phase 1-Private I/I Defects Corrective Action Plan". 5. The private I/I defects CAP shall be included in the Revised SSES 3rd Cycle Phase1 Report to be submitted before or on November 12, 2026. 6. If the utility IS correcting the I/I defect in private properties, the utility shall report the status of each I/I defect-rehabilitation work in the private defects CAP as completion date or pending completion. 7. If the utility IS NOT correcting the private I/I defects, the utility shall add a general remark in the CAP as "Private I/I defects discovered during the SSEs 3rd Cycle Basins Evaluation are pending to be completed. DERM will coordinate with the utility under a code requirement other than the SSES 3rd Cycle for the elimination of the I/I defects in private property". Remark: DERM will advise the utility and the utility's EOR about the DERM and Utility coordination for the pending rehabilitation work of the I/I defects listed in the Private I/I Defects-CAP.	Response required.
Section No.3 [Phase 1 2012-2022]	CAPs for MHs Inspect. Rpt., Smoke Test Rpt., and CCTV Rpt. [Phase 1 2012-2022]	If CCTV inspection is performed (applicable): Provide a CCTV Inspection Corrective Action Plan (CAP) -Table. The CAP-table shall report ONLY the public I/I sources (I/I defects) discovered PER BASIN. The Table shall include: Utility Name, Inspection Date, Basin/Sub-basin number/name, surcharge status, Upstream MH #, Downstream MH #, pipe segment between MHs inspected matching the filed inspection sheet, pipe diameter, pipe segment length (ft), location as per basin's map, description of I/I defect discovered, picture and ID matching filed inspection sheet, and proposed or completed date for the proposed rehabilitation work to eliminate each I/I defect reported in the table. Remark: All private I/I defects discovered shall be reported in a separate Private I/I Sources-CCTV Inspection-Corrective Action Plan [P-I/I-CCTV-CAP]. If the utility is addressing the private I/I sources discovered, the utility shall include the P-I/I-CCTV-CAP in the Phase 1 report. Otherwise, DERM will advise the EOR about private I/I defects reported during the report's review.	N	N	3	Please clarify the status of CCTV inspections that appears was performed in the utility SSCS and an Appendix C3 is presented with I/I defects discovered in laterals. 1. Provide a response about which type of inspection revealed / discovered all the lateral I/I defects discovered and reported in Appendix C3. if CCTV, name the Appendix C3 as CCTV-Corrective Action Plan or make a general CAP including the CCTV I/I defects separate from the Smoke Test-I/I defects accordingly. [A Clear / accurate CAP is essential fo the follow up completion and submittal in the SSES Phase II Report] 2. Rename the Appendix C3 as "CCTV Inspection Rpt., etc. according to he inspection method-Corrective Action Plan" accordingly. 3. In the report Section 5.2 -CCTV Inspection is described that the utility performed CCTV inspections in the utility collection system, but no CCTV Inspection Report were included in the Phase I report. include the CCTV report as per comment no.1 and no.2 above. 4. The CCTV inspection of each sub-basin SSCS is not mandatory (required), but if the utility performed a CCTV inspection in a sub-basin, DERM requires that the corresponding CCTV inspection report is submitted and the I/I sources discovered during the inspection are required to be reported in the CCTV Inspection Report-Corrective Action Plan or the General Corrective Action Plan under the CCTV Inspection Section of this CAP [this requested information shall be included in the Revised 3rd Cycle Phase I Report]. 5. In addition, the I/I source (defects) reported in the CAP require to be rehabilitated (eliminated) and the support documentation submitted with the Completed Corrective Action Plan (CAP) in the SSES 3rd Cycle Phase I Report.	Response required.
		Provide all I/I sources/defects discovered during smoke testing of Basins or Sub-basins reported in the proposed Smoke Test Corrective Action Plan (CAP) -Table. Only report in the CAP-Table the public I/I defects PER BASIN. The CAP-Table shall include (columns and rows): Utility Name, Basin and/or Sub-basin number/name, Date of Tests, Basin or sub-basin surcharge status, discovered I/I defect identification number [matching the basin or sub-basin site plan or map), gravity mains-pipe sections between Upstream MH and Downstream MH, pipe segment diameter/length, location of I/I defects (at MH, gravity main, public lateral, etc., description of the I/I defect, referenced picture ID number from Smoke Test Report and I/I defect status of the rehabilitation work with proposed completion date or completed date for each I/I source/defect reported.	Y	N	4	1. In Appendix C1, Smoke Testing Defect Summary-Table: In this table note no.1 is specified "1. Smoke Test Reports contain detailed documentation including photographs and locations of defects". The required pictures (photographs) were not submitted in Appendix C for the Corrective Action Plan(s). The picture before repairs is a requirement for the basins-missing smoke test reports and the corrective action plans. Submit the required information accordingly. [see DERM review comments for missing smoke test reports in Section No.2] 2. In Appendix C2-Smoke testing Defect Detail: One smoke test I/I defects is commonly reported for three (3) basins (D/E/F). See Snagit view of the Defect Detail Table below. LS D/E/F - 9800 West Bay Harbor Drive -Front Left - Asphalt - Medium - High - Public - 25.88840669-80.1334409 Laterals - Cracked 6 Inch CO - Replace Clean-Out Cap. The I/I defects discovered during the smoke testing shall be reported by basin. Revise CAP accordingly. Remark: The CAPs (in general) require you to clearly report the I/I defect that will be corrected by the utility and submitted the completed CAPs with the supporting documentation for DERM review and approval in the SSES 3rd Cycle Phase II Rpt. DERM requires clear information in the CAPs avoiding mistakes and unnecessarily placing basins in moratorium status because incomplete CAPs. 3. Provide the proposed completion date (no later than November 12, 2026) for each I/I defect listed in the submitted Smoke Test-Corrective Action Plan (CAP). 4. All the Private I/I Sources (I/I Defects) discovered and reported in the Smoke Test Corrective Action Plan(s) (CAP)-Table shall be separately reported in a CAP from the public defects. The private I/I defects CAP shall be listed with the name "SSES 3rd Cycle Phase 1-Private I/I Defects Corrective Action Plan"". The private I/I defect CAP shall be included in the Revised SSES 3rd Cycle Phase1 Report to be submitted before or on November 12, 2026. DERM will advise the utility and the utility's EOR about the pending rehabilitation work for the I/I defects listed in the private I/I defects CAP. Remark: As an option, the utility's EOR can provide a general (only one) CAP with all the I/I defects separated as per the type of inspection or test (MHs inspection, CCTV inspection, and Smoke Test) that discovered those defects. [A Clear / accurate CAP is essential fo the follow up completion and submittal in the SSES Phase II Report]	Response required.

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		All the required CAPs above could be presented in only one CAP in the report. The I/I defects shall be reported per basin, identified and separated for each type of test / inspection performed such as manholes inspection, smoke test, and CCTV inspection (if performed). A general CAP presented without this requirement will not be accepted because in the SSES Second Report (Phase II), the utility requires to demonstrate that all the I/I sources discovered and reported in the Phase 1 report were eliminated. DERM requires to review and track the completion of the I/I defects repairs.	N	N	5	1. A general Corrective Action Plan (CAP) for all basins listing and reporting each I/I source (/I/I defect) discovered during the MHs inspection, CCTV inspection (as performed), and Smoke Testing was not submitted. Only the separate Smoke Test Corrective Action Plan (CAP)-Table was submitted. 2. For all the basins submit the missing reports and required CAPs for the MHs Inspection and CCTV Inspection. Remark: As an option, the utility's EOR can provide a general (only one) CAP with all the I/I defects separated as per the type of inspection or test (MHs inspection, CCTV inspection, and Smoke Test) that discovered those defects. [A Clear / accurate CAP is essential fo the follow up completion and submittal in the SSES Phase II Report]	Response required.
		An evaluation of Night Flow I/I Measurements and submitting a Night I/I Flow Measurements Report in the SSES Phase I report is required for each Basin or Sub-basin in the utility service area. Otherwise, the utility could claim a credit submitting a previously approved Night Flow I/I Measurements Report by DERM if the report was approved for compliance with SSES 2nd Cycle requirements during November 2017 - November 2022. As presented in multiple Utility Round Table Presentations (URTs) by DERM, a COMPLETED basin/sub-basin's report previously approved by DERM shall be submitted to claim a credit for the basin / sub-basin Night Flow I/I Report in the SSES Phase 1 Report. Otherwise the claimed report will not be accepted. [see RFI/Matrix General Notes, Note no.4 requirements].	N	N/A	1	1. No credit claim for the Sub-Basins Night Flow I/I Measurements Report. 2. The Sub-basins Night Flow I/I Measurements / Calculations Report was not submitted and the description of the proposed method specified in the report sections could apply to three (3) different DERM accepted night flow I/I test-methods using the WW measure/calculate fill volume and time evaluation (See DERM Comment No.5-Requirements in this Section No.4). 3. Therefore, this reviewer is not able to provide the required Professional Engineer - Certification Form B according to the night flow I/I method that should be proposed in the Phase I report, if the utility's EOR determines to provide new night flow I/I test reports. 4. DERM will provide this form in the RFI#1/Matrix meeting that will follow up the issuance of the DERM Response Letter-RFI#1/Matrix to the utility's EOR. in the meeting will be clarified if the utility's EOR will claim credits or provide new night flow I/I test reports to be submitted in the Revised SSES 3rd Cycle Phase I Report or In the SSES 3rd Cycle Phase II Report.	Response required.
		The basin(s) / sub-basin(s) Night Flow I/I Test Report shall be identified / listed in the report cover sheet as SSES 3rd cycle Phase 1 - Basins-Night Flow I/I Measurements Report. In the report introduction page or in the SSES report text section shall describe the flow measurements method proposed, performed test dates [minimum of three (3) consecutive test dates] and between the hours 1:00 AM - 5:00 AM, minimum of one (1) test [recommended three (3) tests] as per test date according to the night flow I/I test method proposed [see requirement no.4 below for test methos], and the company name, and contact information that performed the flow tests.	N	N	2	1. No Night-Time Flow provided on report. Submit the require night flow I/I measurements/calculations report for each sub-basin in the SSES 3rd Cycle Phase II Report, due on November 12, 2026.	Response required.
		Does any utility basin proposed with sub-basins in the SSES evaluation report?	Y	N/A	3	1. The utility only has one (1) basin in the service area. The utility's basin is presented divided in six (6) sub-basins (A, B, C, D, E & F).	Response not required.
		A Night Flow I/I Measurements cannot be performed in a Basin or Sub-basin with the SSCS in surcharge condition. Otherwise, the flow test is not accepted. A submittal of a new night flow I/I measurements and report with the surcharge condition eliminated shall be required. Provide a statement that there are not basins in surcharge condition or specify the basins discovered in surcharge conditions in the SSES Report, Applicable Section and DERM Table 3A as required. [see RFI/Matrix General Notes, Note no.3].	N	N	4	No comments.	Response not required.
		The Night Flow I/I Measurements Method shall be specified in the propose flow test report according to the following prescribed and DERM accepted SSES night flow test methods [each test method is accepted/applicable according to the type of basin/sub-basin flow measured (night flow I/I, upstream wastewater flow(s), etc. specified]:				General comment a and b: a. In the report Section 4.5-Monitoring Data, was specified that the night flow I/I test for each sub-basin was based on wet well fill time, fill volume, and flow conditions between 1:00 AM - 5:00 AM and the results of the test-monitoring data are provided in Appendix B. The night flow values (data) are proposed to determine compliance with the sub-basin "County's 5,000 GPDIM standard". b. In Appendix B, RER Table 2 - Summary Table for SSES Submittals, the Note No.2 specifies "Flow and chloride data from Cycle 2, Phase 3 Addendum 1 (October 2017). This reviewer has the following specific-comments for the general comments a. and b. above [report Section 4.5 and Appendix B, Table 2, and Note No.2] for the utility sub-basins to achieve compliance with the code requirement of less than 5,000 GPDIM-I/I Standard applying for the sub-basins night flow I/I test report credits in the submittal of the Revised SSES 3rd cycle Phase I Report or providing new night flow I/I test reports in the submittal of the next SSES 3rd Cycle Phase II Report. Specific comments: 1. In the report is not included a claim credit for the night flow I/I reports related to the sub-basins night flow I/I (GPD) reported in Table 2 and in the report's, content is not specified claiming a credit for the required sub-basins night flow I/I Test Reports.	

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		Method No.1 - Method of Wet Well Measured Water Rise Invert Elevations and Clocked Time, Calculated Wet Well I/I Fill Volume, Fill Volume-Time, and Flow in a Pump Station-Basin". [This method is only applicable to measure a Basin Night Flow I/I Measurements at WW]. See DERM review comment no.6 below in this Section No.4 for detail requirements. Method No.2 - Flow Measurements Using Flow Meter(s) in Influent Pipe(s) of Pump Station-Wet Well or KMH Method. [This method is applicable to measure a Basin and Sub-basin Night Flow I/I Measurements at WW and KMH and Upstream-Basin Pump Station(s) Wastewater Flow at WW and KMH]. See DERM review comment no.7 below in this Section No.4 for detail requirements. Method No.3 - Method of Electrical Logger(s) Time Raw-Data of Lead Pump Off/On Status and Calculated Wet Well I/I Fill Volume, Fill Time, and Flow in a Pump Station-Basin". [This method is only applicable to measure a Basin Night Flow I/I Measurements at WW]. See DERM review comment no.8 below in this Section No.4 for detail requirements. Method No.4 - Method of SCADA Time Raw-Data of Lead Pump Off/On Status and Calculated Wet Well I/I Fill Volume, Time, and Flow in a Pump Station-Basin". [This method is only applicable to measure a Basin Night Flow I/I Measurements at WW]. See DERM review comment no.9 below in this Section No.4 for detail requirements.	N	N	5	2. Appears to be that referring to Cycle 2, Phase 3 Addendum 1 (October 2017) in the Table 2 notes and reporting the flows data based on the 2017 Addendum no.1 that the utility's EOR is planning to claim a credit for the sub-basins with less than 5,000 GPDIM. Please review the report and DERM's comments for clarification in the DERM's meeting to be scheduled. 3. If the utility's EOR is claiming a credit for the sub-basins with night flow I/I reports with less than 5,000 GPDIM as per Table 2, a copy of the previous DERM Approval Letter appropriately identifying the 2nd Cycle-SSES Report, Addendum, Sub-basins ID, etc., shall be submitted for acceptance of the claimed credits. In addition, the utility's EOR requires to revise the report text section about the sub-basins night flow I/I evaluation reports specifying sub-basins ID and the same data [SSES report, Addendum No., Sub-basins ID, etc.) supporting the credits to be claimed. 4. Therefore, if the utility's EOR does not claim a credit for the sub-basins with less than 5,000 GPDIM report in Table 2, DERM requires to submit night flow I/I Test (Measurements/Calculations) Report for each of those sub-basin as per DERM DGR and this RFI/Matrix requirement. 5. If the utility's EOR does not claim a credit and provide supporting documents as per comment no.3 above demonstrating compliance with less than 5,000 GPDIM for the sub-basins reported with 5,000 or more GPDIM in Table 2, DERM requires to submit night flow I/I Test (Measurements/Calculations) Report for each sub-basin as per DERM DGR and this RFI/Matrix requirement. Remarks: a. Any sub-basin missing the information requested about for the night flow I/I test report in the submittal of the SSES 3rd Cycle Phase II Report shall be placed in moratorium status after DERM's review of the Phase II Report, due on November 12, 2026. b. If the utility proposes new night flow I/I test reports for any sub-basin, DERM will provide the Certification Form B in the RFI#1/Matrix meeting according to the proposed method by the utility's EOR. DERM's meeting will be scheduled within thirty days of the DERM Response Letter-RFI#1/Matrix issuance's date. c. The utility and utility's EOR must provide the sub-basins new night flow I/I test reports clearly describing the procedures about how the I/I testing was performed according to the DERM accepted method proposed (see DERM Comment No.5 Requirements column in this Section No.4 for accepted methods) avoiding a report disapproval and DERM placing the sub-basin(s) in TM moratorium status.	Response required.
		Method No.1-Submittal Night Flow I/I Measurements Report including the basin wet well field inspection data, tests Data/Calculations, and Professional Engineer-Certification Forms: 1. Field Inspection & Test Raw-Data: Provide the required wet well field inspection data and test data/calculations according to Certification Form-B requirements. 2. Submittal of the Certification Forms: a.Certification Form-A: Provide just one (1) completed Form-A, kist in the form the number of basins according to the comment(s) in this RFI/Matrix, DERM Review Comment no.6. b. Certification Form-B: Provide a completed Form-B for each basin according to the form's requirements and as per the review comments in this RFI/Matrix, DERM Review Comment no.6. Remarks: 1. The Method No.1 is only accepted by DERM for Night Flow I/I Measurements performed at a Basin/PS-Wet Well. 2. Utility's EOR shall be aware of any upstream wastewater flow into the BOI during the night flow I/I evaluation. Otherwise, the basin night flow I/I report is not accepted/approved by DERM until the upstream flow is include in the basin's GPDIM calculations.	N	N	6	No comments (Utility didn't specify which method was implemented for the night flow I/I measurements).	Response not required.
		Method no.2 Submittal of Night Flow I/I Measurements/Calculations Report and Raw Data: Provide required raw data sheets / information and flow meter measurements for a Basin/Sub-basin as follow: Night flow I/I test at a Basin-WW: Provide for each basin in the night flow I/I test report a WW Schematic Diagram (N.T.S.), WW Plan View (only) with listed basin/sub-basin number / name, showing well dimensions (round, square, etc.), all influent pipes into the WW, influent pipe(s) diameter, and showing the flow meter(s) location in the influent pipe(s). If the flow meters' location are proposed in the influent pipe(s) of an adjacent-upstream MH to the WW as substitute for WW flow meter location, provide a CCTV Report for the pipe segment(s) / MHs between the WW and the selected adjacent-upstream MH where the flow meter(s) is located, demonstrating if I/I sources exist in the gravity mains/MHs. Night flow I/I test at a Sub-basin KMH: Provide for each sub-basin in the night flow I/I test report a KMH Schematic Diagram (N.T.S.), KMH Plan View (only) showing the influent(s) pipe(s) and effluent(s) pipe(s) and the location of the flow meter(s) and KMH number as listed in the sub-basin map					

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Section No.4 [Phase 1 2012-2022]	Night Flow I/I Measurements Rpt., Night Usage Wastewater Flow rpt., , and Upstream Wastewater Flow Rpt. [Phase 1 2012-2022]	meter(s) and KMH number as listed in the sub-basin map. **Night Flow Report - Flow Meter Raw Data Readings-Sheets:** Provide Basin/Sub-basin #/Name, date of tests, three consecutive test dates, flow readings for each test date with minimum and maximum readings at minimum / maximum intervals of five (5) and fifteen (15) minutes, flow reading(s) in GPM reported during 24 hrs. period (as per EOR discretion) or reporting as minimum flow readings between 1:00-5:00 AM as required. Provide in the Basin/Sub-basin night flow I/I report calculated flow averages (GPD) for each test date and the average for the three (3) consecutive test dates (GPD) that represents the Basin/Sub-basin Total Night flow I/I measured/calculated, flow meters manufacturer cut sheets with proposed meter's model and with certification for meters' calibration by the meter's manufacturer or a statement from the utility's EOR about the flow meter(s) calibration by meter(s)'s installer (contractor / EOR personnel). Remarks: 1. As per DERM-DGR, a Key Manhole (KMH) is the only accepted location of a flow meter(s) to perform a night flow I/I test for a Sub-basin. 2. As per DERM-DGR, a selected MH to place a flow meter and perform a Basin night flow I/I test is identified as Upstream MH to the PS wet well. This flow meter's proposed location is not preferable, but accepted according to the requirements above for Sub-basin KMH. 3. The Method No.2 is ONLY accepted by DERM for Night Flow I/I Measurements performed at a Basin/PS-Wet Well and Basin selected upstream MH, and a Sub-basin Key Manhole (KMH). 4. The location of a flow meter(s) in the effluent pipe(s) of a WW-selected upstream MH and a Key Manhole (KMH) to measure a Basin's Night Flow I/I and an Upstream Wastewater Flow is not accepted. Flow meters must be located/installed in the influent pipe(s). 5. Utility's EOR shall be aware of any upstream wastewater flow into the BOI during the night flow I/I evaluation. Otherwise, the basin night flow I/I report is not accepted/approved by DERM until the upstream flow is include in the basin's GPDIM calculations. [see RFI/Matrix General Notes, Note no.7, no.8, no.9, and no.10 requirements].	N	N	7	No comments (Utility didn't specify which method was implemented for the night flow I/I measurements).	Response not required.
		Method no.3: Submittal of Night Flow I/I Measurements/Calculations Report including the basin wet well field Inspection data, tests raw-data and Calculations, and Professional Engineer-Certification Forms as follow: 1. Field Inspection & Test Raw- Data: Provide the required wet well field inspection data and test data/calculations according to Certification Form-B requirements. 2. Submittal of the Certification Forms: a.Certification Form-A: Provide just one (1) completed Form-A for number of Basins listed in the form and according to the review comment(s) in this RFI/Matrix, DERM Review Comment no.6. b. Certification Form-B: Provide a completed Form-B according to the form's requirements for each Basin as per the review comments in this RFI/Matrix , DERM Review Comment no.6. 3. Submittal of Logger(s) Raw-Data: Provide with the Form-B the Logger(s) clocked raw-data time from the logger's equipment for the Lead Pump Off/On status according to the form's requirements. Remarks: 1. The Method No.3 is ONLY accepted by DERM for a Basin Night Flow I/I Measurements performed at a Basin/PS-Wet Well. 2. Utility's EOR shall be aware of any upstream wastewater flow into the BOI during the night flow I/I evaluation. Otherwise, the basin night flow I/I report is not accepted/approved by DERM until the upstream flow is include in the basin's GPDIM calculations.	N	N	8	No comments (Utility didn't specify which method was implemented for the night flow I/I measurements).	Response not required.

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		Method no.4: Submittal of Night Flow I/I Measurements/Calculations Report including the basin wet well field Inspection raw-data, tests raw-data, I/I flow calculations, and Professional Engineer-Certification Forms as follow: 1. Field Inspection & Test Data: Provide the required wet well field inspection data and test data/calculations as required by the Certification Form-B and as requested in the review comments in this RFI/Matrix, DERM Comment no.9. 2. Submittal of the Certification Forms: a. Certification Form-A: Provide just one (1) completed certification Form-A listing the number of Basins in the form according to the review comments in this RFI/Matrix, DERM Comment no.9. b. Certification Form-B: Provide a completed certification Form-B according to the form's requirements for each Basin as per the review comments in this RFI/Matrix, DERM Comment no.9. 3. Submittal of Logger(s) Raw Data: Provide the Lead Pump Off/On time raw-data sheets from SCADA system as recorded in the supervisory control system database for the WW I/I filling time (hours: minutes). In addition, the loggers(s) raw data provided shall be in compliance with the Certification Form-B requirements. Remarks: 1. The Method No.4 is ONLY accepted by DERM for Night Flow I/I Measurements performed at a Basin/PS-Wet Well. 2. The utility's EOR shall be aware of any upstream wastewater flow into the BOI during the night flow I/I evaluation. Otherwise, the basin night flow I/I report is not accepted/approved until the upstream flow is include in the basin GPDIM calculations.	N	N	9	No comments (Utility didn't specify which method was implemented for the night flow I/I measurements).	Response not required.
		A basin / sub-basin located in coastal areas shall require a tide evaluation/coordination during the basin / sub-basin night flow I/I measurements. The night flow I/I measurements shall be performed within two (2) hours of the high tide. The high tide date/time information shall be provided in the basin night flow I/I measurements/calculations report or as an Appendix in the SSES report demonstrating compliance with the two (2) hours requirement. I/I flow reports without the tide information shall not be accepted/approved by DERM.	N	N	10	1. Provide the compliance with the two (2) hours requirement for the night flow I/I measurements during the high tide hours. The high tide date/time information shall be provided in each sub-basin night flow I/I measurements/ calculations report or a general table with the tide date/time fo the appropriate review.	Response required.
		If Upstream Basin(s)/PS(s) Wastewater Flow(s) is discharging into a BOI(s), each basin receiving upstream flows shall be listed each basin number / name receiving wastewater upstream flow(s) and the upstream basins number / name discharging the upstream wastewater flows in the BOI WW or KMH. In addition, identify for each BOI basin where the upstream wastewater flow is discharged at WW or KMH number. This required information shall be included in each basin (BOI) night flow I/I test report (see DERM review comment no.12 below for additional requirements).	N	N	11	1. According to DERM's records some sub-basins are receiving upstream-wastewater flows from other(s) upstream sub-basins. Show the force main line with flow direction between sub-basins in the Overall Service Area Map or in each sub-basin map as requested in Section No.2 in this matrix. 2. The utility's EOR should be advised if new sub-basin(s) night flow I/I test report(s) are submitted, the upstream wastewater flows are required to be measured and reported as per the requirements in the RFI/Matrix and specifically the DERM Comment No. 12 below and the upstream flow is mandatory to be included in the Basin / Sub-basin GPDIM-I/I calculations according to the GPDIM formula. [see RFI/Matrix, General Notes, Note No.6 for the GPDIM formula].	Response required.
		Upstream Wastewater Flow into a BOI-DERM Requirements. A Basin or Sub-basin of Interest (BOI) receiving wastewater flow(s) in the SSCS or WW from a Public Upstream Pump Station Basin(s) requires that the upstream flow(s) is measured one (1) time and simultaneously with any of the three (3) consecutive days of the BOI night flow I/I measurements and between 1:00-5:00AM. Only the upstream flow readings between 1:00-5:00 AM can be considered in calculating the average of upstream wastewater flow(s) readings. The addition of the calculated upstream flows average into the BOI shall be deducted (mandatory) from the night flow I/I measured/calculated in the basin/sub-basin (BOI) GPDIM formula. In lieu of upstream wastewater flow measurements, the utility can demonstrate compliance submitting a statement by the utility's EOR for each Basin (BOI) receiving upstream flow(s) from upstream PS-Basins certifying that during the Basin Night Flow I/I Measurements the upstream pump station(s) was shutdown and no upstream wastewater flow(s) was received at the Basin (BOI). The certification statement shall provide the Basins as listed in DERM review comment no.11 above in htis Section No.4, and the statement included in the Basins Night Flow I/I Measurements/Calculations Report as an Appendix. The upstream wastewater flow(s) MUST be measured according to the Method no.2, in this Section No.4 [see RFI/Matrix General Notes, Note no.10 and no.12 requirements]	N	N	12	The utility's EOR should be advised if new sub-basin(s) night flow I/I test report(s) are submitted, the utility has the following two (2) options: 1. If the upstream sub-basin(s)/pump station(s) was not shutdown during the Basin (BOI) night flow I/I measurements, an upstream flow measurements report according to Method No.2 describe in this matrix shall be provided for the sub-basin receiving the upstream wastewater flow(s). The Sub-basins (BOIs) receiving upstream wastewater flows shall be measured and a upstream wastewater flow report(s) name "Sub-basins with Upstream Wastewater Flow(s)" and included as an Appendix in the SSES Phase II report. [See RFI/Matrix General Notes, Note no.10 for upstream wastewater flow measurements]. 2. n lieu of upstream wastewater flow measurements, the utility can demonstrate compliance submitting a statement by the utility's EOR for each Sub-basin (BOI) receiving upstream flow(s) from upstream PS-Sub-basin(s) certifying that during the Sub-basin Night Flow I/I Measurements the upstream sub-basin(s)/pump station(s) was shut down and no upstream wastewater flow(s) was received at the Basin (BOI). The certification statement shall be provide in the report section for the night flow I/I test reports. 3. In addition, the total sub-basin upstream wastewater flow (GPD) shall be reported in DERM Table 2	Response required.

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		The Basin upstream total wastewater flow shall be reported in Table No.2 and Table No.3A accordingly. Remarks: 1. The upstream wastewater flow(s) from Private pump station(s) are not applicable. Only upstream wastewater flow(s) from Public basin(s)/pump station(s) is mandatory to be measured, calculated, and reported in the basins upstream wastewater flow report. 2. For BOI definition, see RFI/Matrix Abbreviations.				3. In addition, the total sub-basin upstream wastewater flow (GPD) shall be reported in DERM Table 2. Remarks: a. See RFI/Matrix, General Notes, Note no.10 for upstream wastewater flow requirements. b. The measurements / calculations of the upstream wastewater flow(s) is a mandatory requirement because of the need to report an accurate utility's basin / sub-basin GPDIM-I/I value.	
		Is any claim of night usage flow credit for a basin/sub-basin is proposed in the SSES report, a night usage flow report including the following requirements shall be submitted: 1. Basin or Sub-basin # / Name. 2. Show each selected property claiming nigh usage flow in the basin/sub-basin (BOI) map. List each customer property number claiming night usage with a symbol and number (blue circle, square, etc.) within the property boundary. 3. Provide Utility Metered Water Consumption Raw Data Sheets for the selected basins claiming night usage credits. 4. The Water Consumption Maps geographically reference the customer property number considered for the analysis in each Basin. The customer property number indicated in each basin's water consumption map shall concurs with the object ID number listed in the Utility Metered Water Consumption Raw Data Sheets and the object ID number listed in the "Object ID" column of the Basin Utility Raw Data-Water Consumption & Night Usage Flow Calculations Table. 5. The table with columns and rows populated based on the Utility Metered Water Consumption Raw Data Sheets for each object Id number shall include: a. Table Header - Basin Number/Name-Water Consumption & Night Usage Flows Calculations. b. Column names: Object ID, Customer Number, Service Point ID, Folio Number, Service Address, Water Usage-Test Date 1, Water Usage-Test Date 2 (gpm), Water Usage Test Date 3 (gpm), and Total Average Water Usage of three(3) test date (gpm). c. One row per customer ID number populated with the information requested in each column. d. Provide in the last 2 rows: Total Average of Water Usage (gpm) for each test date and the Basin Total Night Usage Flow (gpm) [Average Date 1+2+3/3]. 6. Only metered Utility-Water Consumption Raw Data Report shall be used to calculate selected properties night usage flows. 7. The utility water consumption flows raw data shall be reported in GPM or GPD [see RFI/Matrix-General Note no.11]. 8. The average of the night usage flow of all the selected properties in the utility water consumption raw data sheets shall be calculated for each test date of the three (3) consecutive days of night flow I/I testing. 9. The Utility-Water Consumption Raw Data shall be obtained (dated) within seven (7) days of the three (3) consecutive days of the basin night flow I/I testing. 10. Only the selected properties-water consumption flows between 1:00-5:00 AM in the utility raw data sheets shall be selected to calculate the average of night usage flow (GPD) for each of the three (3) night flow I/I test dates test dates. 11. The basin / sub-basin claimed total night usage flow shall be the average of the three (3) night usage flow-averages calculated in item no.5 above. This is the night usage flow (GPD) that can be claimed. 12. The Utility-Water Consumption Raw Data shall exclude water connections specifically categorized for uses such as sprinklers, boat docks, fire lines, and other purposes that do not directly contribute to wastewater flow. 13. A Night Usage Flow Report shall be submitted. Remarks: 1. Only metered and calculated water consumption flows based on the utility water consumption raw data sheets and submitted in the Night Usage Flow Report can be proposed as a basin/sub-basin night usage flow-credit. The metered flows require to be obtained from utility-water consumption raw data sheets fo the selected properties in the basin or sub-basin. 2. if the utility's EOR would like to use other method to measure the night usage flows for the selected properties located in the basin / sub-basin, the EOR shall contact DERM to discuss the proposed method before proceeding and submitting a night usage flow report to DERM for approval. 3. The total basin/sub-basin night usage flow shall be claimed as a credit and included as a deduction to the basin / sub-basin night flow I/I in the basin/sub-basin GPDIM-I/I formula. Report the night usage flow in Table No.2 and Table No.3A according to SSES-DGR. [see RFI/Matrix General Notes, Note no.11]	Y		13	1. In the Appendix B, RER Table 2 - Summary Table for SSES Submittals, the Note No.2 specifies that "Flow and chloride data from Cycle 2, Phase 3 Addendum 1 (October 2017)". 2. A preliminary review of the night usage values reported in Table 2 revealed that some values were applied to some sub-basins (C, E, F). Please verify if copy of the 2017 Night Flow I/I Test Reports will be submitted claiming credits for compliance with I/I less than 5,000 GPDIM in the SSES 3rd Cycle Phase II Report. 3. The utility's EOR shall be advised that DERM will ONLY accept claiming credits for Night Usage Reports, if the night usage calculations/report was part of the night flow I/I test report claiming a credit. Therefore, the Appendix B, Table 2, shall be reviewed and verify the night usage flows reported asper the comments above. Otherwise, remove/delete the night usage flows in the table. 4. If the utility's EOR requires and proposed for each sub-basin a new night flow I/I Measurements/Calculations report to bring the sub-basins in compliance with less than 5,000 GPDIM-I/I code requirement in the SSES 3rd Cycle phase II Report and is planning to proposed night usage flows credits, a Night Usage Flow Report according to the requirements in this DERM Comment No. 13, in this Section No.4 of the RFI/Matrix, and RFI#1/Matrix General Notes shall be provided for each sub-basin claiming a night usage flow credit."	Response required.

RFI SECTION No. [SSES Phase 1 Reporting Period Date]	RFI SECTION NAME	**MINIMUM REQUIREMENTS TO BE PROVIDED IN THE SSES RPT. ACCORDING TO THE FOLLOWING SECTIONS IN THIS RFI/MATRIX** [DERM RESERVE THE JURISDICTION TO REQUEST ADDITIONAL REQUIREMENTS OR/AND INFORMATION BASED ON UTILITY'S SPECIFIC INFORMATION, METHODS, ETC., PROPOSED IN THE SSES 3RD CYCLE REPORT(S) SUBMITTED FOR DERM'S APPROVAL] SSES 3RD CYCLE PHASE 1 & 2 (PHASE I) REPORT SUBMITTAL PRODUCED / PREPARED BASED ON A FORMAT OTHER THAN THE CURRENT DERM GUIDELINES "*Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024*" [DERM SSES-DGR], WILL NOT BE ACCEPTED, REQUIRING THE SUBMITTAL OF A REVISED REPORT AS PER DERM SSES-DGR AND REVIEW COMMENTS IN THIS RFI/MATRIX. *Remark: All SSES documents shall be in electronic PDF format and digitally singed, sealed, and dated by an engineer (EOR) registered in the State of Florida. Reports or documents that do not comply with these requirements shall not be accepted and the Utility's EOR / Utility informed.*	PROVIDED (YES / N0 / NA) [Y / N / NA]	ACCEPTED (YES / N0 / NA) [Y / N / NA]	DERM REVIEW COMMENT NUMBER (DRC#)	**DERM REVIEW COMMENTS (DRCs)** [Remark: The review comments that are not appropriately identify in the comment's text are by default preceded by this reviewer expression "Please provide" or Please submit"]	**UTILITY-EOR'S RESPONSE** ATTACH THIS RFI / REVIEW MATRIX WITH COMPLETED INFORMATION IN THIS COLUNM TO THE REVISED SSES REPORT AS A SEPARATE DOC. THE EOR SHALL PROVIDE IN THIS COLUNM FOR EACH DERM REVIEW COMMENT NUMBER WITH THE NOTE "RESPONSE REQUIRED", THE REPORT PAGE NUMBER, SECTION / SUBSECTION No., EXHIBIT OR/AND APPENDIX NO., BASIN-SUB-BASIN MAP/SITE PLAN NUMBER, AND SHEET NUMBER WHERE THE REPORT'S REVISION IS LOCATED IN RESPONSE TO THE DERM REVIEW COMMENTS. ADDITIONAL SHEETS/PAGES COULD BE ADDED IN RESPONSE TO EACH REVIEW COMMENT AS NEEDED AND SUBMITTED IN A SEPARATE DOCUMENT APPROPRIATELY IDENTIFIED WITH THE MATRIX'S SECTION NUMBER / REVIEW COMMENT NUMBER. [PLEASE DO NOT PROVIDE THE REPORT / EXHIBIT / APPENDIX REVISION IN RESPONSE TO ANY DERM REVIEW COMMENT NUMBER IN THIS COLUNM; FOLLOW THE INSTRUCTIONS ABOVE] *ALL SSES SUBMITTALS SHALL BE UPLOADED TO DERM FILE TRANSFER PROTOCOL (FTP) WEB APPLICATION. PLEASE CONTACT THIS REVIEWER IF YOU NEED ASSISTANCE WITH THE APPLICATION LOG IN USERNAME, PASSWORD, AND SUBMITTAL-UPLOADING INSTRUCTIONS.*
		Provide Dry and Wet Average Daily Flows (ADF) for each Basin according to DERM-DGR. Report the average daily flows in DERM-DGR Table 3A accordingly. Remarks: 1. Table 3A is required in the SSES 3rd Cycle Phase I Report. If Table 2 is submitted in the SSES Phase I Report, it is possible that additional information shall be requested according to the report content. 2. Table 3B shall be required in the SSES 3rd Cycle Phase II Report. The Dry-ADF and Wet-ADF shall be measured according to the methods specified in this Section 4, DERM review comment no.5 above or submitting support documentation if the ADFs are obtained from the Utility's meter(s) measuring the utility Daily Dry and Wet WCTS Flows Average amount. The Dry and Wet ADF report shall be included in the SSES Phase 1 or Phase 2 report.	Y		14	No comments.	Response not required.
		The GPDIM calculations using the GPDIM formula (see remarks below) shall be presented in the SSES report for each Basin/Sub-basin. The formula's calculations is the only acceptable method to demonstrate that a Basin/Sub-basin is in compliance with less than 5,000 GPDIM-Infiltration/Inflow code requirement. Remarks: 1. For a Basin/Sub-basin GDIM-I/I formula, see RFI/Matrix General Notes, Note no.6 requirements. 2. Proposed basins in compliance with less than 5,000 GPDIM-I/I based on basin/sub-basin method of basin allowable I/I compare to basin night flow I/I measured indicating "Pass" or "No Pass" according to "NON-UTILITY SSES 3RD CYCLE PLAN A. PLAN B. Guidelines & Requirement" IS NOT ACCEPTED. [see minimum requirements commentary/notes at the top of this column].	Y	N	15	1. The utility shall demonstrate compliance with less than 5,000 GPDIM-I/I submitting each sub-basin flow calculations according to the Basin/Sub-basin GPDIM-I/I formula. [see RFI/Matrix, General Notes, Note No.6 for the GPDIM formula].	Response is required.
		Provide the GPDIM-I/I value for each basin/sub-basin in the utility service area completing all the required data in DERM Table 3A as per DERM-SSES DGR.	Y	N	16	1. If all or any sub-basins night flow I/I test and report is submitted in the Phase II report, please revise and submit a completed Appendix B, Table 2 as per DERM DGR. Any sub-basin proposed with a night flow I/I credit, the Table 2 shall be revised as per the DERM review comments in the RFI/Matrix, Section No.4.	Response is required.

Reviewer additional remarks:

1. The DERM Professional Engineer-Certification Form-B shall be submitted for each basin requiring a night flow I/I re-test or night flow I/I new test report. This form shall be ONLY submitted demonstrating the basin's compliance with less than 5,000 GPDIM-I/I code requirement in the SSES 3rd cycle Phase II Report (second report). See RFI#1/Matrix DERM review comments in Section No.4 and Summary Remark No.9 for the basins requiring to submit a night flow I/I test report in the submittal of the Phase II report.

2. If the utility is proposing / claim a night flow I/I credit for any basin, the utility requires to declare / request the credit in the report text, Section Night Flow I/I Test Reports, and submit a completed copy of the DERM previously approved night flow I/I test report or a copy of the DERM Approval Letter for that basin specifying that the basin was in compliance with less than 5,000 GPDIM-I/I code standard. Otherwise, a new night flow I/I test report shall be required for DERM review and approval.

3. All basins / sub-basins located in the utility's service area shall demonstrate compliance with the 3rd Cycle SSES requirements demonstrating that each basin / sub-basin has less than 5,000 GPDIM-I/I and completed the Corrective Action Plan(s) in the submittal of the SSES 3rd Cycle Phase II Report, due before or on November 12, 2026. However, any utility's basin / sub-basin to comply with less than 5,000 GPDIM-I/I code requirement requires that the utility and utility's EOR present a claim of credit for the basin / sub-basin 2nd Cycle SSES-night flow I/I test report performed during the 3rd Cycle submitting the DERM Approval Letter that appropriately identifies the basin / sub-basin, night flow report, etc. (as determined by DERM) for which the claim is presented for DERM's approval OR submit the basin / sub-basin 3rd Cycle SSES-night flow I/I test report demonstrating less than 5,000 GPDIM-I/I for DERM's approval. DERM does not accept claim of credits for a basin / sub-basin 2nd Cycle SSES-Completed Corrective Action Plan.
[see RFI/Matrix, General Notes, note no.13 and no.14 for a basin / sub-basin complete compliance with the SSES 3rd Cycle requirements].

4. Any utility's basin / sub-basin in the utility's service area in no compliance with the SSES 3rd Cycle Phase I and Phase II code requirements shall be placed in Temporary (TM) Moratorium status by DERM until the utility demonstrates compliance. Therefore, the utility shall have the limitation in proposing new wastewater flows for the basin / sub-basin as per the code requirements and DERM's evaluation. [see RFI/Matrix, General Notes, no.14].

5. Because of the current operation of the town stormwater system and according to the Bay Harbor Islands Letter, signed/seal by Mr. Randy L. Daniel P.E. - Town Engineer, dated December 3, 2024, and received at RER-DERM in response to DERM-Request for Information (RFI) Letters, dated 12/12/2023 and 9/24/2024, the utility shall implement and demonstrate compliance (completion) to DERM of the Project Numbers No.6, No.7, No.10, No.11, No.17, and No.18, in Appendix A, and Section III (Comprehensive Details of the Proposed Remedial Action Plan). These project numbers are directly related to infiltration/Inflow sources into the utility sanitary sewer collection system (SSCS). Therefore, the utility shall complete these projects and demonstrate that the I/I sources were eliminated/mitigated as additional requirements to the compliance with the SSES 3rd Cycle Requirements. DERM shall require as Conditional Approval of the Utility-SSES 3rd Cycle Phase I and Phase II Reports that the utility / utility-SSES's EOR demonstrates compliance with these additional requirements in the submittal of an Appendix in the SSES 3rd Cycle Phase II Report, due on November 12, 2026.

6. As per the established criteria in BHI's letter description in comment no.5 above and in addition to the proposed sixty-six (66) existing manholes to be rehabilitated providing lockable covers and rain catchers (inserts), the utility / utility-SSES's EOR shall demonstrate submitting the appropriate documentation in the SSES 3rd Cycle Phase II Report that all the manholes are provided with inserts. This shall be a condition as well for the utility to be in compliance with the SSES 3rd Cycle Requirements by November 12, 2026.

7. DERM shall request and schedule a coordination/clarification meeting with the utility and utility's EOR for the DERM Response Letter-RFI#1/Matrix comments including the Sub-basins Night Flow I/I Test Reports, Smoke Test Reports, and BHI's Letter, dated December 3, 2024, within thirty (30) days of this matrix's date.

RFI/MATRIX-BASINS REVIEW SUMMARY AS PER THE PHASE I REPORT RECEIVED

RFI SECTION No. [SSES Phase 1 Reporting Period Date]	RFI SECTION NAME	MINIMUM REQUIREMENTS TO BE PROVIDED IN THE SSES RPT. ACCORDING TO THE FOLLOWING SECTIONS IN THIS RFI/MATRIX [DERM RESERVE THE JURISDICTION TO REQUEST ADDITIONAL REQUIREMENTS OR/AND INFORMATION BASED ON UTILITY'S SPECIFIC INFORMATION, METHODS, ETC., PROPOSED IN THE SSES 3RD CYCLE REPORT(S) SUBMITTED FOR DERM'S APPROVAL] SSES 3RD CYCLE PHASE 1 & 2 (PHASE I) REPORT SUBMITTAL PRODUCED / PREPARED BASED ON A FORMAT OTHER THAN THE CURRENT DERM GUIDELINES "*Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024"* [DERM SSES-DGR], WILL NOT BE ACCEPTED, REQUIRING THE SUBMITTAL OF A REVISED REPORT AS PER DERM SSES-DGR AND REVIEW COMMENTS IN THIS RFI/MATRIX. *Remark: All SSES documents shall be in electronic PDF format and digitally singed, sealed, and dated by an engineer (EOR) registered in the State of Florida. Reports or documents that do not comply with these requirements shall not be accepted and the Utility's EOR / Utility informed.*	PROVIDED (YES / N0 / NA) [Y / N / NA]	ACCEPTED (YES / N0 / NA) [Y / N / NA]	DERM REVIEW COMMENT NUMBER (DRC#)	DERM REVIEW COMMENTS (DRCs) [Remark: The review comments that are not appropriately identify in the comment's text are by default preceded by this reviewer expression "Please provide" or Please submit"]	UTILITY-EOR'S RESPONSE ATTACH THIS RFI / REVIEW MATRIX WITH COMPLETED INFORMATION IN THIS COLUNM TO THE REVISED SSES REPORT AS A SEPARATE DOC. THE EOR SHALL PROVIDE IN THIS COLUNM FOR EACH DERM REVIEW COMMENT NUMBER WITH THE NOTE "RESPONSE REQUIRED", THE REPORT PAGE NUMBER, SECTION / SUBSECTION No., EXHIBIT OR/AND APPENDIX NO., BASIN-SUB-BASIN MAP/SITE PLAN NUMBER, AND SHEET NUMBER WHERE THE REPORT'S REVISION IS LOCATED IN RESPONSE TO THE DERM REVIEW COMMENTS. ADDITIONAL SHEETS/PAGES COULD BE ADDED IN RESPONSE TO EACH REVIEW COMMENT AS NEEDED AND SUBMITTED IN A SEPARATE DOCUMENT APPROPRIATELY IDENTIFIED WITH THE MATRIX'S SECTION NUMBER / REVIEW COMMENT NUMBER. [PLEASE DO NOT PROVIDE THE REPORT / EXHIBIT / APPENDIX REVISION IN RESPONSE TO ANY DERM REVIEW COMMENT NUMBER IN THIS COLUMN; FOLLOW THE INSTRUCTIONS ABOVE] *ALL SSES SUBMITTALS SHALL BE UPLOADED TO DERM FILE TRANSFER PROTOCOL (FTP) WEB APPLICATION. PLEASE CONTACT THIS REVIEWER IF YOU NEED ASSISTANCE WITH THE APPLICATION LOG IN USERNAME, PASSWORD, AND SUBMITTAL-UPLOADING INSTRUCTIONS.*

Number of Basins in the Utility service Area	__1__ [the basin no. 13-0001 is presented and evaluated in six (6) sub-basins (A, B, C, D, E, and F)]	Number of Basins in Compliance and Non-compliance with SSES 3rd Cycle-Phase 1 Report Requirements. [Phase I Rpt. requirements includes the submittal for each utility basin of the MHs Inspection Rpt. & CAP, Smoke Tests Rpt. & CAP, and Night Flow I/I Measurements/Calculations Rpt.]	Number of Sub-basins in compliance with Phase I Rpt. requirements: (see summary remark no.11) ____0_____	Number of Sub-basins in non-compliance with Phase I Rpt.-requirements: (see summary remarks) _____6_____	List of summary remarks with the basins Pending Compliance and In Compliance with SSES 3rd Cycle Phase 1 Requirements	Summary Remarks: 1. List of sub-basins reported with surcharge condition: [None] 2. List of sub-basins pending to submit the MHs Inspection Report: [None] 3. List of sub-basins pending to submit the MHs Inspection- CAP: [All sub-basins as per RFI comments]. 4. List of sub-basins pending to submit Smoke Test Report: [All sub-basins] 5. List of sub-basins pending to submit Smoke Test Report - CAP: [None] 6. List of sub-basins with a submitted CCTV Inspection Report, but missing the required CCTV-CAP: [None] 7. Number or List of sub-basins with submitted Night Flow I/I Test Report with Less Than 5,000 GPDIM, but pending to submit the Professional Engineer Certification Form-A for DERM Final Approval: [N/A-nigh flow I/I test reports were not submitted] 8. List of sub-basins with submitted Night Flow I/I Test Report, but pending DERM request for additional information: [N/A-nigh flow I/I test reports were not submitted] 9. List of sub-basins requiring to submit a Night Flow I/I Re-Test or New Report and the Professional Engineer Certification Form-B: [All sub-basins according to RFI requested information]. 10. List of sub-basins claiming a credit for the night flow I/I test report, but pending to submit a copy of the complete night flow I/I report or DERM's Approval Letter previously approved by DERM: [None (Sub-basins A, B, C, D, E and F)- pending clarification by the utility's EOR according to the RFI requested information]. 11. List of sub-basins in compliance with all the requirements of the SSES 3rd Cycle Phase I Report: [None]

RFI-MATRIX GENERAL NOTES - ADDITIONAL REQUIREMENTS

No.1 - As per SSES-DGR all SSES reports shall include the Basins or Sub-basins WCTS maps. Proposal by the EOR that DERM has the maps required information in DERM GIS records is not accepted. In addition, the utility shall provide for each basin in the utility service area the required Table 1-Basin Collection System Inventory providing the basin's IDM calculations for pipe segments between MHs, laterals IDMs / calculations, and the Basin Total IDM (laterals + gravity pipes) that will be used in the formula (see note no.6 below) to calculate the Basin's GPDIM.

No.2 - Basins or Sub-basins WCTS maps without the required information as per SSES-DGR shall not be accepted and parts of the report requiring the maps information for the appropriate report's review by DERM. The basin(s) shall remain in non-compliance (disapproved) until the required basin/sub-basin map(s) is submitted and approved by DERM. If the utility do not have in records and cannot provide a public lateral size and length, the utility EOR shall considered the lateral four (4") diameter and twenty five (25) feet length for the requirements of the SSES report.

No.3 - According to DERM SSES Guidelines, RFI/Matrix General Notes-Additional Requirements, the Utility Annual Operating Permit (DWO), Permit-Specific Conditions, Condition No.5, and MDCEO, Chapter 24, require that no part of the collection system shall be surcharged and shall not be operated at any time under surcharged conditions. The utility requires to eliminate the surcharge conditions before proceeding with the SSCS tests (smoke and flow tests). A SSCS inspected, smoke tested, and night flow I/I measured in surcharge conditions shall invalidate (void) the smoke test and night flow I/I measurements and reports. if the smoke test was performed in the entire SSCS where the surcharge condition existed, the utility requires to smoke re-test the entire basin SSCS and a report submitted. If the smoke test was performed per sections/segments of the basin SSCS, only the segments/sections of the SSCS where the surcharge condition existed require to be smoke re-tested and a report submitted.
The night flow measurements report proposed with the surcharged condition in the SSCS shall not be accepted (void). If the night flow I/I test was performed for the Basin (entire SSCS and where the surcharge condition exist), the night flow I/I Re-measurements shall be performed for the basin SSCS and a report submitted. If the night flow I/I test was performed for a Sub-basin where the surcharge condition exist, the night flow I/I Re-measurements shall be performed only in the sub-basin with the surcharge condition and a report submitted. The basins discovered in surcharge conditions and at the time of the SSES 3rd Cycle Phase I Report submittal continue in surcharge conditions, these basins shall be reported in the DERM Table 3A and included in the report.

No.4 - The utility is required to perform smoke and flow tests in all the basins and sub-basins. The submittal to DERM of a smoke and flow test reports for each basin / sub-basin is required. The utility could not submit the required smoke and flow test reports for a basin / sub-basin if the utility claims a credit. The claimed smoke and flow tests credit require that the tests were performed and a complete report submitted for compliance with the SSES 2nd Cycle during the period of 2017 - 2022 in the SSES 3rd Cycle. The utility shall receive a report's credit if the submitted report is COMPLETE and PREVIOUSLY-APPROVED by DERM. Until DERM approves the submitted smoke and flow test reports claiming a credit, the credit is not accepted and the basin/sub-basin(s) is not in compliance with the SSES 3rd Cycle requirements.

No.5 - MHs Inspection and submittal of the report is a SSES-DGR. The current SSES-DGR do not required a CCTV inspection and report. If the utility perform a CCTV inspection in any basin and sub-basin, the CCTV report is required to be submitted to DERM for review and approval.

No.6 - A Basin (Sub-basin) GPDIM-I/I flow shall be calculated according to the following formula:

Basin GPDIM-I/I = Basin Night Flow I/I Measured/Calculated (GPD) - Basin Night Usage Wastewater Flow (GPD) Claimed - Upstream Basin-Public Pump Station(s) Wastewater Flow (GPD) / Basin Total IDM Value [gravity mains and laterals].

The GPDIM-I/I formula is the ONLY method accepted to demonstrate that a basin / sub-basin is in compliance with less than 5,000 GPDIM code requirement. Calculations method of a basin / sub-basin "Allowable I/I Flows" (allowable leakage) to see how they compare with the night flow I/I measured/calculated based on DERM Non-utility SSES Guidelines & Requirements demonstrating compliance with less than 5,000 GPDIM-I/I code requirement is not accepted. utility basins and sub-basins shall demonstrate I/I compliance based on current DERM Second Cycle Sewer System Evaluation Survey (SSES) - Phases I, II, and III Reports and Third Cycle Sewer System Evaluation Survey (SSES) Phase I and Phase II Reports, dated July 2007, and revision dated April 15, 2024.

No.7 - A Basin or Sub-basin Night Flow I/I measurements (I/I Flow Test) or re-measurements shall not be performed when a reverse flow(s) condition is present during the flow testing. The flow test report shall not be accepted.

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		No.8 - A Basin or Sub-basin Night Flow I/I measurements (I/I Flow Test) or re-measurements and Upstream Basins Wastewater Flow Measurements or re-measurements performed according to the Method no.2 (see Section No.4 in this RFI/Matrix) shall comply with the following: **a. Method no.2 shall require the appropriate calibration and installation according to the flow meter manufacturer's requirements. The meter's installer shall perform pre-test before performing the I/I flow measurements assuring the flow meter appropriate installation/calibration avoiding zero (0) flow readings, negative flow readings, and erratic (increases / decreases) between flow readings larger than 200% between readings reported in the flow meter raw data sheets.** **b. Proposed test date raw data sheets with negative and erratic flow readings (more than 200% increase/decrease between readings in the night flow I/I raw data sheets) shall not be accepted. In addition, any raw data for a flow test date with more than four (4) zero (0) flow readings between 1:00 AM - 5:00 AM with readings intervals between 15 minutes and with more than six (6) zero (0) flow readings between 1:00 AM - 5:00 AM with readings intervals 5-10 minutes shall not be accepted. Recalibration and re-evaluation of meter's installation according meter's manufacturer requirements, and flow re-test shall be required. The flow tests shall be performed during the year-wet season [June 1st - November 30th]. If the flow meter-installation's location is affecting the meter's reading accuracy, the utility's EOR has the option to use other of the DERM accepted night flow I/I test method listed/described in this RFI/Matrix, Section No.4, DERM Review Comment no.5.** **c. Night flow I/I measurements and upstream wastewater flow measurements using Method No.2 [flow meter(s) located in WWs and KMHs influent pipe(s)] shall require a WW and KMH Schematic Diagram according to requirements of Section No.4 in this RFI/Matrix.**					
		No.9 - Flow meters shall be calibrated and installed as per meter manufacturer's specifications. The flow meter equipment shall be appropriate for measuring wastewater flows in gravity main pipes and according to the pipe's size. Manufacturer's specifications and cutsheets shall be submitted in the SSES reports. Flow meters shall be calibrated by the meter's manufacturer or the meter's installer. If the meter is calibrated by the company performing the flow measurements, a certification statement that the meter was calibrated according to the mfr. specifications and signed/sealed by the utility's engineer shall be provided with the Basins Night Flo I/I Report. Flow meters shall be calibrated to perform I/I flow readings in intervals between 5 - 15 minutes. As per minimum requirements, the flow meter raw data shall include the flow readings between 1:00AM and 5:00AM and during the wet season [June 1st - November 30th].[Additional flow readings could be included in the meter raw data as per the EOR discretion, but only the flow readings between 1-5 AM shall be used in the basin night flow I/I calculations.					
		No.10 - Any basin and sub-basin (BOI) receiving upstream wastewater flow from other basin(s) and sub-basin(s) shall be reported in the SSES report. The upstream wastewater flow shall be measured using an accepted flow measurements method (flow meters-method no.2 in Section no.4 in this RFI/Matrix) and the wastewater upstream flow(s) measured between 1:00AM-5:00AM during any test date of the three (3) days of consecutive night flow I/I measurements during the wet season. The flow readings shall be performed according to Section No.4 and No. 8 and No.9 above. If the utility determine to use the option of shutting down (turned off) the upstream pump station(s), the pump station(s) must be shut down one (1) hour before and during the wastewater upstream flow measurements. The basin total upstream wastewater flow is mandatory to be measured (flow test), reported (flow test report), and deducted from the BOI Total Night Flow I/I Measured/Calculated using the GPDIM formula [see note no.6 above for GPDIM-I/I formula].					
		No.11 - The BOI wastewater night usage flow is not mandatory to be claimed by the utility and included in the SSES reports. It is to the utility's EOR discretion to claim a BOI night usage flow. If a night usage flow(s) is claimed for a private property(s) located in a basin (BOI), a night usage flow report is required to be submitted in the SSES report. The flow(s) requires to be calculated using the utility water consumption (metered flows in gpm or gpd) raw data in records for those properties for which the night usage flow shall be claimed. The water consumption flow for each private property claimed/selected in the basin shall be the average water consumption flows calculated between 1:00 - 5:00 AM for each of the three (3) test date of the basin night flow I/I measurements. The addition of all private properties (claimed/selected in the basin) water consumption average flows (GPD) calculated during each test date of the three (3) consecutive test days and between 1:00 - 5:00 AM will be the Basin/\Sub-basin total night usage flow that can be proposed/claimed as a credit. This total night usage flow will be deducted from the basin total night flow I/I measured/calculated in the Basin GPDIM-I/I formula [see Note no.6 above for GPDIM-I/I formula] and reported in DERM DGR-Table 2 and Table 3A accordingly.					
		No.12 - Upstream Public Pump Station(s) Wastewater Flow discharged into a BOI SSCS must be measured as per Method no.2 requirements according to Section no.4 above, calculated, and deducted from the BOI night flow I/I in the basin / sub-basin GPDIM formula [see note no.6 above for GPDIM-I/I formula].					
		No.13 ***a. The utility shall provide a response to this RFI#1/Matrix for SSES 3rd Cycle Phase I Report according to the DERM review comments and requested information. The response to the RFI#1/Matrix shall be identified as " Revised SSES 3rd Cycle Phase I Report-DERM Request for Information-RFI-Matrix and RFI/Matrix date listed above in the matrix's header ". The Revised-SSES 3rd Cycle Phase 1 Report shall be submitted as a separate (stand-alone) report from the SSES 3rd Cycle Phase II Report and this report shall be due before or on November 12, 2026.*** ***b. The utility and utility's EOR shall be advised that the SSES 3rd Cycle Phase II Report (scope of work) shall consist in submitting a completed Corrective Action Plans (CAPs)-Rehabilitation Work as presented by the utility's EOR in the Revised SSES 3rd Cycle Phase I Report and demonstrate compliance with less than 5,000 GPDIM-I/I code requirements for all utility basins. The SSES 3rd Cycle Phase II Report shall be due on November 12, 2026.***					
		No.14 - The utility to demonstrate compliance with SSES 3rd Cycle requirements MUST have DERM's written approval for the submittal of the SSES 3rd Cycle Phase I and Phase II Reports, due before or on November 12, 2026. Any utility's basin in the utility's service area (except a basin(s) confirmed by DERM not requiring compliance with SSES 3rd Cycle requirements) in non-compliance with SSES 3rd Cycle Requirements after the DERM's final review of the SSES 3rd Cycle Phase I and Phase II Reports shall be placed and remain under Temporary (TM) Moratorium statu s and no new additional sewage flows (as determine by DERM) will be approved by DERM and no new Building permits or changes of use applications that increase sewage flows, calculated in accordance with the Code, shall be approved by the Building Official having jurisdiction, or any other person, until such time as the utility's basin/pump station is brought into compliance with the SSES 3rd Cycle code requirements [MDCEO, Section 24-42.2(3)(a), Section 24-7(17)].					
		No.15 - The utility shall not submit any addendum to the requested submittal of a completed Revised SSES 3rd Cycle Phase 1 Report in this RFI/Matrix. In addition, the utility shall not submit any addendum to the SSES 3rd Cycle Phase II Report after the submittal due date November 12, 2026. Any required future addendum(s) to the SSES 3rd Cycle Phase II Report issued by the utility engineer of records (EOR) shall be according to DERM's request, in reference to a utility's consent agreement with RER-DERM, and if the utility is not in compliance with the SSES 3rd Cycle Requirements as determined by DERM's review of the SSES Phase I & II Report.					
		No.16 - All SSES 3rd Cycle submittals (letters, reports, etc.) to DERM shall be uploaded (submitted) to the Utility's file in DERM File Transfer Protocol (FTP) Web Application, except when DERM has requested the submittal via email. The utility's EOR or his representative can request the FTP information / submittal procedures that include log in user name and password contacting the DERM plan reviewer listed in the RFI/Matrix-Header.					

Hazen

Attachment B: Town of Bay Harbor Islands Letter to DERM dated December 3, 2024

Town Council

Joshua D. Fuller
Mayor

Isaac Salver
Vice Mayor

Stephanie Bruder
Council Member

Molly Diallo
Council Member

Teri D' Amico
Council Member

Eric Rappaport
Council Member

Robert Yaffe
Council Member

Town Officials

Jenice Rosado
Town Manager

Yvonne P. Hamilton
Town Clerk

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller, Esq.

December 3, 2024

Mr. Galo Pacheco
Interim Chief, Water and Wastewater Division
RER-DERM
701 NW 1st Court, 7th Floor
Miami, FL 33136

RE: Lifting TM for the Town's Domestic Wastewater Collection/ Transmission System Town's Response to DERM-RER Correspondences dated December 13, 2022, December 12, 2023, and September 24th, 2024

Dear Mr. Pacheco,
Further to our meeting on November 26, 2024, please accept this letter as a supplement to correspondence dated September 6th, 2024, regarding the refenced matter. Further, this letter is submitted to complete our response to requests for information in your correspondences above referenced. Please know that the town is extremely grateful for your patience and understanding with this environmentally sensitive matter.

In addition, the purpose of this letter is to obtain your concurrence to lift the TM that is currently in place for the town's Domestic Wastewater Collection/ Transmission System. The Town of Bay Harbor Islands possesses a unique sewerage collection system and to provide context for this response, a discussion on this one-of-a-kind sanitary collection and transmission system is submitted hereunder. For ease of presenting the facts, the discussion below is broken down into four sections, namely, (I) Operation of the ejector stations and main pump station, (II) Response to DERM RER request for information, (III) Details of proposed Remedial Action Plan, and (IV) Conclusions. In addition, your specific requests for information are in italicized, bold, red text, throughout this discourse.

I. Operation of the Pneumatic Ejector Stations and how they interact with the Main Pump Station 13-0001

✓ ***Indicate/describe the operating conditions of the sewer basin where chronic SSOs are occurring***

The town's sewer collection and disposal system consist of six (6) sanitary sewer sub basins. Five of these sub basins are handled by pneumatic ejector stations (A, B, C, E and F) from where sewage is forced to the 6th sub basin (sub basin D). All the ejector stations operate in an identical manner.

Sub basin D is where the main pump station # 13-0001 is located and is where all the sewage that is collected from the five pneumatic ejector stations sub basins A, B, C, E and F is discharged to. In sub basin D all the sewage is conveyed to the main pump station under gravity, including sewage that is collected from individual properties.

The main pump station consists of three submersible pumps, pumps 1, 2 and 3. Pumps 1 and 2 work in a continuous alternating on and off cycle and were designed to handle all the sewage that is generated in the Town. Pump # 3 is a back-up for pumps 1 and 2, and by itself can handle all the sewage generated in the town. The system is designed to operate with pumps #s 1 and 2 only, or pump # 3 only, and pumps are periodically taken out for service during routine maintenance and repairs without any impact on the town's ability to discharge all its sewage.

The observation on November 8, 2022, that the "third pump" was out of service at the main pump station had absolutely zero impact on the pumping capacity of the town. Your letter dated 12/13/2022 stated that on November 9, 2022, the "sewer pump station 13-0001 and all of its basin was placed under "TM" (Temporary Moratorium) status due to the fact that one (1) of its three pumps was out of service". As illustrated above, the loss of any one of the three pumps does not diminish the town's ability to pump sewage off the Islands, and in fact the pumps were designed with redundancy to allow any of the three pumps to be taken out for service.

In addition, the multiple SSOs that occurred within sub basin A between June and September of 2022 were not associated with the missing pump at the main pump station # 13-0001. It is likely that these SSOs occurred because of an inefficient pneumatic ejector station A, coupled with the illegal emptying of a pool into the sanitary collection system within sub basin A.

Pump Sation # 13-0001 was last under a Moratorium circa 2001, when the Nominal Average Pump Operating Times (NAPOT) exceeded 8 hours. At the time, pump station #13-0001 consisted of two 45 horsepower (hp) pumps (pumps 1 and 2) and one 60 hp pump (pump # 3). As a result of that moratorium, pumps 1 and 2 were replaced with two 60 hp pumps and pump # 3 with one 75 hp. Since then, NAPOT has always been below the threshold amount.

The run times for the pneumatic stations are 24 hours since the pots are in a continuous process of either filling up with sewage or discharging sewage to sub basin D. Each of the five pneumatic station consists of dual pots, with varying sizes from 50 to 200 gallons. A station ejects whenever one of the 50-gallon pots (pneumatic station B), 100-gallon pots (pneumatic stations A and C) or two-hundred-gallon pots (pneumatic stations E and F), becomes filled with sewage. Compressed air is forced into the pot that is filled with sewage

which causes the sewage to be ejected into the force main for conveyance to sub basin D. While sewage is being ejected from one pot the other is being filled, and the cycle repeats.

Therefore, the multiple SSOs that occurred in sub basin A in September 2022, were associated only with pneumatic station A, which consists of duplex100 gallon pots, and its inability to handle all the sewage that was generated within sub basin A, at the time. It is noted that the 6" cast iron force main in sub basin A that discharges to sub basin D was replaced with PVC around 2008. As a result of the operating principles outlined above, the SSOs in sub basin A are clearly unrelated to the "third pump" being out of service at the main pump station # 13-001, and are a function of an ineffective pneumatic ejector Station A.

The remainder of this correspondence responds to the detailed, specific requirements of the December 13, 2022, and December 12, 2023, letters. In addition, the proposed Remedial (Action) Plan (RAP), with details of planned implementation are also presented for your consideration and approval, so that this TM may be lifted.

II. Response to DERM RER Request for Information

✓ ***Indicate and/or evaluate if the stormwater system in the area has or lacks capacity to drain runoff from rain events***

1.0 Evaluate Stormwater Drainage System

The drainage system in sub basin A was upgraded when community enhancements phase II was undertaken in 2009-2010. In addition to new valley gutters and catch basins, the project also consisted of new landscape bulb outs to increase pervious area, new streetlights and, milling and resurfacing. The EOR for the project was Calvin Giordano and Associates (CGA) and all drainage plans were signed and sealed.

The flooding issues that are experienced in Bay Harbor Islands are consistent with all South Florida. For example, the extremely rare rain event that occurred on April 12, 2023, across the southeast coast of Florida resulted in a 12-hour rainfall event that exceeded 20 inches. The drainage system is not designed for these events and street flooding is likely to occur whenever and wherever intense rain events are experienced. To be clear, the drainage system that exists in sub basin A is adequate to discharge the typical design rain event.

It is possible that inflow from flood waters can enter sewer manholes that are in the valley gutters or those that are close to catch basins. Any manhole that is subject to inflow from street flooding will be retrofitted with lockable covers and rain catcher inserts.

✓ ***Explain the impact of high tide events***

2.0 Impact of High Tides

Rising sea levels have caused every coastal community in South Florida to be impacted by high tides. Surface water elevations during high tide events may exceed roadway elevations. The resulting negative hydraulic head results in backflow of seawater in outfall pipes which causes standing water in valley gutters and streets until tides subside. Sewer manholes that are in the valley gutters or those that are in close proximity to valley gutters and catch basins are also subject to inflow. A survey to identify these manholes will be conducted and manholes will be retrofitted with lockable covers and rain catcher inserts.

- ✓ ***Provide a detailed engineering solutions to any identified (stormwater related) problems***

3.0 Detailed Engineering Solutions

The backflow from excessively high tides creates standing water in streets and can cause inflow in sewer manholes that become inundated and are not watertight. In 2018 Bay Harbor Islands' Public Works Department started a program to install Tideflex Check Valves on stormwater outfalls to prevent backflow from high tides into the streets of Bay Harbor. These valves have proven effective and outfalls in sub basin A will be retrofitted with check valves in fiscal year 2024-25 to reduce street flooding during high tides.

In addition to Tideflex check valves, the town will be purchasing and installing lockable sewer manhole covers for manholes in valley gutters, close to catch basins, or otherwise subject to inflow from street flooding. This will make manholes that are subject to flooding watertight and will prevent inflow during excessively high tides and periods of extraordinary rainfall.

- ✓ ***Describe Operating System of the Sewer Basins where the SSOs occurred***

4.0 Operating System of the Sewer Basins where the SSOs occurred

The SSOs between 07/03/21 and 07/14/21 and those during the September 2022 occurred in sewer sub basin A. Sub basin A is serviced by ejector station A which has dual 100-gallon pots. Sewage is allowed to flow into one 100-gallon pot at a time until that pot is filled. When the pot is filled a three-way valve closes a valve to stop the flow of sewage into the pot at the same time opens another valve that allows compressed air at 20 psi to fill the pot. The compressed air forces the sewage from the pot into a 6" PVC/CI main which conveys the wastewater to a manhole number 80 in sub basin D. From manhole # 80 the sewage is conveyed by gravity to the main pump station 13-0001.

The SSOs in sub basin A were associated with an ineffective pneumatic ejector station A. It was discovered that the check valve that ought to have closed when the pot is filled with sewage malfunctioned and caused the station to be inoperable. This malfunctioned was found to be the issue whenever a SSO occurred in sub basin A. The result was that sewage

could not be "forced" out of sub basin A and the SSOs occurred. Although the check valve has been replaced, pneumatic ejector station A is earmarked for replacement by December 2025.

✓ ***Indicate if any of the ejector pump stations experienced any malfunction during the rain events***

4.1 Ejector Pump Malfunction during Rain Events

Like any other mechanical system, the ejector stations are more likely to fail during periods of increased sewage flows. All five sewer collection sub basins possess redundancy that allows sewage from one basin to flow into the adjacent basin in the event of a station malfunction. Accordingly, ejector Stations A and B are interconnected and share MH # 19, stations C and D are interconnected and share MH # 65, stations E and D are interconnected and share MH # 80, and stations E and F are interconnected and share MH # 104. These redundancies are designed to create overflows from one basin to the adjacent basin in the event of sewage backup in either of the connected sub basins.

✓ ***Indicate if downstream ejector stations have capacity to handle peak flows***

4.2 Capacity of Downstream Ejector pump stations

Each of the five (5) pneumatic ejector stations discharge directly to sub basin D where the sewage is conveyed to the main pump station by gravity. The capacity of each of the five pneumatic stations is based solely on the collection basin that it serves. As a result of the configuration of the collection and transmission system, there is no "downstream" pneumatic ejector station in the Town of Bay Harbor Islands. To use an electrical engineering analogy, the ejector stations are in parallel and are not in series. Therefore, the request to "Indicate if downstream ejector pump stations have capacity to handle peak flows" is not applicable. To be clear, each pneumatic ejector station was designed to handle the sewage flows in their respective collection basin, and to pump directly to sub basin D.

✓ ***Preventative Measures to avoid SSOs in sub basin A***

4.3 Preventative Measures to avoid SSOs in sub basin A

The defective check valve has been replaced at Ejector station A. Inflow dishes have been installed and silicone has been applied to seal covers of high priority manholes. In addition, a temporary bypass pump will be placed on site

in sub basin A as a back up to ejector station A and will be kept on site until ejector station A is decommissioned.

In addition, ejector station A will be replaced by dual submersible pumps by the December 2025. The designs are 90% completed and permitting with DERM is expected to commence soon. To be clear-ejector station A will be decommissioned when the submersible pumps have been installed.

✓ ***Sanitary Sewer Model Analysis***

4.4 Sanitary Sewer Model Analysis

The Town's consultant will be approved to revise the existing Hydraulic Model for wastewater, to include all the ejector stations and other relevant components of the collection and transmission system. The condition that the model considers a two year twenty-four (24)-hour rain event will require collection of wet weather flow data of the ejector stations and prohibits a response before August 2025.

✓ ***Detailed survey of sanitary sewer collection system***

4.5 Detailed survey of sanitary sewer collection system

4.5.1 Identify Manholes in Valley Gutters

This exercise is ongoing. It also includes the identification of manholes that may be affected by standing water in catch basins. The latter part of the exercise will require on-site inspections during high tides to identify those manholes that are subjected to inundation and require retrofitting.

✓ ***Detailed engineering analysis of the effects of the location of sewer manholes in valley gutters***

4.5.2 Effect on SSOs of Sewer Manholes in Valley Gutters

Sewer manholes that are in the valley gutters are certainly affected by inflow from the drainage system, if they are not watertight. Inflow can overload the pneumatic ejector station A and cause a malfunction, which will likely result in a sewer overflow.

✓ ***Correct Utility GIS sewer Atlas and show MH upstream of MH # 10***

5.0 Correct Utility GIS sewer Atlas

The sewerage collection system was upgraded to install terminal manholes where clean outs had originally been provided. The manhole upstream of MH # 10 was originally a clean out but was replaced with a terminal manhole. The revised GIS atlas will illustrate this new manhole as well as all other new terminal manholes. In addition, the revised GIS atlas is expected add latitude and longitudinal coordinates for all manholes, pneumatic ejector stations, pump stations, and sewer laterals, and also provide invert and cover elevations for manholes.

The town's consultant has already been approved to undertake this exercise. It is expected that this exercise will be completed by May 2025.

✓ ***SSO event on or about September 13, 2024***

6.0 SSO on September 13, 2024

This SSO was one of two (the second occurred on 10/30/2024) that was related to the temporary bypass pumping of sewage around a section of new 18-inch sewer main, installed by a private developer but not yet commissioned. The new 18-inch PVC main was installed to upgrade one of two sections of 15-inch VCP mains to accommodate a new project at 1177 Kane Concourse. During construction of the 18-inch main the developer was required to bypass pump all sewage that is discharged from sub basins A, B, C, and E, into sub basin D. Town approval of the project was contingent on the developer upgrading one of two sections of the 15-inch sewer main, to an 18-inch main. The town will upgrade the second section of 15-inch VCP that terminates at the main pump station. The town is in the process of replacing the second section of 15-inch main and is committed to completing this upgrade by the end of 2025.

In the meantime, the developer has requested, and the town has agreed, to utilize the newly laid 18-inch line to temporarily discharge to the 15-inch line, until the 15-inch liner is upgraded by the town. At this time the 18-inch main is not conveying any more flow than the original 15-inch VCP had conveyed, since the new project is still under construction. As a result of the huge volume of sewage that is currently bypassed pumped, the allowance for the 18-inch line to flow to the 15-inch, will make sewer bypass pumping unnecessary and eliminate the risk of SSOs that is associated with this operation. This is proposed only as a temporary arrangement, to avoid bypass pumping which so far as led to two SSOs. The 15-inch VCP sewer line will be replaced with an appropriate diameter pipe by the end of 2025.

7.0 Remedial Action Plan RAP

To prevent future SSOs in sub basin A, the town had embarked on a project to replace ejector station A with a duplex submersible pump station. This project is in the final design stage and the new pumps are expected to be installed by December 2025, and not December 2024 as previously indicated (letter dated December 22, 2022, from Town Manager Lasday).

We agree that the sewer manholes in the valley gutters in sub basin A is not the preferred design location. Consequently, these manholes will be made resistant to inflow. As a result, the Town is committed to installing lockable manhole covers and rain catchers for all manholes in the stormwater flow lines and those that are close to catch basins. In letter dated 12/22/2022 from the town, a total of 66 manholes had been identified and staff is in the process of verifying this number.

A smart cover was installed by DERM on MH # 10, to alert staff when the system is operating under surcharged conditions. A similar cover will be installed in the new manhole # 4 on Bay Harbor Terrace where the 18-inch pipe is proposed to be allowed to flow into a 15-inch VCP pipe. This is proposed only as a temporary arrangement, to avoid bypass pumping which so far has led to two SSOs. The 15-inch VCP sewer line will be replaced with an appropriate diameter pipe by the end of 2025 and this project will be undertaken by the town.

The town also recognizes that the pneumatic stations may also no longer be effective and is committed to revising the hydraulic model that was first developed circa 2010. At the time the model did not include the ejector stations, but this revision will take the ejector stations into account as well as forced mains, gravity mains, and the main pumps. It is expected that one of the primary deliverables of the model revision will be the determination of the adequacy of the pneumatic ejector stations to serve current and future needs of the Town. If the ejector stations are found to be no longer serviceable, planning and budgeting to immediately replace the other four stations (since ejector station A is already being replaced) will commence.

✓ ***Remedial Plan to be submitted to DERM***

III Comprehensive Details of the proposed Remedial Plan

A list of projects with anticipated timelines for bidding/completion is attached in Appendix A.

Requirement # 1: Multiple Sanitary Sewer Overflows in Sub Basin # A and operating a Sanitary Sewer system under surcharged conditions

Objectives: (i) Reduce I/I and, (ii) replace ejector station A with submersible pumps

(i) Reduce I/I

Project (10) Install lockable sewer manhole covers and rain catchers.

Update: A survey is ongoing to confirm the number of manholes (66) that need to be retrofitted with lockable covers and rain catchers. This project is expected to be put out to bid in January 2025.

Project (18) All VCP sewer mains in sub basin A have already been lined. Service laterals have been targeted as the next system component for treatment and has been budgeted in fiscal 2024-2025. It is expected that service lateral lining will be put out to bid in January 2025.

Project (11) Line sewer manholes that show signs of infiltration. Although this project was not specifically budgeted in FY 2024-2025 sufficient funds are available to undertake this project. This project is expected to be put out to bid in 2/22/25.

Project (13) Install smart cover for new Sewer Manhole # 4 on Bay Harbor Terrace. This cover will be installed (1/31/25) to monitor the condition in manhole # 4 where the 18-inch main flows into a 15-inch.

All project numbers above are taken from Appendix A.

(ii) Replace Ejector Station A

Project (d) - Replace Ejector Station A with submersible pumps

Update: The designs are being finalized and the availability of 3 phase FPL power supply has been confirmed. It is expected that the project can be put out to bid in December 2024 and construction can be completed in August 2025 (and not December 2024 as previously indicated in town letter dated 12/22/2022).

Requirement # 2- Main Pump Station 13-0001

Objective: Ensure all three pumps are in good working condition and NAPOT is below threshold of 10 hours per day.

In an abundance of caution the three pumps at the main pump station were replaced in 2023. All three pumps are in good working condition and the Nominal Average Pump operating Times (NAPOT) are between 5 and 7 hours per day.

Projects: Although relocation of the main pump station is planned for fiscal year 2024-2025, it is likely that this project will be delayed, until after the hydraulic model is completed.

Requirement # 3 – Submit a Sanitary Sewer Hydraulic Model

The Town is committed to revising the existing Hydraulic Model for wastewater, to include the ejector stations and other relevant components of the collection and transmission

system. The condition that the model considers a two year twenty-four (24)- hour rain event will require collection of wet weather flow data for the ejector stations and prohibits a response before August 2025.

- ✓ ***Provide a Detailed survey of the Sanitary Sewer Collection System***

Requirement # 4 – Prepare a Detailed survey of the Sanitary Sewer Collection System

All manholes that are located within the street stormwater gutters will be clearly identified under Requirement # 1 Project (a).

Stormwater outfalls that are tidally influenced will be identified. Depending on the diameter of outfalls that allow tidal back up, check valves will be installed at the outfalls to prevent backflow.

Requirement # 5 – Report all SSOs according to the established DERM protocol

The relevant staff have been made aware of the established DERM protocol for sanitary sewer overflows. The town engineer is now responsible for satisfactory completion and submittal of "Abnormal Event Notification" forms.

In addition, routine inspections of all pneumatic ejector stations have been implemented during times of peak flow and high tides to ensure acceptable ejector station working conditions.

Fo reasons unknown the town had previously not followed the established protocol for SSOs. Some of the staff who were involved with unreported SSOs are no longer employed by the town. Currently, there are no records of these events, and the required data is not available. As a result, it will be virtually impossible to ascertain the quantity of the SSO, the actions taken, and other relevant details of the SSO that normally would have been provided when the SSO occurred.

Regarding unreported SSOs therefore, we are requesting your understanding as the requested data is not available.

IV Conclusion

The above plan is intended to completely address all the RFIs and allow the current TM to be lifted. We look forward to meeting with you, if required, to discuss this RAP to ensure that first it meets your requirements for operating a reliable sanitary sewer collection and disposal system, and second for preventing SSOs and/or reporting them according to established protocol, in the unlikely event that one does occur in the future.

Please be assured that the town is committed to partnering with DERM -RER to lift the current Temporary Moratorium that has been placed on our sewerage collection and transmission system.

We look forward to your kind consideration of this matter.

Please call me on my mobile at 786-881-3615 should you need to discuss this matter.

Sincerely,



Randy L. Daniel, P.E., PMP, CFM
Town Engineer
Eng. Registration # 69107

Copy: Oscar Aguirre, E.I. - Water and Wastewater Division
Rashid Istambouli, P.E., RER-DERM
Bridjette Bucell, FDEP
Pamela Sweeney, RER-DERM
Laura Eldredge, RER-DERM
Marsel Fakhrutdinov, RER-DERM
Ethan Heijn, P.E, Senior Associate - Hazen and Sawyer
David Hernandez, Public Works Director/Ag. Assistant Town Manager
Mike Mesa, MPA, CBO, CFM – Building Official
Jenice Rosado, Town Manager

APPENDIX A

No.	Project / Action	Completion Date
1	Complete mechanical repairs and pump replacements at Pump Station D	CIRCA 8/23
2	Install inflow dishes and apply silicone to seal covers of high-priority manholes	09/24/24
3	Replace check valve at Ejector Station A	09/24/24
4	Complete 2024 annual training for utility staff on SSO reporting and response	12/31/24
5	Correct GIS sewer atlas to address DERM comments	01/06/25
6	Confirm survey of sanitary sewer collection system to identify all manholes located within street stormwater gutters or in proximity and upgradient from street stormwater gutters and drains	01/31/25
7	Analyze location of sanitary sewer collection system manholes in relation to stormwater collection system and need for preventive measures concerning SSOs	01/31/25
8	Complete design for duplex submersible pump station replacing Ejector Station A	12/31/24
9	Solicit bids for construction of duplex submersible pump station replacing Ejector Station A	02/14/25
10	Install lockable, water-tight manholes - Priority Group 1	03/17/25
11	Complete repairs on manholes identified by DERM as having infiltration (1270 99 ST and 10331 E Broadview DR)	02/22/25
12	Complete construction of duplex submersible pump station replacing Ejector Station A	12/31/25
13	Install Smartcover at new Manhole No. 04 on Bay Harbor Terrace	01/31/25
14	Conduct hydraulic analysis of Wastewater Collection and Transmission System for 2-year, 24-hour storm	10/31/25
15	Complete upsizing of 15-inch piping to 18-inch piping in Station D gravity system	12/31/25
16	Install in-line check valves in priority stormwater outfalls	02/22/25
17	Install lockable, water-tight manholes - Priority Group 2	03/17/25
18	Conduct lateral liner installation as noted in the SSES Cycle 3 report submitted 11/12/22	01/31/25

RANDY L. DANIEL
LICENSE
No. 69107
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Hazen

Attachment C: Source Evaluation for Specific RFI Items

Hazen

Evaluation of Specific RFI Items

Number	Description	Miami-Dade County Code and/or DERM Guidelines (Yes / No)
1	Provide basin maps and include laterals on maps so that they "*can be counted*".	***Yes**. 2007 and 2024 Guidelines state: "*The sewer maps should show and identify all sewer system components as well as all streets, easements, and water bodies.*" DERM now seems to interpret "all" sewer system components to include laterals, although this interpretation was not applied to previous SSES cycles.
2	Include laterals in DERM Table 1.	***Yes**. New in 2024 Guidelines.
3	Include laterals in IDM calculation for each basin.	**No**.
4	Subtract upstream flows for GPDIM calculation.	***Yes**. New in 2024 Guidelines.
5	Coastal basin measurements are to be within 2 hours of high tide.	**Yes**. Miami-Dade County Code.
6	Complete DERM Certification Form A or B concerning flow monitoring method.	**No**.
7	Develop separate Private Defects table (using DERM form) for smoke testing defects including folio number, property type, and zip code.	**No**.

* DERM issued updated guidelines on April 25, 2024 (more than one year after the Cycle 3 SSES report submittal date of November 12, 2022).

Hazen

Attachment D: Scope of Services

No.	SSES Cycle 3 Report Section / Issue	Brief Description	Comments and/or Assumptions for Hazen Proposal
1	Basin maps	Provide basin maps (see Comments 3 and 4).	---
2	DERM Table 1	Include laterals in Table 1 and total Inch-Diameter-Mile (IDM) for each basin with subtotals for mains and laterals. Ensure manhole numbers, diameters, and lengths match basin maps.	Laterals (total number per basin and IDM) will be determined for each basin to the extent allowed using the existing GIS database. Manhole numbers will reflect information available in the existing GIS database.
3	Service area map	Provide overall service area map including service area and basin boundaries. Clarify Basins A, B, C, E, and F are tributary to Basin D.	---
4	Basin maps	Provide a map for each basin. Show force main connections to downstream Basin D. Include manhole numbers, diameter/length of mains, and laterals on maps. In place of manhole numbers, gravity main section ID numbers can be used but must match DERM Table 1 ID numbers.	Maps will be developed using the existing GIS and/or existing Sewer Atlas.
5	DERM Table 1	See Comment 2.	---
6	Smoke testing	Provide smoke test reports for all basins.	---
7	Smoke testing	Revise Section 5.4 to document process and dates for smoke testing.	This item will be addressed to the extent possible using existing available documentation of the completed inspection work and subcontractor communications.
8	Smoke testing	See Comment 7.	---
9	Smoke testing	Address presence/absence of surcharged conditions during smoke testing.	---
10	Manhole inspection	Provide inspection reports for all manholes in all basins.	DERM subsequently acknowledged that inspection of all manholes is not an enforceable requirement, but will require that any I&I defects affecting manholes be reported in a Manhole Corrective Action Plan (CAP) and associated rehabilitation be documented.
11	Video inspection	Provide pre- and post-repair video documentation for CAP defects.	This item will be addressed to the extent possible using existing available documentation of the completed inspection and corrective action work.
12	Corrective Action Plans	Provide pre- and post-repair photographic documentation for Smoke Test, Manhole, and Video CAP defects.	This item will be addressed to the extent possible using existing available documentation of the completed inspection and corrective action work.

No.	SSES Cycle 3 Report Section / Issue	Brief Description	Comments and/or Assumptions for Hazen Proposal
13	Manhole CAP	Create new appendix for manhole inspection and CAP to document inspection and manhole defects identified. Ensure Phase 2 report provides post-repair photographic documentation. Revise Manhole, Video, and Smoke Test CAPs to create separate CAPs: one for public defects and one for private defects. Clarify if utility is or is not correcting private defects.	The SSES Phase 2 Report will require repair documentation for CAP defects. Available documentation will be provided by Town forces or contractors as applicable.
14	Video CAP	Clarify type of inspection used to develop CAP for lateral defects. Submit any video inspection reports used to develop CAP.	---
15	Smoke testing	Provide all smoke test reports. Revise CAPs to create separate CAPs: one for public defects and one for private defects.	---
16	Corrective Action Plans	Submit General CAP summarizing Manhole CAP, Video CAP, and Smoke Test CAP for all basins as applicable.	---
17	Night flow measurements – Cycle 3	Clarify measurement method used for Cycle 3 SSES Phase 1 Report. DERM may provide a Certification Form accordingly.	---
18	Night flow measurements – Cycle 3	Submit night flow calculation reports for all basins.	---
19	Night flow measurements – Cycle 3	Revise report to summarize Cycle 2, Phase 3 Addendum 1 (October 2017) and requested “credit” for basins less than 5,000 GPDIM. Provide **DERM approval letter** to document prior resolution.	---
20	Night flow measurements – Cycle 3	Submit tidal reports coinciding with night flow reports for each basin. Measurements are to be within 2 hours of high tide.	Tidal monitoring data will be selected using the nearest location(s) with available data for the study period.
21	Night flow measurements – Cycle 3	Submit connectivity diagram verifying upstream/downstream basin repump relationships. This could also be shown on the overall service area map or individual basin maps.	---
22	Night flow measurements – Cycle 3	Submit flow measurements/calculations for upstream/downstream basin repump relationships. Include this as a separate appendix and report the associated values in DERM Table 2.	---
23	DERM Table 2	Clarify request of “credit” for October 2017 Cycle 2 Addendum and associated measurement of night usage. Revise DERM Table 2 accordingly. Incorporate description and documentation of night usage.	---

No.	SSES Cycle 3 Report Section / Issue	Brief Description	Comments and/or Assumptions for Hazen Proposal
24	GPDIM calculations	Document use of DERM formula in GPDIM calculations per DERM General Note No. 6.	---
25	DERM Table 2	Submit a revised DERM Table 2 in the Cycle 3, Phase 2 Report to document post-repair night flow measurements.	---
26	Reviewer additional remark No. 5	In addition to all CAP repairs outlined in the Cycle 3, SSES Phase 1 Report, document completion of actions in Town's letter dated 12/03/24 (**Attachment E**): • Section III • Appendix A Items 06, 07, 10, 11, 17, 18	Available documentation will be provided by Town forces or contractors as applicable.
27	Reviewer additional remark No. 6	In addition to the 66 manholes (see Section III of Town's 12/03/24 letter) requiring lockable covers and/or inserts, document in Cycle 3, Phase 2 SSES Report that **all manholes** were provided with inserts.	Available documentation will be provided by Town forces or contractors as applicable.
28	General	---	Where the DERM RFI addresses work performed by others whether manhole inspection, video inspection, smoke testing, or the associated corrective actions, the RFI will be addressed to the extent possible using the existing available documentation and products of such work.
29	General	---	The SSES Phase 2 Report will require repair documentation for CAP defects. Available documentation will be provided by City forces or contractors as applicable.
30	General	---	It is anticipated that one or more meetings with DERM will be needed to discuss/confirm the content and format of responses to specific RFI items.
31	General	---	It is assumed no action is needed concerning DERM comments for which DERM notes "*Response is not required*".
32	General	---	If services are extended beyond those stated or additional work is required to complete the project, an Amendment to this Service Order will be requested for continuation of engineering services.

Hazen

Attachment E: Fee Proposal

Fee Projection
Town of Bay Harbor Islands
Cycle 3 Sanitary Sewer Evaluation Survey Regulatory Assistance

Task	Senior Associate	Principal Engineer	Engineer	Principal Designer	Admin. Assistant	Total Hours	Total Fee
LABOR:							
Address RFI Items: Sewer Atlas and Pipe Inventory	8	8	10	24	6	56	$10,400
Address RFI Items: Field Inspection and Corrective Action Plans	8	12	24	16	4	64	$12,090
Address RFI Items: Flow Data and Compliance Calculations	16	16	24	16	4	76	$15,320
Address RFI Items: General/Miscellaneous	2	8	4	4	2	20	$3,840
Develop and Submit Revised SSES Phase 1 Report	8	24	40	8	4	84	$16,030
Develop and Submit SSES Phase 2 Report	8	32	40	12	8	100	$18,830
Total Labor Fee	**50**	**100**	**142**	**80**	**28**	**400**	**$76,510**

REIMBURSABLE COST:	Quantity	Units	Unit Price	Amount
Other Direct Costs (mileage, printing/copying, miscellaneous)	0	Lump Sum	$0.00	$0
Field supplies	0	Lump Sum	$0.00	$0
Total Reimbursable Cost				**$0**

TOTAL PROJECT COST	**$76,510**

LABOR RATES	$300.00	$207.90	$171.40	$162.25	$122.22

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 12.5
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: Consideration and approval of a resolution adopting the new solid waste fees.

Background/Analysis: – At the March 12 meeting, the Council formally approved the master service agreement with Waste Pro for the Town's solid waste collection and recycling services. This agenda item establishes the corresponding rates to be billed to our end-users.

The proposed customer rates are structured using the following methodology:

Residential Customers: The proposed customer rate is set at a flat $39.50 per month. In accordance with established Town practice, no administrative overhead fees are applied to single-family, condominium, or apartment units.

Commercial and Restaurant Customers: The proposed customer rate is calculated by taking the direct pass-through cost from Waste Pro (the "Base Vendor Rate") and applying a standard 10% Administrative Cost Recovery Fee. This fee funds the Town's internal overhead for contract administration, utility billing, and customer service for these higher-demand accounts.

Approval of this rate schedule ensures the Town will fully recover the costs associated with the executed Waste Pro contract and maintains the financial stability of the Solid Waste Fund.

Exhibit A Solid Waste Rate Fee Schedule 2026 (2).pdf

TOWN OF BAY HARBOR ISLANDS, FL

Exhibit "A"

SOLID WASTE COLLECTION & RECYCLING MONTHLY RATES

(Per Unit Per Month)

(Collection Services for Solid Waste (3 times per week)
Bulk Waste (1 time per week), and Recycling (2 times per week)

a) RESIDENTIAL UNITS (monthly per unit)	Base Vendor Rate	10% Administrative Cost Recovery Fee	Proposed Customer Rate
1. Condominium or Co-Op Building with three or more units	$ 39.50	$ -	$ 39.50
2. Rental Apartment Building with three or more units	$ 39.50	$ -	$ 39.50
3. Single Family Residences	$ 39.50	$ -	$ 39.50

B) COMMERCIAL UNITS	Base Vendor Rate	10% Administrative Cost Recovery Fee	Proposed Customer Rate
1. 96 gallon container	$ 155.45	$ 15.55	$ 171.00
2. Additional 96 gallon container	$ 95.45	$ 9.55	$ 105.00
3. Less than daily service (per cubic yard per month)(1)	$ 19.50	$ 1.95	$ 21.45

C) RESTAURANTS(2)	Base Vendor Rate	10% Administrative Cost Recovery Fee	Proposed Customer Rate
1. 96 gallon container	$ 155.45	$ 15.55	$ 171.00
2. One (1) cubic-yard container	$ 591.05	$ 59.11	$ 650.16
3. Two (2) cubic-yard container	$ 1,182.09	$ 118.21	$ 1,300.30
4. Four (4) cubic-yard container	$ 2,364.18	$ 236.42	$ 2,600.60
5. Six (6) cubic-yard container	$ 3,546.27	$ 354.63	$ 3,900.90
6. Additional 96 gallon container	$ 95.45	$ 9.55	$ 105.00
7. Less than daily service (per cubic yard per month)(1)	$ 19.50	$ 1.95	$ 21.45

Notes
(1) Based on container size - calculated as $21.45 * container size * weekly pickups * 4.33 weeks per month

For example the customer charge for a 2 yard container serviced 3 times per week is **$557.27** calculated as follows: $21.45 per cubic yard x 2 cubic yard container x 3 times per week * 4.33 weeks per month)

(2) Includes any other units that have daily collection services

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 13.1
Date: April 22, 2026
From: Town Manager Lindsley Noel
To: Mayor and Town Council Members
Subject: PUD Overlay Rezoning Application - Bijou Bay Harbor Condominium Association, Inc., 9521 East Bay Harbor Drive, Lots 3 and 4, Block 1.

Suggested Action: – Town Council discretion to approve the Planning and Zoning Board recommend approval to the Town Council of the requested Planned Unit Development (PUD) Overlay for the Bijou Bay Harbor Condominium, subject to the conditions outlined in this report. The PUD provides the necessary legal and procedural framework to impose site-specific conditions that will bring the existing below-grade parking garage into compliance with FEMA floodplain regulations and the Florida Building Code. It also authorizes a minimal, internally focused non-residential use. This site-specific solution resolves the Certificate of Occupancy impediment while ensuring full life safety and regulatory compliance.

Description/Background – **BACKGROUND**
On December 10, 2025, the Town received a formal Letter of Intent and PUD Overlay Application from the Bijou Bay Harbor Condominium Association, Inc., for the property located at 9521 East Bay Harbor Drive. The project, originally approved as a 41-unit residential condominium ("Bijou," formerly "La Boutique"), received its final Site Development Plan approval from the Planning and
Zoning Board on October 20, 2015 (Resolution No. 2074).

The original 41-unit development required the use of the Town's Transfer of Development Rights (TDR) program to achieve its density. The developer successfully acquired and retired 23 TDR units (18 from private sources and 5 from the Town) to permit the 41 dwelling units. The building is substantially complete and occupied.

The primary impetus for this application is the existence of a below-grade parking garage at the south end of the building. The garage is partially located below the Base Flood Elevation (BFE). Under FEMA regulations and the Florida Building Code, such areas cannot be designated for habitable use and require specific floodproofing, construction, and operational measures to be considered lawful, non-habitable spaces. The as-built garage does not currently have the legally recorded agreements and approved plans demonstrating this compliance, which prevents the issuance of a final Certificate of Occupancy.

The applicant seeks a PUD Overlay rezoning per Town Code Section 23-18 to achieve two primary objectives:

1. To establish a legally binding framework (via recorded conditions) mandating the specific floodproofing measures, operational plans, and use restrictions required to bring the below-grade garage into full compliance with FEMA and the Florida Building Code.
2. To authorize a minor, internal non-residential component (an approximately 36-squarefoot office/administrative suite) to facilitate on-site building management and resident services.

This request stems from discussions with Town staff to utilize the PUD mechanism to codify the necessary compliance measures for the built garage.

ANALYSIS

The application has been reviewed for compliance with the PUD standards set forth in Section
23-18 of the Town Code.

A. Project Information & Request:

- Applicant: Bijou Bay Harbor Condominium Association, Inc.
- Current Zoning: RM-1 (Multiple Family Residential District)
- Land Use: MH (Medium-High Density Residential)
- Request: PUD Overlay to create a site-specific mixed-use district that:

* Codifies conditions to ensure the below-grade garage complies with FEMA and the Florida Building Code.

* Permits limited non-residential use (office/administrative suite) of approximately 36.25 sq. ft. at the lobby level.

- Proposed Conditions: The applicant has submitted a list of proposed operational and use restrictions as part of their application.

B. Compliance with PUD Criteria (Sec. 23-18(e)):

- Favorable Economic Effect: The PUD will allow the final CO to be issued, stabilizing the property tax base for a completed, occupied building without increasing its physical or use intensity.
- Noise/Traffic: The proposed office use is internal, serves only residents and their guests, and will not generate additional parking demand or late-night traffic. Impact is negligible.
- Public Facilities: No new burden on Town utilities or infrastructure is anticipated, as the building and its systems are complete and occupied.
- Safety: The PUD is the most effective mechanism to legally mandate and record a formal Floodproofing and Operations Plan for the garage. This process, overseen by the Building Official, will institute critical life-safety and flood-resilience measures that are currently not formally documented or enforceable.
- Overcrowding: The request does not propose any additional dwelling units, floor area, or height. It seeks to formalize compliance for existing elements. The project's density was legally established through the TDR program and is not affected by this request.

- Compatibility: The property is adjacent to B-1 (Commercial) zoning to the north and west. Introducing a small, internal non-residential component is consistent with this transitional context.
- Public Benefit/Reasonable Use: The PUD provides a targeted, enforceable pathway to (a) bring a non-compliant structure into full compliance with critical life safety codes, (b) avoid a broader text amendment to the zoning code, (c) ensure future flood resilience, and (d) provide clear, enforceable operating conditions for the garage and non-residential space.

C. Staff Conditions: Staff concurs with the intent of the applicant's proposed conditions adopting the following refined conditions for inclusion in a Town Council resolution:

1. The PUD Overlay is based on the site plans and building elevations as last approved by the P&Z Board on October 20, 2015, with the below-grade garage as built.
2. The sole non-residential use permitted under this PUD Overlay is limited to an internal office/executive suite for on-site management, leasing, and association activities serving the condominium residents. This use is strictly limited to a maximum of 36.25 square feet as identified in the application.
3. No restaurant, bar, retail, or any other commercial use open to the general public shall be permitted. No outdoor seating, food service, or amplified sound is allowed.
4. Notwithstanding the PUD approval, the building and all its uses, including the permitted non-residential suite, must comply with all applicable provisions of the Florida Building Code and FEMA regulations for mixed-use structures, including but not limited to construction type, fire separation, accessibility, and flood resistant design. There is no minimum square footage exemption in these codes for commercial uses within a residential building.
5. Prior to the issuance of a Certificate of Occupancy, the owner shall record a deed restriction, in a form acceptable to the Town Attorney, which constitutes the PUD agreement. This agreement shall legally bind the property to an approved Floodproofing and Operations Plan for the below-grade garage, ensuring its classification and use comply with FEMA regulations and the Florida Building Code.
6. The PUD conditions run with the land and are binding on all successors and assigns.

CONCLUSION:

The proposed PUD Overlay is the recommended tool to impose the legally binding conditions required to bring the existing below-grade garage into compliance with FEMA floodplain regulations and the Florida Building Code. It represents a practical, enforceable solution to regularize this non-compliant condition. The accompanying minor non-residential use is strictly limited and compatible with the neighborhood. The project's density remains unchanged from its original, TDR-enabled approval. The recommended conditions provide strong, long-term protections for the Town and its residents. Staff finds the request meets the criteria of Section 23-18 and recommends approval.

Budget Impact: – GL Line Item Number: N/A
Total Amount Budgeted: N/A
Encumbered Amount: N/A
Balance Remaining: N/A
Letter of Intent (3).pdf
Site Plan and Elevations (4).pdf

3-12-2026-Bijou Bay PUD Memorandum.docx
BHI Ordinance-PUD (1) (1).docx

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JEFFREY A. REMBAUM, B.C.S.*
DEBORAH S. SUGARMAN
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PETER C. MOLLENGARDEN, B.C.S.*
JEFFREY D. GREEN, B.C.S.**
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*BOARD CERTIFIED SPECIALIST IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW

**BOARD CERTIFIED SPECIALIST IN CONSTRUCTION LAW

RECEIVED
DEC 10 2025
BY:.....

October 3, 2025

Via Email: lnoel@bayharborislands-fl.gov
lbelle@bayharborislands-fl.gov
Lindsley Noel, Town Manager
Lorraina Belle, Town Planner
1030 95th Street
Bay Harbor Islands, FL 33154

Re: LETTER OF INTENT – Bijou Bay Harbor PUD Overlay Application
Property: Bijou Bay Harbor Condominium, 9521 E Bay Harbor Dr, Bay Harbor Islands, FL 33154 (the "Property")

Town Manager Noel and Ms. Belle:

On behalf of Bijou Bay Harbor Condominium Association, Inc. (the "Applicant"), we submit this Letter of Intent to request approval of a Planned Unit Development ("PUD") overlay for the Property pursuant to Sec. 23-18 of the Town Code. This request implements the path discussed with you on September 15, 2025 to resolve the remaining issue preventing issuance of a final Certificate of Occupancy—namely, recognition and regulation of the below-grade parking garage at the south end of the building. The PUD will establish a site-specific, mixed-use framework that lawfully accommodates the existing garage while ensuring full compliance with the Town Code, the Florida Building Code, and applicable FEMA floodplain management requirements (no habitable residential area below the minimum flood elevation; flood-resistant construction and floodproofing for non-residential components; and any additional measures required by the Building Official).

1) PUD Purpose & Concept (Sec. 23-18(a)) The PUD overlay will:

- Convert the project from solely residential (RM-1 context) to a mixed-use building with a limited, ground-level non-residential/commercial component (e.g., the existing

manager's/leasing office and related support area) fronting internal common areas, with no adverse external impacts.

- Formally recognize and regulate the existing below-grade parking as an accessory component within the mixed-use PUD, subject to floodproofing/operational conditions and non-habitable use limitations.
- Provide a site-specific solution—as encouraged by Town staff—rather than a district-wide text change that could unintentionally affect other RM-1 properties.
- Enhance public health, safety, and welfare via codified flood protection measures, life-safety upgrades, and improved circulation/wayfinding.

2) Ownership/Authority (Sec. 23-18(b)). The Property is owned/controlled by the Condominium Association. The Applicant will provide the required owner affidavit and authority to file.

3) Development Parameters (Sec. 23-18(c)):

1. **Contiguity & Zoning Context.** The Property fronts a public street and is contiguous to B-1 commercial uses to the north and west. The immediate area is thus an appropriate setting for a de minimis, internal non-residential component within a PUD.
2. **Public Street Frontage.** The Property fronts 9521 E Bay Harbor Dr., with more than the minimum 150' combined frontage (confirm per survey).
3. **Single Parcel / Unity.** The Property functions as a single development parcel.
4. **Permitted Uses (tailored to site):**
    - **Residential** condominium units (as existing).
    - **Office/Executive/Commercial suite** (limited in size) for onsite management, leasing, association/admin, and resident-serving uses (no late-night/impactful operations).
    - **Accessory parking** (including the existing below-grade garage) with non-habitable designation and floodproofing per applicable codes.
    - **No outdoor restaurant, bar, or high-impact retail** is proposed; any retail-type activity is limited to resident-serving office/admin uses interior to the lobby level.
5. **Single-Phase Plan.** The PUD will be implemented as a single phase recognizing the existing structure and codifying compliance upgrades (see Attachments).

4) Application Procedure Submittals (Sec. 23-18(d)) With the formal application, the Applicant will submit:

1. **Letter of Intent:** (this letter).
2. **Detailed Site Plan:** The attached architectural plans highlight in yellow the area in question. Although the plan label indicates a bathroom, the space is in fact the existing manager's/leasing office. The office measures approximately 36.25 square feet. There will be no additional impact on parking; a reserved manager space already exists, and all activity is limited to resident-serving functions.
3. **Proposed Floor Plans and Elevations:** See Item 2 above.
4. **Uses:** Office/Executive/Commercial suite for onsite management, leasing, association/administrative activities, and resident-serving uses. These uses are for residents

and their guests only, who already have parking allocations, and they do not involve late-night or high-impact operations. The office is already being used for these purposes.

5. **Survey**: See Item 2 above. The Declaration of Condominium functions as the official survey identifying the Office/Executive/Commercial suite.

5) Public Hearing Findings (Sec. 23-18(e)) – Applicant's Demonstration

1. **Favorable Economic Effect.** The PUD enables issuance of a CO, stabilizes the tax base, and supports local spending by fully occupying a completed building without adding intensity beyond what exists today.
2. **Noise/Traffic.** The limited, internal office use will not generate excessive noise or traffic; trip generation is materially lower than typical retail.
3. **Public Facilities.** No undue burden on water/sewer/solid waste/roads is anticipated; the building's infrastructure is already in place and sized for existing use.
4. **Safety.** Floodproofing measures, life-safety systems (egress, emergency power for gates), and operational plans will reduce risk compared to the status quo.
5. **Overcrowding.** The request does not add units or floor area; it re-classifies a very small portion of ground-level space to non-residential and codifies garage use conditions.
6. **Compatibility.** The Property abuts B-1 commercial to the north and west; the PUD's minimal non-residential area is entirely interior and consistent with the area's mixed context.
7. **Public Benefit/Reasonable Use.** The PUD provides a site-specific compliance pathway that (i) addresses FEMA constraints, (ii) avoids a district-wide text change, (iii) secures building code upgrades, and (iv) delivers neighborhood predictability with clear operating conditions.

6) Legal Effect; Conditions (Sec. 23-18(f)). We understand an approved PUD overlay functions as a rezoning and will include conditions. The Applicant proposes the following conditions for the Town's consideration (subject to staff input):

- **Non-Residential Area Cap & Location.** Limit to approximately [–] sq. ft. internal office/admin suite at lobby level (final area to match plans).
- **No High-Impact Uses.** No late-night or amplified-sound uses; no bar, nightclub, or outdoor dining.
- **Flood Compliance.** Recordable restriction that the below-grade garage remains non-habitable, with all floodproofing and operations plan approved by the Building Official (e.g., deployable barriers; signage; emergency power for gate egress; routine maintenance logs).
- **Parking Management.** Onsite parking shall meet code for the combined residential + limited office/admin uses; any changes require staff approval of a parking study or a Council modification.
- **Administrative Changes.** Minor adjustments to restore/upgrade flood or life-safety features may be approved administratively by staff to maintain compliance with evolving codes or FEMA guidance.

If the Town requests, the Applicant will accept a recorded covenant memorializing these conditions.

7) Process & Schedule

- **Transmittal:** Upon staff completeness, we request placement on the October Council agenda (first reading).
- **County Review:** We understand the Town will transmit to Miami-Dade County for the necessary land use map acknowledgment/adjustment; Applicant will promptly pay fees and provide any supporting materials.
- **Notice:** Applicant will assist with 375-ft mailed notice and will conduct neighbor outreach in advance of the hearing.
- **CO Coordination:** Applicant requests concurrent Building Division review of floodproofing/operations to align CO issuance with PUD effectiveness.

We appreciate the Town's collaborative approach and look forward to working with staff to finalize conditions that achieve the Town's objectives while resolving the CO impasse.

Very truly yours,

/Jeffrey D. Green/

JEFFREY D. GREEN, ESQ.

JDG/jn

cc: Board of Directors (Association)
Enclosures: Plans

Complete List of Uses and Square Footage for Each Use

Uses: Office/Executive/Commercial suite for onsite management, leasing, association/administrative activities, and resident-serving uses. These uses are for residents and their guests only, who already have parking allocations, and they do not involve late-night or high-impact operations. The office is already being used for these purposes.

Square Footage: The space measures approximately 36.25 square feet.

INDEX OF DRAWINGS

PRODUCTION ARCHITECT
CHARLES H. BENSON & ASSOCIATES
1665 WASHINGTON AVE., 2 ND FL., MIAMI BEACH, FL. 33139

COVER	RENDERING & CONSULTANTS LIST	
A-0.00	LIST OF DRAWINGS, SITE ANALYSIS, SCHEDULE OF AREAS	
A-0.01	LIFE SAFETY 1ST LEVEL PARKING FLOOR PLAN	3/16" = 1'-0"
A-0.02	LIFE SAFETY 2ND LEVEL PARKING & SITE FLOOR PLAN	3/16" = 1'-0"
A-0.03	LIFE SAFETY 3RD LEVEL UNIT & GYM FLOOR PLAN	3/16" = 1'-0"
A-0.04	LIFE SAFETY 4TH LEVEL UNIT FLOOR PLAN	3/16" = 1'-0"
A-0.05	LIFE SAFETY 5TH – 8TH LEVEL TYPICAL UNIT FLOOR PLAN	3/16" = 1'-0"
A-0.06	LIFE SAFETY 9th LEVEL UNIT FLOOR PLAN	3/16" = 1'-0"
A-0.07	LIFE SAFETY ROOF LEVEL FLOOR PLAN	3/16" = 1'-0"
A-1.01	SITE PLAN	1/8" = 1'-0"
A-1.02	1ST LEVEL PARKING FLOOR PLAN	3/16" = 1'-0"
A-1.03	2ND LEVEL PARKING & LOBBY FLOOR PLAN	3/16" = 1'-0"
A-1.04	3RD LEVEL UNITS & GYM FLOOR PLAN	3/16" = 1'-0"
A-1.05	3RD LEVEL COLUMN LAYOUT FLOOR PLAN	3/16" = 1'-0"
A-1.06	4TH LEVEL UNIT FLOOR PLAN	3/16" = 1'-0"
A-1.07	4TH LEVEL COLUMN LAYOUT FLOOR PLAN	3/16" = 1'-0"
A-1.08	5TH – 8TH LEVEL TYPICAL UNIT FLOOR PLAN	3/16" = 1'-0"
A-1.09	5TH – 8TH COLUMN LAYOUT FLOOR PLAN	3/16" = 1'-0"
A-1.10	9TH TYPICAL UNIT FLOOR PLAN	3/16" = 1'-0"
A-1.11	9TH COLUMN LAYOUT FLOOR PLAN	3/16" = 1'-0"
A-1.12	ROOF LEVEL FLOOR PLANS	3/16" = 1'-0"
A-1.13	ROOF LEVEL KNEE WALL LAYAUT FLOOR PLAN	3/16" = 1'-0"
A-1.14	UPPER ROOF LEVEL FLOOR PLANS, NOTES & DETAIL	3/16" = 1'-0"
A-1.20	ENLARGED STAIR A-H FLOOR PLANS & NOTES	1/4" = 1'-0"
A-1.21	ENLARGED TOILET & MAIL ROOM FLOOR PLANS	1/4" = 1'-0"
A-2.01	REFLECTED CEILING 1ST LEVEL PARKING PLAN	3/16" = 1'-0"
A-2.02	REFLECTED CEILING 2ND LEVEL PLAN/LOBBY	3/16" = 1'-0"
A-2.03	REFLECTED CEILING 3RD LEVEL PLAN	3/16" = 1'-0"
A-2.04	REFLECTED CEILING 4TH LEVEL PLAN	3/16" = 1'-0"
A-2.05	REFLECTED CEILING 5TH – 8TH LEVEL PLAN	3/16" = 1'-0"
A-2.06	REFLECTED CEILING 9TH & ROOF LEVEL PLAN	3/16" = 1'-0"
A-3.01	WEST ELEVATION	1/4" = 1'-0"
A-3.02	SOUTH ELEVATION	1/4" = 1'-0"
A-3.03	EAST ELEVATION	1/4" = 1'-0"
A-3.04	NORTH ELEVATION	1/4" = 1'-0"
A-4.01	SECTION A	1/4" = 1'-0
A-4.02	SECTION B	1/4" = 1'-0"
A-4.03	SECTIONS C	1/4" = 1'-0"
A-4.04	SECTIONS D, D1 & D2	1/4" = 1'-0"
A-4.05	SECTION E	1/4" = 1'-0"
A-4.06	SECTION F & H	1/4" = 1'-0"
A-4.07	SECTIONS G, J & K	1/4" = 1'-0"
A-4.08	SECTIONS L	1/4" = 1'-0"
A-4.09	SECTION M, P, Q ,R1 & R2	1/4" = 1'-0"
A-4.10	DETAILS 1-6	1/2" = 1'-0"
A-4.11	DETAILS 7-12	1" = 1'-0"
A-5.01	STOREFRONT, WINDOW & LOUVER ELEVATIONS	1/4" = 1'-0"
A-5.02	KITCHEN ELEVATIONS	1/4" = 1'-0"
A-5.03	KITCHEN & BATHROOM ELEVATION	1/4" = 1'-0"
A-5.04	BATHROOM ELEVATIONS	1/4" = 1'-0"
A-5.05	BATHROOM ELEVATIONS	1/4" = 1'-0"
A-6.01	HANDICAP DETAILS	N.T.S.
A-6.02	HANDICAP DETAILS	N.T.S.
A-7.01	PARTITION, FIRE PENETRATION, UL DESIGN AND JOIN DETAILS	N.T.S.
A-7.02	DOOR SCHEDULE AND DETAILS	N.T.S.
A-7.03	FINISH SCHEDULE AND DETAILS	N.T.S.
A-8.01	DETAILS	N.T.S.
A-8.02	DETAILS	N.T.S.
A-8.03	DETAILS	N.T.S.
ID-1.01	1ST LEVEL FURNITURE PLAN	3/16" = 1'-0"
ID-1.02	2ND LEVEL FURNITURE PLAN	3/16" = 1'-0"
ID-1.03	3RD LEVEL FURNITURE PLAN	3/16" = 1'-0"
ID-1.04	4RD LEVEL FURNITURE PLAN	3/16" = 1'-0"
ID-1.05	5TH TO 8TH LEVEL TYPICAL UNIT FURNITURE PLAN	3/16" = 1'-0"
ID-1.06	9TH LEVEL FURNITURE PLAN	3/16" = 1'-0"
ID-1.07	ROOF LEVEL FURNITURE PLAN	3/16" = 1'-0"

LANDSCAPE
J F S DESIGN INC.
1833 N.W. 140th TERR., PEMBROKE PINES, FL. 33028

TD-1	TREE DISPOSITION PLAN	1" = 10'
L-1	SITE LANDSCAPE PLAN	1" = 10'
L-2	ROOF LEVEL-POOL LEVELLANDSCAPE PLAN	1" = 10'
LL-1	POOL LEVEL LANDSCAPE LIGHTING PLAN	1" = 10'
IRR-1	SITE IRRIGATION PLAN	1" = 10'
IRR-2	ROOF LEVEL-POOL LEVEL IRRIGATION PLAN	1" = 10'

CIVIL ENGINEER
HOLLAND ENGINEERING, INC.
3900 HOLLYWOOD BLVD, SUITE 303, HOLLYWOOD, FL. 33021

C-1	LEVEL 2 PAVING, GRADING & DRAINAGE PLAN	1" = 10'
C-2	LEVEL 2 WATER $ SEWER PLAN	1" = 10'
C-3	LEVEL 2 PAVEMENT MARKING PLAN	1" = 10'
C-4	STORMWATER POLLUTION PREVENTION PLAN	1" = 10'
C-5	UTILITY DETAILS	1" = 10'
C-6	DRAINAGE DETAILS	1" = 10'
C-7	PAVEMENT MARKING DETAILS	N.T.S.

STRUCTURAL ENGINEER
ARBAB ENGINEERING, INC.
3363 N.E. 163 STREET, SUITE 701, N. M. BEACH, FL. 33160

S-1.0	PILE & GRADE BEAM FRAMING PLAN	3/16" = 1'-0"
S-1.1	1ST LEVEL FLOOR FRAMING PLAN	3/16" = 1'-0"
S-1.2	2ND LEVEL FLOOR FRAMING PLAN	3/16" = 1'-0"
S-1.3	3RD LEVEL FLOOR FRAMING PLAN	3/16" = 1'-0"
S-1.4	4TH LEVEL FLOOR FRAMING PLAN	3/16" = 1'-0"
S-1.5	5TH TO 8TH TYP. FLOOR FRAMING PLAN	3/16" = 1'-0"
S-1.6	9TH FLOOR FRAMING PLAN	3/16" = 1'-0"
S-1.7	ROOF LEVEL FRAMING PLAN	3/16" = 1'-0"
S-1.8	POOL DECK FRAMING PLAN	3/16" = 1'-0"
S-1.9	HIGH ROOF FRAMING PLAN	3/16" = 1'-0"
S-2.1	COLUMN SCHEDULE & DETAILS	1" = 1'-0"
S-2.2	COLUMN SCHEDULE & DETAILS	N.T.S
S-2.3	BEAM SCHEDULE, BEAM SECTIONS & DETAILS	1/2" = 1'-0"
S-2.4	BEAM & STAIR DETAILS	3/4" = 1'-0"
S-2.5	WALL, COLUMN & SLAB DETAILS	3/4" = 1'-0"
S-2.6	PILE CAP & GRADE BEAM DETAILS	1/2" = 1'-0"
S-2.7	ELEVATOR & STAIR PILE CAP DETAILS	1/2" = 1'-0"
S-2.8	PILE DETAILS	1/2" = 1'-0"
S-3.1	SHEAR WALL DETAILS1	1/2" = 1'-0"
S-3.2	SHEAR WALL DETAILS	3/16" = 1'-0"
S-3.3	SHEAR WALL DETAILS	3/16" = 1'-0"
S-3.4	SECTION A	1/2" = 1'-0"
S-3.5	SECTION B	3/16" = 1'-0"
S-3.6	SECTION C	3/16" = 1'-0"
S-3.7	SECTION D	3/16" = 1'-0"
S-3.8	SECTION E & P	3/16" = 1'-0"
S-3.9	SECTION F & G	3/16" = 1'-0"
S-3.10	SECTION H & J	3/16" = 1'-0"
S-3.11	SECTION K, M, Q & R	3/16" = 1'-0"
S-3.12	SECTION L	3/16" = 1'-0"
S-4.1	POST TENSIONS CABLE DETAILS	N.T.S.
S-4.2	SHEAR HEAD & STUDRAILS DETAILS	N.T.S
S-5.1	STRUCTURAL NOTES & DESIGN LOADS	N.T.S.
S-6.1	SOUTH AND WEST ELEVATION WIND PRESSURE	1/4" = 1'-0"
S-6.2	NORTH AND EAST ELEVATION WIND PRESSURE	1/4" = 1'-0"

AQUATIC CONSULTANT
KENNETH R. PFEIFFER, D.Sc., P.E.
8754 S.W. 206 LANE, CUTLER BAY, FL. 33189

POOL-1.0	SITE PLAN & POOL DECK PLAN	VARIES
POOL-2.0	SECTIONS	VARIES
POOL-3.0	POOL EQUIPMENT ROOM LAYOUT	3/8"=1'-0"
POOL-4.0	SECTION & POOL EQUIPMENT SCALE	VARIES

PLUMBING, MECHANICAL & ELECTRICAL
FLORIDA ENGINEERING SERVICES
34 N.W. 168TH STREET, MIAMI FL. 33169

AC-1	H.V.A.C.-1ST LEVEL- PARKING	3/16"=1'-0"
AC-2	H.V.A.C.-2ND LEVEL- PARKING	3/16"=1'-0"
AC-3	H.V.A.C.-3RD LEVEL- GYM/RESIDENTIAL	3/16"=1'-0"
AC-4	H.V.A.C.-4TH LEVEL- RESIDENTIAL	3/16"=1'-0"
AC-5	H.V.A.C.-5TH-8TH LEVEL- RESIDENTIAL	3/16"=1'-0"
AC-6	H.V.A.C.-9TH LEVEL- RESIDENTIAL	3/16"=1'-0"
AC-7	H.V.A.C.-ROOF LEVEL	3/16"=1'-0"
AC-8	H.V.A.C.-UNITS 1, 2, 3	1/4"=1'-0"
AC-9	H.V.A.C.-UNITS 4, 5, 6	1/4"=1'-0"
AC-10	H.V.A.C.-UNITS PH 1, 2, 3	1/4"=1'-0"
AC-11	H.V.A.C.-UNITS PH 4, 5	1/4"=1'-0"
AC-12	H.V.A.C.-SCHEDULES	N.T.S.
AC-13	H.V.A.C.-RISERS	N.T.S.
AC-14	H.V.A.C.-NOTES	N.T.S.
AC-15	H.V.A.C.-DETAILS	N.T.S.
AC-16	H.V.A.C.-DETAILS	N.T.S.
AC-17	H.V.A.C.-SMOKE CONTROL PLAN	N.T.S.

SITE PLAN INFORMATION

SITE ANALYSIS

– LAND USE DESIGNATION:	MH-MEDIUM HIGH DENSITY RESIDENTIAL	
– ZONING CLASSIFICATION:	RM-1 MULTIPLE FAMILY DISTRICT	
– LOT AREA:		
NET LOT AREA:	22,500 SF (0.52 ACRES)	
– DENSITY CALCULATION :	UNITS ALLOW.	UNITS PROV.
34 UNITS/ACRE X 0.52 ACRES	~~17~~ D.U.	~~17~~ D.U.
TDR DU'S REQUESTED	~~18~~	~~24~~ D.U.
		41 UNITS
	MAXIMUM	PROVIDED
– BUILDING HEIGHT:	75'-0"	75'-0
– LANDSCAPE AREA :		
GROSS PERVIOUS AREA:	4,500.00 SF (20%)	4,628 SF (20.57%)
– LOT COVERAGE :		12,653 SF (56.23%)
– PAVED AREA :		5,219 SF (23.20%)
	REQUIRED	PROVIDED
– BUILDING SETBACKS :		
FRONT		
UP TO 30' HIGH	20'-0"	30'-1"
UP TO 45' HIGH	25'-0"	30'-1"
UP TO 75' HIGH	30'-0"	30'-1"
REAR	20'-0"	20'-1"
SIDE INTERIOR		
UP TO 30' HIGH	10'-0"	10'-1"
1'/3' OF HT. (20'MAX.)	25'-0"	25'-0"
FLEX (13 OF BLDG. LENGTH)		
@ NORTH (0.33 X 99'-10")	33'-3"	25'-4"
@ WEST (0.33 X 129'-10")	43'-3"	25'-0"
@ SOUTH (0.33 X 99'-10")	33'-3"	25'-4"
– PARKING :		
2/DWELLING UNITS X 41 UNITS	82 SPACES	82 SPACES
– STORAGE :		
1/DWELLING UNIT @ 25 SF.	41 STORAGES	41 STORAGES
– BASE FLOOD ELEVATION :	10'-0" NGVD	
TOTAL CONSTRUCTION AREA		116,587 SF

PROJECT INFORMATION

SCOPE OF WORK PER F.B.C.:
THIS IS A NEW APARTMENT BUILDING EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM.

CONSTRUCTION TYPE PER SECS. 301 : CONSTRUCTION TYPE I-B

OCCUPANCY CLASSIFICATION : RESIDENTIAL R-2 (F.B.C. TABLE 302.1.1)

CODE REVIEW INFORMATION:

APPLICABLE CODES:
ALL WORK DONE UNDER THIS CONTRACT SHALL COMPLY WITH THE PROVISIONS OF THE SPECIFICATIONS, DRAWINGS & CONSTRUCTION CRITERIA OF THE OWNER, AND SHALL SATISFY ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS OF ALL GOVERNING BODIES INVOLVED. ANY MODIFICATIONS TO THE CONTRACT WORK REQUIRED BY SUCH AUTHORITIES SHALL BE PERFORMED BY CONTRACTOR. ALL PERMITS AND LICENSES NECESSARY FOR THE EXECUTION OF THE WORK SHALL BE SECURED AND PAID FOR BY THE CONTRACTOR(S). APPLICABLE CODES INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

APPLICABLE BUILDING CODES:

BUILDING & STRUCTURAL:	2010 – FLORIDA BUILDING CODE
PLUMBING:	2010 – FLORIDA PLUMBING CODE
LIFE SAFETY:	2013 – FLORIDA FIRE PREVENTION CODE 2012 – NFPA 101
MECHANICAL:	2010 – FLORIDA MECHANICAL CODE
ELECTRICAL:	2008 – NATIONAL ELECTRICAL CODE
ACCESSIBILITY	2010 – FLORIDA ADA COMPLIANCE CODE
ENERGY:	2010 – FLORIDA ENERGY CODE



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION:
LOTS 3 AND 4, INCLUDING THE WEST 11 FEET OF BLOCK 1, BAY HARBOR ISLAND, RECORDED IN P.B 46 AT PAGE 5 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

P-1	PLUMBING– 1ST LEVEL– PARKING	3/16"=1'-0"
P-2	PLUMBING– 2ND LEVEL– PARKING	3/16"=1'-0"
P-3	PLUMBING– 3RD LEVEL– RESIDENTIAL	3/16"=1'-0"
P-4	PLUMBING– 4TH LEVEL– RESIDENTIAL	3/16"=1'-0"
P-5	PLUMBING– 5TH–8TH– RESIDENTIAL	3/16"=1'-0"
P-6	PLUMBING– 9TH – RESIDENTIAL	3/16"=1'-0"
P-7	PLUMBING– ROOF LEVEL	3/16"=1'-0"
P-8	PLUMBING– UNITS 1, 2, 3	1/4"=1'-0"
P-9	PLUMBING– UNITS 4, 5, 6	1/4"=1'-0"
P-10	PLUMBING– UNITS PH 1, 2, 3	1/4"=1'-0"
P-11	PLUMBING– UNITS PH 4, 5	1/4"=1'-0
P-12	PLUMBING– VERTICAL SANITARY RISERS	N.T.S.
P-13	PLUMBING– VERTICAL WATER AND CD RISERS	N.T.S.
P-14	PLUMBING– HORIZONTAL WATER DIAGRAM	N.T.S.
P-15	PLUMBING– HORIZONTAL SANITARY RISER	N.T.S.
P-16	PLUMBING– STORM WATER RISER	N.T.S.
P-17	PLUMBING– GAS RISER	N.T.S.
P-18	PLUMBING– SCHEDULES	N.T.S.
P-19	PLUMBING– DETAILS AND SCHEDULES	N.T.S.
P-20	PLUMBING– DIESEL FUEL PIPING	N.T.S.
E-1	1ST LEVEL PARKING	3/16"=1'-0"
E-1.1	1ST LEVEL PARKING PHOTOMETRIC	3/16"=1'-0"
E-1.2	1ST LEVEL PARKING EMRG. PHOTOMETRIC	3/16"=1'-0"
E-2	2ND LEVEL PARKING	3/16"=1'-0"
E-2.1	2ND LEVEL PARKING PHOTOMETRIC	3/16"=1'-0"
E-2.2	2ND LEVEL PARKING EMRG. PHOTOMETRIC	3/16"=1'-0"
E-3	3RD LEVEL	3/16"=1'-0"
E-4	4TH LEVEL	3/16"=1'-0"
E-5	5TH–8TH TYPICAL LEVELS	3/16"=1'-0"
E-6	9TH LEVEL	3/16"=1'-0"
E-7	ROOF LEVEL	3/16"=1'-0"
E-8	UNITS 1,2,3	1/4"=1'-0"
E-9	UNITS 4,5,6	1/4"=1'-0"
E-10	UNITS PH1,2,3	1/4"=1'-0"
E-11	UNITS PH4,5	1/4"=1'-0"
E-12	ELECTRICAL RISER DIAGRAM	N.T.S
E-13	ELECTRICAL PANELS	N.T.S
E-14	FIRE ALARM RISER DIAGRAM	N.T.S
E-15	FIRE ALARM NOTES	N.T.S
E-16	COMMUNICATION RISER DIAGRAM	N.T.S
E-17	ELECTRICAL NOTES & LEGEND	N.T.S

SCHEDULE OF AREAS

		REQ. NET AREA PER UNIT	PROV. NET AREA PER UNIT	GROSS AREA
LEVEL 1				
PARKING				10,640
CIRCULATION & SERVICES				1,549
TOTAL				12,189
LEVEL 2				
PARKING				6,396
CIRCULATION & SERVICES				5,884
TOTAL				12,280
LEVEL 3				
UNIT #1 – 1 BEDROOM , 1 DEN , 2 BATH	900			1,144
UNIT #2 – 2 BEDROOM , 1 DEN , 2.5 BATH	1,150			1,772
UNIT #3 – 2 BEDROOM , 1 DEN , 3 BATH	1,150			1,408
UNIT #4 – 3 BEDROOM , 3.5 BATH	1,350			2,175
UNIT #5 – STUDIO , 1 BATH	750			888
UNIT #6 – 1 BEDROOM , 1.5 BATH	900			1,022
TOTAL SELLABLE AREA				8,389
CIRCULATION, GYM & SERVICES				1,340
OPEN & ENCLOSED STAIRCASES				339
PRIVATE TERRACES				3,417
TOTAL				13,484
LEVEL 4				
UNIT #1 – 1 BEDROOM , 1 DEN , 2 BATH	900			1,101
UNIT #2 – 2 BEDROOM , 1 DEN , 2.5 BATH	1,150			1,772
UNIT #3 – 2 BEDROOM , 1 DEN , 3 BATH	1,150			1,408
UNIT #4 – 3 BEDROOM , 3.5 BATH	1,350			2,184
UNIT #5 – 1 BEDROOM , 1 DEN , 2 BATH	900			1,031
UNIT #6 – 1 BEDROOM , A DEN , 2 BATH	900			1,069
TOTAL SELLABLE AREA				8,565
CIRCULATION & SERVICES				1,034
OPEN STAIRCASES & EYEBROWS				351
BALCONIES				1,148
TOTAL				11,098
LEVEL 5				
TOTAL SELLABLE AREA (SAME AS PER LEVEL 4)				8,565
CIRCULATION & SERVICES				1,075
OPEN STAIRCASES & EYEBROWS				355
BALCONIES				1,233
TOTAL				11,228
LEVEL 6				
TOTAL SELLABLE AREA (SAME AS PER LEVEL 4)				8,565
CIRCULATION & SERVICES				1,081
OPEN STAIRCASES & EYEBROWS				355
BALCONIES				1,189
TOTAL				11,190
LEVEL 7				
TOTAL SELLABLE AREA (SAME AS PER LEVEL 4)				8,565
CIRCULATION & SERVICES				1,088
OPEN STAIRCASES & EYEBROWS				355
BALCONIES				1,233
TOTAL				11,241
LEVEL 8				
TOTAL SELLABLE AREA (SAME AS PER LEVEL 4)				8,565
CIRCULATION & SERVICES				1,095
OPEN STAIRCASES & EYEBROWS				355
BALCONIES				1,189
TOTAL				11,204
LEVEL 9				
UNIT #1 – 1 BEDROOM , 1 DEN , 2 BATH	900			1,101
UNIT #2 – 2 BEDROOM , 1 DEN , 3.5 BATH	1,350			2,137
UNIT #3 – 2 BEDROOM , 1 DEN , 2.5 BATH	1,150			2,040
UNIT #4 – 3 BEDROOM , 1 DEN , 3.5 BATH	1,350			2,114
UNIT #5 – 1 BEDROOM , 1 DEN , 2 BATH	900			1,101
TOTAL SELLABLE AREA				8,493
CIRCULATION & SERVICES				1,177
OPEN STAIRCASE				355
BALCONIES				1,229
TOTAL				11,254
ROOF LEVELS				
CIRCULATION & SERVICES				720
POOL DECK, PLANTERS, CATWALK & STAIRS				8,386
ROOF (PH BALCONY COVERS)				2,053
UPPER ROOF				906
TOTAL				12,065
TOTAL SELLABLE AREA	41	(1,456 SF AVERAGE)		59,707 SF
TOTAL BALCONY AREA				10,538 SF
TOTAL CONSTRUCTION AREA				117,233 SF

SP-1	FIRE PROTECTION –1ST LEVEL PARKING	3/16"=1'-0"
SP-2	FIRE PROTECTION–2ND LEVEL– PARKING	3/16"=1'-0"
SP-3	FIRE PROTECTION–3RD LEVEL – GYM/UNITS	3/16"=1'-0"
SP-4	FIRE PROTECTION–4TH LEVEL– UNITS	3/16"=1'-0"
SP-5	FIRE PROTECTION–5TH–8TH TYPICAL LEVELS– UNITS	3/16"=1'-0"
SP-6	FIRE PROTECTION– 9TH LEVEL & POOL DECK	3/16"=1'-0"
SP-7	FIRE PROTECTION– ROOF LEVEL	3/16"=1'-0"
SP-8	FIRE PROTECTION– UNITS 1, 2, 3	1/4" =1'-0"
SP-9	FIRE PROTECTION– UNITS 4, 5, 6	1/4" =1'-0"
SP-10	FIRE PROTECTION– UNITS PH 1, 2, 3	1/4" =1'-0"
SP-11	FIRE PROTECTION– UNITS 4, 5	1/4" =1-0"
SP-12	FIRE PROTECTION– SPRINKLER RISER DIAGRAM	NTS
SP-13	FIRE PROTECTION– NOTES AND DETAILS	NTS

SHOP DRAWINGS & CALCULATIONS FOR ITEMS BELOW UNDER SEPARATE PERMIT & NOA

- RAILINGS AND HAND RAILINGS
- GLASS RAILINGS
- KITCHEN AND BATHROOM CABINETS
- STOREFRONTS, WINDOWS & LOUVERS
- SWIMMING POOL & EQUIPMENT
- PAD MOUNTED TRANSFORMER
- SIGN PACKAGE
- PORTE COCHERE ALUM. & GLASS STRUCTURE
- POOL GATES
- FIRE ALARM
- FIRE SPRINKLER
- POST TENSION CABLING
- GREEN WALL STRUCTURE
- ROOF LIGHTWEIGHT CONCRETE
- A/C STANDS
- SHIPS LADDER
- TENNIS STORAGE
- GARAGE DOOR
- ROOFING SYSTEM
- GENERATOR

SHOP DRAWINGS/SUBMITTALS

1. GENERAL CONTRACTOR SHALL SUBMIT 6 COPIES OF SHOP DRAWINGS TO THE ARCHITECT FOR APPROVAL PRIOR TO ORDERING OR FABRICATION.
2. THE GENERAL CONTRACTOR SHALL SUBMI MANUFACTURER'S CUTS FOR ALL FIXTURES AND EQUIPMENT CALLED FOR ON THE CONSTRUCTION DOCUMENTS TO ARCHITECT INCLUDING BUT NOT LIMITED TO LIGHT FIXTURES, HARDWARE, PLUMBING FIXTURES, KITCHEN EQUIPMENT, ETC.
3. BY SUBMITTING SHOP DRAWINGS AND PRODUCT DATA, THE CONTRACTOR REPRESENTS THAT HE/SHE HAS VERIFIED FIELD CONDITIONS, DIMENSIONS, AND RELATED CONSTRUCTION AND HAS COORDINATED THE SUBMISSION CONSTRUCTION WITH THE REQUIREMENTS OF ALL OTHER RELATED WORK IN THE CONSTRUCTION DOCUMENTS.

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MINIMUM OF THE FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT 05/11/2015
ISSUED FOR BIDDING 05/20/2015
ISSUED FOR CONSTRUCTION

CLIENT
JCG BAY HARBOR, LLC.
1001 BRICKELL BAY DRIVE, SUITE 2100
MIAMI, FLORIDA 33131
T 305.740.1960

DESIGN ARCHITECT
REVUELTA ARCH. INTERN.
3950 SW 27th AVENUE, SUITE 110
MIAMI, FLORIDA 33133
T 305.590.9000 / F. 305.590.9040

CIVIL ENGINEERS
HOLLAND ENGINEERING, Inc.
3900 HOLLYWOOD BLVD.
HOLLYWOOD, FL 33021
T 954.367.0371 / F 954.367.0372

STRUCTURAL ENGINEERS
ARBAB ENGINEERING, Inc
3363 NE 163 STREET, SUITE 701
NORTH MIAMI BEACH, FLORIDA 33160
T 305.940.3088 / F 305.940.3073

M/E/P ENGINEERS
Florida Engineering Services
34 N.W. 168th Street
NORTH MIAMI BEACH, FL 33169
T 305.653.0212

LANDSCAPE ARCHITECT
J.F.S. DESING Inc.
1833 NW 140TH TERR.
PEMBROKE PINES, FL 33028
T 954.447.1822 / F 305.856.0742

Project:
BIJOU
9501 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND / FLORIDA 33154

ARCHITECT OF RECORD
CHARLES H. BENSON & ASSOCIATES ARCHITECTS, P.A.
interiors planner architect
1665 WASHINGTON AVE., 2nd FLOOR MIAMI BEACH, FLORIDA 33139
T 305.532.6161 / F 305.532.6151
ARCHITECTURAL LICENSE No. AR 14022
NCARB CERTIFICATE No. 42,138

Seal
STATE OF FLORIDA CHARLES H. BENSON MAY 25 2016 AR0014022 REGISTERED ARCHITECT

THESE DRAWINGS AND COPIES THEREOF FURNISHED BY THE ARCHITECT ARE THE PROPERTY OF MESCH, CLEGG, LEE, LTD.; THEY ARE NOT TO BE USED ON OTHER WORK AND ARE TO BE RETURNED UPON DEMAND AT THE COMPLETION OF WORK.

Revised:

INDEX OF DWG'S
SITE ANALYSIS
LOCATION MAP
AREAS

21504 | 5/15/2015

A-0.00

LEGEND

SYMBOL	DESCRIPTION
# OCCUPANTS THIS ROOM / DIRECTION OF REQUIRED EGRESS	
CUMULATIVE # OF OCCUPANTS ALONG THIS REQUIRED PATH OF EGRESS	
FHH	FHAC HARDWARE
90	90 MIN. "B" LABEL DOOR NON-CLOSER
45	45 MINUTE "B" LABEL DOOR WITH CLOSER
60	60 MINUTE "C" LABEL DOOR WITH CLOSER
FE 10	FIRE EXTINGUISHER CABINET INSTALLED AT 60" AFF.
	4' FLUORESCENT LIGHT FIXTURE WET LOCATION W/90 MIN. EMERGENCY BATTERY BACK UP
	4' FLUORESCENT LIGHT FIXTURE W/90 MIN. EMERGENCY BATTERY BACK UP
	4'/8' FLUORESCENT LIGHT FIXTURE WET LOCATION
	LITHONIA DLS05 (8W/SMILED 11.2W LED 120 VOLTS WALL DECO, WALL SCONCE @ CLOSETS
CR26	CAPRI75-XX'-WWL 12 LED 1.5W 12V INDOOR STANDARD
	MT-3.2021SW-W-927-BK 2 LIGHTS 120V 927 COLOR TEMP BK
	ACHIEVE 3.5"LED SHALLOW HOUSING HR-3LED-H30A-F-27/WH-3LED-1720-MT SQUARE 120V 22.5W
	H30EM-3011WHWD 120V 1598 LUMENS
	LB100 INDOOR SINGLE COLOR SERIES 12V 127 LUM 1.5W – UL
	OFFSET ROUND LED SURFACE MOUNT 20W 2700 LUM
	LED OUTDOOR SCONCE LUMINAIRE WS-W1724 33W 120V LED LUMENS 1546
	LED 6IC STEP LIGHT WL-LND100-C 120V
	DSXHO LITHONIA 20 LED WALL LUMINAIRE WITH 90' EMERGENCY BATTERY BACK UP
	DSXHO LITHONIA 30 LED WALL LUMINAIRE WITH 90' EMERGENCY BATTERY BACK UP
	EXIT SIGN W/90 MIN. BATTERY BACK UP
	EXIT SIGN W/90 MIN. BATTERY BACK UP (WALL MOUNTED)

BUILDING DATA & CODE SUMMARY

1. NUMBER OF FLOORS: 7 OCCUPIED FLOORS
2. CONSTRUCTION: TYPE I-B SPRINKLERED
3. OCCUPANCY: RESIDENTIAL R2 (F.B.C. TABLE 302.1.1)
4. SCOPE OF WORK: NEW APARTMENT BUILDING
5. SPRINKLER SYSTEM: YES, BUILDING EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM.
6. FIRE ALARM SYSTEM: YES.
7. NUMBER OF STAIRS: 2 STAIRS
8. NUMBER OF ELEVATORS: 2 ELEVATORS.
9. STAIR ENCLOSURES: STAIRS ARE OPEN TO THE EXTERIOR

GENERAL NOTES

- ALL FLOOR FINISHES TO BE SLIP RESISTANT TO 0.6 STATIC COEFFICIENT OF FRICTION ON ACCESSIBLE ROUTES AND 0.8 ON RAMPS.
- MAXIMUM CHANGE OF ELEVATION AT ALL BUILDING INGRESS/EGRESS DOORS (INCLUDING THRESHOLDS) SHALL BE NOT EXCEED ½"
- FIRE CODES IN EFFECT: FLORIDA FIRE PREVENTION CODE (FFPC) 2010 EDITION WITH COUNTY AMENDMENTS, WHICH INCLUDES NFPA 101, 2010 EDITION, NFPA 1, 2010 EDITION & STATE STATUTES.

DOORS

ALL DOORS IN THE MEANS OF EGRESS SHALL BE SINGLE ACTION RELEASE AND SHALL NOT REQUIRE THE USE OF A KEY, TOOL OR SPECIAL KNOWLEDGE.

FIRE EXTINGUISHER

PROVIDE ABC TYPE "2A" RATED FIRE EXTINGUISHER AS SHOWN ON PLAN. EXTINGUISHER SHALL BE MOUNTED AT 48" A.F.F. TO TOP OF HANDLE, NOT TO EXCEED 75' TRAVEL DISTANCE, AND THEY WILL BE CURRENTLY TAGGED BY A LICENSED FIRE EQUIPMENT COMPANY.

Occupant Load based on Table 7.3.1.2 OF FLORIDA FIRE PREVENTION CODE 2010 Table 1004.1.1 FLORIDA BUILDING CODE 2010

RESIDENTIAL/STORAGE/ASSEMBLY

			PROVIDED
1st LEVEL PARKING			
PARKING	8636.28 SF	/200	43
STORAGE	479.07 SF	/300	2
TOTAL			45
2ND LEVEL PARKING			
ASSEMBLY (LOBBY)	0SQ.OR SF	/15	48
LOUNGE	913.00 SF	/15	61
STORAGE	1091.32 SF	/300	4
PARKING	5580.22 SF	/200	28
TOTAL			130
3rd LEVEL			
RESIDENTIAL	8,883.72 SF	/200	45
GYM	188.92 SF	/50	4
TOTAL			49
4th LEVEL			
RESIDENTIAL	8,891.88 SF	/200	45

			PROVIDED
5th THRU 8th LEVEL			
RESIDENTIAL	8,891.88 SF	/200 x 4	180
9th LEVEL			
RESIDENTIAL	8,857.13 SF	/200	45
STORAGE	40.28 SF	/300	1
TOTAL			46
ROOF LEVEL			
SWIMMING POOL	648.75 SF	/50	13
HOT TUB	153 SF	/50	3
POOL DECK	1481 SF	/30	49
STANDINGS AREA	392 SF	/7	56
SEATING AREA (LOOSE)	836 SF	/15	55
SEATING AREA (FIXED)	128" LI	/18"	14
TOTAL			190
GRAND TOTAL			694

MINIMUM INTERIOR FINISH CLASSIFICATION (FLORIDA FIRE PREVENTION CODE)

OCCUPANCY	EXIT ENCLOSURES	LOBBIES/CORRIDORS	OTHER SPACES
RESIDENTIAL R-2	A	A OR B	A, B OR C
ASSEMBLY	A	A OR B	A, B OR C
STORAGE	A OR B	A OR B	A, B OR C

(a) CLASS A INTERIOR WALL AND CEILING FINISH.
FLAME SPREAD 0-25; SMOKE DEVELOPMENT 0-450. INCLUDES ANY MATERIAL CLASSIFIED AT 25 OR LESS ON THE FLAME SPREAD TEST SCALE AND 450 OR LESS ON THE SMOKE TEST SCALE. ANY ELEMENT THEREOF, WHEN SO TESTED, SHALL NOT CONTINUE TO PROPAGATE FIRE.

(b) CLASS B INTERIOR WALL AND CEILING FINISH.
FLAME SPREAD 26-75; SMOKE DEVELOPMENT 0-450. INCLUDES ANY MATERIAL CLASSIFIED AT MORE THAN 25 BUT NOT MORE THAN 75 ON THE FLAME SPREAD TEST SCALE AND 450 OR LESS ON THE SMOKE TEST SCALE.

(c) CLASS C INTERIOR WALL AND CEILING FINISH.
FLAME SPREAD 76-200; SMOKE DEVELOPMENT 0-450. INCLUDES ANY MATERIAL CLASSIFIED AT MORE THAN 75 BUT NOT MORE THAN 200 ON THE FLAME SPREAD TEST SCALE AND 450 OR LESS ON THE SMOKE TEST SCALE.

TYPE OF OCCUPANCY	TABLE 1005.1 FBC: EGRESS WIDTH PER OCCUPANT (in) UNSPRK.	LEVEL	STAIRS	UNSPRK.	SPRK.	NFPA CHAPTERS 31, 39 & 42: COMMON PATH, TRAVEL DISTANCE, DEAD END LENGTH: COMMON PATH LIMIT (ft)	SPRK.	MAX. TRAVEL DIST. TO EXIT (ft)	UNSPRK.	SPRK.	MAXIMUM DEAD END CORRIDOR LENGTH (ft)	UNSPRK.	SPRK.
New Apartment Building		0.2	0.3	25	50			100	200	200	50	20	50
New Apartment Building **		0.2	0.3					75	150				
Assembly		0.2	0.3	75	75			200	250	250	50	50	50
Storage-Parking		0.2	0.3	50	50			150	200		50	50	

** WITHIN DWELLING UNIT
BUILDING PROTECTED THROUGHOUT BY AN APPROVED AUTOMATIC SPRINKLER SYSTEM.

TABLE 1021.1 FBC

MIN. NUMBER OF EXITS FOR OCCUPANT LOAD		
OCCUPANT LOAD (PERSONS PER STORY)	MIN. NUMBER PER EXITS REQUIRED (PER STORY)	NUMBER OF EXITS PROVIDED (PER STORY)
1-500	2	4

AREAS ACCESSIBLE TO PEOPLE WITH SEVERE MOBILITY IMPAIRMENT SHALL HAVE NOT LESS THAN TWO ACCESSIBLE MEANS OF EGRESS PER FBC 724.1

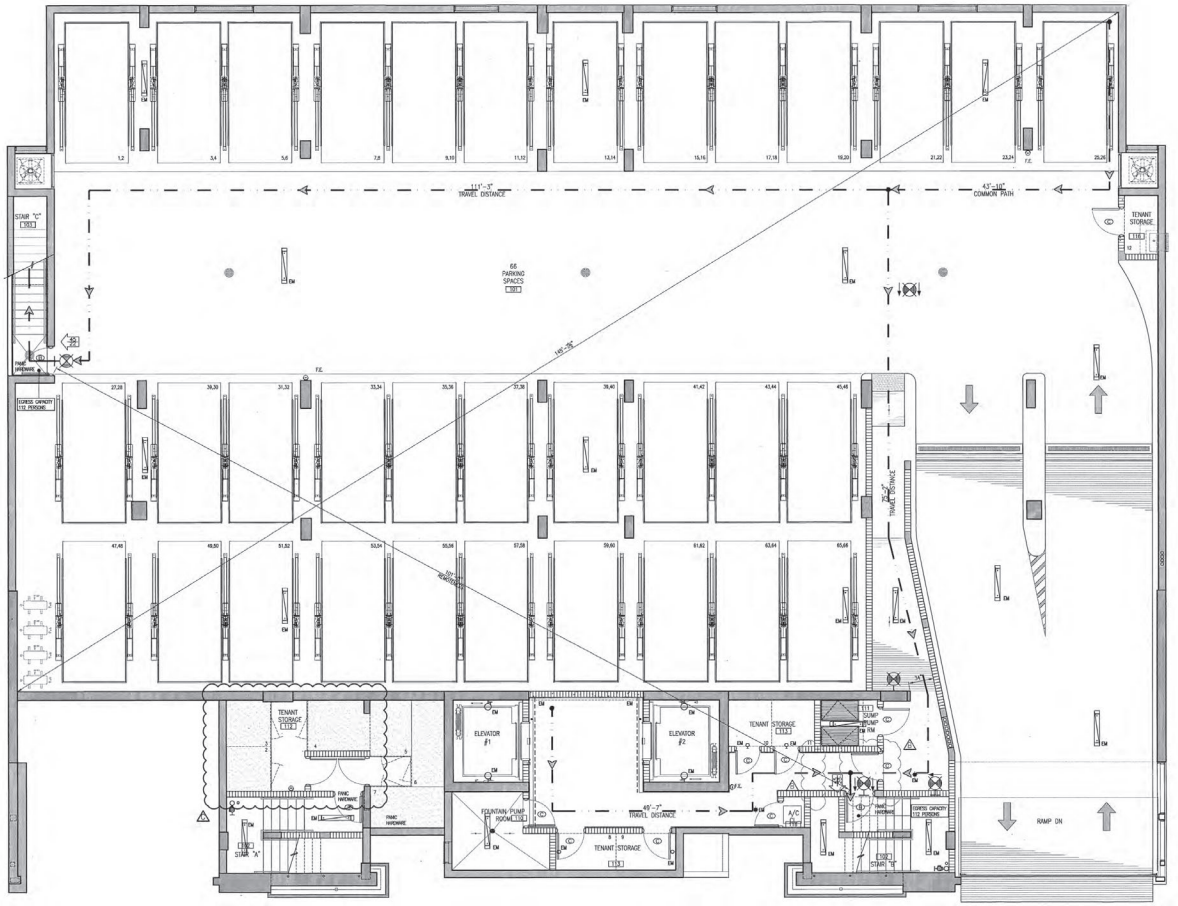
FIRE RESISTANCE RATING BASED ON TABLE 601 & 602 F.B.C. 2010

STRUCTURAL ELEMENT	TYPE I (B)
PRIMARY STRUCTURAL FRAME*	2
BEARING WALLS	
EXTERIOR	3
INTERIOR	3
NONBEARING WALLS & PARTITIONS	
EXTERIOR (<5'=<10)	3
INTERIOR	0
FLOOR CONSTRUCTION & SECONDARY MEMBERS**	2
ROOF CONSTRUCTION & SECONDARY MEMBERS**	1

* PRIMARY STRUCTURAL FRAME:
SHALL INCLUDE ALL OF THE FOLLOWING STRUCTURAL ELEMENTS:
1. COLUMNS.
2. STRUCTURAL MEMBERS HAVING CONNECTIONS TO THE COLUMNS, INCLUDING GIRDERS, BEAMS, TRUSSES AND SPANDRELS.
3. MEMBERS OF THE FLOOR CONSTRUCTION AND ROOF CONSTRUCTION HAVING CONNECTIONS TO THE COLUMNS AND GIRDERS.
4. BRACING MEMBERS THAT ARE ESSENTIAL TO THE VERTICAL STABILITY OF THE PRIMARY STRUCTURAL FRAME UNDER GRAVITY LOADS. (BRACING MEMBERS ARE NOT PART OF THE PRIMARY STRUCTURAL FRAME WHETHER OR NOT THE BRACING MEMBER CARRIES GRAVITY LOAD)

** SECONDARY STRUCTURAL FRAME:
SHALL BE CONSIDERED SECONDARY MEMBERS AND NOT PART OF THE PRIMARY STRUCTURAL FRAME:
1. STRUCTURAL MEMBERS NOT HAVING DIRECT CONNECTIONS TO THE COLUMNS.
2. MEMBERS OF THE FLOOR CONSTRUCTION NOT HAVING DIRECT CONNECTIONS TO THE COLUMNS, AND,
3. BRACING MEMBERS OTHER THAN THOSE THAT ARE PART OF THE PRIMARY STRUCTURAL FRAME.

"RFV ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES SHOULD BE ENCOUNTERED ON PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF SO THAT PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING CTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.



FIRE EXTINGUISHERS SHALL BE INSTALLED PER NFPA 10.

APPROVED
MIAMI-DADE COUNTY FIRE DEPARTMENT
DATE: 6/8/17 BY: JR

LIFE SAFETY 1st LEVEL PARKING FLOOR PLAN

SCALE: 3/64" = 1'-0"

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MINIMUM OF THE FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT 05/11/2015
ISSUED FOR BIDDING 05/25/2016
ISSUED FOR CONSTRUCTION

CLIENT
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Project:
BIJOU
9521 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

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T 305.532.6161 / F 305.532.6151
ARCHITECTURAL LICENSE No. AR 14022
NCARB CERTIFICATE No. 42,196

Seal
STATE OF FLORIDA CHARLES H. BENSON LICENSED ARCHITECT
MAY 9 2017
AR0014022

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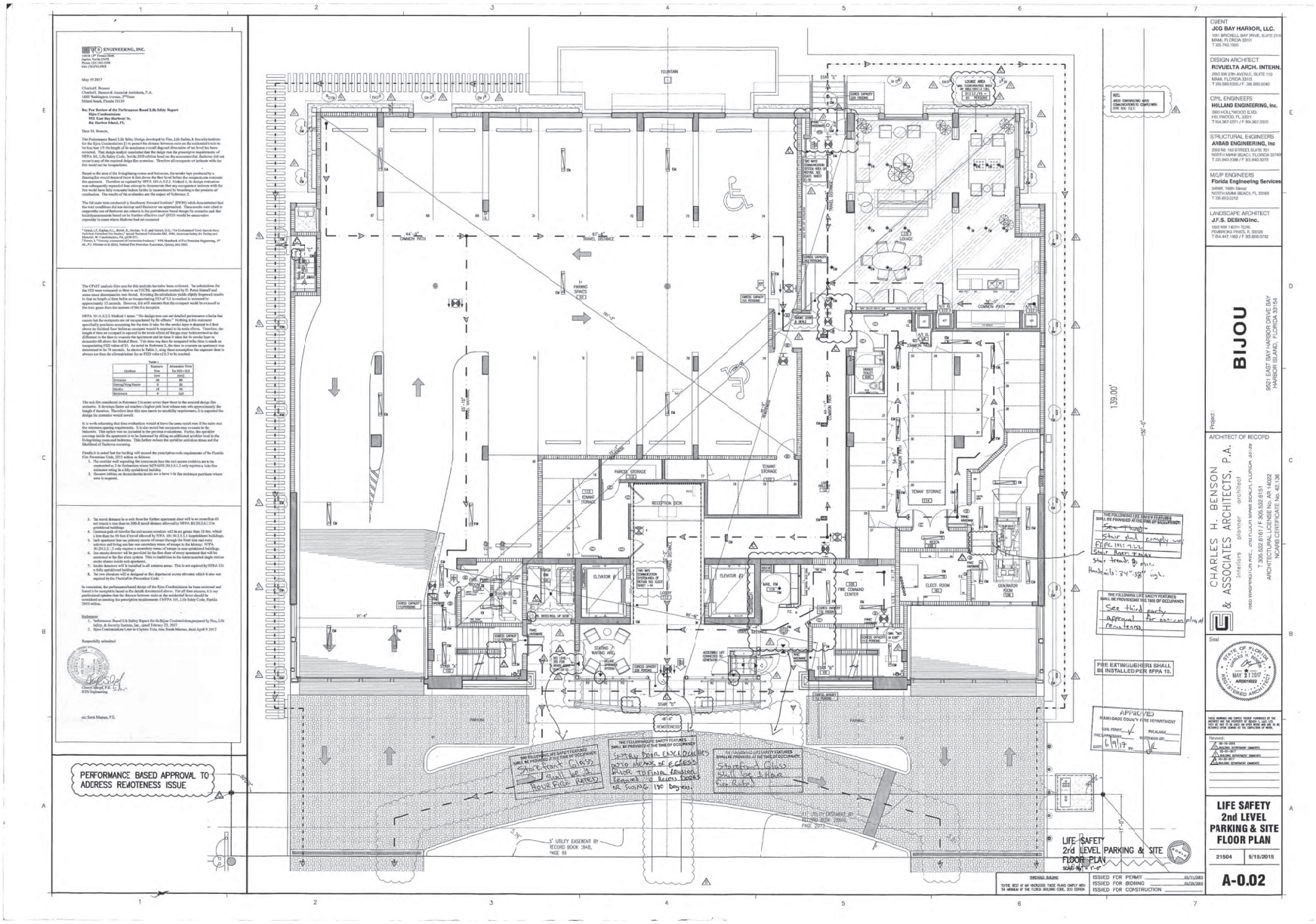
Revised:
1. 08-19-2015 BUILDING DEPARTMENT COMMENTS.
2. 09-21-2015 BUILDING DEPARTMENT COMMENTS.
3. 10-21-2015 BUILDING DEPARTMENT COMMENTS.

LIFE SAFETY 1st LEVEL PARKING FLOOR PLAN

21504 | 5/15/2015

A-0.01



ENGINEERING, INC.
[illegible]
Jupiter, Florida 33478
Tel: (561)745-0555
Fax: (561)745-0028

May 15 2017

Chatzell. Benson
Chatzell. Benson & Associate Architects, P.A.
1680 Washington Avenue, 2nd Floor
Miami beach, Florida 33139

Re: Peer Review of the Performance Based Life Safety Report
Bijou Condominium
9521 East Bay Harbour Dr,
Bay Harbor Island, FL.

Dear M. Benson,

The Performance Based Life Safety Design developed by Fire, Life Safety, & Security Institute for the Bijou Condominium [1] to protect the climate between exits on the residential levels to the NFPA 101, Life Safety Code, 2009 edition has been reviewed. The report dated April 9 2017 reviewed. That design analysis concluded that the design met the prescriptive requirements of NFPA 101, Life Safety Code, but the 2009 edition based on the assessment that flashover did not occur in any of the required design fire scenarios. Therefore all occupants on all floors with fire fire would not be incapacitated.

Based on the area of the living/dining rooms and bedrooms, the worker layer produced by a flaming fire would descend below 6 feet above the their level before the occupants can evacuate the apartment. Therefore as required by NFPA 101 6.3.2.2. Method 1, its design evaluation was subsequently expanded base attempts to demonstrate that any occupancies intimate with the fire would have fully evacuated before he/she is incapacitated by breathing in the products of combustion. The results of the evaluation are the output of Reference 2.

The full scale tests conducted a Southwest Research Institute[2][3][4] which documentated that the tenir conditions did not develop until flashover was approached. These results were cited to supportthe use of flashover are criteria in the performance based design for scenarios and their tenirlyincreasesone based on to flashov effective [illegible] (FED) would be unsuccessive repeatedly in some where flashover had not occurred

[illegible]

The CFAST analysis files uses for this analysis hereabo been reviewed. 7as calculations for the FED were compared to these in an ITCDL spreadsheet created by D. Peter Stanzel and Associates, Inc. and presented in Reference 3. The results of the CFAST and ITCDL compared results in that no height of 6feet bellow an incapacitating FED of 0.3 is reached is accessed by approximately 15 seconds. However, this will ensures that the occupant would be evacuat to the very gases fore the moment of the fire inception.

NFPA 101 A.5.2.2. Method 1 notes: "The design tests can not detailed performance criteria that ensures that the occupants are not incapacitated by fire effluent." Nothing in this statement specifically precludes accounting for the time it take for the smoke layer's descend to 6 feet above he finished floor bellow an occupant would b exposed to its toxic effects. Therefore, the length of time an occupant is exposed to the toxic effects of the gas may beincreased as the height of the layer above the floor increases. Table 1 of Ref. 3 shows the time for the products 6ft above the finished floor. 7 lit time may then be compared tothe time it a much an incapacitating FED value of 03. As noted in Reference 2, the time to evacuate an apartment was determined to be 78 seconds. As shown in Table 1, a big there exceptsthat the exposure time is always ore than the allowedtime for an FED vollo of 0.3 to be reached.

Table 1
Exposure Time and Allowable Time for FED = 0.3

Location	Exposure Time (sec)	Allowable Time (sec)
Entrance	0	80
Dining/Living Room	78	80
Studio	78	80
Bedroom	0	245

The tech fire considered in Reference 2 is more severe than those in the assisted design fire scenarios. It develops faster ad reaches a higher peak heat release rate mlv approximately the same FED value. The fact that the occupants of this one meets he tenability requirements, it is reported the design for scenarios would aswell.

It is worth reiterating that thea evaluation would al have the same result iven if the stairs met the minimum spacing requirements. It is also noted but occupants may evcuate to the adjacent fire zone on the same floor rather than to the stairwell. Since the fire zone boundar coverage inside the apartment is to be increased by idling an additional acivilar load to the living/dining room and bedroom. This further reduces the sprinkler activation times and the likelihood of flashover occuring.

Finally,it is noted but the building will exceed the prescriptivecode requirements of the Florida Fire Prevention Code, 2015 edition as follows:

1. The corridor wall separating the courtrooms fom the exit access corridors are to be contructed to 1-hr fireburnies where NFPA101:30.3.4.1.2 only requires a 1ular fire resistance rating in a fifty sprinklered building.
2. [illegible] rooms on thesecondm levels are e have 1-hr fire resistance partitions where nere is required.
3. The travel distance to a exit from the furthest apartment door will le no more than 61 feet which is less than to 200-ft travel distance allowed by NFPA 101:30.2.6.1.2.1a
4. [illegible]
5. Common path of travelin the exit access corridors will be no greater than 20 feet, which a lees than the 50 feet if sovel allowed by NFPA 101:30.2.5.5.1 forprohibitors buildings.
6. Each apartment has on primary means of escape through the front iron rael every unlivrea and living any has one secondary mean of escape to the kitenay. NFPA 101:30.3.4.4.1 & 30.3.4.4.2 requires only one means of escape from each apartment.
7. Ion smoke detector will be provided in the fire door of every apartment that will be annected to the fire alarm system. This is inaddition to the interconnected single station smoke alarms inside each apartment.
8. [illegible] smoke detectors will b installed in all common areas. This is not required by NFPA 101 for residential occupancies.
9. [illegible] No two elevators will e designed as fire dispatcher access elevators which it also not required by the FloridaFire Prevention Code.

In conclusion, the performancebased design of the Bijou Condominium has been reviewed and found to be consistent with the intent of the NFPA 101 Life Safety Code, 2009 edition. It is my professional opinion that the distance between stairs on the residential leves should be considered as meeting the prescriptive requirements ofNFPA 101, Life Safety Code, Florida 2010 edition.

References
1. "performance Based Life Safety Report for the Bijou Condominiumprepared by Fire, Life Safety, & Security Institute, Inc., dated February 23, 2017
2. Bijou Condominium Letter to Captain Tvda, from Sarah Maman, dated April 9 2017

Respectfully submitted

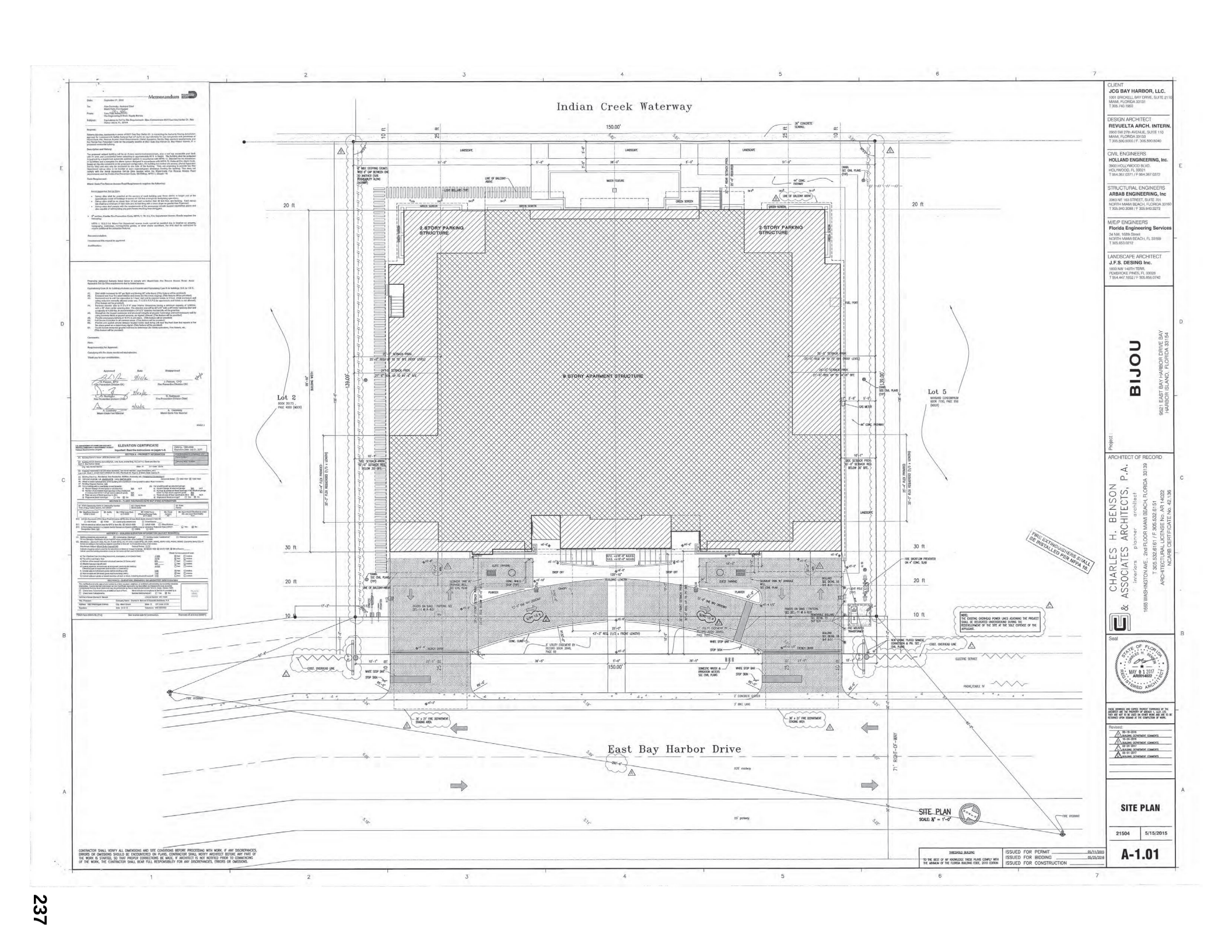
Cheryl Abed, P.E.
RTS Engineering

cc: Sarh Maman, P.E.

[illegible]

[illegible]

[illegible]



Memorandum

Date: September 21, 2010

To: Alan Dominsky, Assistant Chief
Fire Prevention Division

From: Tony Fernandez
Fire Engineering & Water Supply Bureau

Subject: Equivalency to Fire Flow Requirements (Bay Condominium 9315 East Bay Harbor Dr., Bay Harbor Islands, FL 33154

Request:

Roberto Machado, representative, owner of 9301 East Bay Harbor Dr. is requesting the Authority Having Jurisdiction approval for 3 proposed Life Safety features that will serve as equivalencies for non-compliance with provisions of Miami-Dade Fire Rescue Access Road Requirements, Water Supply for Fire Flow, and/or requirements and Fire Flow Calculation Area Applicable for the property located at 9315 East Bay Harbor Dr, Bay Harbor Islands, FL in the proposed residential building.

Description and History:

The proposed subject building will be an 8-story residential/condominium, plus a roof top accessible pool deck with 91 units, and a residential tower extending to approximately 85 ft. in height. The building shall be protected throughout by an approved automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems and a exception for above current designed fire equivalencies with NFPA 13, Standard for the Water Code, based on the data contained in the proposed configuration, the building has been verified and reviewed, (Permit Application No. 1004150000) and found to be in compliance with the Florida Fire Prevention Code, 2007 Edition, Fire Rescue Access Road Requirement and we allow to be located at each ingress/egress driveways leading to the building. They also fall comply with the Aerial equipment design Code, Miami-Dade Fire Rescue Access Road Requirements, and the Florida Fire Prevention Code, 5th Edition, NFPA 1, Chapter 18.

Tools Requirement:

Miami-Dade Fire Rescue Access Road Requirements requires the following:

Aerial Apparatus Set Up Zone.

- Survey plan shall be provided at the service of each building area three stories or height and of the fire department vehicle access roadway a minimum of 100 feet or enough for firefighting operations.
- Survey plan shall be so drawn from 10 feet and 30 feet wide parallel to one entire side. Each set-up shall be a minimum of 30 feet wide by 50 feet long with a minimum slope as grade from 0 percent.
- Survey plan shall comply with the requirements of the emergency vehicle access (specialties) plans and also capable of withstanding any point thereto reaching fixed emergency.

➢ 5th edition, Florida Fire Prevention Code, NFPA 1, 18.2.3, Fire Department Access Roads requires the following:

NFPA 1, 18.2.3.1.4, Where Fire Department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

Recommendation:

I recommend this request be approved.

Justification:

Proposing additional features listed below to comply with Miami-Dade Fire Rescue Access Roads- Aerial Apparatus Set Up Zone requirements due to limited access.

Equivalency/Lieu of, for buildings & streets up to 8 stories and Fire-sealing Type A for buildings, 9-16, to 130 ft.,

A1. Door width increased to 36" per NFPA and Existing 36" wide doors (Fifty Nubra will be provided)
A2. Enclosed stair hose Fire rated Middle and Exits (for this access staging). (This feature will be provided)
A3. Automatic sprinkler system throughout building with quick response heads in all areas. (This feature and ceiling reduction normally allowed under sec. 7.1.2.5.1 F.F.P.C for apartments and hotels is not allowed) (This feature will be provided)
A4. Fire Department Connection (FDC) 2½ 6" 8" clear interior dimensions having a minimum capacity of 5,000GAL with a 30" clear center opening door. The detector door will be 32"x 60" with a self-closer opening door and a capacity of 10,000 lbs. All accommodate a 24"x 72" load/fire horizontally will be provided.
A5. Fire Department Connection (FDC) 2½ 6" 8" clear interior dimensions having a minimum capacity of 5,000GAL with a 30" clear center opening door. The detector door will be 32"x 60" with a self-closer opening door and a capacity of 10,000 lbs. All accommodate a 24"x 72" load/fire horizontally will be provided.
A6. Full Smoke Evacuation in all common areas. (This feature will be provided)
B1. Fire Department Connection (FDC) 2½ 6" 8" clear interior dimensions having the front door that repeats in the fire alarm panel on a stand-mount signal. (This feature will be provided)
B2. Touch-Screen annunciator graphic interface to determine Life Safety operations, Fire Hazards, etc. (This feature will be provided)

Comments:

None.

Requirements(s) Not Approved:

Complying with the above mentioned requirements.

Thank you for your consideration.

Approved	Date	Disapproved
J. Fresco, EPO Fire Prevention Division OIC	9/21/10	J. Fresco, EPO Fire Plans Bureau Division OIC
C. Hernandez Fire Prevention Division Chief	9/21/10	D. Redjimon Fire Prevention Division Chief
A. Czerniesky Miami-Dade Fire Marshal	9/21/10	A. Czerniesky Miami-Dade Fire Marshal

FPP001 2

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1–9.

OMB No. 1660-0008
Expiration Date: July 31, 2015

SECTION A – PROPERTY INFORMATION

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

FEMA Form 086-0-33 (7/12)

CLIENT	DESIGN ARCHITECT
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M/E/P ENGINEERS	LANDSCAPE ARCHITECT
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Project:
BIJOU
9301 EAST BAY HARBOR DRIVE BAY HARBOR ISLANDS, FLORIDA 33154

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NCARB CERTIFICATE No. 42136

Seal
STATE OF FLORIDA CHARLES H. BENSON REGISTERED ARCHITECT
MAY 01 2017
AR0014022

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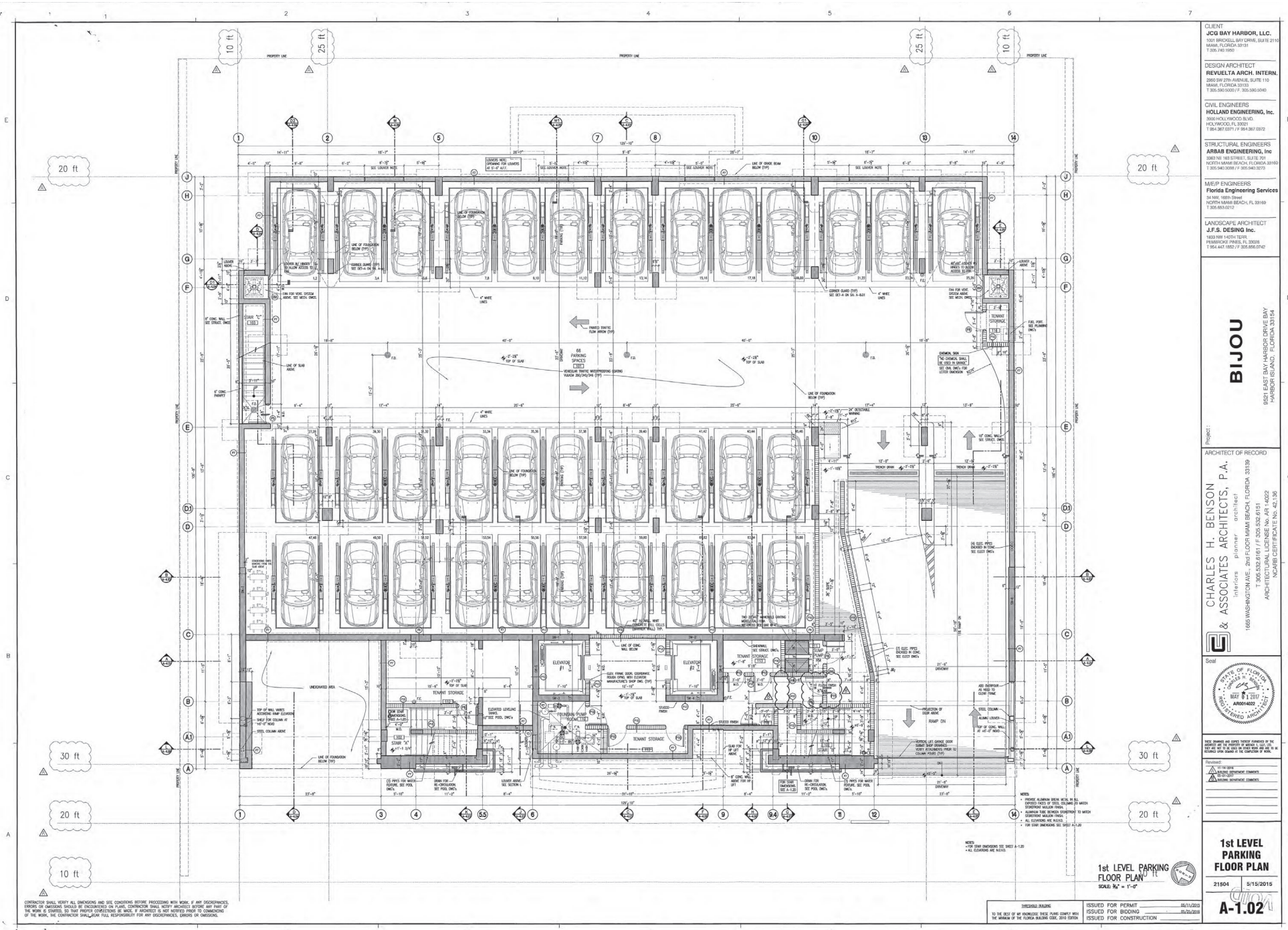
Revised:
1. 06-18-2015 BUILDING DEPARTMENT COMMENTS
2. 06-25-2015 BUILDING DEPARTMENT COMMENTS
3. 06-29-2015 BUILDING DEPARTMENT COMMENTS
4. 06-31-2015 BUILDING DEPARTMENT COMMENTS

SITE PLAN

21504 | 5/15/2015

A-1.01

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MIAMI-DADE COUNTY CODE, 2010 EDITION



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NCARB CERTIFICATE No. 42,136

Seal
STATE OF FLORIDA — CHARLES H. BENSON — REGISTERED ARCHITECT
MAY 01 2017
AR0014022

THESE DRAWINGS AND ADDITIONS THEREOF FURNISHED BY THE ARCHITECT ARE THE PROPERTY OF ARCHITECT & ASSOCIATES AND ARE NOT TO BE USED FOR ANY OTHER WORK AND ARE TO BE RETURNED UPON DEMAND AT THE COMPLETION OF WORK.

Revised:
1 10-14-2016 BUILDING DEPARTMENT COMMENTS
2 02-01-2017 BUILDING DEPARTMENT COMMENTS

1st LEVEL PARKING FLOOR PLAN

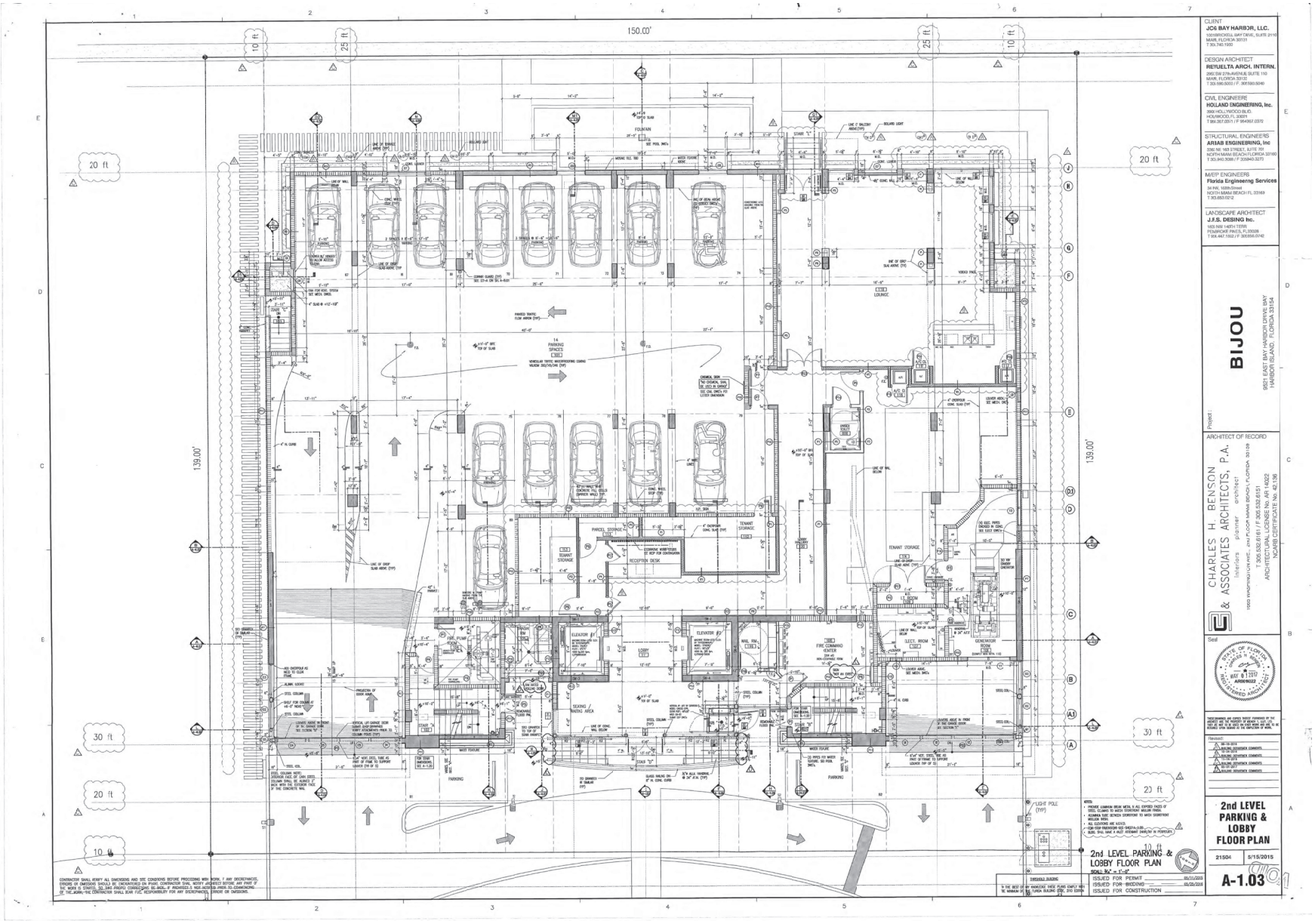
21504 | 5/15/2015

A-1.02

ISSUED FOR PERMIT 05/11/2015
ISSUED FOR BIDDING 05/21/2016
ISSUED FOR CONSTRUCTION

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MIRAMAR OF THE FLORIDA BUILDING CODE, 2010 EDITION

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD BE ENCOUNTERED ON PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED, SO THAT PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL ASSUM FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.



CLIENT
JC6 BAY HARBOR, LLC.
1001BRICKELL BAY DRIVE, SUITE 2110
MIAMI, FLORIDA 33131
T 305.740.1505

DESIGN ARCHITECT
REVUELTA ARCH. INTERN.
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Florida Engineering Services
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BIJOU
9901 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

ARCHITECT OF RECORD
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Interiors planner architect
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ARCHITECTURAL LICENSE No. AR 14622
NCARB CERTIFICATE No. 40156

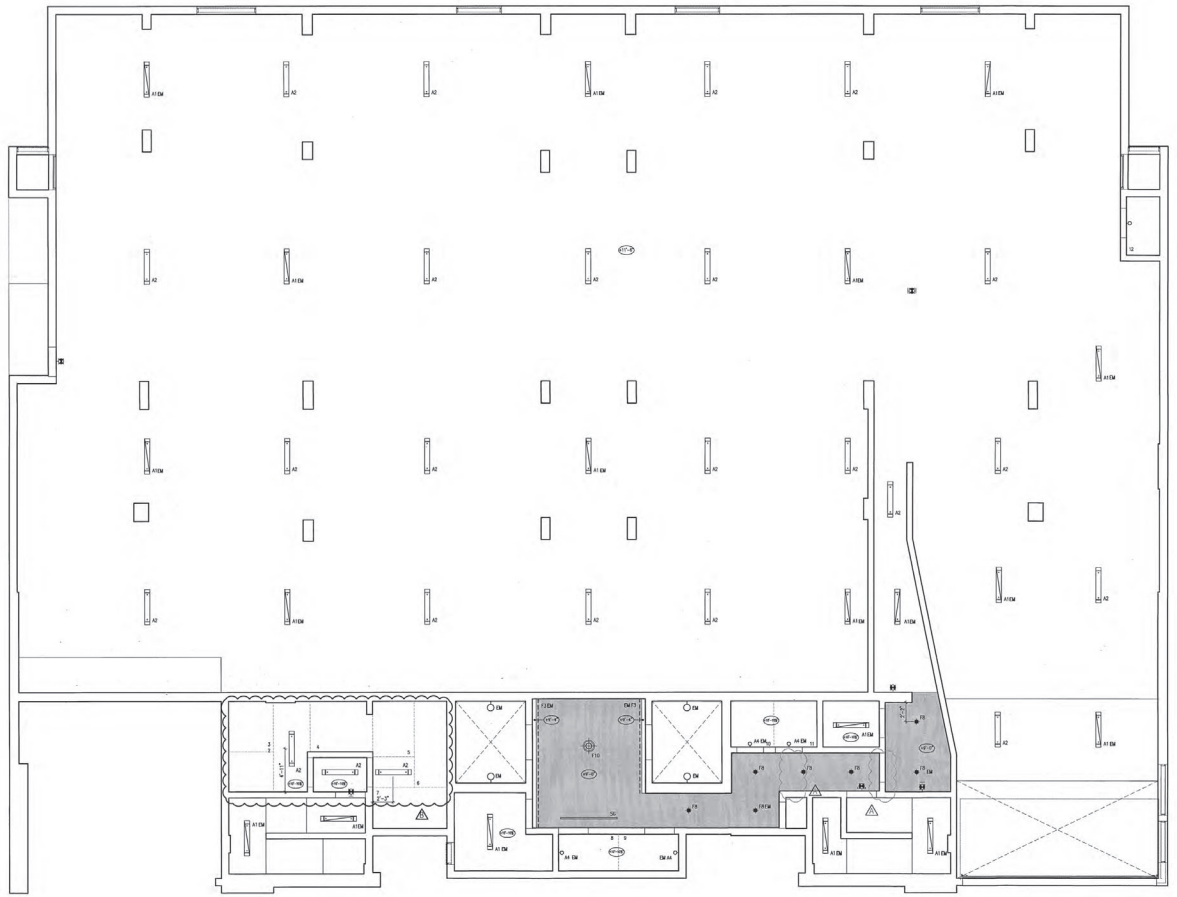
Seal
STATE OF FLORIDA CHARLES HERBERT BENSON LICENSED ARCHITECT
MAY 01 2015

Revised:
A 08-19-2015 BUILDING DEPARTMENT COMMENTS
B 09-30-2015 BUILDING DEPARTMENT COMMENTS
C 10-30-2015 BUILDING DEPARTMENT COMMENTS
D 02-01-2017 BUILDING DEPARTMENT COMMENTS

2nd LEVEL PARKING & LOBBY FLOOR PLAN

21504 | 5/15/2015

A-1.03



1st LEVEL PARKING
REFLECTED CEILING PLAN
SCALE: 3/16" = 1'-0"

SYMBOL LEGEND

A1 — 4' FLUORESCENT LIGHT FIXTURE W/ 90 MIN. EMERGENCY BATTERY BACK UP – LITHONIA: VHL232 MVOLT
A2 — 4' FLUORESCENT LIGHT FIXTURE WET LOCATION – LITHONIA: WNL232 MVOLT
A3 — 4FBW FLUORESCENT LIGHT FIXTURE WET LOCATION LITHONIA: FPDX 2 32 BYXDS
A4 — LITHONIA: ILBSD WH/CHROME 11.2W LED 120 VOLTS WALL SCES. SMALL SCONCE
A5 — 4' HOUSINGS LED DIRECT LINEAR
RG — AC RETURN
RG — AC RETURN
RG — 12"x12" AC RETURN
RG — 12"x24" AC RETURN
RG — 10"X8" AC RETURN
RG — 10"x10" AC RETURN
RG — 24"X10" AC RETURN
RG — AC RETURN – DIMENSIONS VARIES
SG — AC SUPPLY – DIMENSIONS VARIES
SG — 6"X6" AC SUPPLY
SG — 10"X10" AC SUPPLY
F1 — LOBBY – CORELE CHANNEL 21 2W 47. LOADING PER W ANTIQUE BRONZE ANODIZED
F2 — LOBBY – CORELE CHANNEL WALL GRAZER 7WDC 7W 80 LOADING PER W ANTIQUE BRONZE ANODIZED
F3 — ELEVATORS LOBBY – CWW05-40-WWL 10 LED 3.2W 120V WARDOB STANDARD
F4 — HALLWAY LOBBY – WT-3U20150-W-927-BK 2 LIGHTS 120V 927 COLOR TEMP BK
F5 — RECEPTION – ZR SERIES CAVE ZR14-40L-2DC-10V 120V 4,000 LUMENS 44W
F6 — ELEVATORS LOBBY – KICHOR 3.5"LED SHALLOW HOUSING RR-3LED-930K-F-277VR-3LED-TRIM-WT SQUARE 120V 22.5W
F7 — LOUNGE – WAC LIGHTING HR-3LED-H1BDY-ECA /HR-3LED-T815N-F-277-WT 120V
F8 — HALLWAY UNITS – KICHO1-30WHWHD 120V 15W LUMENS
F9 — HALLWAYS UNITS – LB150 INDOOR SINGLE COLOR SERIES 12V 12.7 ELM 1.5M – UL
F10 — BIOSCRIPT LOBBY – OCTET BIOSID LED SURFACE MOUNT 24W 2700 61M
F11 — LOUNGE AND LOBBY RECEPTION – BIOSID 14.5W 12V 10W
F12 — LOBBY – BIOSID 14.5W 12V 10W 3187X10.5"
U1 — UNITS – R3-SSS 3" SQUARE APERTURE TRIM MODULE-SSS FINISH MW DIM 6W 120V
U2 — UNITS – RECESSED SHOWER LIGHT SHOW FINISH R3-SSS MW 120V FINISH MW DIM
U3 — UNITS – VANITY SCONCE LEVEL-MODEL MO-SSS 13.5W 1300 LUMENS 120V
UNITS – JUNCTION BOX
U4 — UNITS BALCONY – 6"X6" LED FLUSH MOUNT FM-1410 13W 120V LED LUMENS 910K
U4A — UNITS BALCONY – 6"X6" LED FLUSH MOUNT FM-1414 20W 120V LED LUMENS 2770
R1 — ROOF AND UNITS BALCONY 3RD FLOOR – LED OUTDOOR SCONCE LUMINAIRE WS-W1724 22W 120V LED LUMENS 1540
R2 — ROOF FLUORESCENT – LEDUR OUTDOOR LED 13W 114 LUMENS 3K WET LOCATION 50,000 HR LIFE
R3 — ROOF STEPS – LED WC STEP LIGHT WL-LW07WC-C 120V
R4 — ROOF POOL
LS — LANDSCAPE LIGHT
S2 — GROUND LEVEL OUT DOOR
S1 — GROUND LEVEL OUT DOOR
C — GROUND LEVEL OUT DOOR
D — LED BOLLARD WITH ADJUSTABLE LIGHT
C — LED CEILING MOUNTED DOWN LIGHTS
EXIT SIGN W/90 MIN. BATTERY BACK UP
EXIT SIGN W/90 MIN. BATTERY BACK UP (WALL MOUNTED)
CEILING HEIGHT
CEILING HEIGHT UNITS: 7'-1"
CEILING HEIGHT UNITS: 7'-0"
CEILING HEIGHT 1ST LEVEL: 9'-0"
CEILING HEIGHT 2ND LEVEL: 7'-1"

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD BE ENCOUNTERED ON PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED, SO THAT PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MINIMUM OF THE FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT 05/11/2015
ISSUED FOR BIDDING 05/25/2016
ISSUED FOR CONSTRUCTION

CLIENT
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Project:
BIJOU
9521 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

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ARCHITECTURAL LICENSE No. AR 14022
NCARB CERTIFICATE No. 42,136

Seal
STATE OF FLORIDA CHARLES H. BENSON REGISTERED ARCHITECT
MAY 22 2017
AR0014022

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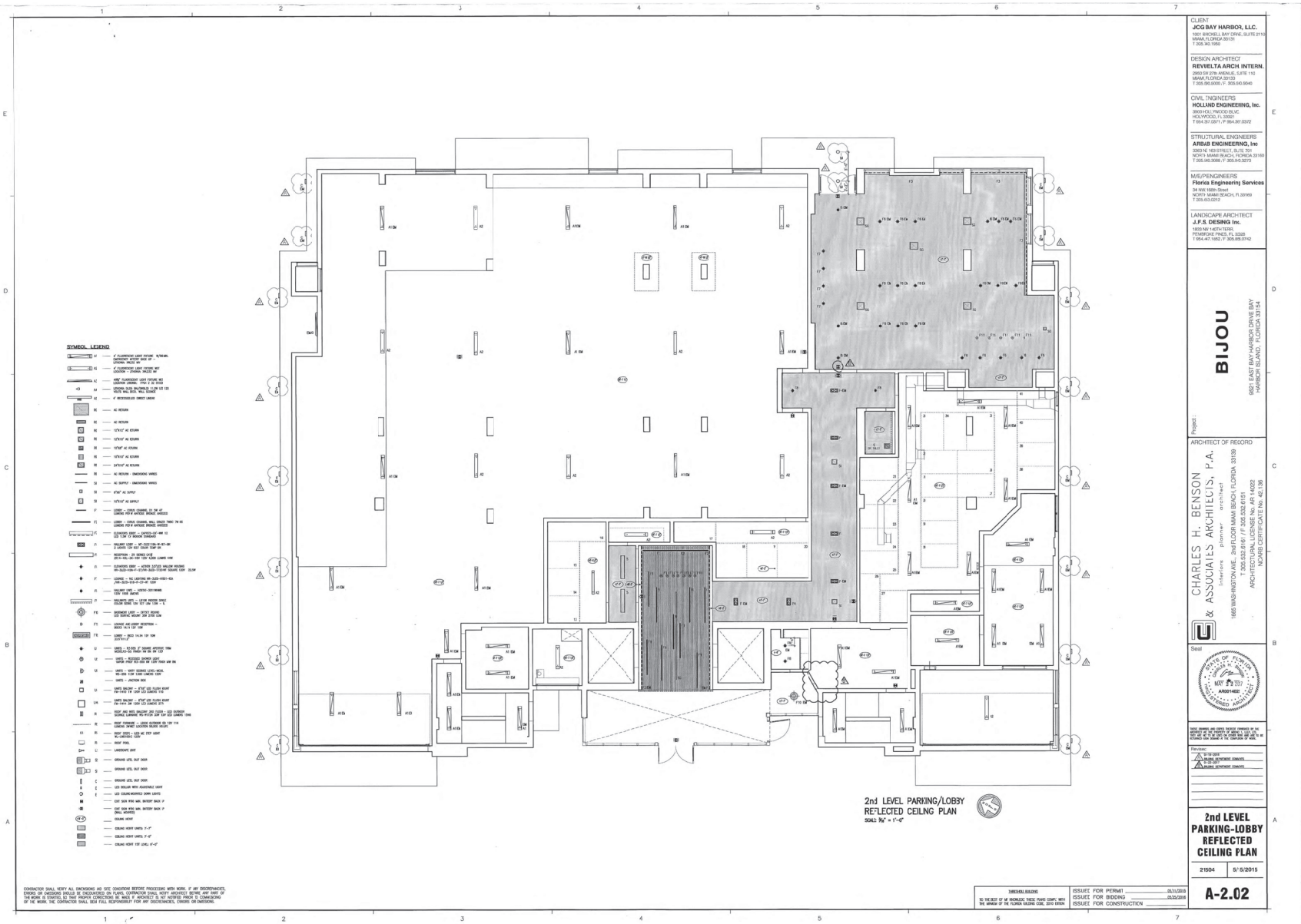
Revised:
1 05-01-2017 BUILDING DEPARTMENT COMMENTS
2 05-15-2017 BUILDING DEPARTMENT COMMENTS

1st LEVEL PARKING REFLECTED CEILING PLAN

21504 | 5/15/2015

A-2.01



CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD BE ENCOUNTERED ON PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED, SO THAT PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MIAMI-DADE COUNTY FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT 05/11/2015
ISSUED FOR BIDDING 05/25/2015
ISSUED FOR CONSTRUCTION

CLIENT
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NCARB CERTIFICATE No. 42,136

Seal
STATE OF FLORIDA
CHARLES HOWARD BENSON
LICENSED ARCHITECT
MAY 7, 2015
AR0014022

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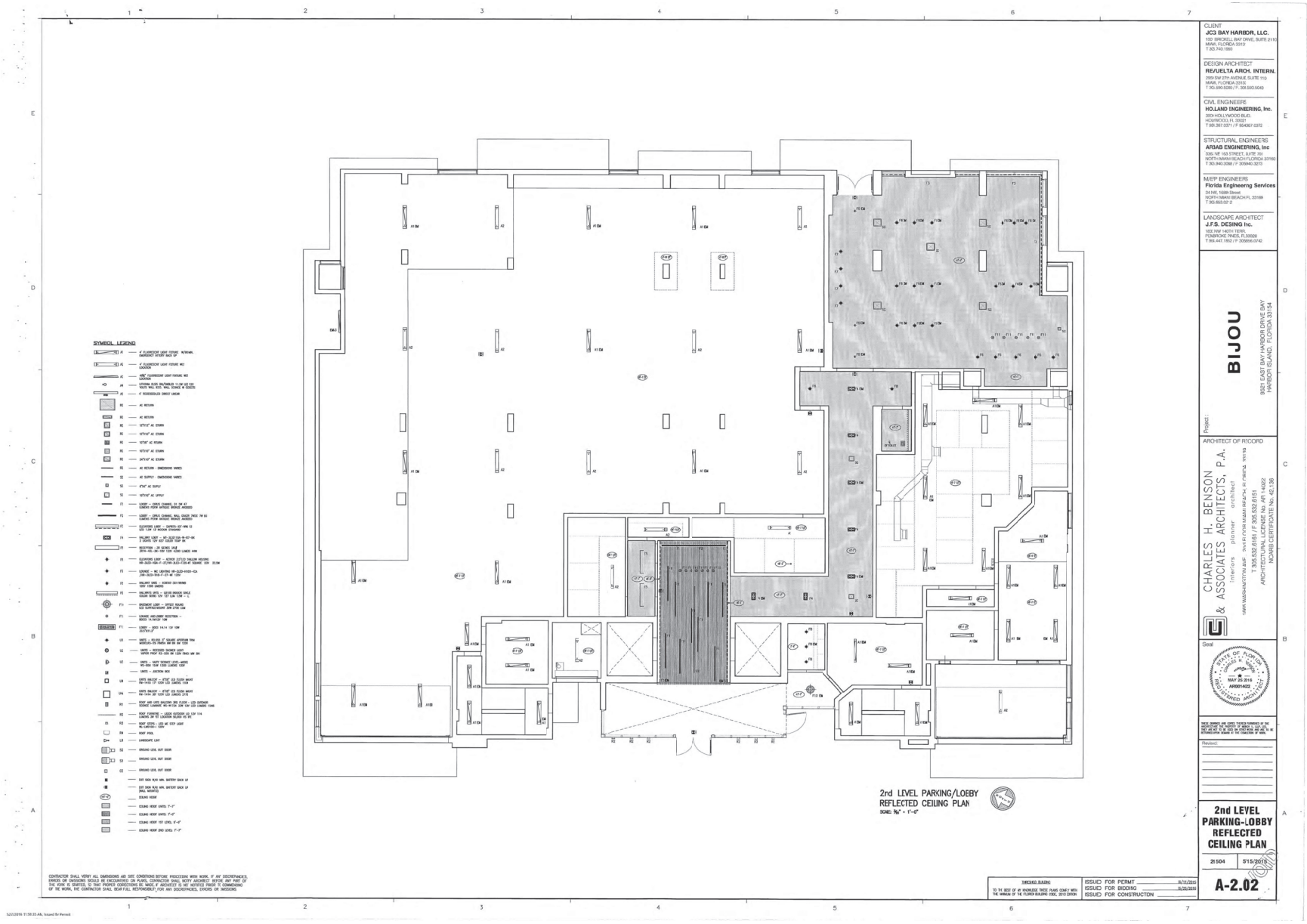
Revisions:
6/16/2015 BUILDING DEPARTMENT COMMENTS
6/18/2015 BUILDING DEPARTMENT COMMENTS

2nd LEVEL PARKING-LOBBY REFLECTED CEILING PLAN

21504 | 5/5/2015

A-2.02



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5/27/2016 11:58:35 AM, Issued By Permit

THIS BUILDING TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE VARIANCE OF THE FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT	9/11/2015
ISSUED FOR BIDDING	3/25/2016
ISSUED FOR CONSTRUCTION	

CLIENT
JC3 BAY HARBOR, LLC.
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T 305.653.52' 2

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Project:
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9521 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

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ARCHITECTURE BUSINESS No. AA 0002
NCARB CERTIFICATE No. 42,136

Seal
STATE OF FLORIDA
CHARLES H. BENSON
REGISTERED ARCHITECT
MAY 25 2016
AR0014022

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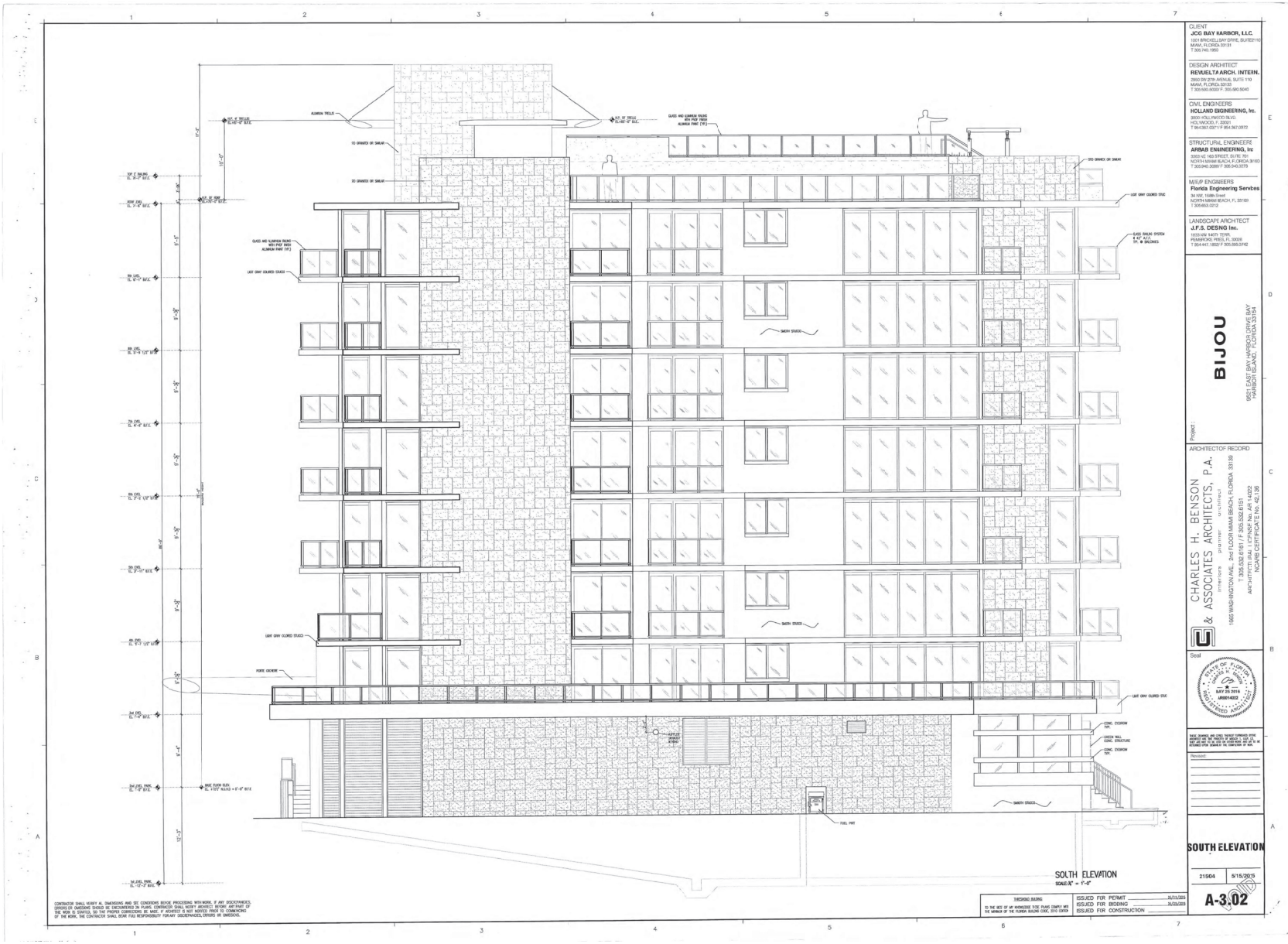
Revised:

2nd LEVEL PARKING-LOBBY REFLECTED CEILING PLAN

2nd LEVEL	5/5/2016

A-2.02



CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD APPEAR IN THE DRAWINGS OR SPECIFICATIONS, THE ARCHITECT SHOULD BE NOTIFIED BEFORE ANY PART OF THE WORK IS EXECUTED. ANY CHANGES OR FIELD CORRECTIONS MADE, IF ADVISED IS NOT NOTIFIED PRIOR TO COMPLETION OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MIAMI-DADE COUNTY CODE, 2010 EDITION

ISSUED FOR PERMIT 10/11/2013
ISSUED FOR BIDDING 11/25/2013
ISSUED FOR CONSTRUCTION

CLIENT
JCG BAY HARBOR, LLC.
1001 BRICKELL BAY DRIVE, SUITE#1110
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Project:
BIJOU
9501 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

ARCHITECT OF RECORD
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interiors planner architect
1965 WASHINGTON AVE., 2nd FLOOR MIAMI BEACH, FLORIDA 33139
T 305.532.6161 / F 305.532.6151
AR12-HTFCTR 0164 | LICENSE No. AR 14222
NOT A CERTIFIED COPY UNLESS SEALED

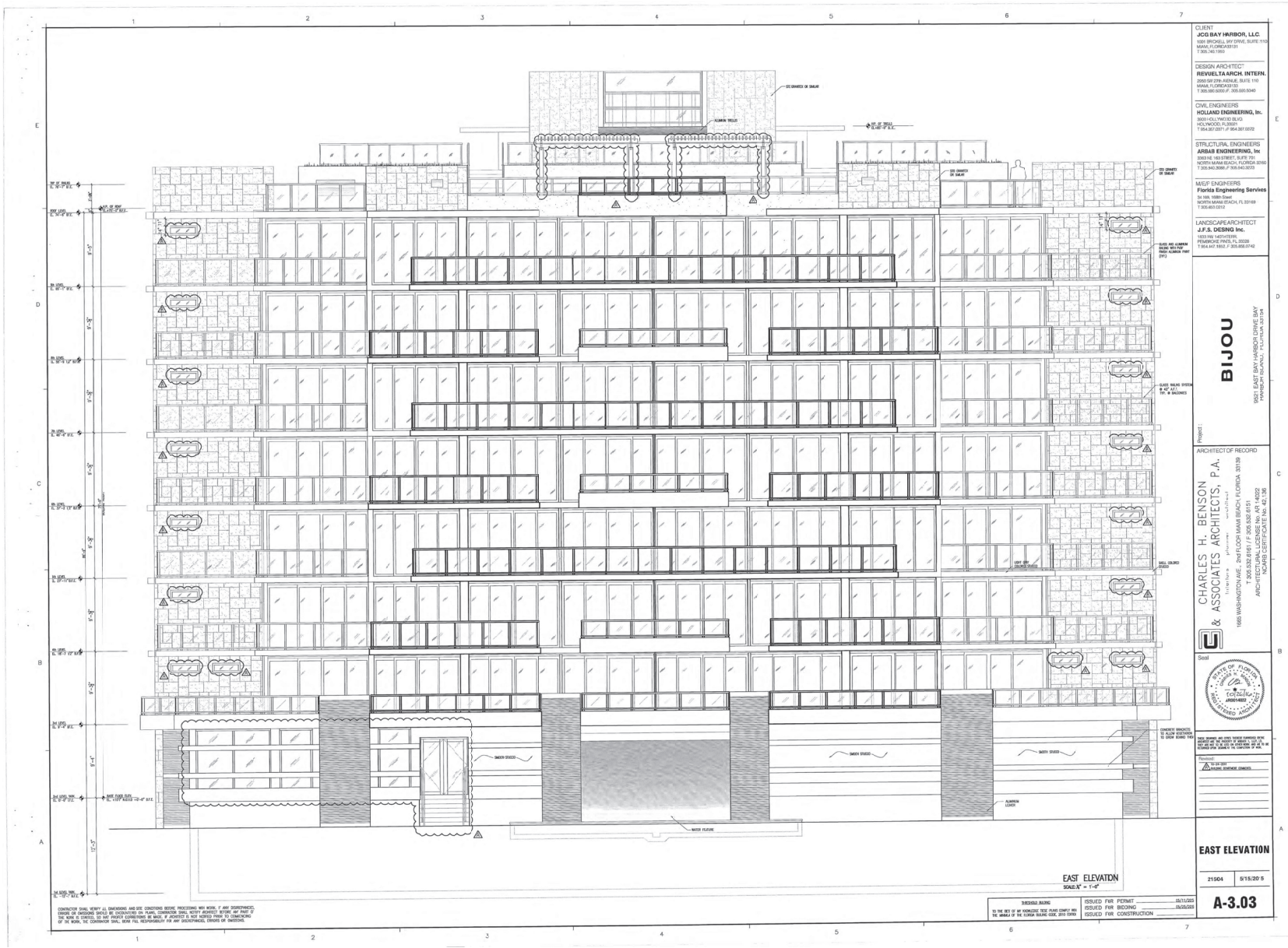
Seal
STATE OF FLORIDA REGISTERED ARCHITECT
MAY 29 2015
AR0014222

Revised:

SOUTH ELEVATION

21504 | 5/15/2015

A-3.02



CLIENT
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PEMBROKE PINES, FL 33028
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Project:
BIJOU
9501 EAST BAY HARBOR DRIVE BAY
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ARCHITECTURAL LICENSE No: AR 14282
NCARB CERTIFICATE No: 42,136

Seal

Revisions
1 10.30.20 PLANNING DEPARTMENT COMMENTS

EAST ELEVATION

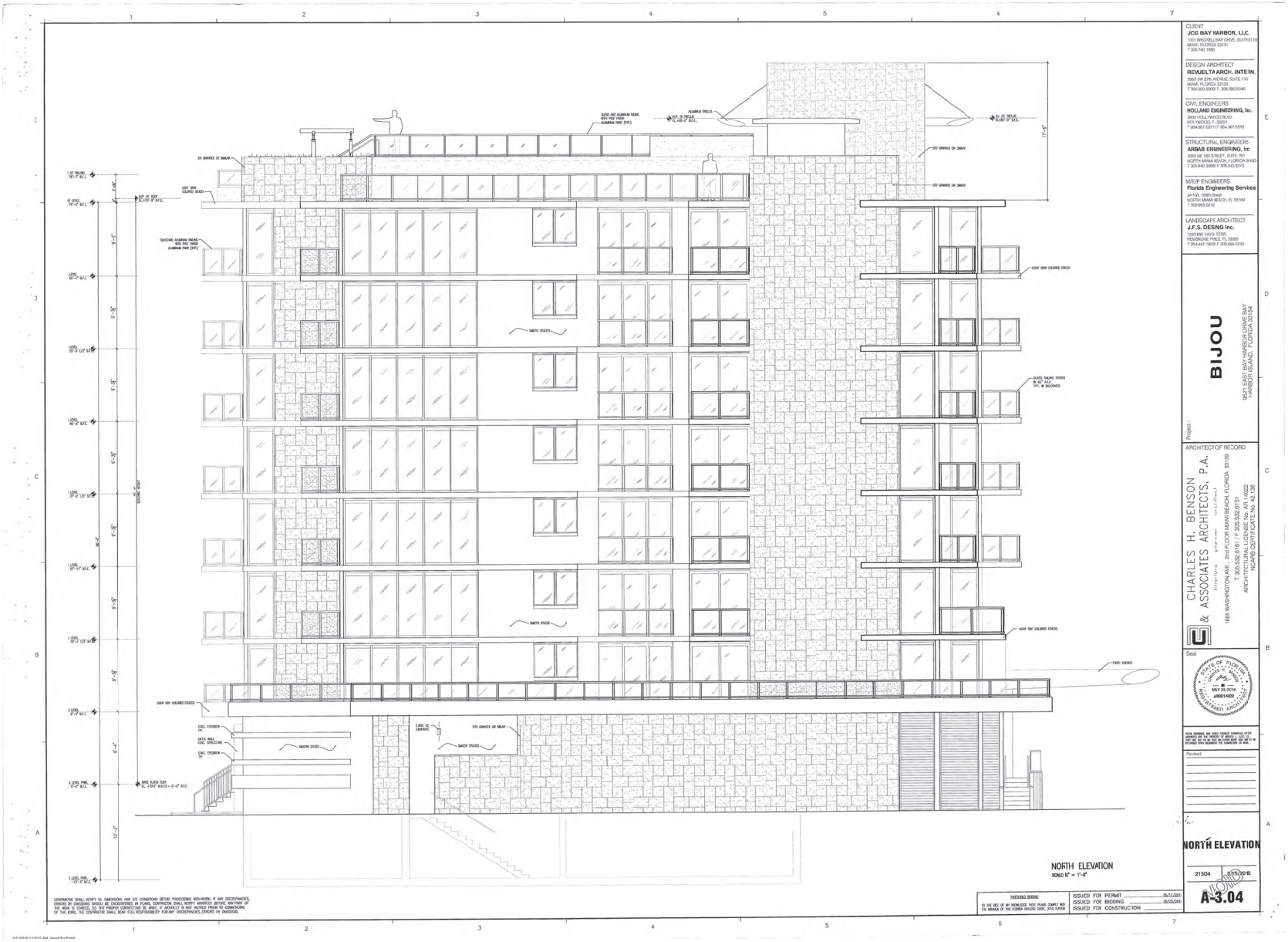
21504 | 5/15/20'S

A-3.03

THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MIAMI-DADE COUNTY AMENDMENTS TO THE FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT 05/11/2020
ISSUED FOR BIDDING 05/25/2020
ISSUED FOR CONSTRUCTION

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS ARE FOUND IN THE CONTRACT DOCUMENTS, NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED. NO ALLOWANCE WILL BE MADE, IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.



CLIENT
JCG BAY HARBOR, LLC.
1001 BRICKELL BAY DRIVE, SUITE2110
MIAMI, FLORIDA 33131
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Project:
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850 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

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ARCHITECTURAL LICENSE No. AR 14022
NCARB CERTIFICATE No. 57,179

Seal
STATE OF FLORIDA
MAY 29 2015
AR0014022
REGISTERED ARCHITECT

Revised:

NORTH ELEVATION

21504 | 5/29/2015

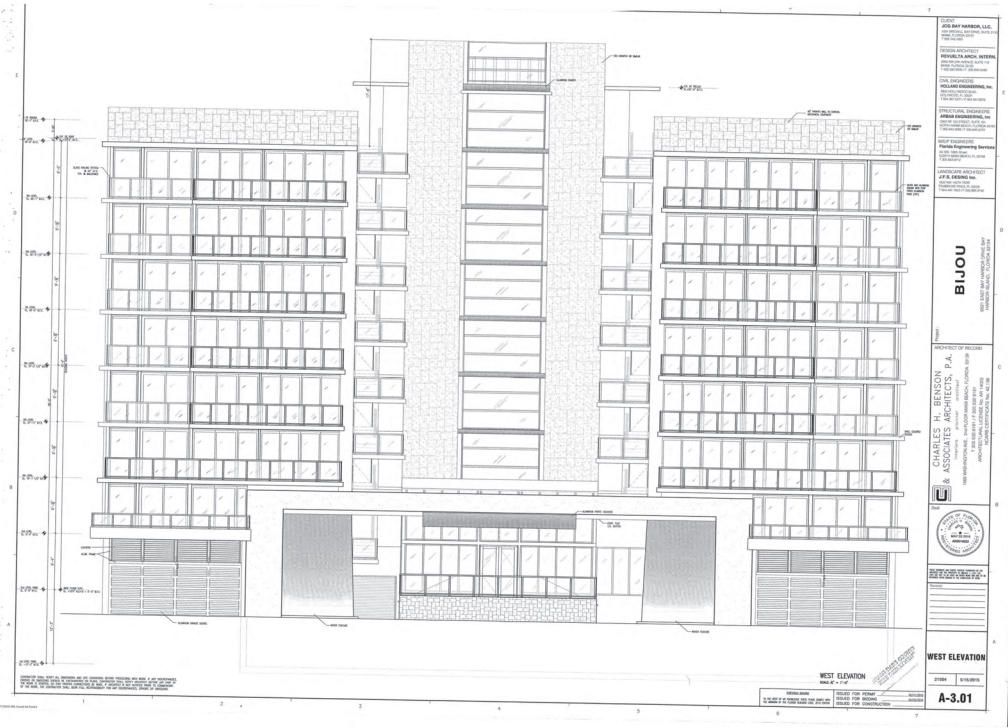
A-3.04

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD BE ENCOUNTERED IN PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED, SO THE PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.

THESE DRAWINGS ARE USED TO HELP EXPRESS STYLE AND QUALITY OF THE AESTHETIC OF MATERIALS. SCALE OF THESE ARE NOT TO BE USED ON OTHER WORK AND ARE TO BE RETURNED UPON REQUEST AT THE COMPLETION OF WORK.

THESE PLANS AND SPECIFICATIONS COMPLY WITH THE 5TH EDITION OF THE FLORIDA BUILDING CODE, 2014 EDITION

ISSUED FOR PERMIT 05/31/2015
ISSUED FOR BIDDING 05/25/2015
ISSUED FOR CONSTRUCTION



WEST ELEVATION
SCALE: 1/4" = 1'-0"

ISSUED/DATE	
ISSUED FOR PERMIT	5/15/2015
ISSUED FOR BIDDING	6/29/2015
ISSUED FOR CONSTRUCTION	10/30/2015

CLIENT
JCG BAY HARBOR, LLC.
1700 ARCADIA AVENUE, SUITE 210
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DESIGN ARCHITECT
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Project
BIJOU
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ARCHITECT OF RECORD
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ARCHITECTURE · planning · interiors
AA 0002183

Seal

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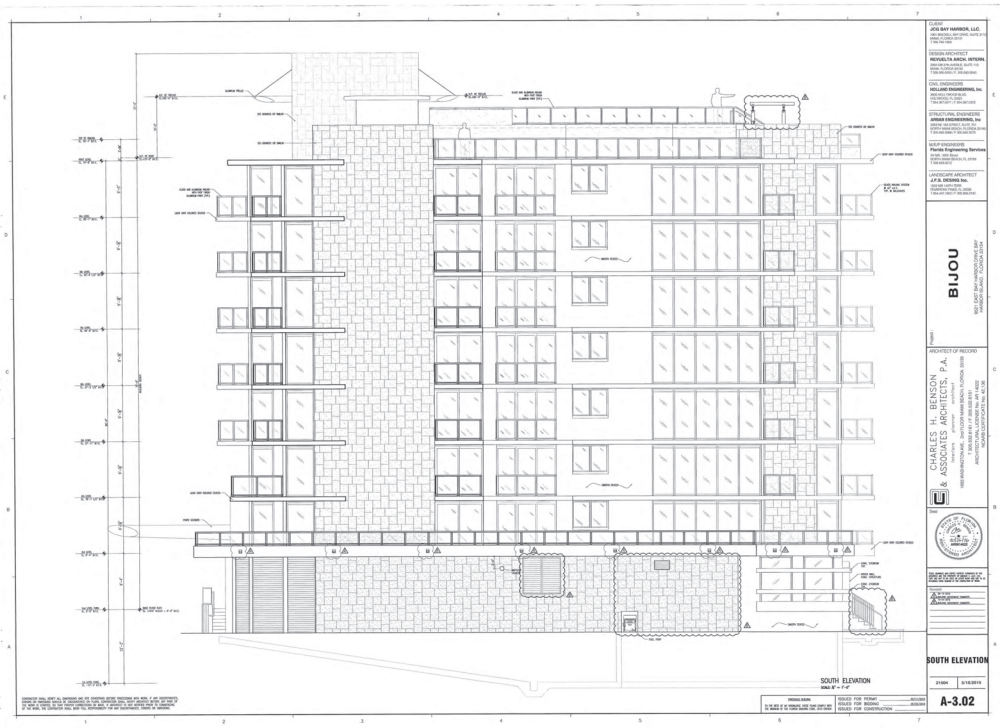
WEST ELEVATION

21504 | 5/15/2015

A-3.01



SOUTH ELEVATION
SCALE: 3/8" = 1'-0"

ISSUED/DATE	
ISSUED FOR PERMIT	5/15/2015
ISSUED FOR BIDDING	6/29/2015
ISSUED FOR CONSTRUCTION	10/30/2015

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SOUTH ELEVATION

21504 | 5/15/2015

A-3.02

WINDOW SCHEDULE

No.	TYPE	AREA	MATERIAL	DIMENSIONS W	DIMENSIONS H	MASONRY OPENING W	MASONRY OPENING H	REMARKS
1	SLIDING	3rd, 4th, 5th, 6th, 7th, 8th, 9th	ALUMINUM & LAMINATED GLASS	5'-11"	4'-10 1/2"	6'-0"	4'-11"	NOA №# 12-0702.04

STOREFRONT NOTES

1. STOREFRONT ELEVATIONS ARE FOR GENERAL CONFIGURATION ONLY. MANUFACTURER TO DESIGN STOREFRONTS TO MEET ALL APPLICABLE BUILDING CODE REQUIREMENTS AND SHALL SUBMIT SHOP DRAWINGS, PRODUCT APPROVAL AND STRUCTURAL CALCULATIONS SIGNED AND SEALED BY A FLORIDA REGISTERED ENGINEER FOR REVIEW.
2. ALL GLASS DOORS & GLASS PANELS ADJACENT TO GLASS DOORS TO BE OPAQUE, CATEGORY II SAFETY GLAZING AS PER FBC 2406.2
3. ALL GLAZING SHALL BE IMPACT RESISTANT CLASS, LIGHT BLUE.
4. ALL FRAMES IN STOREFRONTS TO BE WHITE POWDER COATED ALUMINUM. SUBMIT COLOR SAMPLES TO ARCHITECT PRIOR TO FABRICATION
5. FIELD VERIFY ALL MASONRY OPENINGS PRIOR TO FABRICATION AND NOTE ON SHOP DRAWINGS SUBMITTAL
6. SUBMIT PRODUCT APPROVAL
7. PROVIDE ANY AND ALL NECESSARY BROW METAL TO MATCH STOREFRONT ON EXTERIOR VERTICAL AND HORIZONTAL STEEL COLUMNS
8. CAULK ALL INTERIOR AND EXTERIOR JOINTS EXPOSED TO VIEW AND DOUBLE BEAD OF CAULKING WHERE BUCK MEETS MASONRY
9. ALL REQUIRED STEEL TUBING BETWEEN STOREFRONT SYSTEM BY GLASS SUBCONTRACTOR

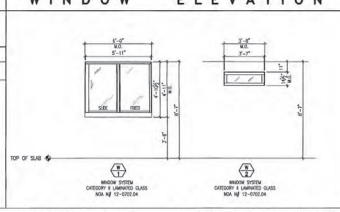
WINDOW NOTES

1. WINDOW ELEVATIONS ARE FOR GENERAL CONFIGURATION ONLY. MANUFACTURER TO DESIGN WINDOWS TO MEET ALL APPLICABLE BUILDING CODE REQUIREMENTS AND SHALL SUBMIT SHOP DRAWINGS, PRODUCT APPROVAL AND STRUCTURAL CALCULATIONS SIGNED AND SEALED BY A FLORIDA REGISTERED ENGINEER FOR REVIEW.
2. ALL GLAZING SHALL BE LIGHT BLUE.
3. ALL ALUMINUM IN WINDOWS & DOORS TO BE WHITE POWDER COATED ALUMINUM. SUBMIT COLOR SAMPLES TO ARCHITECT PRIOR TO FABRICATION
4. FIELD VERIFY ALL MASONRY OPENINGS PRIOR TO FABRICATION AND NOTE IN SHOP DRAWINGS SUBMITTAL
5. SUBMIT PRODUCT APPROVAL

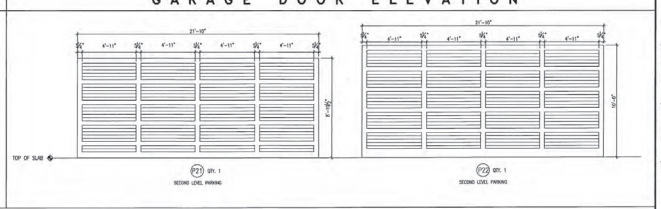
METHODS OF SECURING WINDOWS TO BLDG.

1. IF THE SYSTEM PRESSURE ON THE WINDOW DOES NOT EXCEED 50 PSF, SECURE THE SYSTEM TO 2" X 6" NOM. WOOD BUCK USING 10SC HUMMER AND TYPE OF FASTENERS AS DESCRIBED ON THE NOTICE OF ACCEPTANCE & SECURE THE 2" X WOOD BUCK TO THE STRUCTURE USING 7" CORROSION RESISTANCE APPROVED CONCRETE SCREW ANCHORS W/ A MIN. EMBEDMENT OF 1" IN 24" O.C. (8" FROM ENDS) ON CONCRETE AND @ 12" O.C. (8" FROM ENDS) ON 3000 PSI OR ASTM C-90 CONCRETE BLOCK OR.
2. SECURE STOREFRONT DIRECTLY TO STRUCTURAL W/ CORROSION RESISTANCE APPROVED CONCRETE SCREW ANCHORS W/ A MIN. EMBEDMENT OF 1" SPACED AS DESCRIBED ON THE NOTICE OF ACCEPTANCE, A NOMINAL 1"X3" P.T. WOOD SPACER SHALL BE USED BETWEEN THE STOREFRONT AND THE STRUCTURE BUT THE EMBEDMENT IN THE CONCRETE BLOCK SHALL REMAIN TO BE 1"

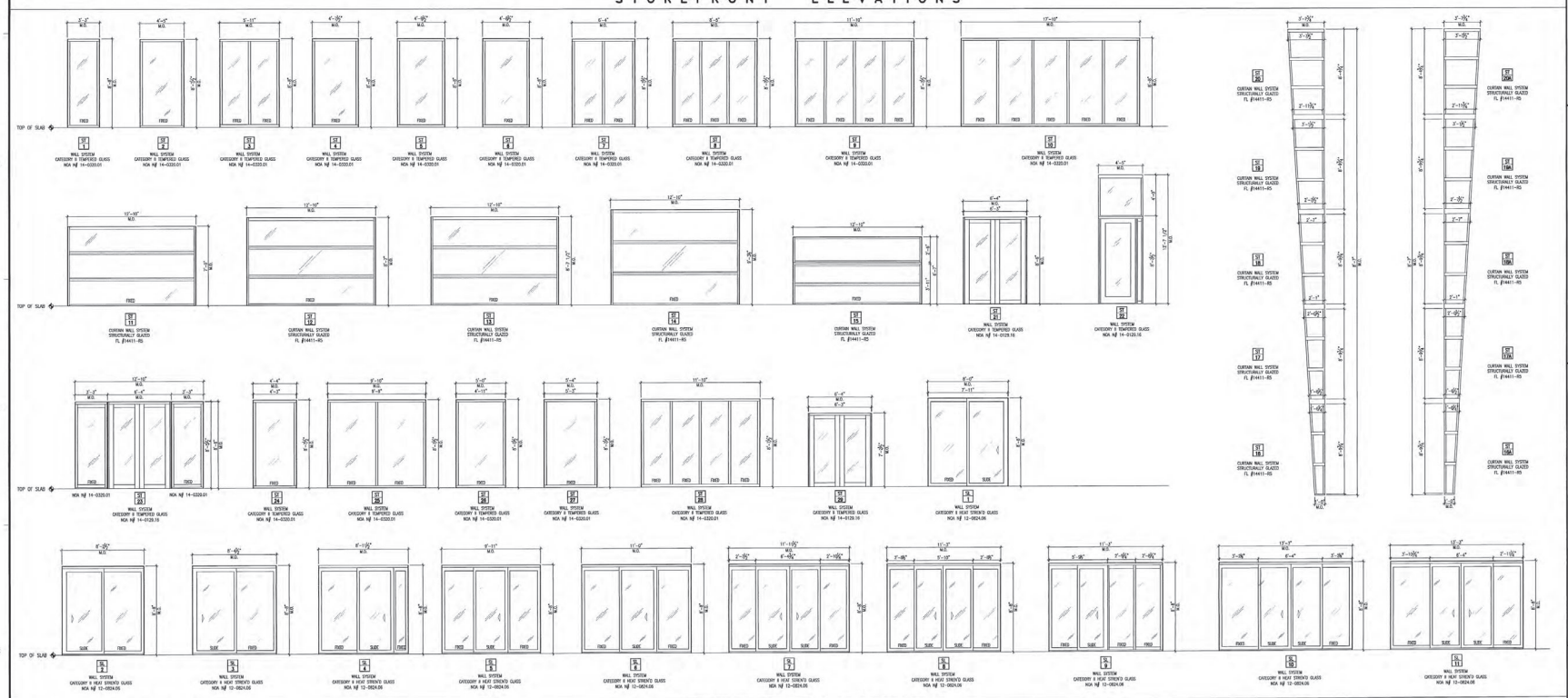
WINDOW ELEVATION



GARAGE DOOR ELEVATION



STOREFRONT ELEVATIONS

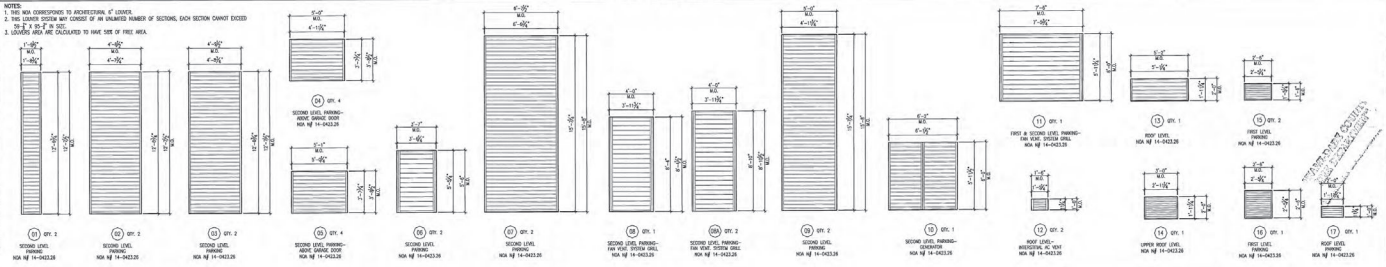


LOUVER SCHEDULE

No.	MATERIAL	ROUGH OPENING W	ROUGH OPENING H	NO. OF MULLIONS	NO. OF SECTIONS	REMARKS
01	ALUMINUM	1'-9 1/2"	12'-7 1/2"	–	1	NOA №# 14-0423.26
02	ALUMINUM	4'-8 1/2"	12'-7 1/2"	–	1	NOA №# 14-0423.26
03	ALUMINUM	4'-9 1/2"	12'-7 1/2"	–	1	NOA №# 14-0423.26
04	ALUMINUM	5'-0"	3'-8 1/2"	–	1	NOA №# 14-0423.26
05	ALUMINUM	5'-1"	3'-8 1/2"	–	1	NOA №# 14-0423.26
06	ALUMINUM	3'-7"	5'-6"	–	1	NOA №# 14-0423.26
07	ALUMINUM	8'-7 1/2"	15'-6"	–	1	NOA №# 14-0423.26
08	ALUMINUM	4'-0"	8'-4 1/2"	–	1	NOA №# 14-0423.26
08A	ALUMINUM	4'-0"	8'-10 1/2"	–	1	NOA №# 14-0423.26
09	ALUMINUM	5'-0"	15'-8"	–	1	NOA №# 14-0423.26
10	ALUMINUM	8'-2"	6'-0"	–	1	NOA №# 14-0423.26
11	ALUMINUM	7'-6"	6'-0"	–	1	NOA №# 14-0423.26
12	ALUMINUM	1'-6"	3'-0"	1	2	NOA №# 14-0423.26
13	ALUMINUM	5'-2"	3'-0"	–	1	NOA №# 14-0423.26
14	ALUMINUM	3'-0"	3'-0"	–	1	NOA №# 14-0423.26
15	ALUMINUM	7'-6"	1'-6"	–	2	NOA №# 14-0423.26
16	ALUMINUM	7'-6"	2'-6"	–	1	NOA №# 14-0423.26
18	ALUMINUM	3'-0"	1'-0"	–	1	NOA №# 14-0423.26

LOUVER ELEVATIONS

NOTES:
1. THIS NOA CORRESPONDS TO ARCHITECTURAL 6" LOUVER.
2. THIS LOUVER SYSTEM MAY CONSIST OF AN UNLIMITED NUMBER OF SECTIONS, EACH SECTION CANNOT EXCEED 96-3/4" X 85-7/8" IN SIZE.
3. LOUVERS AREA ARE CALCULATED TO HAVE 50% OF FREE AREA.



THRESHOLD BUILDING
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE MINIMUM OF THE FLORIDA BUILDING CODE, 2010 EDITION

ISSUED FOR PERMIT 05/11/2015
ISSUED FOR BIDDING 05/25/2015
ISSUED FOR CONSTRUCTION

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9521 EAST BAY HARBOR DRIVE BAY HARBOR ISLAND, FLORIDA 33154

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ARCHITECTURE BUSINESS No. AA 26002202
NCARB CERTIFICATE No. 42,138

Seal
STATE OF FLORIDA · CHARLES H. BENSON · REGISTERED ARCHITECT · MAY 25 2016 · AR0014022

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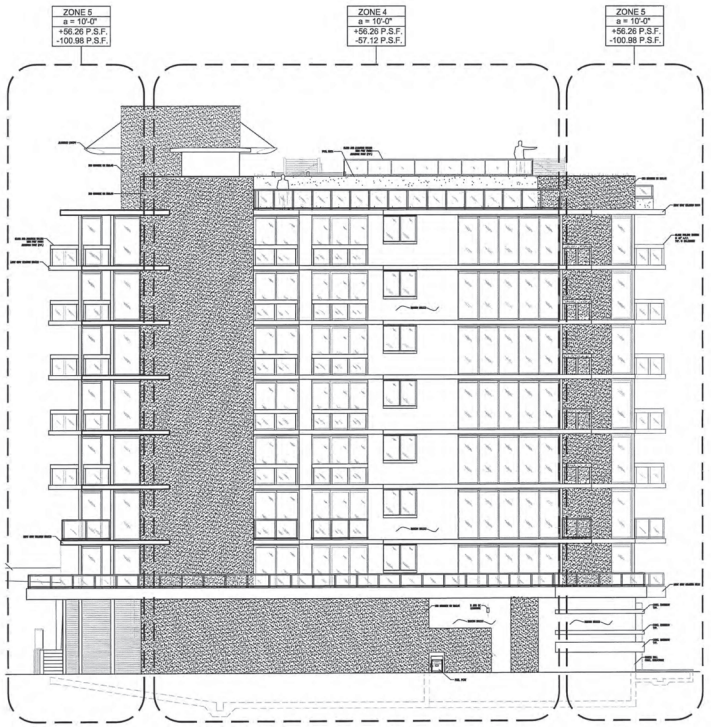
Revised:

STOREFRONT ELEVATION

21504 | 5/15/2015

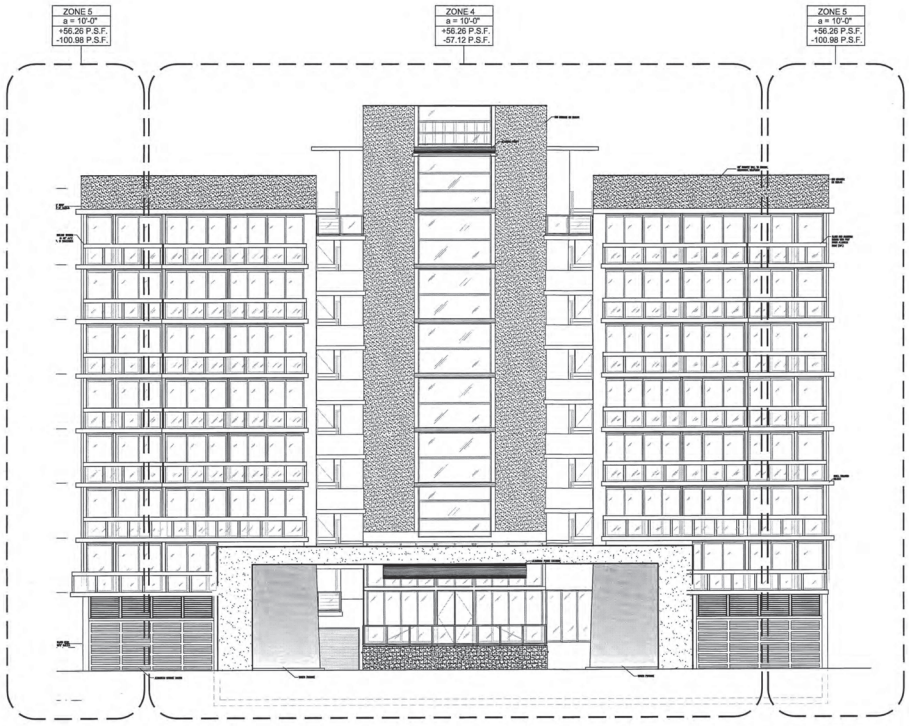
A-5.01



RIGHT ELEVATION

SCALE : 1/8" = 1'-0"

NOTE: ELEVATIONS FOR WIND PRESSURES ONLY



FRONT ELEVATION

SCALE : 1/8" = 1'-0"

NOTE: ELEVATIONS FOR WIND PRESSURES ONLY

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD BE ENCOUNTERED ON PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED, SO THAT PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DISCREPANCIES, ERRORS OR OMISSIONS.

ALIAKBAR ARBAB — LICENSE NO. 56048 — STATE OF FLORIDA — PROFESSIONAL ENGINEER

5/25/16

THESE PLANS ARE FOR BUILDING DEPARTMENT REVIEW ONLY. THEY ARE NOT TO BE CONSTRUED AS CONSTRUCTION DOCUMENTS UNTIL ALL BUILDING DEPARTMENT APPROVALS ARE OBTAINED.

ISSUED FOR PERMIT 5/11/15
ISSUED FOR BIDDING 5/25/16
ISSUED FOR CONSTRUCTION

CLIENT
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Revised:

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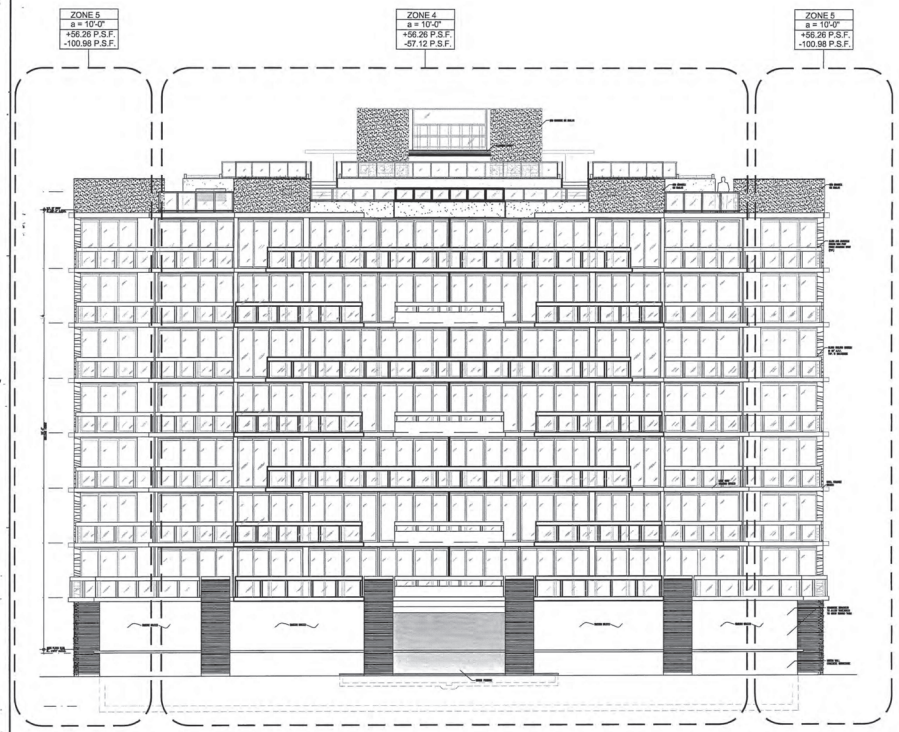
WIND PRESSURES

21406 | 08/04/2014

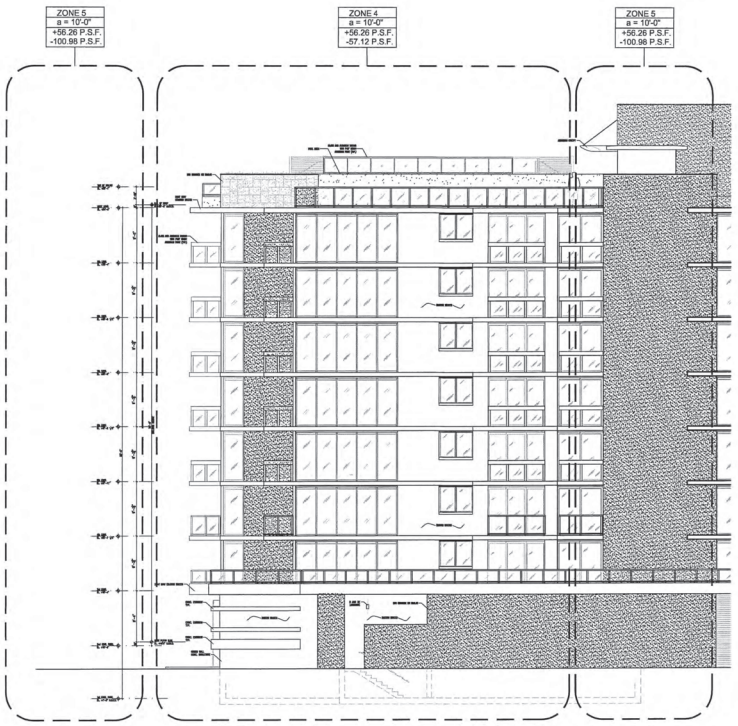
S-6.1



REAR ELEVATION

SCALE : 1/8" = 1'-0"

NOTE: ELEVATIONS FOR WIND PRESSURES ONLY



LEFT ELEVATION

SCALE : 1/8" = 1'-0"

NOTE: ELEVATIONS FOR WIND PRESSURES ONLY

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Project :

BIJOU

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ARCHITECT/FIRM LICENSE No.: AR 11422
NCARB CERTIFICATE No.: 42,136

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Revised:

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WIND PRESSURES

21406 | 08/04/2014

S-6.2

ALIAKBAR ARBAB
LICENSE No. 39048
STATE OF FLORIDA
PROFESSIONAL ENGINEER

5/2 5/16

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ISSUED FOR PERMIT 5/11/15
ISSUED FOR BIDDING 5/25/16
ISSUED FOR CONSTRUCTION

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ASBUILT SURVEY



X:\construction survey\9521 EAST BAY HARBOR DR\LOCATION.JP

LOCATION SKETCH
N.T.S.

LEGEND

Δ	-ARC DISTANCE	SET 5/8" I.R.-SET 5/8" IRON REBAR	Δ	-DELTA
A/C	-AIR CONDITIONING PAD	LB 7360 -LICENSE BUSINESS 7360	∅	-DIAMETER
℄	-CENTER LINE	I.F. -IRON FENCE	Ⓜ	-MANHOLE
C.B.S.	-CONCRETE BLOCK STUCCO	P.B. -PLAT BOOK		-CATCH BASIN
Elev.	-ELEVATION	PG. -PAGE	+7.99	-EXISTING ELEVATION
fd 5/8" I.R.	-FOUND 5/8" IRON REBAR	R -RADIUS	+7.9	-EXISTING GROUND ELEVATION
LB 7360	-LICENSE BUSINESS 7360	TYP. -TYPICAL		-WIRE PULL BOX
F.F.E.L.	-FINISH FLOOR ELEVATION	U.E. -UTILITY EASEMENT		
		TBM -TEMPORARY BENCH MARK		

THIS ASBUILT SURVEY CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS EACH SHEET IS ATTACHED WITH THE OTHER.

LEGAL DESCRIPTION

LOTS 3 AND 4, BLOCK 1, OF BAY HARBOR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 5, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR REPORT

1. THIS IS AN AS-BUILT SURVEY.
2. SUBJECT PROPERTY WAS NOT ABSTRACTED BY THIS FIRM FOR EASEMENTS, RIGHT OF WAY,RESERVATIONS OR OTHER MATTERS OF RECORD.
3. LEGAL DESCRIPTION WAS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
4. UNLESS OTHERWISE NOTED, THIS SURVEY HAS NOT ATTEMPTED TO LOCATE ANY FOOTING AND/OR UNDERGROUND UTILITIES ON AND/OR ADJACENT TO THE PROPERTY.
5. OWNERSHIP IS SUBJECT TO OPINION OF TITLE.
6. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON.
7. BEARINGS SHOWN HEREON ARE BASED ON THE SYSTEM AS SHOWN ON THE PLAT OF "BAY HARBOR ISLAND", (P.B.46, PG.5) OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; ALONG THE CENTERLINE OF EAST BAY HARBOR DR, WHICH IS S04°54'40"E.
8. NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR' SEAL.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY, THAT THE ATTACHED ASBUILT SURVEY OF THE PILINGS FOR THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION, AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE SHOWN, AND MEETS THE INTENT OF THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHARTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF FLORIDA STATUTES.

SCOTT J. PERKINS
PROFESSIONAL SURVEYOR AND MAPPER
No.5686
STATE OF FLORIDA

NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.

ENGINEERS - PLANNERS
SURVEYORS
9594 NW 41 ST., Suite 201.
MIAMI, FL. 33178.
PH: (305) 592-1070
FAX: (305) 592-1078
E-mail: fin@p-a.cc

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RECORD OF REVISION

No.:	Date:	Description	By	App

Project Name: 9521 EAST BAY BAY HARBOR DR

Type of Project: ASBUILT SURVEY

Project Address: 9521 E BAY HARBOR, BAY HARBOR, FL 33154.

FOLIO No. 13-2227-001-0030

Scale:	AS SHOWN
Drawn By:	MJL
Checked By:	SJP
FB/PG. 381/25-36	
Field Date: 05-25-2017	
Drawn Date: 06-06-2017	
Prepared for:	
COASTLAND CONSTRUCTION	
Project No.: 170052SU05	
Sheet: 1 of 2	

ASBUILT SURVEY

POINT NUMBER	NORTHING (Y)	EASTING (X)	POINT NUMBER	NORTHING (Y)	EASTING (X)	DEVIATION (Y)	DEVIATION (X)
1	565315.7074	943985.2887	1108	565316.2168	943985.2915	-0.4194	-0.0028
2	565312.8172	943965.5708	1107	565312.9015	943965.9037	-0.0842	0.267
3	565305.329	943966.8006	1106	565305.4554	943966.9814	-0.1263	-0.0908
4	565303.5958	943964.4455	1105	565302.8645	943964.4875	0.7312	-0.042
5	565302.1623	943967.1733	1104	565302.4317	943967.4313	-0.0693	-0.258
6	565288.224	943968.679	1103	565288.0188	943968.5845	0.205	0.0945
7	565285.4923	943964.8221	1102	565285.6308	943965.4275	-0.1385	-0.4058
8	565281.4911	943969.1149	1101	565281.6404	943969.2892	-0.1474	-0.1642
9	565271.5564	943969.8676	1100	565272.5803	943970.0314	-0.0239	-0.1638
10	565273.6049	943970.97	1099	565275.6932	943971.8018	-0.0482	0.1681
11	565275.3116	943981.4366	1098	565276.3050	943981.581	0.0058	-0.1073
12	565281.8073	943982.6145	1097	565282.0838	943983.2947	-0.2764	-0.6801
13	565284.6229	943983.7914	1096	565285.5811	943984.0754	-0.1581	-0.2829
14	565286.9785	943984.9703	1095	565287.2307	943985.0876	-0.2522	-0.1172
15	565286.2738	943977.5037	1094	565286.3132	943977.5217	-0.0432	-0.0180
16	565248.5463	943977.0993	1093	565249.6460	943976.9765	-0.1023	0.1208
17	565247.8381	943973.2502	1092	565247.537	943973.6211	0.302	-0.3708
18	565251.8213	943972.8793	1091	565251.7521	943973.1451	0.0591	-0.2717
19	565272.4627	943972.1393	1090	565272.0868	943972.6098	0.3756	-0.2654
20	565281.4449	943971.8621	1089	565281.0395	943972.0857	0.4054	-0.2236
21	565289.3523	943974.3744	1088	565289.2812	943974.2282	0.0711	0.1461
22	565261.0523	943967.8142	1087	565261.0351	943968.0459	0.0172	-0.2316
23	565257.0701	943968.1092	1086	565257.1352	943968.4903	-0.0651	-0.2353
24	565251.6287	943968.7251	1085	565251.2139	943968.9269	0.4148	-0.2017
25	565247.4465	943969.3021	1084	565247.6305	943969.3025	-0.1839	-0.2003
26	565236.7057	943973.3757	1083	565236.647	943973.5523	0.059	-0.1766
27	565230.432	943979.4794	1082	565230.5341	943979.3986	-0.1021	0.0807
28	565224.7405	943980.0144	1081	565224.627	943979.8723	0.1131	0.1411
29	565225.4502	943974.6	1080	565225.5718	943974.7834	0.0781	-0.1833
30	565222.9086	943970.7431	1079	565222.6969	943971.2279	0.0516	-0.4848
31	565230.5192	943975.0493	1078	565230.4	943975.2754	0.1192	-0.2261
32	565206.7695	943976.2157	1077	565207.0931	943976.3959	-0.2895	0.0258
33	565205.0313	943973.7746	1076	565204.8655	943974.2857	0.1658	-0.5111
34	565203.7828	943976.5024	1075	565204.1658	943976.7504	-0.3829	-0.248
35	565196.1655	943978.8124	1074	565196.2274	943978.9931	-0.0618	-0.1806
36	565193.1652	943976.8945	1073	565193.1068	943977.0101	0.0583	-0.1109
37	565194.9405	943983.6702	1072	565194.8405	943983.9863	0.0999	-0.3161
38	565195.9602	943963.9523	1071	565191.8932	943964.3415	0.0669	-0.3892
39	565192.4675	943962.6062	1070	565191.9305	943962.9872	0.537	-0.3809
40	565205.4542	943962.3255	1069	565205.3299	943962.2894	0.1243	0.0361
41	565203.739	943959.8783	1068	565203.7579	943959.7856	-0.0518	0.0926
42	565226.2101	943960.9423	1067	565226.0601	943961.1317	0.1185	-0.2394
43	565233.8552	943957.4579	1066	565233.4804	943957.2873	0.4428	0.2306
44	565263.3777	943957.1281	1065	565263.2191	943956.6898	0.1136	0.4382
45	565223.7075	943960.6125	1064	565223.5246	943960.3205	0.1829	0.292
46	565235.1686	943958.7743	1051	565234.756	943958.989	0.4125	-0.2146
47	565246.5467	943956.9459	1062	565246.6857	943957.0492	-0.139	-0.1053
48	565246.2318	943953.4595	1061	565245.9434	943953.8527	0.2735	-0.4067
49	565250.0312	943956.6141	1060	565250.033	943956.5808	-0.0018	0.0333
50	565249.7016	943953.1207	1059	565250.0711	943953.0758	-0.3695	0.0449
51	565256.1704	943959.033	1280	565256.227	943959.336	-0.0566	-0.3029
52	565255.9406	943952.5486	1281	565255.986	943952.5579	-0.0454	-0.0094
53	565259.325	943952.2188	1258	565259.293	943952.185	0.032	0.0338
54	565259.9548	943955.7032	1259	565259.284	943955.83	0.3708	-0.1257
55	565271.1743	943955.3062	1252	565271.114	943955.203	0.0603	0.1032
56	565282.7768	943955.0233	1182	565282.908	943955.027	-0.1321	-0.0496
57	565292.447	943953.5369	1181	565282.325	943953.9291	0.122	-0.4138
58	565285.9161	943951.3071	1180	565285.635	943951.35	0.2963	-0.1429
59	565286.2032	943954.6935	1185	565286.082	943954.929	0.1791	-0.2355
60	565304.0136	943952.9944	1173	565304.318	943952.768	-0.3044	0.2263
61	565302.2755	943950.5492	1174	565302.541	943950.985	-0.2655	-0.4357
62	565301.027	943953.2771	1175	565300.913	943953.018	0.114	0.259
63	565311.5921	943952.6286	1172	565311.611	943952.808	-0.0189	-0.1799
64	565314.5723	943952.3465	1171	565314.976	943951.937	-0.4036	0.4094
65	565317.2003	943949.7484	1170	565317.454	943949.35	-0.2536	0.3984
66	565319.8016	943948.501	1169	565319.893	943949.139	-0.0914	-0.1939
67	565312.413	943945.1096	1168	565312.493	943945.187	-0.08	-0.2074
68	565332.2138	943938.0668	1167	565332.149	943938.289	0.0648	-0.2222
69	565313.1941	943937.7667	1166	565313.198	943937.542	-0.0039	0.2245
70	565316.2316	943933.0161	1162	565316.342	943932.503	-0.1104	0.5131
71	565313.2523	943923.2982	1163	565313.48	943923.176	-0.2276	0.1221
72	565318.1039	943924.1217	1164	565309.953	943924.641	0.3699	-0.5191
73	565325.8629	943934.8973	1165	565325.888	943935.35	-0.0251	-0.2527
74	565301.9197	943921.5132	1157	565301.41	943921.745	0.2097	-0.2317
75	565301.9095	943924.8977	1158	565301.625	943924.783	0.3245	0.2146
76	565298.1353	943921.8451	1159	565297.931	943922.3	0.2143	-0.2958
77	565298.8051	943925.3275	1160	565298.36	943925.32	0.1551	0.0075
78	565284.1143	943927.1662	1179	565283.972	943926.985	0.1421	0.1811
79	565283.8381	943922.7492	1178	565284.185	943922.958	-0.4469	-0.2088
80	565279.3031	943923.1654	1181	565279.69	943923.031	-0.3888	0.1343
81	565279.7173	943927.3624	1180	565279.548	943927.513	0.1693	-0.1506
82	565281.7077	943925.3558	1177	565281.922	943925.479	-0.2142	-0.1232
83	565296.4016	943927.8961	1161	565296.613	943927.055	-0.0295	0.2315
84	565281.4701	943908.9081	1176	565281.781	943909.505	-0.1309	-0.5969
85	565286.7389	943941.1216	1251	565286.13	943940.457	0.6909	-0.1354
86	565253.6956	943941.9369	1253	565253.496	943941.5057	0.1995	-0.1931
87	565227.2052	943943.1093	1254	565236.695	943943.13	0.3962	-0.0206
88	565211.5371	943944.9021	1255	565211.857	943944.736	0.0801	0.1539
89	565167.0039	943945.9756	1257	565207.098	943946.089	-0.094	-0.1134
90	565181.1819	943949.8069	1200	565180.411	943949.675	0.218	0.1318
91	565189.1652	943949.5248	1199	565189.282	943949.425	-0.1188	0.0997
92	565189.0761	943945.2488	1198	565189.963	943945.008	-0.1161	0.2408
93	565188.1904	943957.0789	1196	565188.092	943956.678	-0.1916	0.4008
94	565191.7931	943956.9653	1197	565191.421	943956.739	0.3831	0.2256
95	565188.847	943961.9032	1195	565188.47	943961.81	0.0374	0.0932
96	565187.7057	943954.6347	1201	565187.428	943954.756	0.3297	-0.1212
97	565184.7734	943954.9168	1202	565184.721	943955.23	0.0524	-0.3132
98	565189.242	943934.7194	1211	565188.953	943934.767	0.2889	-0.0476
99	565198.7121	943931.235	1209	565198.692	943930.985	0.22	0.3099
100	565202.3966	943930.9052	1208	565202.355	943930.781	0.0415	0.1212
101	565206.7264	943934.3896	1210	565202.214	943934.688	4.5124	0.0015
102	565221.9696	943933.9072	1203	565221.879	943932.89	-0.1585	0.7772
103	565217.3696	943931.6551	1204	565217.269	943931.455	0.1006	0.2001
104	565216.7474	943929.0864	1205	565216.656	943929.47	0.0914	-0.3835
105	565221.1464	943928.6752	1206	565220.951	943928.967	0.2536	-0.3207
106	565219.1551	943931.0768	1207	565218.962	943931.142	0.1939	-0.0651
107	565243.9385	943931.0914	1244	565243.981	943931.481	-0.0425	-0.3896
108	565241.2203	943926.6641	1245	565241.937	943927.23	0.2833	-0.5659
109	565247.6173	943926.2482	1242	565247.356	943926.22	0.2613	0.0282
110	565248.0355	943930.6452	1245	565247.373	943930.673	0.0805	-0.0227
111	565245.6269	943928.6548	1243	565245.356	943929.181	0.2909	-0.5261
112	565263.2691	943930.3504	1246	565262.814	943930.144	0.446	-0.1935
113	565257.8571	943929.7343	1247	565257.697	943929.667	-0.0399	0.2073
114	565257.2499	943925.1072	1250	565257.149	943925.735	0.0918	-0.6278
115	565252.8493	943925.7534	1249	565252.138	943925.608	0.7058	0.1454
116	565251.2581	943927.7458	1248	565251.078	943927.995	0.1724	-0.2351
117	565251.7088	943943.0145	1187	565251.562	943943.45	0.1526	-0.4364
118	565255.379	943930.5301	1188	565254.718	943930.083	0.6609	-0.4529
119	565251.8946	943930.8599	1189	565251.951	943931.2	-0.0905	-0.34
120	565252.2244	943934.3444	1190	565252.332	943934.491	-0.0876	-0.1466
121	565245.7553	943931.435	1186	565245.598	943931.804	0.1572	-0.369
122	565246.0852	943934.8255	1191	565245.944	943935.044	0.1411	-0.2189
123	565247.2709	943931.7709	1192	565247.384	943931.838	-0.113	-0.067
124	565242.6067	943931.2503	1193	565242.643	943931.763	-0.0423	-0.5077
125	565233.518	943931.352	1035	565220.0446	943931.799	-0.5263	-0.352
126	565233.8478	943931.8364	1036	565233.7769	943931.7966	0.0709	0.0398
127	565236.0196	943931.4918	1037	565236.1196	943931.7596	-0.116	-0.0777
128	565236.3034	943930.3562	1038	565236.3725	943930.3327	-0.0691	-0.1765
129	565233.8325	943929.4953	1039	565233.5371	943929.5696	0.3253	-0.0743
130	565233.0162	943931.2387	1040	565233.0701	943931.5311	0.0539	-0.2924
131	565201.1499	943931.2715	1057	565201.088	943931.2512	0.0618	0.0202
132	565200.02	943927.7073	1056	565200.7281	943928.3098	0.0918	-0.5227
133	565197.3356	943928.1669	1055	565197.527	943928.5459	-0.1914	-0.429
134	565197.6056	943931.8193	1054	565197.8568	943931.7394	-0.1593	0.1271
135	565185.3953	943925.525	1194	565188.55	943925.51	-0.1547	0.015
136	565182.19	943926.2062	1053	565182.3269	943926.0962	-0.1369	0.16
137	565186.5722	943925.8293	1052	565186.7526	943925.6787	-0.1803	0.1505
138	565186.1952	943921.9071	1051	565186.4616	943922.1108	-0.2662	-0.2036
139	565182.213	943922.1241	1050	565182.5061	943911.7873	-0.2933	0.4368
140	565181.8361	943918.2418	1049	565182.4225	943918.2777	-0.5864	-0.0359
141	565181.8183	943917.8649	1048	565186.314	943917.7196	-0.1836	0.1303
142	565180.7514	943596.783	1047	565181.1167	943596.8787	-0.3643	-0.0857
143	565183.7368	943596.429	1046	565186.758	943596.563	-0.0214	0.4729
144	565184.3577	943592.6318	1045	565184.5463	943593.0987	-0.1885	0.4351
145	565180.1755	943592.8318	1044	565180.4868	943592.945	-0.1309	-0.1341
146	565179.9043	943587.893	1043	565180.0758	943588.1193	-0.1714	-0.3003
147	565183.8865	943587.4561	1042	565183.9918	943587.6305	-0.1052	-0.1744
148	565181.07	943577.3757	1041	565181.2393	943577.0634	-0.1693	0.3123
149	565178.96	943584.4203	1058	565186.9971	943584.5496	-0.0371	-0.1293
150	565169.4835	943610.465	1180	565169.575	943610.615	0.0885	-0.15
151	565211.1966	943598.1848	1033	565210.9727	943598.0906	0.2238	0.0942
152	565230.8668	943595.7909	1032	565230.6352	943596.1174	0.4525	-0.327
153	565214.681	943568.8549	1031	565214.6721	943568.885	0.0089	-0.03
154	565214.3532	943565.1735	1030	565214.2892	943565.6273	0.064	-0.4538
155	565214.3581	943560.4509	1288	565214.528	943560.284	-0.1699	0.1669
156	565222.7823	943560.4133	1028	565222.9259	943560.2438	-0.1436	0.1695
157	565222.4954	943596.4497	1027	565222.6814	943596.1641	-0.2759	0.2855
158	565231.9185	943591.586	1026	565232.0916	943591.89	-0.1731	-0.3040
159	565221.4277	943586.1208	1025	565221.7735	943586.331	-0.3458	-0.1901
160	565221.0508	943582.1386	1024	565221.2302	943582.4192	-0.1493	-0.2706
161	565226.1566	943581.6372	1030	565226.6387	943581.591	-0.4821	-0.2538
162	565226.8474	943580.8584	1019	565226.7038	943580.8304	-0.0564	0.028
163	565227.1343	943596.0021	1038	565227.2851	943595.7472	-0.1507	0.2549
164	565227.5132	943599.9863	1017	565226.9672	943600.0003	0.5639	-0.0459
165	565232.2461	943599.5367	1016	565232.348	943599.2781	-0.1019	0.2586
166	565231.3763	943590.8108	1031	565231.6579	943590.1675	-0.0816	0.3352
167	565230.8855	943585.2256	1033	565231.6051	943585.1738	-0.7196	0.0518
168	565230.9385	943581.2414	1032	565231.205	943581.3733	-0.2664	-0.1298
169	565235.3054	943581.8618	1009	565235.4892	943581.576	-0.1837	0.2256
170	565236.3431	943595.1004	1008	565236.7211	943595.1277	-0.3779	-0.0272
171	565235.72	943599.1126	1007	565235.792	943599.548	-0.072	-0.4353
172	565241.2	943588.6886	1006	565241.3466	943588.6207	-0.1466	0.0679
173	565241.8231	943584.7064	1005	565241.7629	943584.751	0.0602	-0.0446
174	565240.3562	943581.9327	1004	565240.3522	943581.699	0.004	0.2337
175	565239.8454	943584.5775	1003	565239.9605	943584.7122	-0.1201	-0.1347
176	565239.4685	943581.3953	1002	565240.1235	943581.2093	-0.655	0.1859
177	565245.8566	943579.7907	1133	565245.812	943579.924	0.0446	-0.1333
178	565246.2165	943577.7729	1132	565246.68	943581.662	0.1535	3.1408
179	565246.7243	943588.958	1134	565246.644	943588.836	0.0803	0.1219
180	565247.2132	943594.1931	1135	565247.106	943594.139	0.1051	-0.0792
181	565247.5881	943598.0819	1136	565247.362	943597.892	0.2261	0.1918
182	565253.9763	943597.4752	1137	565254.352	943597.6	-0.3757	-0.1208
183	565253.5993	943599.457	1138	565253.258	943599.505	0.3412	-0.048
184	565251.8124	943588.8164	1139	565252.834	943588.393	0.2781	-0.0496
185	565252.6218	943583.1982	1140	565252.78	943582.923	-0.1584	0.2752
186	565252.1647	943579.186	1121	565252.234	943579.151	0.0306	0.035
187	565261.2097	943578.1373	1234	565261.262	943578.528	-0.0522	-0.3913
188	565261.9016	943582.3205	1235	565261.262	943582.498	0.3396	-0.1779
189	565262.0723	943582.9363	1236	565262.323	943587.851	-0.0486	-4.9157
190	565262.5581	943592.9489	1237	565262.595	943592.904	-0.0357	0.045
191	565262.9062	943596.6311	1238	565263.275	943596.708	-0.3369	-0.0769
192	565267.6651	943596.1815	1239	565267.624	943595.831	0.0411	0.3715
193	565267.2881	943592.2013	1230	565267.548	943592.331	-0.2578	-0.1297
194	565266.8013	943587.0576	1231	565266.998	943586.867	-0.1966	0.1905
195	565266.3165	943581.8725	1232	565266.331	943581.952	-0.0165	-0.0794
196	565272.3593	943581.7359	1228	565272.513	943581.624	-0.1531	0.1119
197	565272.017	943591.7317	1227	565272.093	943591.692	-0.0759	0.1317
198	565275.1305	943598.611	1226	565275.628	943598.647	-0.0975	-0.037
199	565271.0393	943581.4249	1225	565271.185	943581.477	-0.1457	-0.052
200	565278.9623	943577.4427	1223	565279.023	943577.435	0.0384	0.0076
201	565278.6894	943611.8183	1232	565278.768	943611.437	-0.0985	0.4022
202	565278.3396	943608.5993	1233	565278.284	943608.573	0.0755	0.026
203	565281.1738	943611.5095	1235	565281.127	943611.524	0.0468	-0.0164
204	565281.8441	943608.0251	1234	565281.82	943608.039	0.024	-0.0139
205	565281.0907	943611.8168	1153	565281.436	943611.851	-0.3453	-0.0342
206	565300.7069	943608.3324	1136	565300.76	943608.961	-0.0531	-0.6286
207	565297.2225	943608.6612	1135	565297.32	943608.088	0.0025	0.2737
208	565310.85	943604.0658	1155	565310.957	943604.081	-0.107	-0.0152
209	565313.8522	943603.6889	1156	565313.761	943603.91	0.0711	-0.2211
210	565314.4563	943599.7367	1153	565314.332	943599.935	0.1432	-0.2183
211	565302.4751	943599.9926	1152	565302.543	943600.092	0.03	-0.0993
212	565313.8988	943596.8948	1151	565313.845	943596.605	0.1548	0.1301
213	565310.0176	943596.2488	1150	565310.015	943596.91	0.0026	-0.6612
214	565309.5543	943590.377	1149	565309.757	943590.139	-0.2027	0.238
215	565313.5163	943590.0081	1148	565313.658	943589.725	-0.1215	0.275
216	565313.0732	943585.3973	1147	565312.89	943584.953	0.1831	0.3523
217	565309.091	943585.4922	1146	565309.283	943585.607	-0.192	-0.1167
218	565308.6355	943580.2744	1144	565308.741	943580.723	-0.1055	-0.4526
219	565312.6177	943580.2594	1145	565312.48	943580.25	0.1376	0.0093
220	565312.1966	943575.1917	1143	565312.39	943575.652	-0.1834	-0.4362
221	565308.1644	943575.8328	1142	565308.496	943576.062	-0.3316	-0.3694
222	565311.1995	943574.4884	1141	565311.288	943574.164	-0.0888	0.3253
223	565308.2188	943570.121	1140	565308.304	943569.91	-0.0851	0.211
224	565309.0081	943565.0696	1139	565309.183	943565.533	-0.1749	-0.4634
225	565287.2795	943568.1989	1125	565287.066	943568.61	-0.3868	-0.411
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227	565288.2369	943578.9642	1127	565288.443	943579.14	-0.2061	-0.1758
228	565283.8623	943574.5191	1128	565284.176	943574.349	-0.3136	0.17
229	565279.1347	943568.6218	1130	565279.24	943569.313	0.0946	-0.6912
230	565279.8801	943574.8961	1131	565279.859	943574.9	0.021	-0.0039
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237	565267.8489	943588.3087	1117	565267.84	943588.161	0.0089	-0.0262
238	565271.5485	943572.8545	1222	565271.768	943572.666	-0.2195	0.1885
239	565269.8319	943570.3394	1223	565269.785	943569.91	0.0252	0.2796
240	565268.5618	943572.9372	1221	565269.028	943573.538	-0.4671	-0.5807
241	565260.734	943572.4812	1233	565260.778	943572.306	-0.0419	0.1752
242	565260.2968	943567.8619	1189	565260.383	943567.81	-0.0862	0.0518
243	565244.7219	943568.3193	1001	565244.1959	943568.4329	0.581	-0.1709
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246	565247.8117	943573.7061	1000	565247.9029	943573.7308	-0.1112	-0.0245
247	565299.2769	943574.2585	1028	565299.501	943565.778	-0.1241	0.1994
248	565222.2087	943577.1035	1023	565222.1887	943577.0297	0.099	0.2894
249	565283.1596	943574.8799	1022	565282.938	943574.8063	0.1946	0.0677
250	565239.2601	943577.4018	1021	565239.0753	943577.733	0.2067	-0.1132
251	565230.9536	943575.8594	1066	565230.723	943575.667	0.2325	-0.2736
252	565211.539	943581.3667	1265	565211.21	943580.935	0.309	0.4518
253	565290.9714	943575.7704	1267	565207.103	943575.626	-0.1295	0.1443
254	565207.1568	943581.7437	1264	565207.626	943581.467	-0.0892	0.2757
255	565202.9882	943576.3479	1202	565202.993	943576.587	-0.0018	-0.4397
256	565203.9346	943582.1206	1263	565203.769	943582.052	-0.0961	0.0985
257	565205.91	943581.6645	1020	565206.2925	943581.4456	-0.3404	0.2198
258	565190.7774	943576.2588	1040	565190.6027	943576.1387	0.1746	0.1182
259	565315.4973	943609.9259	1156	565315.377	943610.1314	0.1203	-0.4055
260	565257.3036	943582.7451	1122	565257.308	943582.688	-0.0043	0.2563
261	565258.0793	943593.073	1123	565257.984	943593.169	0.1352	-0.096
262	565258.4562	943597.8552	1124	565258.182	943598.858	0.2741	0.2071
263	565297.5523	943612.1986	1134	565297.273	943612.047	0.2813	0.0995
264	565261.8065	943585.9545	1035	565261.771	943586.3097	0.086	0.2447

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E-mail: fin@p-a.cc

X:\LDDWORK\DWGS\9 DITTO\Vdw-topo9.dwg

RECORD OF REVISION

No.:	Date:	Description	By	App

Project Name: 9521 EAST BAY
BAY HARBOR DR

Type of Project: ASBUILT SURVEY

Project Address: 9521 E BAY HARBOR, BAY HARBOR, FL 33154.

FOLIO No.: 13-2227-001-0030

Scale: AS SHOWN
Drawn By: MJL
Checked By: SJP
FB/PG. 381/25-36
Field Date: 05-25-2017
Drawn Date: 06-06-2017
Prepared for:
COASTLAND CONSTRUCTION
Project No.: 170052SU05
Sheet: 2 of 2

LEGEND

A	-ARC DISTANCE	SET 5/8" I.R.-SET 5/8" IRON REBAR	Δ		-DELTA
A/C	-AIR CONDITIONING PAD	LB 7360 LICENSE BUSINESS 7360	∅		-DIAMETER
℄	-CENTER LINE	L.F. -IRON FENCE	Ⓜ		-MANHOLE
C.B.S.	-CONCRETE BLOCK STUCCO	P.B. -PLAT BOOK			-CATCH BASIN
Elev.	-ELEVATION	PG. -PAGE	+7.90		-EXISTING ELEVATION
Fd 5/8" I.R. LB 7360	-FOUND 5/8" IRON REBAR LICENSE BUSINESS 7360	R -RADIUS	+7.9		-EXISTING GROUND ELEVATION
F.F.E.	-FINISH FLOOR ELEVATION	TYP. -TYPICAL			-WIRE PULL BOX
		U.E. -UTILITY EASEMENT			
		TBM -TEMPORARY BENCH MARK			

THIS ASBUILT SURVEY CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS EACH SHEET IS ATTACHED WITH THE OTHER.

McCarter & English

Tania Cruz
Partner

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tcruz@mccarter.com

McCarter & English, LLP

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Coral Gables, FL 33134

www.mccarter.com

MEMORANDUM

Privileged & Confidential

To: Lindsley Noel, Town Manager

Cc: Mayor and Members of the Town Council

From: Tania Cruz-Gimenez

Date: March 12, 2026

Re: Applicability of the Live Local Act to the Proposed Bijou Bay PUD Amendment

---

Introduction

At the January 14, 2026 Town Council meeting, the Council requested clarification regarding whether approval of the proposed Planned Unit Development ("PUD") overlay for the Bijou Bay Harbor Condominium could implicate the Florida Live Local Act, either with respect to the Bijou Bay property itself or by creating unintended development rights that could be relied upon by adjacent parcels. Specifically, the concern raised was whether converting the property from RM-1 (Multiple Family Residential) to a site-specific mixed-use PUD could allow Bijou Bay or nearby properties to invoke the Live Local Act to circumvent the Town's existing zoning limitations on height, density, or permitted uses.

As described in the Planning and Zoning Department's staff report, the proposed PUD is narrowly tailored and primarily intended to establish enforceable conditions necessary to bring the building's below-grade garage into compliance with FEMA floodplain requirements and the Florida Building Code so that a final Certificate of Occupancy may be issued. The PUD also authorizes a minimal internal office/administrative suite of approximately 36 square feet for on-site management. Importantly, the request does not increase the number of residential units, building height, density, or development intensity approved for the project. Rather, the PUD serves as a narrowly tailored, site-specific mechanism to bring an existing building into compliance with FEMA floodplain regulations and the Florida Building Code while allowing only a minimal internal administrative office use.

As discussed below, although the PUD technically introduces a mixed-use designation, the practical likelihood that the Bijou property would utilize the Live Local Act—or that adjacent parcels could reasonably rely on this approval to invoke the statute—is minimal. The project remains a completed luxury residential condominium, the amendment does not create new height or density benchmarks within the Town, and the use of a fact-specific PUD overlay appropriately

limits any broader zoning implications while allowing the Town to resolve a critical life-safety and regulatory compliance issue.

Relationship of the PUD to the Live Local Act

Technically, the PUD overlay will convert the existing RM-1 (Multiple Family Residential) zoning classification to a site-specific mixed-use PUD designation. In that narrow sense, the property would fall within a category of land use that could theoretically qualify under the Live Local Act. However, the practical likelihood of the property utilizing Live Local is extremely remote.

The Live Local Act applies only to developments that contain at least 40% affordable or workforce housing units (generally defined as units affordable to households earning up to 120% of area median income). Bijou Bay is a completed luxury residential development, and nothing in the PUD amendment alters the character, density, or physical structure of the building. As a practical matter, it is highly unlikely that the current ownership would convert a luxury condominium building to a workforce housing development simply to avail itself of the Live Local framework. Absent a catastrophic event such as a hurricane or other disaster resulting in substantial destruction of the building, there is no realistic scenario in which the property would be redeveloped in a manner that would trigger Live Local eligibility.

The Greenspoon memorandum correctly notes that Bijou itself is not seeking to invoke Live Local and that the project's luxury residential character makes such use improbable.

Impact on Adjacent Parcels

Council also asked whether approval of the PUD could allow adjacent parcels to invoke the Live Local Act and thereby circumvent the Town's zoning regulations. Based on the facts presented, that risk is minimal.

First, the PUD amendment does not increase height, density, or development intensity for the property. Therefore, the approval does not establish a new benchmark for maximum development rights within the Town.

Second, the Town is addressing this matter through a site-specific PUD overlay rather than a broader rezoning or text amendment. By using the PUD mechanism, the Town confines the approval to a fact-specific condition tied to an existing building and its unique compliance issues. This approach limits the likelihood that other properties could rely on the Bijou approval as precedent for broader zoning entitlements.

Finally, the application is fundamentally remedial in nature. Its purpose is to bring an existing structure into compliance with floodplain and building safety regulations, not to expand development rights.

Conclusion

While the conversion of the property to a mixed-use PUD technically places it within a land-use category referenced in the Live Local Act, the practical likelihood that Bijou Bay or neighboring parcels would utilize the statute as a result of this approval is extremely limited. The

amendment does not increase height, density, or unit count and is narrowly tailored to address life-safety compliance for an existing structure.

For these reasons, the proposed PUD overlay represents a fact-specific compliance mechanism, rather than a zoning change that materially expands development rights or exposes the Town to significant Live Local risk. Accordingly, based on the current record and the limited scope of the amendment, the risk of Live Local Act implications is minimal, and the PUD remains an appropriate tool to resolve the building compliance issue while protecting the Town's regulatory framework.

ORDINANCE NO. ___

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

WHEREAS, Bijou Bay Harbor Condominium Association, Inc. (the "Owner") has submitted an application for approval of a Planned Unit Development (PUD) (the "PUD Application") for property legally described as Lots 3 and 4 of Block 1, Bay Harbor Islands, according to the plat thereof recorded in Plat Book 46 at Page 5 of the Public Records of Miami-Dade County, Florida also known as Bijou Bay Harbor Condominium ("Bijou"); and

WHEREAS, the Town previously approved Bijou as a 41 -unit residential condominium, which is substantially complete and occupied; and

WHEREAS, the Owner seeks a PUD Overlay rezoning per Section 23-18 of the Town Code of Ordinances to achieve two (2) primary objectives, to wit:

(1) To establish a legally binding framework (via recorded conditions) mandating the specific floodproofing measures, operational plans, and use restrictions required to bring the below-grade garage in to full compliance with FEMA and the Florida Building Code;

(2) To authorize a minor, internal non-residential component (an approximately 23 square foot office/administrative suite) to facilitate on-site building management and resident services; and

WHEREAS, the proposed PUD Overlay is the recommended tool to (1) impose the legally binding conditions required to bring the below-grade garage in to full compliance with FEMA floodplain regulations and the Florida Building Code, and (2) authorize the minor, internal non residential component; and

WHEREAS, a public hearing was advertised and held, as required by law, by the Town Council and all interested parties were heard.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

SECTION 1: That the foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

SECTION 2. Having heard the presentations by all parties during the public hearing and having reviewed the plans and other portions of the PUD Application submitted to the Town, the Town Council hereby determines that:

(a) the PUD Application complies with the development parameters of the PUD Ordinance;

(b) the PUD Application complies with the development parameters of the underlying zoning district regulations (RM-1);

(c) the PUD Application will have a favorable effect on the economy of the Town;

(d) the PUD Application will not generate excessive noise or traffic congestion;

(e) the PUD Application will not cause an undue or excessive burden on any public facilities;

(f) the PUD Application will not tend to create fire or other equally

dangerous hazards;

(g) the PUD Application will not cause excessive over-crowding or concentration of people or population;

(h) the PUD Application will be compatible with the surrounding area and its development; and

(i) the PUD Application is a reasonable use of the property and results in a public benefit including but not limited the enhancement of the subject property.

SECTION 3. Conditions:

1. The PUD Overlay is based on the site plans and building elevations as last approved by the P&Z Board on October 20, 2015, with the below-grade garage as built.
2. The sole non-residential use permitted under this PUD Overlay is limited to an internal office/executive suite for on-site management, leasing, and association activities serving the condominium residents. This use is strictly limited to a maximum of 36.25 square feet as identified in the application.
3. No restaurant, bar, retail, or any other commercial use open to the general public shall be permitted. No outdoor seating, food service, or amplified sound is allowed.
4. Notwithstanding the PUD approval, the building and all its uses, including the permitted non-residential suite, must comply with all applicable provisions of the Florida Building Code and FEMA regulations for mixed-use structures, including but not limited to construction type, fire separation, accessibility, and flood-resistant design. There is no minimum square

footage exemption in these codes for commercial uses within a residential building.

5. Prior to the issuance of a Certificate of Occupancy, the owner shall record a deed restriction, in a form acceptable to the Town Attorney, which constitutes the PUD agreement. This agreement shall legally bind the property to an approved Floodproofing and Operations Plan for the below-grade garage, ensuring its classification and use comply with FEMA regulations and the Florida Building Code.
6. The PUD conditions run with the land and are binding on all successors and assigns.
7. The issuance of a Final Certificate of Use and Occupancy shall be deemed as full compliance with the conditions contained herein.

SECTION 4. The Town Council, having heard the testimony and having reviewed the information presented to the Town, hereby grants approval of the PUD Application as proposed and determines that the PUD Application serves and protects the public health, safety and welfare to at least an equivalent degree as the underlying "RM- I" Multi-Family Residential zoning district.

SECTION 5. The official zoning map of the Town of Bay Harbor Islands is hereby amended to show a PUD Zoning Overlay designation on the prope1ty which is the subject of the PUD Application and the Town Manager is hereby directed to make the appropriate notations on the map.

SECTION 6: That is any section, phrase, clause, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid or

unconstitutional by a court of competent jurisdiction, that the invalidity shall not affect the other sections, phrases, clauses, paragraphs, sentences, words or application of this Ordinance, and such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 8: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this ____ day of March, 2026.

PASSED on Second Reading this ____ day of April, 2026.

_____
ISAAC SALVER
MAYOR

ATTEST:

_____
EVELYN HERBELLO, TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
MCCARTER ENGLISH, LLP
INTERIM TOWN ATTORNEYS
BY: TANIA CRUZ-GIMENEZ, ESQ.

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 15.1
Date: April 22, 2026
From: Town Manager Lindsley Noel
To: Mayor and Town Council Members
Subject: Consideration and approval of an ordinance on first reading to strengthen enforcement against businesses operating in violation of Town Code. Sponsored by Council Member Yaffe.

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 15.2
Date: April 22, 2026
From: Town Manager Lindsley Noel
To: Mayor and Town Council Members
Subject: Consideration and approval of an ordinance on first reading increasing the toll rates per year.

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 16.1
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: Additional Design Alternatives for 3-Dimension Printing of modules associated with the Artificial Reefs at Causeway Island and the Bay Harbor Waterway. Sponsored by Council Member Joshua Fuller.

Bay Harbor Islands Reef Proposal (1).pdf

KIND DESIGNS

3D-Printed Reef Design Proposal

DESIGN #4: JUMBO SEASHELLS







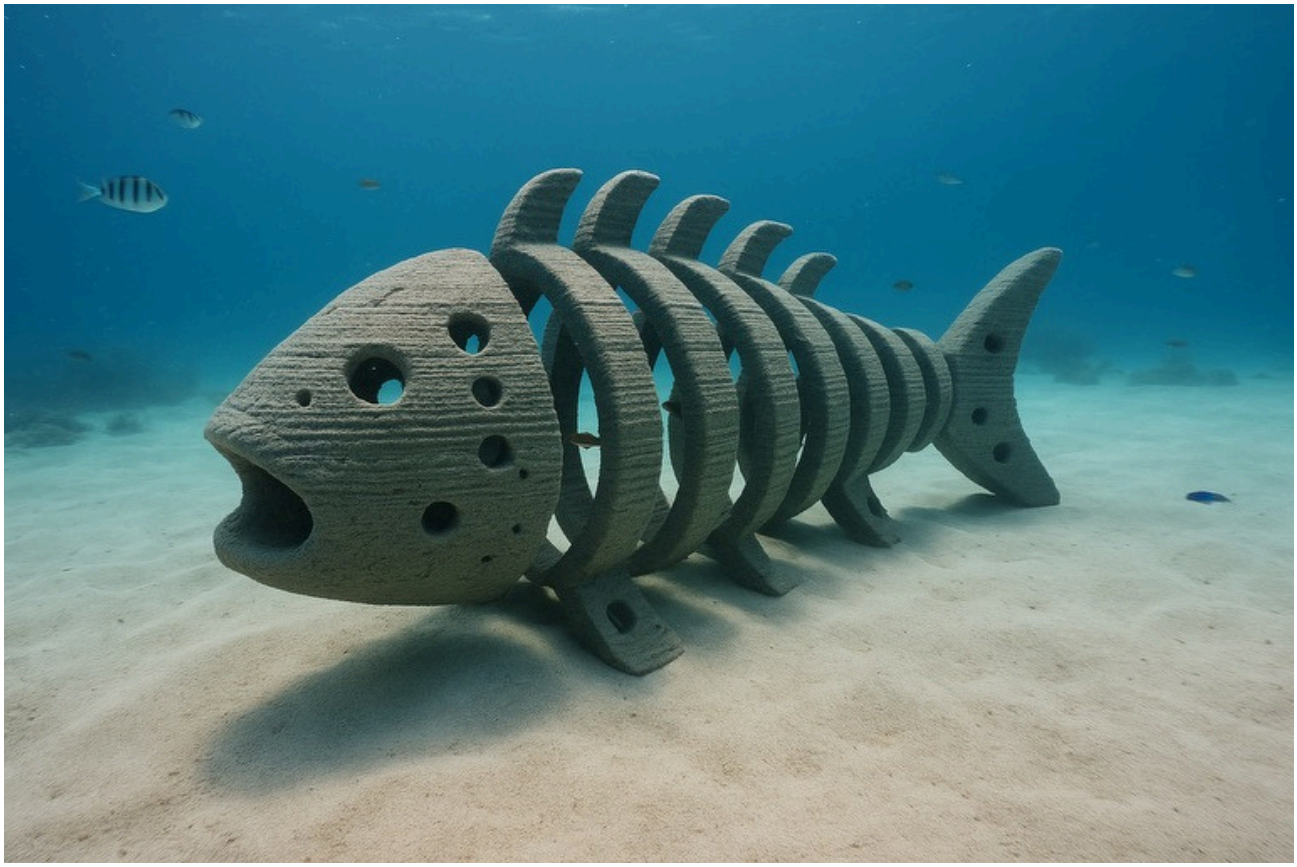
Design Details:

***No points on top of the shells, for safety of divers**

All holes will be less than 8 inches in diameter

Variying Height to create dimension: Ranging from 3′ to 5′

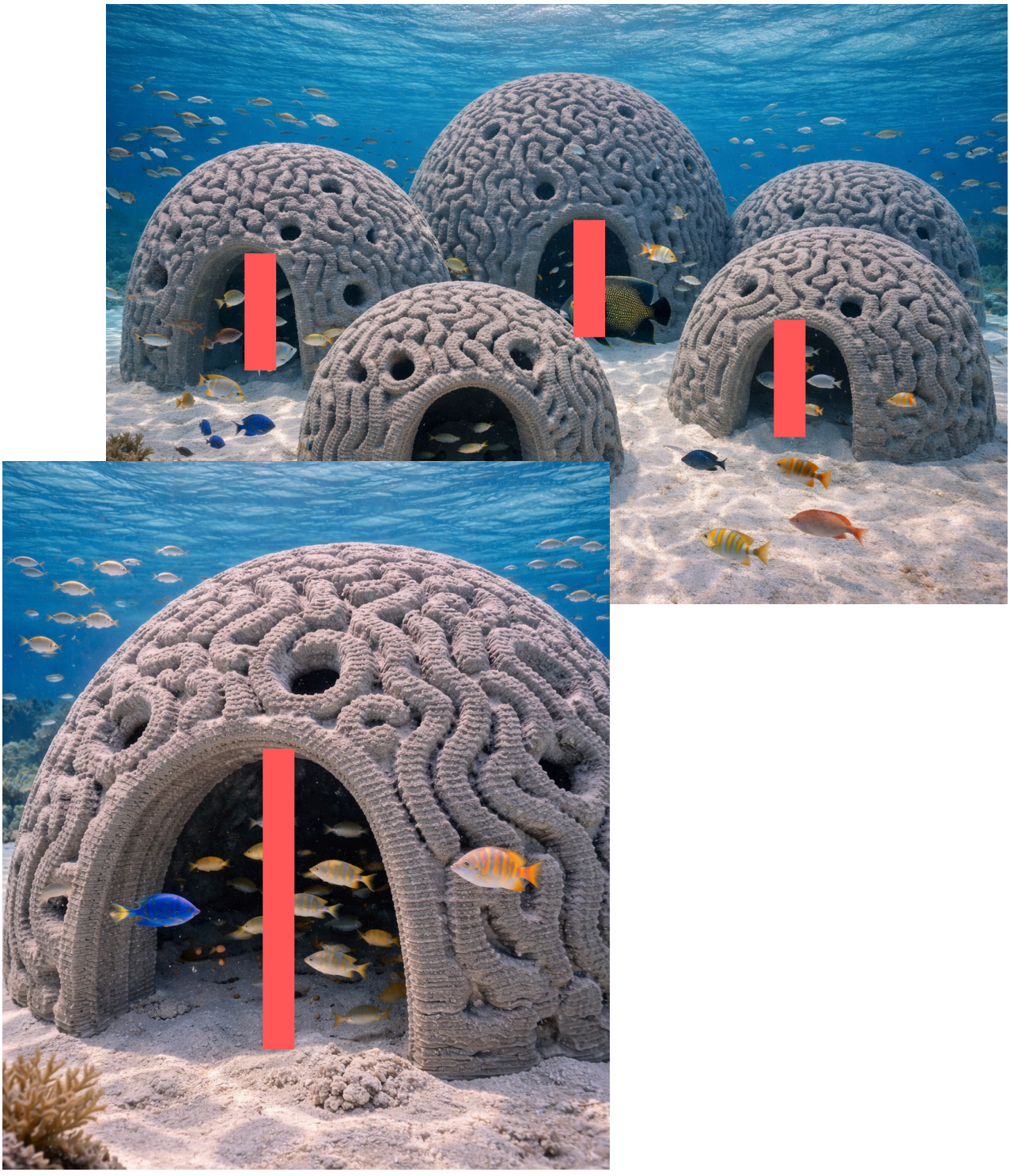
DESIGN #7: FISH CAVES





Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #8: BRAIN CORALS



Design Details:
*Barrier in the middle to restrict entrance of people
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #9: LETTUCE REEFS







Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

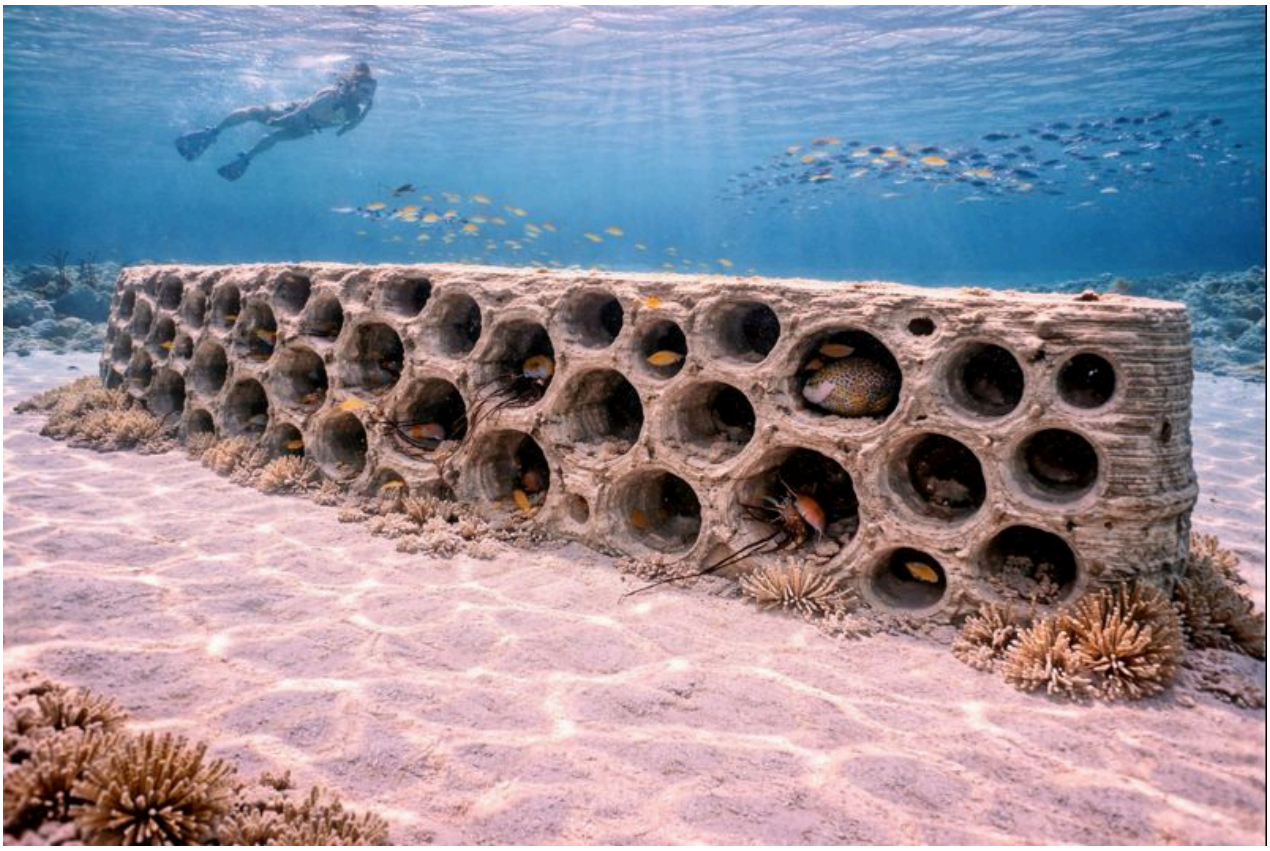
DESIGN #10: BARREL REEFS

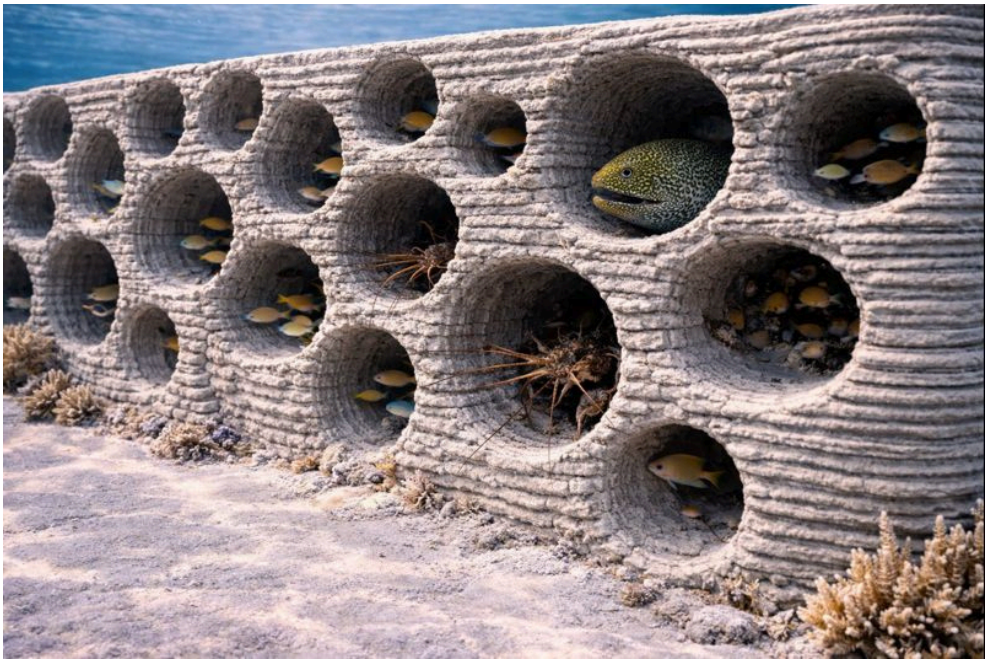




Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #11: HONEYCOMB WALL





Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #12: TUBEWARM COLONY





Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #13: TOWN LOGO



Design Details:
All holes will be less than 8 inches in diameter
Minimum weight of each unit = 2,500lbs
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #14: TOWN LETTERS





Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

DESIGN #14: OCTOPUS OR JELLYFISH





Design Details:
All holes will be less than 8 inches in diameter
Varying Height to create dimension: Ranging from 3′ to 5′

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 17.1
Date: April 22, 2026
From: Town Manager Lindsley Noel
To: Mayor and Town Council Members
Subject: Ratification of the 2nd Emergency Procurement Contract in the amount of $670,879.26 with Florida Draw Bridges, Inc. (FDI) to perform Emergency Repairs at the Broad Causeway Intracoastal Waterway Bridge (Bridge No. 875101).

Suggested Action: – **RECOMMENDATIONS:**

Ratification of 2nd emergency contract awarded to Florida Draw Bridges Inc. in the amount of $670,879.26, that was authorized by the Town Manager to perform emergency repairs at the Broad Causeway Intracoastal Waterway Bridge.

Description/Background – **BACKGROUND**

On December 19, 2025, FDOT informed the Town of Bay Harbor Islands by email that during a routine inspection of bridge # 875101 their inspectors noted deficiencies that required immediate repairs.

The emergency work that is associated with this email was awarded to FDI in the amount of $607,179.94 and ratified at the March 22 2026 regular council meeting.

On Thursday February 26, 2026, another email was sent by FDOT (copy enclosed) regarding new defects that were observed at the bridge # 875101. This email included photographs of concrete spalls and severe cracks with a statement of urgency for making the repairs. This memorandum addresses ratification of the emergency repair work that is associated with this FDOT email.

The temporary supports that were approved at the March 22, 2026, meeting were successfully installed by FDI.

DISCUSSION

Sections 2-1.2 and 2-1.3 in the Town Code outline the procedure for Emergency Procurements and are entitled “Exemptions and Waivers from competitive bidding” and “Emergency Procurements” respectively.

Due to the critical nature of the defects and the urgency expressed by FDOT, the Town Manager authorized the immediate award of the repair work under the emergency procurement guidelines. As required by the Town Code, we are formally notifying the Council of this emergency action at the next scheduled meeting (the April 22, 2026, regular council meeting) and request that the Council ratify this emergency procurement.

Work is expected to start on April 1, 2026, and both emergency repair contracts are expected to be completed in 15 weeks. FDI has agreed to increase assigned resources for these two emergency repair contracts and although the scope of work associated with the second emergency repair is about the same as the first, the contract time for the second was reduced by 50%.

The full extent of repairs that require urgent attention still has not been ascertained and additional emergency expenditures will likely be required. Staff will keep the Council apprised accordingly.

FISCAL IMPACT SUMMARY

GL Line-Item Number: 402.5415.400063.000
Total Amount Budgeted: $1.0M
Encumbered Amount: $1.08M
Balance Remaining: $0.0M

A budget amendment will be sought to cover $670,879.26.

FDOT EMAIL 2262026 (1).pdf
FDI PROPOSAL FOR 2ND EMERGENCY REPAIR CONTRACT (1).pdf

Randy Daniel

From: Parra, Carmen <Carmen.Parra@dot.state.fl.us>
Sent: Thursday, February 26, 2026 7:59 AM
To: Randy Daniel
Cc: Sotolongo-Miranda, Hope; Orozco, Pablo J.
Subject: D6 LGBI Bridge Finding - Bridge 875101
Attachments: STR 030.jpeg; STR 031.jpeg; STR 032.jpeg; STR 033.jpeg; STR 034.jpeg; STR 035.jpeg; STR 036.jpeg; STR 037.jpeg; STR 038.jpeg; TR47.JPG; TR58.JPG; STR 027.jpeg

Good morning Randy,

During a routine inspection to **Bridge #875101,** the team inspectors noted the following deficiencies that **require prompt corrective action**. See photos and the descriptions below:

1. Pier Cap 9 East face has four **(4)** spall/delamination up to 65in. L x 30in. H x 2.5in. D which extends up to 10in. W on the top face with associated fractures up to 1/4in. W running below Bearings 9-5 thru 9-8; compromising the bearing area up to 17in. L x 4in. W. This condition was not present at the time of the initial inspection with the HARCON and was observed during a subsequent site visit. The top face of the cap was inspected utilizing a telescoping mirror. A high-reach equipment is required to perform a hands-on inspection of the area.

Refer to the following photos:
Bearing 9-5 - **Photo STR 30 and STR 36**
Bearing 9-6 - **Photo STR 31 and STR 35**
Bearing 9-7 - **Photo STR 32 and STR 34**
Bearing 9-8 - **Photo STR 27 and STR 33**
General View of Pier 9 East Face - **Photo STR37**

2. Pier Cap 12 East face has a spall 56in. L x 26in. H x 10in. D below Bearing 12-3; with 3 exposed rebars and 2 heavily corroded exposed bearing anchors. The spall has caused a 50% loss of the bearing area. This condition has increased since first noted during the initial inspection with the HARCON. **Photo STR 38**
3. Pier Caps 28 East face has a spall/delamination 29in. L x 9in. H x 1/2in. D which extends 5in. W on the top face with associated fracture up to 1/8in. W in front of Bearing 28-1. The bearing area is not affected at this time. **Photo TR47**
4. Pier Caps 29 East face has a spall/delamination 29in. L x 9in. H x 2in. D which extends 5in. W on the top face with associated fracture up to 1/8in. W in front of Bearing 29-1. The bearing area is not affected at this time. **Photo TR58**

*****NOTE: Large Semi-Trucks were seen going over the Bridge. The bridge is currently Posted as follows: SU = 14 tons, C = 19 tons, and ST5 = 25 tons**

Best Regards,

Carmen Parra
Consultant Inspection Project Manager
FDOT-D6 Structures Maintenance Office
1000 N.W. 111th Avenue
Miami, Florida 33172
Ph: 305-470-5251
Email: Carmen.Parra@dot.state.fl.us



PROPOSAL

FDI Services
Bridges, Roads, Facilities

DATE	PROPOSAL
3/5/2026	30526

Client Information
Randy L. Daniel, PE Town Engineer Town of Bay Harbor Islands 1030 95th St Bay Harbor Islands, FL 33154

Work Description
Broad Causeway Bridge Additional Priority Items Repairs 2026 D6 email dated 02/26/26

	Pay Item, Bid, or Work Description	Unit	Quantity	Unit Price	Subtotal
	A. In house Labor (Oversight, Welder, Boat Capt., electricians, concrete workers, etc.)	LS	1.00	$ 237,729.16	$237,729.16
	B. In house Equipment (Boat, Welder, trucks, trailers, two Snooper Trucks, etc.)	LS	1.00	$ 226,387.60	$226,387.60
	C. Materials (Concrete, rebar, wood, epoxy, joint and header material, nav light parts, signs, etc.)	LS	1.00	$ 105,962.50	$105,962.50
	D. Single Lane Closures (140 single lane closures estimated)	LS	1.00	$ 100,800.00	$100,800.00
		GRAND TOTAL			**$670,879.26**

Note: Permits, Engineer Plans, Testings, SS Repairs Procedures, damages by an Act of God or a 3rd party to FDI equipment and wood platforms not included in the price proposal.

See Detailed Scope of Work on Page 2

PROPOSAL

FDI Services
Bridges, Roads, Facilities

Scope of Work to Bridge 875101 Broad Causeway Bridge Prompt Corrective Actions Repairs	
1. Pier Cap 9, East face – Bearings 9-5 through 9-8	Structural
2. Pier Cap 28, East face – Bearing 28-1	Structural
3. Pier Cap 29, East face – Bearing 29-1	Structural

Note: Pier 12 & 20 repairs included under previews proposal (Total previews proposal: $529,668.74)

Randy Daniel

From: Parra, Carmen <Carmen.Parra@dot.state.fl.us>
Sent: Thursday, February 26, 2026 7:59 AM
To: Randy Daniel
Cc: Sotolongo-Miranda, Hope; Orozco, Pablo J.
Subject: D6 LGBI Bridge Finding - Bridge 875101
Attachments: STR 030.jpeg; STR 031.jpeg; STR 032.jpeg; STR 033.jpeg; STR 034.jpeg; STR 035.jpeg; STR 036.jpeg; STR 037.jpeg; STR 038.jpeg; TR47.JPG; TR58.JPG; STR 027.jpeg

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Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 17.2
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: Discussion and required action regarding the Town's new branding.

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 17.3
Date: April 22, 2026
From:
Subject: Ratification of a contract in favor of Ardurra Group Inc., in the amount of $253,880 to provide Construction Engineering Inspection (CEI) services associated with the emergency repairs for the Broad Causeway Intracoastal Waterway Bridge.

Suggested Action: – **RECOMMENDATIONS**

Discuss and consider ratification of a contract (Task Work Order) in favor of Ardurra Group Inc. (Ardurra) in the amount of $253,880, that was authorized by the Town Manager, to provide CEI services associated with emergency repairs of the Broad Causeway Intracoastal Waterway Bridge.

Description/Background – **BACKGROUND**

At the March 12, 2026, regular council meeting, the Town Council ratified an emergency contract with Florida Draw Bridges Inc. (FDI). Ratification of another emergency contract with FDI is on this agenda (April 22, 2026, regular council agenda).

This agenda item seeks approval retroactively, of an award to the Engineering firm of Ardurra to provide Construction Engineering Inspection (CEI) services associated with the emergency repairs to the Broad Causeway Intracoastal Waterway Bridge.

DISCUSSION

At the February 20, 2025, Regular Council meeting, Council approved Ardurra Group Inc to prepare construction plans to repair Bridge # 875101. A supplemental design fee was subsequently approved in favor of Ardurra at the March 12, 2026, meeting to address additional repair items that were not included in the February 20, 2026, approval.

Because Ardurra (and their sub consultant Hardesty and Hanover LLP) prepared the bridge repair plans and have been involved in communications with FDOT and the Town since the bridge was posted for weight restrictions in October 2024, they are considered to have an inherent advantage over other firms in providing CEI services for these emergency repairs.

Emergency repairs started on April 1, 2026, and due to the need for bridge engineering

support for these critical repairs, the Town Manager authorized the immediate award to Ardurra.

In addition to providing services related to CEI ($177,400) the Task Work Order with Ardurra also provides additional Engineering Support ($28,480), and Project Management and Coordination Meetings ($48,000) for a grand total of $253,880.

FISCAL IMPACT SUMMARY

GL Line-Item Number:	401.5415.400063.000
Total Amount Budgeted:	$17,529,668.23
Encumbered Amount:	$2,328,235.57
Balance Remaining:	$15,201,432.66

TASK WORK ORDER FOR ENG SERVICES R.pdf

TASK ORDER NO. 1- Rev 2; ARDURRA GROUP, Inc

Dated this March 10, 2026

ENGINEERING DEPARTMENT

NE 123RD STREET "BROAD CAUSEWAY" OVER ICWW

PROFESSIONAL SERVICES

This Task Order between the Town of Bay Harbor Islands, a Florida municipal corporation ("TOWN"), and Ardurra Group, Inc, a limited liability company (or applicable entity designation) authorized to transact business in Florida ("CONSULTANT"), is pursuant to the Engineering Consultant Services Agreement dated 11/13/23 and expiring on 11/13/25 ("MASTER AGREEMENT").

PROJECT BACKGROUND

The Town of Bay Harbor Islands (TOWN) has a population of approximately 5,700 residents within 383 acres. BHI maintains and operates NE 123RD Street "Broad Causeway". FDOT has requested the Town to perform a repair of defects detected on the bascule bridge. The City has declared an Emergency and coordination meetings were held on February 26, 2026, February 27, 2026, and March 3, 2026. This revision to the scope of services is for Ardurra and its subconsultant, Hardesty and Hannover, to provide additional consulting services related to supplemental design of repairs and CEI Services. Additional time necessary to complete the repairs may be necessary. Such time shall be compensated as per Master Agreement Rate Schedule.

Task	Description
1	Project Management, Coordination Meetings
2	Additional Engineering Support
3	CEI Services

GENERAL REQUIREMENTS

Design Standards

The CONSULTANT shall be solely responsible for determining the standards the work shall meet and obtain all the requisite regulatory approvals. The design shall include, but is not limited to, the plans and specifications, which describe all systems, elements, details, components, materials, equipment, and any other information necessary for construction. The design shall be accurate, coordinated between disciplines, and in all respects, adequate for construction, and shall be in conformity, and compliance, with all applicable laws, codes, permits, and regulations.

Quality Control

The CONSULTANT is responsible for the quality control (QC) of their work and of its sub-consultants. The CONSULTANT shall provide to the Town the list of sub-consultants which shall be used for this project. This list shall not be changed without prior approval of the TOWN. All sub-consultant documents and submittals shall be submitted directly to the CONSULTANT for their independent QC review. The Town shall only accept submittals for review and action from the CONSULTANT.

The CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of all pre-design services, designs, drawings, specifications, and other services furnished by the CONSULTANT and their sub-consultant(s). It is the CONSULTANT's responsibility to independently and continually QC their plans, specifications, reports, electronic files, progress payment applications, schedules, and all project deliverables required by this task order. The CONSULTANT shall provide the TOWN with a marked up set of plans and/or specifications showing the CONSULTANT's QC review. Such mark-ups shall accompany the CONSULTANT's scheduled deliverables. The submittal shall include the names of the CONSULTANT's staff that performed the QC review for each component (structures, roadway, drainage, etc.).

Project Schedule

The CONSULTANT shall submit a preliminary project schedule as an exhibit of this task order. The schedule shall utilize an estimated Notice-to-Proceed (NTP), based on best available information.

The CONSULTANT shall submit a final project schedule to the TOWN, for approval, within 10 business days after receiving the NTP and prior to beginning work. No work shall commence without an approved schedule. The final schedule shall include design, permitting activities, submittal review timeframes, and other project activities as required to complete the work. The CONSULTANT shall submit updated project schedules as required in the specific scope of services.

SPECIFIC SCOPE OF SERVICES

The Scope of Services to be provided by CONSULTANT shall be as follows:

Task 1 – Project Management Services & Coordination Meetings

- The CONSULTANT will provide project management services, during the emergency including attendance to meetings, project reviews, project schedule, field observation, among many others. This task shall compensate labor from Ardurra Group, Inc Overall project administration and monitoring

Deliverables: The following deliverables shall be provided under Task 1:

- Update project schedule (if applicable)
- Attendance to meetings

Task 2 – Additional Engineering Support

This phase will be completed by Hardesty & Hannover (H&H). Please refer to Attachment B for additional details. This includes Section 1.0.

Task 3 – Procurement Services

This phase will be completed by Hardesty & Hannover (H&H). Please refer to Attachment B for additional details. This include Section 6

PROJECT ASSUMPTIONS

- All requested information will be made available by the TOWN
- Town has declared emergency for this project. Additional time necessary to complete the project may be billed in as per Master Agreement Rates.
- Survey services will not be performed. If surveys are determined to be required during the project execution, they will be additional services and will require a scope revision.
- All materials & deliverables shall be submitted electronically to the TOWN
- Permitting is not included on this project.
- The TOWN will conduct submittal reviews and provide comments within ten (10) working days of submittal

ADDITIONAL SERVICES

Additional Services shall be compensated at a Time & Materials basis as per Master Services Agreement

PERFORMANCE SCHEDULE

Schedule is anticipated to be approximately 9 weeks, as per Contractor indicated time for completion

PROJECT FUNDING

Performance of this project is at the TOWN's discretion and may be contingent upon the TOWN receiving funding and work shall not begin until the TOWN provides a Notice to Proceed to CONSULTANT.

METHOD OF COMPENSATION

The services performed will be accomplished using the Lump Sum method of compensation. The total hourly rates payable by the TOWN for each of CONSULTANT's employee categories, reimbursable expenses, if any, and sub-consultant fees, if any, are shown on **Exhibit A** attached hereto and made a part hereof. Pay application requests shall be prepared on the TOWN's approved pay application request form. The CONSULTANT shall submit the pay application request to the TOWN's Project Manager for review and approval. Once the TOWN's Project Manager approves the CONSULTANT's pay application request, the CONSULTANT may submit it to the TOWN's accounts payable department via email (mromero@bayharborislands-fl.gov) with a copy to the Project Manager. Pay application requests shall be submitted monthly.

TERMS OF COMPENSATION

Services will be provided for the following Lump Sum amounts:

Task 1 – Project Management & Coordination Meetings	$48,000
Task 2 – Additional Engineering Support	$28,480
Task 3 – Procurement Services	$177,400
Grand Total	**$253,880**

TOWN CONTACTS

Requests for payments should be directed to Town of Bay Harbor Islands Accounts Payable via e-mail to mromero@bayharborislands-fl.gov after getting approval from the TOWN's Project Manager. All other correspondence and submittals should be directed to the attention of Fausto Vargas, Procurement Officer, at the address shown below. **Please be sure that all correspondence refers to the TOWN project number and title as stated above.**

Randy L. Daniel, P.E., PMP, CFM
Town Engineer
Town of Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, FL 33154
Email: rdaniel@bayharborislands-fl.gov
Office: 305-866-6241 ext 121
Direct: 786-605-1694

CONSULTANT CONTACTS

Consultant: Rodolfo E. Remon, MS, ENV SP
Firm Name Ardurra Group, Inc
Address: 1000 NW 57th Ct, Suite 800, Miami, Fl, 33126
Email: reremon@ardurra.com
Phone: (786-352-6788

TOWN

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

TOWN OF BAY HARBOR ISLANDS, a municipal corporation of the State of Florida.

_____
Lindsley Noel
Town Manager

_____
Date

CONSULTANT/CONTRACTOR

WITNESSES:

Ardurra Group, Inc , , a ___ corporation authorized to transact business in Florida)

_____ _____

_____ Rodolfo E Remon, MS, ENV SP._____
[Witness print/type name] [Print Name, check title]

☐ President ☐ Vice President

_____ ☐ Authorized Signatory (Please provide corporate authorization)

_____
[Witness print/type name] ATTEST:

(CORPORATE SEAL)

_____
Secretary

_____
[Print Name]

STATE OF _____:
COUNTY OF _____:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ___ day of _____, 2026, by _____ as_____ for _____, a _____ company (or corporation).

(SEAL)

_____
(Signature of Notary Public – State of Florida)

_____
(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known_____ OR Produced Identification_____

Type of Identification Produced _____

TASK ORDER NO. BHI-229-2; Ardurra Group, Inc

Exhibit A – Work Break Down Fee Schedule

Town of Bay Harbor Islands

RFQ No. 5-1005-23-0-2023 / Task Order No. 1-rev2

NE 123rd St "Broad Causeway"

PROPOSED FEE SCHEDULE

Appendix A

							Budget	
		Principal Engineer	Project Manager	Project Engineer	Total Hours		Labor	Subtotal
	Rate, $/Hr	$260.00	$220.00	$190.00				
Task								
1	Project Management & Coordination Meetings	100	100		200		$48,000.00	$48,000.00
2	Additional Engineering Support	0	0	0	0		$0.00	$0.00
3	CEI Services	0	0	0	0		$0.00	$0.00
	Total (Hours)	**100**	**100**	**0**	**200**		$48,000.00	
	Sub-Total Labor Fee						**$48,000.00**	**$48,000.00**
	ODC's (Mileage, Reproduction & Reimbursable) (See Appendix B)							**$0.00**
	Sub-Total Labor Fee/ODC							**$48,000.00**
	Total Project Cost (Labor/ODC)							**$48,000.00**
	% Utilization	**50.00%**	**50.00%**	**0.00%**	**100.00%**			
	Total ($)	**$26,000.00**	**$22,000.00**	**$0.00**				**$48,000.00**

TASK ORDER NO. BHI-229-1; Ardurra Group, Inc

H&H - Fee Proposal - Task, 2 and 3

March 9, 2026

3250 W. Commercial Blvd,
Suite 348
Fort Lauderdale, FL 33309

Randy L. Daniel, P.E. PMP, CFM
Town Engineer
Town of Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, FL 33154

Re: NE 123rd Street "Broad Causeway" Over ICWW, Bay Harbor Islands – Professional Services for "Engineering Support and CEI Services" for the Emergency Repairs for Pier Caps 9, 12, 20, 28 and 29.

Hardesty & Hanover, LLC, as requested by the Town of Bay Harbor Islands at the Broad Causeway Bridge Emergency Repairs pre-construction meeting dated February 27th, 2026, is submitting the following staffhour estimates for the Engineering Support and CEI Services of the project mentioned in the subject line of this letter.

Task No. 1.1: Engineering Support Services
Engineering Services to provide design of temporary supports and attend meetings not included in the original agreement.

Task No. 6.1: CEI Pre-Construction Meeting and Coordination Services

Task No. 6.2: CEI Construction Inspection Services

Task No. 6.3: CEI Closeout Project Meeting and Coordination services

Task No. 6.4: Expenses

Any questions or concerns related to this submittal, please contact me at your earliest convenience.

Respectfully,

Name — Xavier de la Torre, PE
Title — *Deputy Project Manager*

Attachments: Please see attached detailed staffhour sheet.

ESTIMATE OF WORK EFFORT AND COST - SUBCONSULTANT

Name of Project:	Engineering Support & CEI Services for Broad Causeway Bridge Repairs over ICWW	Consultant Name:	Hardesty & Hanover, LLC
County:	Miami-Dade	Consultant No.:	enter consultants proj. number
FPN:	NA	Date:	3/9/2026
FAP No.:	NA	Estimator:	Xavier de la Torre

Staff Classification	Total Staff Hours From "SH Summary - Firm"	Principal Engineer	Project Manager	Project Engineer	Staff Engineer	CADD Operator	Senior Inspector	N/A	N/A	N/A	N/A	N/A	N/A	SH By Activity	Salary Cost By Activity	Average Rate Per Task
		$260.00	$220.00	$190.00	$135.00	$105.00	$110.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00			
1. Engineering Support	160	16	16	64	64	0	0	0	0	0	0	0	0	160	$28,480	$178.00
6. CEI Services	1,380	0	0	320	0	0	1,060	0	0	0	0	0	0	1,380	$177,400	$128.55
Total Staff Hours	1,540	16	16	384	64	0	1,060	0	0	0	0	0	0	1,540		
Total Staff Cost		$4,160.00	$3,520.00	$72,960.00	$8,640.00	$0.00	$116,600.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		**$205,880.00**	**$133.69**

Check = $205,880.00

Form Revised 04/04/06

Notes:
1. This sheet to be used by Prime Consultant to calculate the Grand Total fee.

2. Manually enter fee from each subconsultant. Unused subconsultant rows may be hidden.

SALARY RELATED COSTS:		$205,880.00
OVERHEAD:	1.0	$0.00
OPERATING MARGIN:	0%	$0.00
FCCM (Facilities Capital Cost Money):	0.00%	$0.00
EXPENSES:	0.00%	$24,272.50
SUBTOTAL ESTIMATED FEE:		**$230,152.50**
Geotechnical Field and Lab Testing		$0.00
SUBTOTAL ESTIMATED FEE:		**$230,152.50**
Optional Services		$0.00
GRAND TOTAL ESTIMATED FEE:		**$230,152.50**

ENGINEERING SUPPORT SERVICES						
Task No.	**Task**	**Units**	**No of Units**	**Hours/ Unit**	**Total Hours**	**Comments**
1.1	Engineering Support Services	LS	1	160	160	Assume 160 hours for emergency repairs engineering support services to the Town of Bay Harbor Islands
				1. Engineering Support Total	**160**	

Task No.	Task	Units	No of Units	Hours/ Unit	Total Hours	Comments
6.1	CEI Pre-Construction Meeting and Coordination Services	EA	5	20	100	Asumme 80 hours for Project Engineer and 20 Hours for Senior Inspector
6.2	CEI Construction Inspection Services	EA	28	40	1120	Assume 7-9 weeks of construction time. Work time from 8 AM to 6 PM. 160 hours for Project Engineer and 960 hours for Senior Inspector
6.3	CEI Closeout Project Meeting and Coordination Services	EA	4	40	160	Asumme 80 hours for Project Engineer and 80 Hours for Senior Inspector
6.4	Expenses	LS	1	0	0	Per Diem, Meals approximate 70 days and Mileage
CEI Services Subtotal					**1,380**	

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 18.1
Date: April 22, 2026
From: Town Manager Lindsley Noel
To: Mayor and Town Council Members
Subject: Consideration and approval of a Resolution indicating the Official Intent of the Town to Issue Tax-Exempt Bonds or Notes in the amount of up to $75,000,000 to finance the costs of development and construction of a new municipal complex and to use a portion of the proceeds of such bonds or notes to reimburse expenditures paid or incurred prior to the date of issuance. Town Manager

---

Description/Background – **Summary**

This memo requests the formal adoption of a Reimbursement Resolution in connection with the proposed $75 Million Municipal Complex Project. Under IRS Treasury Regulation Section 1.150-2, the Town must formally declare its "Official Intent" to reimburse project-related costs paid from available funds prior to the issuance of tax-exempt bonds. Adoption of this resolution ensures that funds advanced by the Town for immediate needs—such as site preparation and architectural fees—can be replenished from bond proceeds once the permanent financing is secured.

Background & Funding Structure

The Town is moving forward with site preparation and planning of a new Municipal Complex. Given the scale and nature of the project, the primary funding mechanism is expected to be General Obligation (G.O.) Bonds, secured by the Town's full faith and credit and repaid through the levy of ad valorem (property) taxes.

Voter Approval Required

Under Article VII, Section 12 of the Florida Constitution, municipalities may issue bonds payable from ad valorem taxation and maturing more than twelve months after issuance only when approved by a vote of the electors who are freeholders (owners of real property not wholly exempt from taxation) within the Town. This specific franchise requirement means the Town must conduct a bond referendum limited to freeholder electors before the bonds can be issued.

Purpose of This Resolution

This resolution creates the required “paper trail” under federal tax law that allows the Town to reimburse itself from bond proceeds once the voters approve the issuance and the bonds are sold.

Fiscal Impact

Passing this resolution does not authorize the debt or the project itself, nor does it guarantee a referendum will pass. It is a procedural safeguard to protect the Town’s liquidity.

Preliminary Debt Service Outlook

The following estimates are provided for planning purposes only. The assumed interest rate is illustrative; actual rates will depend on market conditions and the Town’s credit rating at the time of sale. As of April 2026, AA-rated 30-year municipal bonds are trading in the range of approximately 4.50%–5.00%.

Principal	Est. Interest Rate	Term	Est. Annual Debt Service
$75 Million	4.5%	30 years	$4.6 million

Resolution - Tax Exempt Bond.docx

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN TO ISSUE TAX-EXEMPT BONDS OR NOTES IN THE AMOUNT OF UP TO $75,000,000 TO FINANCE THE COSTS OF DEVELOPMENT AND CONSTRUCTION OF A NEW MUNICIPAL COMPLEX AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS OR NOTES TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands, Florida (the "Town") is contemplating the development of new municipal complex, including a Town Hall and administrative offices, police headquarters, commercial space and parking garage ("Project"); and

WHEREAS, the Town intends to issue tax-exempt bonds or notes (the "Bonds") for the purpose of financing the costs of the Project; and

WHEREAS, a portion of the costs of the Project may be paid from internal funds of the Town before the Bonds are issued in anticipation of the reimbursement of such expenditures from proceeds of the Bonds; and

WHEREAS, Section 1.150-2 of the Federal income tax regulations require the Town to officially declare its intent to use proceeds of the Bonds to reimburse expenditures paid prior to issuance thereof as a prerequisite to the proceeds being treated as used for reimbursement purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference. 2

Section 2. Expression of Intent. That the Town intends to issue tax-exempt Bonds, in one or more series, in the amount necessary to finance the costs of the Project. The maximum principal amount of the Bonds expected to be issued for this Project is $75,000,000.00. This Resolution is adopted solely for the purpose of complying with the requirements of the Code of Federal Regulations, Title 26, §1.150-2, and no Bonds are being issued hereby.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 22nd day of April, 2026.

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION

Council Member Isaac Salver	_____
Council Member Stephanie Bruder	_____
Council Member	_____
Council Member Molly Diallo	_____
Council Member Joshua Fuller	_____
Council Member Eric Rappaport	_____
Council Member Robert Yaffe	_____

_____

Mayor

ATTEST:

_____

Evelyn Herbello, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE TOWN ONLY:

_____

TOWN ATTORNEYS
BY:

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 18.2
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: Discussion regarding tot lot designs. Sponsored by Council Member Eric Rappaport.

Suggested Action: – **RECOMMENDATION**

Staff is requesting approval from the Town Council regarding:

1. The design of the proposed additional playground amenities for children ages 5–12 at the Tot Lot Park, and
2. Authorization for the expenditure of up to $123,000 to cover the total estimated project cost.

Please note that even if approved, this work will be contingent upon the results of a pending survey and utility locate to confirm that sufficient space exists to install the proposed equipment in this specific area.

FISCAL IMPACT SUMMARY

We have a budget amendment elsewhere on tonight's agenda to appropriate $123,000 to fund this project.

Background/Analysis: – **BACKGROUND**

Town Council requested that Town Staff analyze and identify additional playground features that could be incorporated into the southwest (entrance) area of the Tot Lot Park, specifically for children ages 5–12. Currently, there is only a limited area near the park entrance that serves this age group. Staff has worked closely with GameTime, a nationally recognized manufacturer of commercial playground systems who is already under contract o conduct work at this park—to develop a proposed design tailored to this space.

The proposed equipment package consists of the following: (1) VistaArbor, a nature-inspired climbing structure with a 9-foot fall height, and (2) two Solo Spinners compact spinning elements with a low footprint designed to complement small spaces. The total estimated footprint for the combined equipment, including PIP surfacing, is approximately 1,500 square feet. The scope also includes Poured-In-Place (PIP) impact-absorbing surfacing, an ADA-

compliant path connecting to the existing playground sidewalk, installation, permitting, drawings, utility locates, and freight. The proposed additions are intended to expand the park's usability and play value for older children while maintaining aesthetic and safety standards consistent with the existing playground equipment.

Pricing is based on the Omnia Partners cooperative purchasing contract which offers pre-negotiated government pricing. Cooperative bids conducted with other governmental agencies are a recognized exception to competitive bidding under Town Code § 2-1.2(a)(7).

Attachment A - Bay Harbor Tot Lot Additional Amenities Estimate (1).pdf

Budgetary Quote for Tot Lot Additional Area

Vista Arbor $47,990 (it requires 841 s/f) I'm estimating 1500 with solo spinner (see top view)
Solo Spinner (2) $2,667

Total Equipment:	$53,324
PIP (Vista Arbor and 2 solo spinners)	$ 45,000 (at $30 s/f x 1500 s/f)
ADA path to PG sidewalk 10' x5 =50 x 11.50 =	$575
Installation	$17,063.68
Permits	$1,400
Drawings	$1,350
Utility Locates	$1,500
Freight approx	$2,000
Total (not counting Omnia discount	**$122,212.68**



Landmark Design Studios

VISTAARBOR | 103293

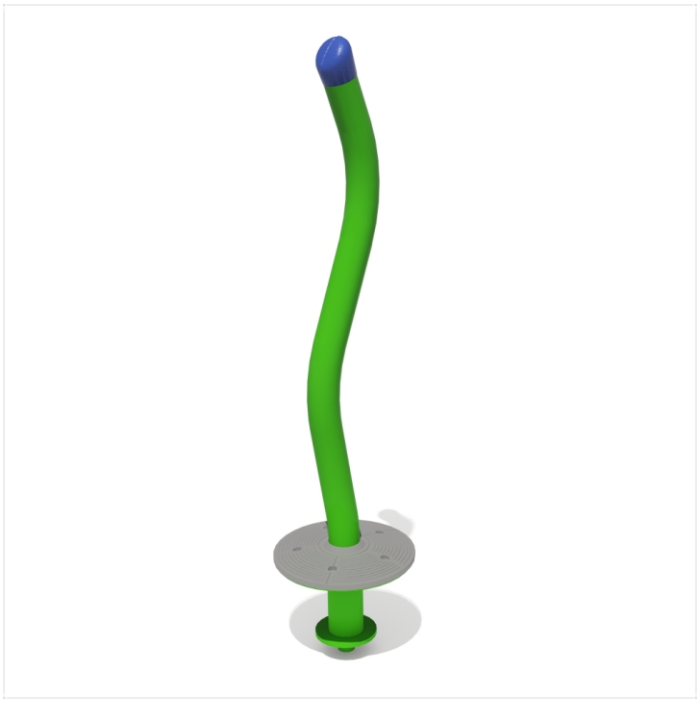
From honeycombs to the crisp edges of leaves, nature is full of unique shapes. VistaArbor draws inspiration from these forms, offering engaging play activities that celebrate the beauty of the natural world. These distinctive shapes spark imaginations, leading to unbe-leaf-able adventures.

SPECIFICATIONS

Age Ranges:	5 to 12 Years
Fall Height:	9' (2.74 m)

DESIGN FEATURES

- Encourages healthy competition and social play
- Develops balance, strength, and hand-eye coordination
- Constructed with durable WeaveTech® cables and ComfortGrip® synthetic polymer



GTEvents

SOLO SPINNER | 6246

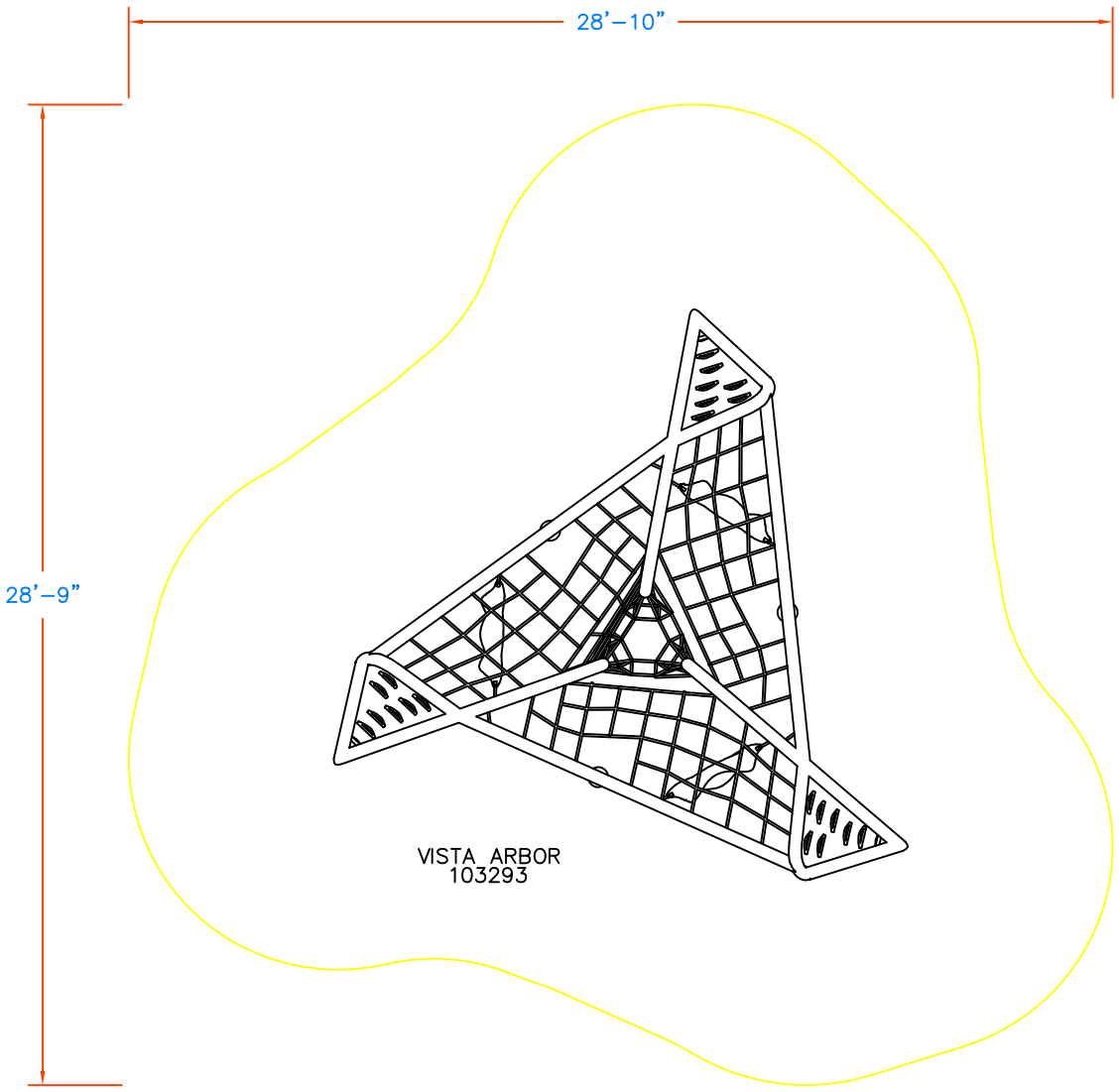
The Solo Spinner offers a low footprint design, built to perfectly complement a small space.

SPECIFICATIONS

Use Zone:	13'-4" x 13'-4" (4.06m x 4.06m)
Age Ranges:	2 to 5 Years 5 to 12 Years
Fall Height:	4' (1.22 m)
Number of Children:	1

DESIGN FEATURES

- Solo Spinner's compact size is perfect for a small space
- Great addition to existing playgrounds
- Kids can enjoy the freeing, spinning joy of motion



THIS DRAWING CANNOT BE ALTERED IN ANY WAY. IF CHANGES ARE REQUIRED PLEASE CONTACT YOUR GAMETIME REPRESENTATIVE @ 1-800-235-2440.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Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 18.3
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: Appointment of Town Council Members to the Mitigation Committee.

Background/Analysis: – **BACKGROUND**
Pursuant to Town Code Section 5¾-16, Mitigation Committee, the Town is required to maintain a Mitigation Committee consisting of three (3) Town Council Members, to be appointed by a majority vote of the Town Council from time to time.

The Mitigation Committee serves an important function under the Town Code and is vested with the authority to settle or otherwise resolve violations of the Town Code and the penalties arising thereunder.

As provided in the Code, the Mitigation Committee may review matters involving code enforcement penalties and determine whether mitigation is appropriate. However, in the event that the Mitigation Committee votes to mitigate a penalty or fine in an amount greater than $75,000.00, such action shall not be final and must instead be submitted to the full Town Council for ratification and approval.

This item is being brought before the Town Council because one of the current members serving on the Mitigation Committee did not seek reelection and is no longer serving on the Town Council. As a result, and following the election of a new Town Council Member, the Town Council should appoint members to the Mitigation Committee in order to ensure that the Committee is properly constituted in accordance with the Town Code.

Section of the Code-Mitigation Committee.pdf

Sec. 5¾-16. - Mitigation committee.

The town shall have a mitigation committee, consisting of three town council members, to be appointed by a majority vote of the town council from time to time. Notwithstanding any of the foregoing sections of this chapter, the town's mitigation committee shall have the authority at all times to settle or otherwise resolve violations of the Town Code and the penalties arising thereunder. However, if the town's mitigation committee votes that a penalty or fine be mitigated in an amount greater than $75,000.00, then such mitigation shall not be final, but shall be submitted to the full town council for ratification and approval.

(Ord. No. 894, § 2, 12-14-09; Ord. No. 1077, § 2, 9-14-2022; Ord. No. 1094, § 2, 3-20-2024)

Bay Harbor Island
Regular Town Council Meeting
April 22, 2026

MEMORANDUM

Agenda #: 18.4
Date: April 22, 2026
From: Town Manager Lindsley Noel
Subject: Discussion and possible action to install traffic deterrents (speed bumps, stop signs with lights) in the East Island. Sponsored by Vice Mayor Stephanie Bruder.
