

# BAL HARBOUR

- V I L L A G E -

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

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

## **Bal Harbour Village Council** Regular Council Meeting Agenda July 18, 2023 At 6:30 PM

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

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*This meeting will be conducted in-person. The meeting will also broadcast on the Village's website ([www.balharbourfl.gov](http://www.balharbourfl.gov)). Members of the public are also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

*BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience*  
[The Bal Harbour Experience.pdf](#)

### **CALL TO ORDER/ PLEDGE OF ALLEGIANCE**

### **REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS**

### **PRESENTATIONS AND AWARDS**

- PA1** Maor Elbaz-Starinsky, Consul General of Israel in Miami - Welcome and Presentation - Sister Cities
- PA2** Bal Harbour Police Department Civilians of the Year
- PA3** Bal Harbour Police Department Officers of the Year

### **CONSENT AGENDA**

#### **C6 - COUNCIL MINUTES**

- C6A** June 20, 2023 Village Council Meeting Minutes  
[VillageCouncilRegularMeetingMinutes\\_June20\\_2023\\_ADA.pdf](#)

#### **C7 - CONSENT AGENDA RESOLUTIONS**

- C7A** Liquor License Approval - 9700 Collins Avenue - Makoto  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT THE MAKOTO RESTAURANT APPLICATION TO THE STATE

OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR AN EXTENSION OF THE 4COP LICENSE IS COMPATIBLE WITH THE VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Makoto Liquor License\\_ADA.pdf](#)  
[Council Memo - Makoto Liquor License\\_ADA.pdf](#)  
[Resolution - Makoto Liquor License\\_ADA.pdf](#)  
[Attachment 1 - Makoto DBPR Application\\_ADA.pdf](#)

**C7B** CMA Additional Services for 6A & 6B Test Well

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE ADDITIONAL SERVICES PROPOSAL FROM CHEN MOORE AND ASSOCIATES NO. P19.453.002/AS06, FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE A TEST DRAINAGE WELL WITHIN THE UTILITY INFRASTRUCTURE IMPROVEMENT PROJECT AREA 6A AND, 6B, AS DETAILED WITHIN THE PROPOSAL, IN THE AMOUNT NOT TO EXCEED EIGHTY-SIX THOUSAND FOUR HUNDRED NINETY-THREE DOLLARS (\$86,493), INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY ALLOCATION IN THE AMOUNT OF SEVEN THOUSAND EIGHT HUNDRED SIXTY-THREE DOLLARS (\$7,863); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - CMA Additional Services Proposal CMA 6A 6B Test Well\\_ADA.pdf](#)  
[Council Memo - CMA Additional Services Proposal 6A 6B Test Well\\_ADA.pdf](#)  
[Resolution - CMA Additional Services Proposal CMA 6A 6B Test Well\\_ADA.pdf](#)  
[Attachment 1 - CMA - Phases 6A 6B Neighborhood Improvements AS06 063023\\_ADA.pdf](#)

**R5 - ORDINANCES**

**R5A** Underground Parking of Ocean Front Zoning District Ordinance - First Reading

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES, TO REGULATE UNDERGROUND PARKING IN THE VILLAGE; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.

[Item Summary - Underground Parking of Ocean Front Zoning District\\_ADA.pdf](#)  
[Council Memo - Underground Parking of Ocean Front Zoning District\\_ADA.pdf](#)  
[Ordinance - Underground Parking of Ocean Front Zoning District\\_ADA.pdf](#)

**R5B** Ocean Front Code Amendment Ordinance - First Reading

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO UPDATE ZONING REGULATIONS THAT AFFECT THE OCEAN FRONT ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.

[Item Summary - Ocean Front Code Amendment\\_ADA.pdf](#)  
[Council Memo - Ocean Front Code Amendment\\_ADA.pdf](#)  
[Ordinance - Ocean Front Code Amendment\\_ADA.pdf](#)  
[Attachment 1 - Exhibit 1 Zoning Map\\_ADA.pdf](#)

- R5C** BTR Ordinance - First Reading  
AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES; PROVIDING FOR AN INCREASE IN CERTAIN BUSINESS TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.  
[Item Summary - Business Tax Receipt\\_ADA.pdf](#)  
[Council Memo - Business Tax Receipt\\_ADA.pdf](#)  
[Ordinance - Business Tax Receipt\\_ADA.pdf](#)

## R7 - RESOLUTIONS

- R7A** Tentative Millage Rate  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME, AND PLACE FOR THE FIRST BUDGET HEARING FOR FISCAL YEAR 2023-24; AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.  
[Item Summary - Tentative Millage\\_ADA.pdf](#)  
[Council Memo - Tentative Millage\\_ADA.pdf](#)  
[Resolution - Tentative Millage\\_ADA.pdf](#)
- R7B** Interlocal Agreement with Indian Creek  
**SUPPLEMENTAL AGENDA TO BE PUBLISHED SEPARATELY**  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING AN INTERLOCAL AGREEMENT BETWEEN BAL HARBOUR VILLAGE AND INDIAN CREEK VILLAGE, GOVERNING THE PROVISION OF BUILDING DEPARTMENT AND RELATED SERVICES TO INDIAN CREEK VILLAGE; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR AN EFFECTIVE DATE.
- R7C** Tourism Strategic Plan RFP  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH THE TOP RANKED FIRM ERNEST YOUNG, FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; AND IF UNSUCCESSFUL, TO NEGOTIATE WITH THE SECOND RANKED FIRM, RESONANCE CONSULTANCY, FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; SUBJECT TO APPROVAL BY THE VILLAGE COUNCIL AT A SUBSEQUENT MEETING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.  
[Item Summary - Tourism Strategic Plan Development RFP\\_ADA.pdf](#)  
[Council Memo - Tourism Strategic Plan Development RFP\\_ADA.pdf](#)  
[Resolution - Tourism Strategic Plan Development RFP\\_ADA.pdf](#)  
[Attachment 1 - Tourism Strategic Plan - Scope of Services\\_ADA.pdf](#)

[Attachment 2 \(a\) - Tourism RFP EY \(Ernest Young\)\\_ADA.pdf](#)  
[Attachment 2 \(b\) - Tourism Strategic Plan EY Presentation\\_ADA.pdf](#)  
[Attachment 3 \(a\) - Tourism RFP Resonance Consultancy\\_ADA.pdf](#)  
[Attachment 3\(b\) - Resonance Bal Harbour Village Presentation\\_ADA.pdf](#)

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

- R9A** Discussion Item - Discussion Regarding Sargassum Exclusion Device Concept Analysis Continuation from March 27, 2023 - Village Manager Jorge M. Gonzalez  
[Discussion Item -Memo- Sargassum Exclusion Device Concept Analysis\\_ADA.pdf](#)  
[Attachment - LTC 108-2023 - Sargassum device analysis\\_ADA.pdf](#)  
[Attachment - Cummins Cederberg Sargassum Report\\_ADA.pdf](#)  
[Attachment - Cummins Cederberg Presentation\\_ADA.pdf](#)
- R9B** Discussion Item - Pride Flag - Councilman Buzzy Sklar  
[Discussion Item - Flying Pride Flag in Bal Harbour Village- Councilman Buzzy Sklar\\_ADA.pdf](#)
- R9C** Discussion Item - Carlton Towers Demolition Work - Mayor Jeffrey P. Freimark  
[Discussion Item - Carlton Towers Demolition Work - Mayor Jeffrey P. Freimark\\_ADA.pdf](#)
- R9D** Discussion Item - Amending Village Ordinance for Demolition - Councilman Buzzy Sklar  
[Discussion Item - Amending Village Ordinance for Demolition - Councilman Buzzy Sklar\\_ADA.pdf](#)
- R9E** Discussion Item - Beach Maintenance - Vice Mayor Seth E. Salver & Councilman David Wolf  
[Discussion Item - Beach Maintenance - Vice Mayor Seth E. Salver\\_ADA](#)  
[Discussion Item - Beach Maintenance - Councilman David Wolf\\_ADA.pdf](#)

## **R9F - PUBLIC COMMENT**

## **R10 - VILLAGE MANAGER REPORT**

## **R11 - VILLAGE CLERK REPORT**

- R11A** Lobbyist Report  
[R11A1\\_Lobbyist Registration Report as of July11\\_2023.pdf](#)

## **R12 - VILLAGE ATTORNEY REPORT**

- R12A** Monthly Attorney Report  
[Monthly Attorney Report June.7.10.23.SLT\\_ADA.pdf](#)

## **END OF REGULAR AGENDA**

## **ADJOURNMENT**

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees.

The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

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

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.



# BAL HARBOUR

- V I L L A G E -

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

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

## **Bal Harbour Village Council** Regular Council Meeting Minutes June 20, 2023 At 6:30 PM

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

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**CALL TO ORDER/ PLEDGE OF ALLEGIANCE-** Mayor Jeffrey Freimark called the meeting to order at 6:34 P.M.

The following were present:

Mayor Jeffrey Freimark  
Vice Mayor Seth Salver  
Councilman David Albaum  
Councilman David Wolf

The following were not present:

Councilman Buzzy Sklar

Also present:

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

### **REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS**

Mr. Gonzalez said that Councilman Sklar had asked to defer R9B until the next Council meeting.

### **PRESENTATIONS AND AWARDS**

**PA1** Proclamation for Pride Month

Mayor Freimark read a proclamation celebrating the month of June 2023 as Pride Month.

**PA2** Bal Harbour Commendable Student Award

Mayor Freimark presented a Certificate of Recognition to Trulie Feingold who had recently received this year's Commendable Student Award at Ruth K. Broad Bay Harbour K-8.

**PA3** Officer of the Year - This item was deferred.

**PA4** Civilians of the Year - This item was deferred.

**PA5** Legislative Update - Florida Senator Shevrin Jones, Florida Representative Fabián Basabe (via Zoom), & Ronald Book, lobbyist for Bal Harbour Village.

Mayor Freimark introduced Senator Jones, Representative Basabe and Mr. Book expressing his appreciation for all the all the work they had done for the Village.

Senator Jones commended Mr. Book and Representative Basabe for having worked collaboratively for Bal Harbour. He described Senate Bill 290 that would allow students with disabilities to continue receiving service beyond the age of eighteen, up to the age of twenty, and Senate Bill 196 that provides guided services. He described Florida Senate Bill 154 which gives local municipalities some authority in enforcement and limits the "milestone" inspection requirements for residential condominium or cooperative buildings, saying that it was his intention to conduct town hall meetings in the Bal Harbour area.

Mr. Book recognized his associate Rana Brown, Senator Jones and Representative Basabe for working collaborative to secure \$774 thousand for the Village's Stormwater Project and \$500 thousand for the Jetty Project. He said that Miami-Dade County would receive \$5 million to help fight the sargassum seaweed problem, and that the sovereign immunity bill would probably be continued to next session. He described the Governor's actions that he said would create significant reform in pre-K through 12 and higher education, and what he said were assaults on the LGBTQ world, censorship, abortion, and other issues that provoke tremendous emotional feelings, that he said dominated the session but were passed by the House and Senate with relatively little division. He said the Legislature also moved to remove the exemption for Miami-Beach, Surfside and Bal Harbour from collecting a Homeless tax giving each the opportunity to conduct a municipal referendum for the voters to decide.

Representative Basabe said that 98% of the legislation was passed with bi-partisan unanimous support. He said that in addition to the two appropriations for the Village, his wastewater grant bill had been absorbed into the Governor's DEP package funded at \$200 million to address infrastructure needs. He said his crime prevention/intervention bill was also absorbed into the Governor's budget at \$5 million, which would mean additional funding that included programming for homelessness issues. He said he was highly supportive of the LGBTQ community and said he thought the government's only role is to give people the balance, education, and reinforcement to grow to adulthood and lead the lives that they choose. He said the thought the public safety bill, which includes permit-less carry, was misunderstood, and that he was going to work with municipalities in tapping into available resources. He said he wasn't able to vote on the abortion bill, but would like to see everyone come together to in making something right for all Floridians.



**PA6** GFOA Award Presentation - this item was included in Agenda Item R7C.

## **CONSENT AGENDA**

### **C6 - COUNCIL MINUTES**

May 16, 2023 Regular Council Meeting Minutes

### **C7 - CONSENT AGENDA RESOLUTIONS**

**C7A** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, APPROVING THE PURCHASE OF A VEHICLE FOR THE VILLAGE POLICE IN THE AMOUNT OF SIXTY-THREE THOUSAND AND FIVE HUNDRED NINETY-EIGHT DOLLARS (\$63,598); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**C7B** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE PURCHASE OF TWO VEHICLES FOR THE VILLAGE PUBLIC WORKS & BEAUTIFICATION DEPARTMENT IN THE AMOUNT OF NINETY-NINE THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS (\$99,822); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**C7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING AN AGREEMENT WITH NATIONAL WATER MAIN CLEANING COMPANY FOR THE REHABILITATION AND LINING OF SIXTEEN (16) STORMWATER STRUCTURES, AT A COST NOT TO EXCEED FORTY THOUSAND SIX HUNDRED NINETY-THREE DOLLARS (\$40,693), ROUNDED UP TO THE NEAREST DOLLAR, INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY IN THE AMOUNT OF THREE THOUSAND SEVEN HUNDRED DOLLARS (\$3,700) TO ACCOUNT FOR UNFORESEEN CONDITIONS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE FUTURE STORMWATER STRUCTURE REHABILITATION AND LINING AGREEMENTS AS NEEDED SUBJECT TO ANNUAL BUDGETARY ALLOCATIONS FOR THIS WORK; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE

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

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

**R5 - ORDINANCES**

**R5A** AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 2 OF THE VILLAGE CODE TO CREATE SECTION 2-113 "TRESPASS" OF CHAPTER 2 "ADMINISTRATION", ARTICLE IV "OFFICERS AND EMPLOYEES," DIVISION 2 "POLICE", SO THAT VILLAGE POLICE MAY TRESPASS INDIVIDUALS FROM PUBLIC PROPERTY IN THE VILLAGE; PROVIDING FOR SEVERABILITY, INCLUSION IN THE VILLAGE CODE, CONFLICT, AND FOR AN EFFECTIVE DATE. (SECOND READING)

Mr. Gonzalez introduced the item saying that it had stemmed from discussions regarding the park ordinance. Bal Harbour Police Captain Mauricio Escarra said that the ordinance creates the ability for an officer to trespass, without an arrest, for threats to public safety or for disturbances, with the provision of due process and appeal.

There were no comments from the public.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman David Albaum and seconded by Councilman David Albaum.**

| <b>ROLL CALL</b>           | <b>VOTE</b> |
|----------------------------|-------------|
| Mayor Jeffrey P. Freimark  | <b>Yes</b>  |
| Vice Mayor Seth E. Salver  | <b>Yes</b>  |
| Councilman David J. Albaum | <b>Yes</b>  |
| Councilman Buzzy Sklar     | -           |
| Councilman David Wolf      | <b>Yes</b>  |

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

**R5B** AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 11 "NUISANCES" ARTICLE II "NOISE" OF THE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that at first reading, the Council amended the ordinance to remove the exemption for the Village. He said that in regards to whether or not the ordinance should include noise created by landscaping the Council had asked

Councilman Wolf to meet with the Bal Harbour Civic Association and report back to the Council.

Councilman Wolf said that he had met with Neca (Neca Logan, BHCA President) and they had sent out a survey. He said the response rate was 25-30%, the majority of which was in favor of allowing landscaping to continue on Saturdays, as the ordinance was currently written.

There were no comments from the public.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman David Wolf and seconded by Vice Mayor Seth Salver.**

| <b>ROLL CALL</b>           | <b>VOTE</b> |
|----------------------------|-------------|
| Mayor Jeffrey P. Freimark  | <b>Yes</b>  |
| Vice Mayor Seth E. Salver  | <b>Yes</b>  |
| Councilman David J. Albaum | <b>Yes</b>  |
| Councilman Buzzy Sklar     | -           |
| Councilman David Wolf      | <b>Yes</b>  |

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

There was a general consensus from the Council that the ordinance should effective enforced after a grace period that ends September 1st, 2023, in the meantime in which the Village and Civic Association should conduct concerted effort to educate Village residents.

## **R7 - RESOLUTIONS**

- R7A** A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SECURITY AND LANDSCAPE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR, FLORIDA; DETERMINING THE COST OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS AND THE INITIAL SECURITY AND LANDSCAPE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this was the first step of a two-step process wherein if this item is approved, it would be forwarded to the property appraiser who will insert in an August notice of tax. A second reading of the item will then be heard in September. He said that the Village had met with representatives of the Bal Harbour Civic

Association and the agreed upon assessment amount would fund the proposed operation for next year. He said there would be a reduction of the prior year assessment from \$8,000 to \$7,000 for improved lots, \$3500 for unimproved lots, \$28,000 for the Yacht Club property and formula-based apportionment for the multifamily properties.

Vice Mayor Salver asked at what point in time does an unimproved lot become an improved lot, adding that lots under construction have a lot more impact on the gated community than an empty lot. He suggested that a lot might be considered improved at the point a permit is pulled. Ms. Trevarthen said that the definition is any vacant lot located within the assessment area, so it doesn't address the lot in the construction process.

**MOTION: A motion to amend the ordinance to include the words "or a building permit has been issued" to the definition of an improved property (or substantially similar language as approved by the Village Attorney, was moved by Vice Mayor Seth Salver and seconded by Councilman David Wolf.**

**VOTE: The motion passed by unanimous voice vote (4-0)**

Neca Logan, President of the Bal Harbour Civic Association, said that she thought that the Civic Association would be in favor of the revision.

**MOTION: A motion to approve the ordinance as amended on second reading was moved by Vice Mayor Seth Salver and seconded by Councilman David Wolf.**

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

**R7B** A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this assessment would fund the solid waste collection operations in the gated area and the non-gated area. He said the recommendation was a rate of \$297.93 for every dwelling unit that is multi-family and \$636.75 for every single-family dwelling.

Neca Logan, 64 Camden Drive, asked if the CIP was at 3%, to which Mr. Gonzalez responded that it was at 5%.

**MOTION: A motion to approve the resolution was moved by Councilman David Wolf and seconded by Mayor Jeffrey Freimark.**

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

**R7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022, RELATING TO THE ANNUAL AUDIT PERFORMED BY THE VILLAGE'S INDEPENDENT AUDITOR, RSM US LLP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez provided a brief summary of the item and then introduced Bob Feldman, Partner and Anil Harris, Senior Manager, from the Village's auditors, RSM.

Mr. Harris presented the results of the annual audit saying that the opinion was unmodified or a clean opinion and meets auditing standards. He highlighted that it was the ninth year in a row that the Village had received the GFOA Certificate. He said that the Village ended the fiscal year with a \$49.2 million dollar general fund balance, where assets at the end of the year exceed liabilities by \$0.9 million, adding that the other funds also had a positive balance. He said for the revenue statement, revenues of \$39.7 million exceeded expenses of \$25.8 million. He pointed out that the Village had two one-time transactions: \$13.1 million related to the new Village Hall site, and \$18 million contribution also to be used for construction.

Mr. Gonzalez asked if there had been any issues accessing any of the data, to which Mr. Harris said that he had had complete access.

Mr. Feldman added that they had not identified significant unusual transactions and that no adjustments were made, which he said was not a common thing, and was a tribute to Staff.

Mayor Freimark thanked Mr. Feldman and Mr. Harris for their report and for their meticulous and thorough work, and he thanked Finance Director, Claudia Dixon, and her staff and Mr. Gonzalez and the rest of the Village Staff for the strong set of financial statements, adding that the Village is in a better place.

Vice Mayor Salver thanked Ms. Dixon and the audit team for their diligence, and thanked Mr. Gonzalez for running a tight ship.

Mr. Gonzalez thanked Ms. Dixon and the team saying that the audit was something to be really proud of.

**MOTION: A motion to approve the resolution was moved by Vice Mayor Seth Salver and seconded by Councilman David Wolf.**

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

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

**R9A** Discussion Item - Sister City proposal in Israel - Mayor Jeffrey P. Freimark

Mayor Freimark introduced the item saying that he had had the chance to meet with Counsel General, Maor Elbaz-Starinsky at his bequest to consider Bal Harbour entering a Sister City partnership with a city in Israel. He said that he would be able to attend the July Council meeting where we can explore which cities would have similarities. He suggested asking the Resort Tax Committee be involved in making a recommendation.

**R9B** Discussion Item - Flying a Pride Flag in Bal Harbour Village during "Pride Month" - Councilman Buzzy Sklar - This item was deferred.

## **R9C - PUBLIC COMMENT**

Penny Sepler, 10275 Collins Avenue, said that she had attended the pinning ceremony and said it was really nice. She asked about the sign in front of the Beach Haus and asked for an update on what is being done regarding the feeding of stray cats. Mr. Gonzalez said that he has had conversations with the owners of the Beach Haus and that the process of replacing the sign needs to go to the Architectural Review Board. Captain Escarra that he would speak with her after the meeting regarding the cats.

## **R10 - VILLAGE MANAGER REPORT**

Mr. Gonzalez announced that the demolition of the Carlton Terrace would begin the next day and said to expect extra truck traffic for the removal of the debris, in addition to the Bal Harbour Shops beginning the demolition of their old garage.

He said that milling and paving of the north side of the Gated Community was expected to begin July 10 and that the Village is conducting extensive outreach to residents.

## **R11 - VILLAGE CLERK REPORT**

Lobbyist Report

## **R12 - VILLAGE ATTORNEY REPORT**

**R12A** Monthly Attorney Report

**END OF REGULAR AGENDA**

**ADJOURNMENT**     The meeting was adjourned at 8:05 PM.

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Mayor Jeffrey Freimark



Attest:

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Dwight S. Danie, Village Clerk





# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT THE MAKOTO RESTAURANT APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR AN EXTENSION OF THE 4COP LICENSE IS COMPATIBLE WITH THE VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### Issue:

Should the Village Council accept the determination of the Village Building Official that the Harbour Restaurants LLC D/B/A MAKOTO, application to extend their current State of Florida Department of Alcoholic Beverages and Tobacco into the adjacent unit maintaining the same number of seats is consistent with the Village Zoning Code?

### The Bal Harbour Experience:

- Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community  
 Other:

### Item Summary / Recommendation:

Makoto Restaurant a restaurant store located within the Bal Harbour Shops ("BHS") at 9700 Collins Avenue, (Tenant Space # 378) in the Village's Business District, has submitted DBPR ABT - 6029 - Division of Alcoholic Beverages and Tobacco Application to the State of Florida Department of Business and Professional Regulation to extend their current 4COP Alcoholic Beverage License. This application is for Harbour Restaurant Partners LLC d/b/a Makoto Restaurant.

I am recommending the Village of Bal Harbour (the "Village") Council review the application for a liquor license, submitted by Harbour Restaurants LLC D/B/A Makoto Restaurant requesting to extend the State of Florida Department of Alcoholic Beverages and Tobacco license into the adjacent unit, without increasing the number of seats.

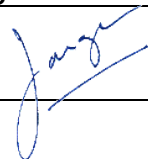
**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Financial Information:

|  | Amount | Account | Account # |
|--|--------|---------|-----------|
|  | X      | X       | X         |

### Sign off:

| Building Director | Chief Financial Officer | Village Manager   |
|-------------------|-------------------------|-------------------|
| Eliezer Palacio   | Claudia Dixon           | Jorge M. Gonzalez |

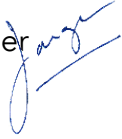


# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: July 18, 2023

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT THE MAKOTO RESTAURANT APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR AN EXTENSION OF THE 4COP LICENSE IS COMPATIBLE WITH THE VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending the Village of Bal Harbour (the "Village") Council review the application for a liquor license, submitted by Makoto Restaurant requesting to extend their State of Florida Department of Alcoholic Beverages and Tobacco 4COP license series into the adjacent unit.

### **BACKGROUND**

Makoto Restaurant a restaurant store located within the Bal Harbour Shops ("BHS") at 9700 Collins Avenue, (Tenant Space # 378) in the Village's Business District, has submitted DBPR ABT - 6029 - Division of Alcoholic Beverages and Tobacco Application to the State of Florida Department of Business and Professional Regulation to extend their current 4COP Alcoholic Beverage License. This application is for Harbour Restaurant Partners LLC d/b/a Makoto Restaurant. As part of said application, the zoning authority governing the business location is required to review and sign the application for approval. In the Village, the zoning authority is the Village Building Official. As part of the application review, the Building Official examined the Village Zoning Code. The Business district zoning regulations and Section. 4-3. - *Sale prohibited in filling stations, theaters; sales near churches, schools* dictate the permissible locations of such establishments. Such section reads:

*(a) No liquor, beer or wine shall be sold in any gasoline filling station or motion picture theater, including any room opening directly or indirectly into or having a direct connection with any motion picture theater.*

*(b) No liquor, beer or wine shall be sold within 300 feet of any church, nor within 300 feet of any public-school property, nor any property upon which there is maintained a private school operated for the instruction of minors in the common branches of learning, except such places of business as were established at the time of the adoption of this section. In ascertaining the proximity of any school or church referred to in this subsection, the method of measurement shall be made or taken*

*from the main or front entrance of the church or school or the main or front place of such business along the route of ordinary pedestrian traffic along the public thoroughfare.*

Makoto location complies with the above Village Code provision. Therefore, the zoning approval may be granted.

Historically, however, the Village Council has approved such license requests via resolution. Records show that there are dozens of locations on Collins Avenue that have been granted licenses to sell alcoholic beverages. There are also several locations in similar zoning districts with active licenses to sell alcoholic beverages, such as the one being sought by Makoto.

Some of the residential locations include:

- Bal Harbour 101 Restaurant located at 10155 Collins Avenue
- Bal Harbour Tower Condo located at 9999 Collins Avenue
- The Ballerina Beach Club located at 10201 Collins Avenue
- The Palace Café located at 10101 Collins Avenue
- The Balmoral Café, located at 9801 Collins Avenue
- Sardinia House, located at 10275 Collins Avenue

Non-residential locations on the oceanfront that have active licenses to sell alcoholic beverages include:

- Sea View Terrace Restaurant at 9909 Collins Avenue
- Pool Bar and Grill at 10295 Collins Avenue (Ritz-Carlton)
- Artisan Beach House at 10295 Collins Avenue (Ritz-Carlton Seldar Miami Holdings)

## **ANALYSIS**

The restaurant would like extend its alcoholic beverage license into the adjacent unit, Makoto is not increasing the number of seats. Their current 4COP alcoholic beverage license, which permits the sale of beer, wine, and liquor for consumption on and off the licensed premises.

## **THE BAL HARBOUR EXPERIENCE**

The Department of Business and Professional Regulation requires Businesses to apply for and obtain an Alcoholic Beverage license. By enforcing this regulation, the Village furthers our mission of being the safest residential community with the highest quality of life for our residents and visitors from around the world.

## **CONCLUSION**

Makoto location complies with the Village zoning regulations for establishments authorized to sell alcoholic beverages. Therefore, I am recommending approval of this resolution.

## **Attachments:**

1. Harbour Restaurants LLC D/B/A Makoto DBPR ABT-6029

RESOLUTION NO. 2023-\_\_\_\_

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT THE MAKOTO RESTAURANT APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR AN EXTENSION OF THE 4COP LICENSE IS COMPATIBLE WITH THE VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Makoto Restaurant located in the Bal Harbour Shops at 9700 Collins Avenue has submitted an application to the State of Florida Division of Alcoholic Beverages and Tobacco for extend its 4COP license for the sale of alcoholic beverages and tobacco (the "Application"); and

**WHEREAS**, the Application contains a section for completion of the Village confirming that the Application complies with the Village zoning regulations regarding the sale of alcoholic beverages; and

**WHEREAS**, the Village Building Official is generally charged with implementing Chapter 21, Zoning; and

**WHEREAS**, the Village Building Official has determined that the Application is compatible with Village zoning regulations.

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

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

**Section 2. Determination Accepted.** That the determination of the Village Building Official that the Application is compatible with the Village zoning regulations is hereby accepted.

**Section 3. Implementation.** That the Village Manager is hereby directed to take any action necessary to implement the purposes of this Resolution.

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

PASSED AND ADOPTED this 18<sup>th</sup> day of July, 2023.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

**DBPR ABT-6029 – Division of Alcoholic Beverages and Tobacco  
Application for Extension or Amended Sketch of Licensed Premises**

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DBPR Form  
ABT-6029  
Revised 02/2013**

*If you have any questions or need assistance in completing this application, please contact the Division of Alcoholic Beverages & Tobacco's (AB&T) local district office. Please submit your completed application and required fee(s) to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's web site at the link provided below:*

[http://www.myflorida.com/dbpr/abt/district\\_offices/licensing.html](http://www.myflorida.com/dbpr/abt/district_offices/licensing.html)

| SECTION 1 - CHECK TRANSACTION REQUESTED      |   |
|--|---|
| <b>Transaction Type:</b>                     |   |
| <input type="checkbox"/> Temporary Extension | <input type="checkbox"/> Amended Sketch |
| <input type="checkbox"/> Permanent Extension |   |

| SECTION 2 - LICENSE INFORMATION                    |        |                          |          |
|--|--------|--------------------------|----------|
| Licensee (as listed on alcoholic beverage license) |        |                          |          |
| Business Name (D/B/A)                              |        |                          |          |
| Location Address (Street)                          |        |                          |          |
| City   | County | State<br>FL              | Zip Code |
| Alcoholic Beverage License Number                  | Series | Type/Class               |          |
| Business Telephone Number<br>ext.                  |        | Email Address (Optional) |          |
| <b><u>FOR TEMPORARY EXTENSIONS ONLY:</u></b>       |        |                          |          |
| Date(s) of Extension:                              |        |                          |          |
|  |        |                          |          |
|  |        |                          |          |
|  |        |                          |          |
|  |        |                          |          |

|  |
|--|
| <b>ABT District Office Received / Date Stamp</b> |
|--|

| <b>SECTION 3 - ZONING APPROVAL</b><br><b>TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION</b><br><b>(This section only applies to a permanent or temporary extension of licensed premises)</b>   |              |    |                |
|--|--------------|----|----------------|
| Location Street Address _____  |              |    |                |
| City _____   | County _____ | FL | Zip Code _____ |
| <p>Are there outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed?" <span style="float: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</span></p> <p><input type="checkbox"/> The PERMANENT extension of the licensed premises as shown in the sketch complies with zoning requirements for the sale of alcoholic beverages pursuant to this application.</p> <p><input type="checkbox"/> The TEMPORARY extension of the licensed premises as shown in the sketch complies with zoning requirements for the sale of alcoholic beverages pursuant to this application.</p> <p>Signed: _____ Title: _____ Date: _____</p> <p><b>This approval is valid until</b> _____</p> |              |    |                |

| <b>SECTION 4 - HEALTH</b><br><b>TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS</b><br><b>OR COUNTY HEALTH AUTHORITY</b><br><b>OR DEPARTMENT OF HEALTH</b><br><b>OR DEPARTMENT OF AGRICULTURE &amp; CONSUMER SERVICES</b> |  |
|---|--|
| <p>The above establishment complies with the requirements of the Florida Sanitary Code.</p> <p>Signed _____ Date _____</p> <p>Title _____</p> <p>Agency _____</p> <p><b>This approval is valid until</b> _____</p>                  |  |

**SECTION 5 - AFFIDAVIT OF APPLICANT  
NOTARIZATION REQUIRED**

Business Name (D/B/A)

"I, the undersigned individually, or if a registered legal entity for itself, its officers and directors, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the extended licensed premises and agree that the place of business may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the sheriff, his deputies, and police officers for the purposes of determining compliance with the beverage and cigarette laws."

I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes that the foregoing information is true and correct."

**If applying for a temporary extension, check the box to confirm the following statement:**

"I understand that the premises must be restored to its original form at the conclusion of the authorized temporary event."

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

HARBOUR RESTAURANT PARTNERS LLC

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
APPLICANT SIGNATURE

The foregoing was ( ) Sworn to and Subscribed OR ( ) Acknowledged Before me this \_\_\_\_\_ Day

of JUNE \_\_\_\_\_, 20<sup>23</sup>, By \_\_\_\_\_ who is ( ) personally  
(print name(s) of person(s) making statement)

known to me OR ( ) who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

Commission Expires: \_\_\_\_\_



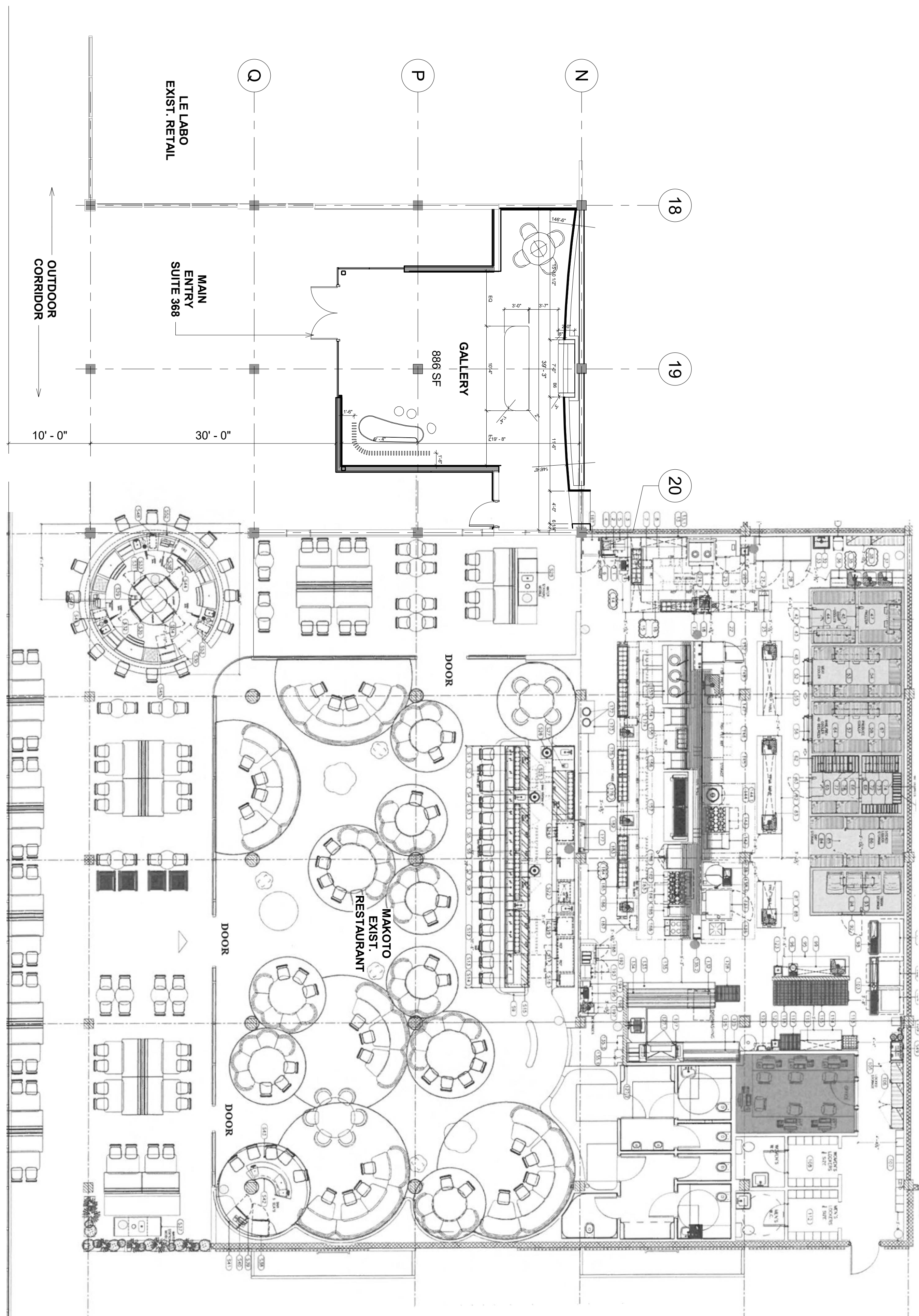
**SECTION 6 – DESCRIPTION OF PREMISES TO BE LICENSED**

Business Name (D/B/A)

|    |                              |                             |  |
|----|------------------------------|-----------------------------|--|
| 1. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Is the proposed premises movable or able to be moved?  |
| 2. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Is there any access through the premises to any area over which you do not have dominion and control?  |
| 3. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Are there more than 3 separate rooms or enclosures with permanent bars or counters?  |
| 4. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Is the business located within a Specialty Center? If yes, check the applicable statute:<br><input type="checkbox"/> 561.20(2)(b)1, F.S. or <input type="checkbox"/> 561.20(2)(b)2, F.S. |

Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show the details of each floor.

PLEASE SEE ATTACHED PLAN



1 LEVEL 3 - MAKOTO OUTDOOR SEATING  
1/8" = 1'-0"

CONSTRUCTION DOCUMENT SET

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

SANDY PERCEBAN  
REGISTERED ARCHITECT  
ARB 0516188  
ARTURO ROBINSON  
STATE OF FLORIDA  
REGISTERED ARCHITECT  
ARB 0012225

Project name:  
**BAL HARBOUR SHOPS**  
9700 Collins Ave, Suite 368, Bal Harbour, FL 33154  
PROPOSED SUITE 368 + MAKOTO SEATING PLAN

**COHEN • FREEDMAN • ENCINOSA & ASSOC.**  
**Architects, PA** AA C000779  
8085 N.W. 155th Street Miami Lakes, Florida 33016 305 826 3999

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE ADDITIONAL SERVICES PROPOSAL FROM CHEN MOORE AND ASSOCIATES NO. P19.453.002AS06, FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE A TEST DRAINAGE WELL WITHIN THE UTILITY INFRASTRUCTURE IMPROVEMENT PROJECT PHASE 6A AND, 6B, LOCATIONS AS DETAILED WITHIN THE PROPOSAL, IN THE AMOUNT NOT TO EXCEED \$86,493, INCLUSIVE OF A 10% CONTINGENCY ALLOCATION IN THE AMOUNT OF \$7,863.

### Issue:

Should the Village Council approve the Proposal from Chen Moore and Associates for the construction of a test drainage well within the UIIP phase 6 a, b locations in the amount not to exceed \$86,493?

### The Bal Harbour Experience:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Beautiful Environment   | <input type="checkbox"/> Safety           | <input checked="" type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input type="checkbox"/> Destination & Amenities | <input type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community          |
| <input type="checkbox"/> Other: _____            |   |   |

### Item Summary / Recommendation:

Recently CMA advised that the vendor subcontracted to construct a test drainage well under a 2019 Council-approved proposal was unable to honor the 2019 price, which necessitates approval of a new Additional Services Proposal with updated costs. Chen Moore and Associates have submitted a new proposal No. P19.453.002/AS06 for the envisioned Test Well and RAR in the amount of \$78,630, inclusive of updated test well costs, revisions to the current construction documents, and separate permitting fees. I have reviewed the submitted proposal and I have determined that it is in the best interest of the Village to adopt this Resolution approving the proposal from Chen Moore and Associates for the envisioned Test Well and RAR in the amount not to exceed \$86,493, inclusive of the applied contingency.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Advisory Board Recommendation:

N/A

### Financial Information:

|  | Amount      | Account                     | Account #    |
|--|-------------|-----------------------------|--------------|
|  | \$86,493.00 | GF-Storm Water Improvements | 01-41-506303 |

### Sign off:

| Director Public Works & Beautification Department | Chief Financial Officer | Village Manager   |
|---|-------------------------|-------------------|
| John Oldenburg                                    | Claudia Dixon           | Jorge M. Gonzalez |

# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: July 18, 2023

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE ADDITIONAL SERVICES PROPOSAL FROM CHEN MOORE AND ASSOCIATES NO. P19.453.002AS06, FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE A TEST DRAINAGE WELL WITHIN THE UTILITY INFRASTRUCTURE IMPROVEMENT PROJECT AREA 6A AND, 6B, AS DETAILED WITHIN THE PROPOSAL, IN THE AMOUNT NOT TO EXCEED EIGHTY-SIX THOUSAND FOUR HUNDRED NINETY-THREE DOLLARS (\$86,493), INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY ALLOCATION IN THE AMOUNT OF SEVEN THOUSAND EIGHT HUNDRED SIXTY-THREE DOLLARS (\$7,863); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### ADMINISTRATIVE RECOMMENDATION

I am recommending approval of this Resolution.

### BACKGROUND

The Village is currently implementing 4 major and distinct Utility/PW Projects within the Gated Community.

1. Water
  - Transmission water main lines.
  - House & irrigation meters redirected from the rear to the front of homes;
  - Backflow preventers installed for all irrigation connections;
  - New fire hydrants;
  - Distribution water lines to each property.
2. Sanitary Sewer
  - Repair, replace, or line all sewer pipes;
  - Refurbish/line all sewer manhole structures.
3. Stormwater
  - Major engineering/ installation of drainage piping to connect areas to the drainage system;
  - A new upgraded Stormwater Pump Station (PS-1) at Harbour Way;
  - New drainage wells;
  - New curb and gutter installed throughout.
4. Road reconstruction where required, milling, and paving throughout the Gated Community.

These activities collectively are designated, The Utility Infrastructure Improvement Project (UIIP), which is completed in geographically based Phases. Except for pending roadway milling and paving, Project phases 3 (a, b, c) and 4 are complete. Work to complete the milling and paving within the Project phases 3 (a, b, c) began on July 10, 2023, and is expected to be completed during the summer months. The focus is currently the completion of the South of the Harbour Way West locations specifically, Phases, 5 (a, b, c), 6 (a, b), and the Stormwater Station improvements Phase 7.

A component of the planned remedial actions for the stormwater system includes enhancing the level of service to collect stormwater within the UIIP phase 6 (a, b) locations and avoiding street pooling while adhering to current regulations related to ensuring stormwater discharged into Biscayne Bay meets water quality standards.

The project area limits identified above include the following locations:

- Bal Bay Drive South, from Balfour Drive to 96th Street;
- Park Drive, from Balfour Drive South to Bal Bay Drive;
- Camden Drive, from Park Drive to Balfour Drive;
- Camden Court;
- Balfour Drive, from Bal Bay Drive South to Park Drive Bal Bay Drive.

On October 29, 2019, the Village Council adopted Resolution No. 2019-1257 approving an Additional Services Proposal from retained engineering firm Chen Moore and Associates (CMA), to provide professional engineering services to construct a drainage test well and develop a Reasonable Assurance Report (RAR), within the UIIP Phase 6A, 6b locations, at a cost not to exceed thirty thousand four hundred seventy (\$30,475), inclusive of allowances.

### **ANALYSIS**

After the approval of the 2019 proposal, additional design options were explored in this area which delayed the installation of the approved Test Well and development of the Reasonable Assurance Report (RAR). Recently CMA advised that the vendor subcontracted to construct the test well was unable to honor the 2019 price, which necessitates Council approval of a new Additional Services Proposal with updated costs. Additionally, CMA has not invoiced the Village for any services associated with the original 2019 proposal, which will be voided.

Chen Moore and Associates has submitted a new proposal No. P19.453.002/AS06 for the envisioned Test Well and RAR in the amount of seventy-eight thousand six hundred thirty dollars (\$78,630). The new additional services proposal updates the test well cost and separates the previously combined two (2) stormwater drainage basins which requires revisions to the current construction documents and separate permitting fees. Work to complete designs and permitting for the unaffected drainage basin, will continue.

During construction, professional report development, and specialized utility maintenance activities, contingency funds are utilized as reserve monies used to cover unexpected costs which arise from unforeseen conditions. These funds are not allocated to any specific area of work and if they are not required, the funds are returned to the overall General Fund Budget at the completion of the work. To anticipate the cost of unforeseen conditions and additional materials not accounted for within the proposals, it is appropriate to include a contingency of ten percent (10%) of the total cost, which equates in this instance to seven thousand eight hundred sixty-three dollars (\$7,863) rounded up to the nearest dollar.

Therefore, the updated total not to exceed the cost to construct a drainage test well and develop a Reasonable Assurance Report (RAR), within the UIIP Phase 6A, 6b locations is eighty-six thousand four hundred ninety-three dollars (\$86,493), as detailed within the proposal provided by Chen Moore and Associates, inclusive of the applied contingency.

This testing will provide information to the Village regarding the feasibility of augmenting the existing stormwater collection system discharge outfalls with gravity wells. The additional services proposal includes the drilling of a test well to determine well capacity, required for accurate drainage calculations, and the subsequent preparation of a (RAR) which will be required for well permitting. Well field testing is required to determine the flow rate of water through the subsurface infiltration of existing ground soils.

#### Scope of Service

The information below details the scope of service contained within the CMA Proposal No. P19.453.002/AS06 dated June 30, 2023.

#### SCOPE OF SERVICES

Task 030 - Construction Documents Revisions - For the development of this task, the following is the responsibility of the Consultant:

- 'Split' the current stormwater design documents (Area 1 from Area 2) and produce a new set of construction documents for Area 2 only.
- Revise the stormwater report (drainage calculations) to reflect Area 2 only.
- Install a deep injection well 'test well' to obtain well design capacity information for the stormwater calculations.
- Coordination of the test well activity, including siting, scheduling, etc. with village staff and our sub-consultant.
- Coordination with Village staff as required to produce a complete/revised plan set and calculations.

Deliverables:

- Revised and separate Area 2 drainage plans
- Revised drainage report (to only include Area 2)

Task 031 - Permitting of Area 2 - For the development of this task, the following is the responsibility of the Consultant:

- Prepare and submit a new drainage permit application for Area 2 only.

- Coordination with M-D RER and FDEP, as required for the successful permitting of Area 2 stormwater improvements.
- Revised Drawings, Signed and Sealed by the Consultant (as required)

Deliverables:

- Revised and separate Area 2 permit application package
- Revised and separate Area 2 permit approval

**THE BAL HARBOUR EXPERIENCE**

This action is aligned with the Village's stated mission through the *Bal Harbour Experience*. The construction of a drainage test well and development of a Reasonable Assurance Report (RAR) to accurately develop the most cost-efficient and effective stormwater solution for this project area corresponds directly to the goals of Modernized Public Facilities and Infrastructure and Resiliency and Sustainable Community.

**CONCLUSION**

On October 29, 2019, the Village Council adopted Resolution No. 2019-1257 approving an Additional Services Proposal from retained engineering firm Chen Moore and Associates (CMA), to construct a drainage test well and develop a Reasonable Assurance Report (RAR), within the UIIP Phase 6A, 6b locations. Recently CMA advised that the vendor subcontracted to construct the test well was unable to honor the 2019 price, which necessitates Council approval of a new Additional Services Proposal with updated costs.

Chen Moore and Associates have submitted a new proposal No. P19.453.002/AS06 for the envisioned Test Well and RAR in the amount of \$78,630, inclusive of updated test well costs, revisions to the current construction documents, and separate permitting fees.

I have reviewed the submitted proposal No. P19.453.002/AS06 from CMA and I have determined that it is in the best interest of the Village to adopt this Resolution approving the proposal from Chen Moore and Associates for the envisioned Test Well and RAR. Therefore, I recommend the adoption of this Resolution, approving the Chen Moore and Associates proposal in the amount not to exceed \$86,493, inclusive of the applied contingency.

**Attachments:**

1. Chen Moore and Associates Proposal no. P19.453.002/AS06 Dated June 30, 2023

RESOLUTION NO. 2023-\_\_\_\_

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE ADDITIONAL SERVICES PROPOSAL FROM CHEN MOORE AND ASSOCIATES NO. P19.453.002/AS06, FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE A TEST DRAINAGE WELL WITHIN THE UTILITY INFRASTRUCTURE IMPROVEMENT PROJECT AREA 6A AND, 6B, AS DETAILED WITHIN THE PROPOSAL, IN THE AMOUNT NOT TO EXCEED EIGHTY-SIX THOUSAND FOUR HUNDRED NINETY-THREE DOLLARS (\$86,493), INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY ALLOCATION IN THE AMOUNT OF SEVEN THOUSAND EIGHT HUNDRED SIXTY-THREE DOLLARS (\$7,863); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Village is currently implementing four major and distinct Utility/Public Works Projects within the Gated Community; and

**WHEREAS**, a component of the planned remedial actions for the stormwater system includes enhancing the level of service to collect stormwater within the UIIP Phase 6A and 6B locations and avoiding street pooling, while adhering to current regulations related to ensuring stormwater is discharged into Biscayne Bay meets water quality standards; and

**WHEREAS**, on October 29, 2019, the Village Council adopted Resolution No. 2019-1257 approving an Additional Services Proposal from retained engineering firm Chen Moore and Associates (CMA), to construct a drainage test well and develop a Reasonable Assurance Report (RAR), within the UIIP Phase 6A and 6b locations; and

**WHEREAS**, recently CMA advised that the vendor subcontracted to construct the test well was unable to honor the 2019 price, which necessitates Council approval of a new Additional Services Proposal with updated costs; and

**WHEREAS**, CMA has submitted a new proposal No. P19.453.002/AS06 for the envisioned Test Well and RAR in the amount of \$78,630; and

**WHEREAS**, a 10% contingency allocation has been applied in the amount of \$7,863 to account for unforeseen conditions and unplanned costs; and



**WHEREAS**, this Council has determined that it is in the best interest of the Village to approve proposal No. P19.453.002/AS06 from CMA for the envisioned Test Well and RAR, in the amount not to exceed \$86,493, inclusive of the applied contingency.

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

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

**Section 2. Resolution Approved.** That Additional Services Proposal No. P19.453.002/AS06 submitted by CMA for the provision of professional engineering services to construct a drainage test well and develop a Reasonable Assurance Report, within the UIIP Phase 6A and 6b locations in the amount not to exceed eighty-six thousand four hundred ninety-three dollars (\$86,493), as detailed within the proposal provided by CMA, inclusive of the applied contingency is hereby approved.

**Section 3. Expenditure Approved.** That the expenditure of budgeted funds for the envisioned professional engineering services is hereby approved.

**Section 4. Implementation.** That the Village Manager is hereby authorized to take all actions necessary to implement the purposes of this Resolution.

**Section 5. Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 18<sup>th</sup> day of July 2023.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

June 30, 2023

SENT VIA EMAIL  
([joldenburg@balharbourfl.gov](mailto:joldenburg@balharbourfl.gov))

Mr. John Oldenburg  
**Bal Harbour Village**  
Director – Parks and Open Spaces  
655 96<sup>th</sup> Street  
Bal Harbour, FL 33154

**Subject: Parcels 6A & 6B Neighborhood Improvements – Civil Engineering  
CMA Additional Services Proposal No. P19.453.002AS06**

Dear Mr. Oldenburg:

Chen Moore and Associates (CMA) is pleased to submit this proposal for Additional Professional Engineering Services to provide civil engineering for general neighborhood improvements for the ROW in the areas described below (areas 6A & 6B, per the exhibit provided by the Village) in Bal Harbour, FL. As we understand it, the Village does not desire to further pursue the drainage improvements to the southern portion of the 6A/6B area (AKA Area 1) and had asked CMA to split the design plans and calculations (drainage report) to only include the area to the north (Area 2) for final design and permitting through M-D RER. The following additional services proposal shall address this 'split'.

### **PROJECT STAFFING**

Our staff and team are ready and prepared to work on this project. Chen Moore staff project roles shall be as follows:

Principal – Jose L. Acosta, P.E., Executive Vice President  
Senior Project Manager – Gregory Mendez, P.E.

Engineering Staff includes the following:

- Michael Buick, P.E., Principal Engineer
- Arnaldo Roman, E.I., Associate Engineer
- Andres Aristazabal, Senior Technician
- Jose McCray, Sr. Senior Construction Specialist

### **SCOPE OF SERVICES**

**Task 030 – Construction Documents Revisions** - For the development of this task, the following is the responsibility of the Consultant:

- 'Split' the current stormwater design documents (Area 1 from Area 2) and produce a new set of construction documents for Area 2 only.
- Revise the storm water report (drainage calculations) to reflect Area 2 only.
- Install a deep injection well 'test well' to obtain well design capacity information for the storm water calculations.
- Coordination of the test well activity, including siting, scheduling, etc. with village staff and our subconsultant.
- Coordination with Village staff as required to produce a complete/revised plan set and calculations.

**Deliverables:**

- Revised and separate Area 2 drainage plans
- Revised drainage report (to only include Area 2)

**Task 031 – Permitting of Area 2** - For the development of this task, the following is the responsibility of the Consultant:

- Prepare and submit a new drainage permit application for Area 2 only.
- Coordination with M-D RER and FDEP, as required for the successful permitting of Area 2 storm water improvements.
- Revised Drawings, Signed and Sealed by the Consultant (as required)

**Deliverables:**

- Revised and separate Area 2 permit application package
- Revised and separate Area 2 permit approval

**Information to be provided by client**

- Fully executed copy of this proposal and/or Official Village work Order.

**ASSUMPTIONS AND EXCLUSIONS**

1. The same topographic survey used for the currently permitted construction documents shall be utilized for the development of the revised plan set.
2. Public Information efforts during construction shall be led by the selected Contractor and/or Village/CGA staff. CMA shall have no involvement in these efforts.
3. Change orders related to this project will be considered a Revision to the original Task Authorization.
4. No Structural, electrical, mechanical, environmental, coastal, or traffic engineering is included in this proposal.
5. This proposal assumes that no work on the sanitary sewer system shall be undertaken with this project. The Village has recently explored the sanitary system and has made appropriate repairs exclusive of the work to be performed under this proposal.
6. This work may require the need for additional subsurface utility exploration (SUE). Said work shall be provided and coordinated by the Village. These services can alternately be provided via execution of an additional service proposal.
7. All work for this project shall be proposed in Bal Harbour Village Rights-of-Way and owned lands; no work shall be proposed in private property.
8. A Reasonable Assurance Report (RAR) is not included in this proposal. Though we do not anticipate the need for one, since a test well shall be installed, should the requirement for an RAR present itself, this shall be considered an additional service.

**SCHEDULE AND FEES**

Consultant shall schedule work upon receipt of signed approval for this project as required. A formal schedule shall be completed after initial kick-off meeting with the Client after the successful negotiation of this scope of services.

Initial Schedule Consideration is as follows:

- Task 030 – Construction Documents Revisions = 10 weeks
- Task 031 – Permitting of Area 2 = 12\* weeks

\*Permitting duration is estimated and may vary due to factors beyond CMA's control.

The total lump sum fee for this project will be divided as follows:

| <b><u>Task(s)</u></b> | <b><u>Task Description</u></b>   | <b><u>Lump Sum Fees</u></b> | <b><u>Total Fees</u></b>  |
|-----------------------|----------------------------------|-----------------------------|---------------------------|
| Task 030              | Construction Documents Revisions | \$13,850.00                 | \$13,850.00               |
| Task 031              | Permitting of Area 2             | \$4,780.00                  | \$4,780.00                |
|                       | <b><i>SUBTOTAL</i></b>           | <b><i>\$18,630.00</i></b>   | <b><i>\$18,630.00</i></b> |
|                       | <i>Installation of Test Well</i> | <i>\$57,000.00</i>          | <i>\$57,000.00</i>        |
|                       | <i>Reimbursables Allowance</i>   | <i>\$3,000.00</i>           | <i>\$3,000.00</i>         |
|                       | <b><i>TOTAL</i></b>              | <b><i>\$78,630.00</i></b>   | <b><i>\$78,630.00</i></b> |

Should you have any questions, please do not hesitate to contact me at my office at +1 (786) 497-1500 x1125, my cell phone at +1 (305) 562-4789 or send me an electronic message at [Gmendez@chenmoore.com](mailto:Gmendez@chenmoore.com).

Respectfully submitted,



CHEN MOORE AND ASSOCIATES  
Gregory Mendez, P.E.  
Principal Engineer / Office Leader Miami

Attachment(s): Exhibit A

Cc: Jose L. Acosta, PE, Executive Vice President – Chen Moore and Associates  
Arnaldo Roman, E.I. – Chen Moore and Associates

3150 SW 38<sup>th</sup> Avenue, Suite 950  
Miami, FL 33146  
Office: +1 (786) 497-1500



**EXHIBIT A**

***AGREEMENT FOR PROFESSIONAL SERVICES - WORK AUTHORIZATION***

CMA Project Name: **Parcels 6A & 6B Neighborhood Improvements – Additional Services 06**  
Client Name: **Bal Harbour Village**  
Client Contact: **Mr. John Oldenburg**  
Client Address: **655 96th Street, Bal Harbour, FL 33154**  
Client Phone/Fax: **(305) 993-7436 / F (305) 868-6575**  
Client E-mail: **joldenburg@balharbourfl.gov**

CMA Project No. **P19.453.002AS06**  
Agreement Date: **June 30, 2023**

FEE: Lump Sum of **\$18,630.00** (+ \$57,000.00 for a Test Well + a \$3,000.00 Reimbursables Allowance)  
RETAINER: **N/A**

Notice to Owner: Bal Harbour Village owns the right-of-way where the utilities are proposed to be constructed. Bal Harbour Village are also the owners of the utility and shall have control of the appropriate water, sewer, and stormwater drainage easements that may be required.

**CHEN MOORE AND ASSOCIATES (CONSULTANT)**

\_\_\_\_\_  
Authorized Signature

Gregory Mendez, P.E. – Principal Engineer / Office Leader Miami  
Print Name/Title

\_\_\_\_\_  
Date

**VILLAGE OF BAL HARBOUR (CLIENT)**

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Print Name/Title

\_\_\_\_\_  
Date

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES, TO REGULATE UNDERGROUND PARKING IN THE VILLAGE; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.**

### Issue:

Should the Village Council adopt the Ordinance amending Chapter 21 "Zoning" to regulate underground parking in the Village?

### The Bal Harbour Experience:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Beautiful Environment | <input checked="" type="checkbox"/> Safety | <input type="checkbox"/> Modernized Public Facilities/Infrastructure   |
| <input type="checkbox"/> Destination & Amenities          | <input type="checkbox"/> Unique & Elegant  | <input checked="" type="checkbox"/> Resiliency & Sustainable Community |
| <input type="checkbox"/> Other: _____                     |  |  |

### Item Summary / Recommendation:

In 2022, the Village Architectural Review Board approved, and the Village Council upheld, the ARB approval of the proposed redevelopment of the Carlton Terrace condominium in the OF Oceanfront District by a development group led by Related, known as Carlton Terrace Owner, LLC. No other property in the OF district has come forward with a proposal to redevelop at this time (although other buildings are going through the building recertification process, and some are identifying significant and costly issues). The review of the Carlton Terrace project highlighted a number of policy questions for future projects, and the Village Council requested an opportunity to consider whether the OF District regulations should be revised to reflect the current circumstances and policy wishes of the Village Council and the community. Some of these issues, including underground parking, were flagged for consideration as they affect the entire Village.

The Village Council considered staff recommendations on these matters at its 2023 Retreat, and provided input to the Administration on the proposed ordinances it wanted to review. As requested, staff reviewed the zoning code to explore potential update amendments on these issues. This proposed ordinance addresses the issues around underground parking.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE**


### Advisory Board Recommendation:

N/A

### Financial Information:

|  | Amount | Account | Account # |
|--|--------|---------|-----------|
|  | X      | X       | X         |

### Sign off:

| Director Title | Chief Financial Officer | Village Manager   |
|----------------|-------------------------|---|
| Director Name  | Claudia Dixon           | Jorge M. Gonzalez   |
|                |                         |  |

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: July 18, 2023

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES, TO REGULATE UNDERGROUND PARKING IN THE VILLAGE; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending approval of this Ordinance.

### **BACKGROUND**

In 2022, the Village Architectural Review Board approved, and the Village Council upheld, the ARB approval of the proposed redevelopment of the Carlton Terrace condominium in the OF Oceanfront District by a development group led by Related, known as Carlton Terrace Owner, LLC. No other property in the OF district has come forward with a proposal to redevelop at this time (although other buildings are going through the building recertification process, and some are identifying significant and costly issues). The review of the Carlton Terrace project highlighted a number of policy questions for future projects, and the Village Council requested an opportunity to consider whether the OF District regulations should be revised to reflect the current circumstances and policy wishes of the Village Council and the community. Some of these issues, including underground parking, were flagged for consideration as they affect the entire Village.

The Village Council considered staff recommendations on these matters at its 2023 Retreat and provided input to the Administration on the proposed ordinances it wanted to review. As requested, staff reviewed the zoning code to explore potential update amendments on these issues. This proposed ordinance addresses the issues around underground parking.

#### *Underground parking*

The Village is located entirely on a barrier island between the bay and the Atlantic Ocean. The underlying soils are sand or other unstable or caustic materials. Construction, therefore, requires the use of pilings driven into the soil to either bedrock or maximum specified pressure resistance with beam foundations. However, there are no proven methods to



protect underground structures from eventual settling or saltwater intrusion. Engineers can inspect what is accessible and visible to provide opinions but, in the final analysis, it is impossible to directly inspect these materials years later and be certain of their continued structural integrity. Only those certifications and inspections that are completed before the structure is complete can assure the integrity of the construction. While periodic inspections are required by the County recertification process, the repairs that are identified can be costly or almost impossible for the current owners of buildings to implement. Newer structural materials are becoming more available that are less subject to corrosion in a marine environment, but these are difficult to add to a building after it is constructed.

FEMA regulations and the Florida Building Code (FBC) currently prohibit underground parking garages under exclusively residential developments, including those residential developments with amenities that only serve the residents of the development. Underground garages are permitted for Mixed-Use Developments (mix of land uses such as hotels, Residential, Commercial, or Offices) and for non-residential development. The amount of non-residential uses required to be considered mixed-use is not well-defined in the FEMA regulations.

The FEMA/FBC rules have changed over the years; in prior years, residential amenities were considered in determining that a building was multi-use. The Village has several examples of existing underground parking garages for solely residential use complexes under the prior rules.

It is unknown why FEMA/FBC differentiates between land uses. Vehicles could be damaged or flooded in an underground parking garage regardless of the principal use of the structure. Moreover, expected sea level rise and potential storm surges from hurricanes and tropical storms, as vividly demonstrated by the October 2022 Southwest Florida Hurricane Ian scenario (10'-12' storm surge) can lead to large amounts of damage and flooding. In light of these possibilities, should the Village consider banning future underground parking garages, in the OF district or more broadly in the Village?

Above-grade parking garages are safer from flooding. However, they are not very visually appealing, unless they are properly designed without large openings, and architecturally designed to match the main building. The current 22' height limit for accessory parking structures in the OF district (Section 21-288(4) of the Code) helps control the massing impact of above-ground parking garages in the Village. This contrasts with, for example, the visual impact in the new Sunny Isles Beach beachfront development with large, multi-story above-ground parking garages.

To address these issues, the Village Council is asked to consider regulating underground parking in the Village. On the positive side, this would address the issues of long term

structural integrity. On the potentially negative side, this change would impact the aesthetics of the community and the amount of development that can occur within the height limit, which can only be changed by the voters.

The proposed Ordinance amends Chapter 21 to address underground parking first by prohibiting properties with principal residential uses in all zoning districts from having the floor or other parts of a parking structure from being located under Grade. "Grade" is already defined in the Village Code as follows:

*Grade.* When used in connection with the elevation of the ground, Grade means the average level of the natural ground adjacent to the exterior walls of a Building and shall be measured in feet above the finished grade of the center of the street on which the Lot fronts, or refers to an elevation above an established benchmark.

This approach will avoid the uncertainty surrounding the FEMA regulations of mixed-use buildings, and make it clear that any development that is predominantly residential may not have underground parking, regardless of whether the development has accessory non-residential uses. Second, the proposed ordinance requires properties with principal nonresidential uses in all zoning districts to assure that the elevation of the lowest finished floor of the lowest level of structured parking is no lower than one foot above the water table, an elevation to be determined by the Building Official based on the best available documentation at the time of development.

The proposed regulations follow:

#### **ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS**

##### **Sec. 21-365. - Underground Parking**

(a) Properties with Principal Residential Uses. For properties with principal residential uses in every zoning district, the elevation of the lowest finished floor of the lowest level of structured parking shall be no lower than Grade.

(b) Properties with Principal Nonresidential Uses. For properties with principal noncommercial uses in every zoning district, the elevation of the lowest finished floor of the lowest level of structured parking shall be no lower than one foot above the water table. The Building Official shall determine whether this standard is met based on the best available documentation.

It is important to note that the overall height limit of development is not proposed for change. By requiring structured parking to be at or near Grade, less height will be available for occupied space. Also, important to note is that the 22-foot height limit for parking pedestals is not proposed to be changed. A separate ordinance proposes to modify the side setback regulation to assure that parking garage pedestals in OF are less visually

July 18, 2023 Council Meeting

Re: Regulation of Underground Parking Village Wide

Page 4 of 4

impactful, but the impact of this ordinance will very likely be to increase the footprint of buildings. The Village's Appearance Code and ARB review process will also be important

tools for managing the visual impact of the proposed change, and assure that the front, side and rear elevations are all up to the Village's standards.

### **THE BAL HARBOUR EXPERIENCE**

By amending the Village Code, the Village would continue to "implement smart policies and strategic solutions to address the challenges of today and to ensure that we remain a Resilient and Sustainable community able to protect our future."

### **CONCLUSION**

It is recommended that the Village Council adopt the proposed Ordinance.

**ORDINANCE NO. 2023-\_\_\_\_**

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES, TO REGULATE UNDERGROUND PARKING IN THE VILLAGE; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, Bal Harbour Village (the "Village") Council finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, the Village Council now seeks to amend the Village Code to prohibit underground structured parking for principal residential uses in all zoning districts, and to require the elevation of the lowest finished level of underground structured parking for principal nonresidential uses be at least one foot above the water table, as further specified herein; and

**WHEREAS**, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on \_\_\_\_\_, 2023, and recommended approval; and

**WHEREAS**, the Village Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Village Council has determined that this Ordinance is consistent with the Village's Comprehensive Plan and in the best interest of the public health, safety and welfare.

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

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

**Section 2. Village Code Amended.** That Chapter 21 "Zoning," is hereby amended to read as follows:<sup>1</sup>

## CHAPTER 21. ZONING

\* \* \*

### ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

\* \* \*

#### **Sec. 21-365. - Underground Parking**

(a) Properties with Principal Residential Uses. For properties with principal residential uses in every zoning district, the elevation of the lowest finished floor of the lowest level of structured parking shall be no lower than Grade.

(b) Properties with Principal Nonresidential Uses. For properties with principal noncommercial uses in every zoning district, the elevation of the lowest finished floor of the lowest level of structured parking shall be no lower than one foot above the water table. The Building Official shall determine whether this standard is met based on the best available documentation.

**Secs. 21-365~~6~~–21-380. - Reserved.**

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Changes between first and second reading are shown in double underline and ~~double striketrough~~ font.

**Section 4. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflict.** That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 18<sup>th</sup> day of July, 2023

PASSED AND ADOPTED on second reading this \_\_th day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Jeffrey P. Freimark



ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Village Attorney

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO UPDATE ZONING REGULATIONS THAT AFFECT THE OCEAN FRONT ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.**

### Issue:

Should the Village Council adopt the Ordinance amending Chapter 21 "Zoning" regulations that affect the Ocean Front Zoning District?

### The Bal Harbour Experience:

Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community  
 Other: \_\_\_\_\_

### Item Summary / Recommendation:

In 2022, the Village Architectural Review Board approved, and the Village Council upheld, the ARB approval of the proposed redevelopment of the Carlton Terrace condominium in the OF Oceanfront District by a development group led by Related, known as Carlton Terrace Owner, LLC. No other property in the OF district has come forward with a proposal to redevelop at this time (although other buildings are going through the 40-year recertification process, and some are identifying significant and costly issues). The review of the Carlton Terrace project highlighted a number of policy questions for future projects, and the Village Council requested an opportunity to consider whether the OF District regulations should be revised to reflect the current circumstances and policy wishes of the Village Council and the community. Some of these issues, including underground parking, were flagged for consideration as they affect the entire Village.

The Village Council considered staff recommendations on the OF district at its 2023 Retreat, and provided input to the Administration on the proposed ordinances it wanted to review. As requested, staff reviewed the zoning code to explore potential amendments on these issues. This proposed ordinance addresses these issues; a separate ordinance is proposed to address underground parking.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.**


### Advisory Board Recommendation:

N/A

### Financial Information:

|  | Amount | Account | Account # |
|--|--------|---------|-----------|
|  | X      | X       | X         |

### Sign off:

| Director Title | Chief Financial Officer | Village Manager   |
|----------------|-------------------------|---|
| Director Name  | Claudia Dixon           | Jorge M. Gonzalez   |
|                |                         |  |

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: July 18, 2023

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES TO UPDATE ZONING REGULATIONS THAT AFFECT THE OCEAN FRONT ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending approval of this Ordinance.

### **BACKGROUND**

In 2022, the Village Architectural Review Board approved, and the Village Council upheld, the ARB approval of the proposed redevelopment of the Carlton Terrace condominium in the OF Oceanfront District by a development group led by Related, known as Carlton Terrace Owner, LLC. No other property in the OF district has come forward with a proposal to redevelop at this time (although other buildings are going through the 40-year recertification process, and some are identifying significant and costly issues). The review of the Carlton Terrace project highlighted a number of policy questions for future projects, and the Village Council requested an opportunity to consider whether the OF District regulations should be revised to reflect the current circumstances and policy wishes of the Village Council and the community. Some of these issues, including underground parking, were flagged for consideration as they affect the entire Village.

The Village Council considered staff recommendations on the OF district at its 2023 Retreat, and provided input to the Administration on the proposed ordinances it wanted to review. As requested, staff reviewed the zoning code to explore potential amendments on these issues. This proposed ordinance addresses these issues; a separate ordinance is proposed to address underground parking. The location of the OF district is depicted on Exhibit 1, which is the zoning map for the Village.

The OF District is mapped on the east side of Collins Avenue. The properties are zoned OF unless they have gone through the process of Planned Development PD review and rezoning, which is only available for larger properties and requires a development agreement. The proposed ordinance does not address the PD standards.



The OF district allows multi-family residential and hotel uses, and specifically provides for and regulates a number of accessory and commercial uses. All Village zoning districts, including the OF District, are also regulated by supplemental regulations and requirements for off-street parking and loading.

Hotels are required to have at least 100 guest rooms, and are generally allowed to have convenience establishments without limitation. Multiple family residences must have at least 24 units and, if they have at least 100 units, they are eligible for convenience establishment uses, as specifically defined and further regulated in Section 21-281. Restaurants in multi-family projects may be open to the public only if approved by the Village Council after a public hearing.

### **ANALYSIS**

As requested, staff reviewed the zoning code to explore potential amendments, and the following issues emerged for discussion in the OF Ocean Front District, and are reflected in the proposed ordinance.

#### 1. *Parking Structure setbacks and design standards*

A separate ordinance proposes to prohibit underground parking. If this change is adopted by the Village Council, it increases the importance of how the Code regulates the mass and appearance of above-ground parking garages. Currently, OF Ocean Front parking garages and cabanas must either adjoin the side lot lines (0' setback) or be set back 25' from the lot line. See Section 21-291(6)a. The wording of the Code is not clear if the setback options apply only to above-grade parking garages, to below-grade garages, or both, but it appears that the Village has allowed OF properties to have 0' setbacks for their above-ground parking pedestals.

The rationale for this rule is not clear; why are there two extremes, with no provision for a middle ground where the setback might be wide enough for a beach pedestrian walkway, or to create a view vista or break in building massing, without providing a full 25 feet? If adjoining sites have abutting above-grade 0' setbacks for garages or cabanas, the application of this rule can lead to a massive appearance that blocks views and air. It also might block or channel the flow of winds and storm surge in storm events. If parking garages are instead located underground, the side setbacks do not affect the aesthetics of the development.

One way to address this section would be to clarify that underground parking structures may continue to have a 0' setback, while requiring that new above-ground parking garages provide the 25' side setback. Existing zero-setback above-ground parking garages could be required to comply with the 25' side setback upon redevelopment.

A separate ordinance proposes to remove the ability to have underground parking in the OF District, so there will no longer be a need to regulate the setbacks of underground

parking structures. This proposed ordinance changes the side setback regulation for parking garages so that 25' is always required.

The Village has also heard concerns from existing OF Ocean Front properties that there is not enough parking to accommodate those vehicles associated with delivery, repair/maintenance, and construction workers. The current parking standards for multiple family dwellings do not address this aspect of parking demand; they require 1.5 parking spaces for each dwelling unit, plus 1 additional space for each 10 dwelling units, plus the required spaces for any business establishments contained within the complex. See Section 21-384(2).

Should the parking standards applicable to OF be adjusted to prevent such problems with future development in the OF district? A review of similar communities was conducted by the Village Planner and revealed no examples of separate parking ratios for these purposes. The proposed ordinance clarifies that driveways and a portion of the rooftop of the parking structure can be designated for parking for these purposes, while maintaining the current requirement that 75% of the rooftop be devoted to open space, landscaping and recreation. It adds a new process whereby an existing building, upon a showing that it is necessary to preserve safe access and traffic flow, may ask the Village Council for approval to use more than 25% of the rooftop for supplemental parking.

The proposed ordinance also adds to the existing design standards for above grade Parking Structures, as follows:

**Sec. 21-288. Same—Exception for accessory Parking Structures.**

In the OF Ocean Front District, 100 percent of the required off-street parking spaces shall be contained in fully enclosed Parking Structures ~~which may utilize front, side and rear Setback areas~~ subject to the following requirements and design standards:

- (1) The maximum Lot coverage of the Principal Building does not exceed 20 percent of the total Lot.
- (2) ~~No~~Minimum required parking is not provided on the roof of the Parking Structure. Supplemental parking spaces for guests, deliveries, drop-off and pickup services, and construction, maintenance & repair personnel may be designated:
  - a. along the driveways, and
  - b. on up to 25% of the area of the western end of the Parking Structure rooftop. A larger area of an existing Parking Structure rooftop may be devoted to supplemental parking spaces if approved by the Village Council as provided in subsection (3).
- (3) A minimum of 75 percent of the roof of the Parking Structure, excluding the Principal Structure, shall be utilized for open space, Landscaping, and recreation in accord with a plan approved by the Village. For a Parking Structure constructed

prior to January 1, 2023, a request may be submitted to the Village Council to reduce the 75% minimum to allow designation of additional supplemental parking spaces on the rooftop, upon a showing that the additional spaces are necessary to assure safe access to and traffic flow through the site. The Council approval shall specify the alternative minimum percentage and any necessary conditions.

- (4) The maximum Height of the accessory Parking Structure shall not exceed an elevation of 22.00 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property, and shall conform to the setback regulations contained in section 21-291. For the purpose of this section, the determination of the average Street Grade for those Lots or portions of Lots in proximity to the Haulover Cut Bridge shall be measured as the combined average elevations of the adjoining frontage road and the road surface of the bridge adjoining the subject Property (westerly extension of the Property lines to the bridge). The determination of the average elevation shall be as follows:
  - a. ~~Based upon the roadway frontage adjoining the subject Property, establish an imaginary extension of the Property line to the eastern edge of the frontage road right of way and the bridge Structure;~~
  - b. ~~At the intersection of the extension of the Property line and the centerline of the frontage road and bridge roadway surface, determine the elevations of the road surfaces at the north and south Property line extensions and divide by four.~~
- (5) No portion of the Parking Structure shall encroach within the front Building Restriction Line area as shown on the recorded plats of the Ocean Front Section of Bay Harbor and the Bal Harbour Ocean Front Addition.
- (6) Where any portion of a Parking Structures is above Grade, the Parking Structure shall be designed in such a manner so that:
  - a. from the adjoining roadways, the Parking Structure must be substantially screened from view by the use of earthen berms and Landscaping. Driveways should appear to rise to the entrance of the Principal Building. This shall not prohibit the Parking Structure driveway openings from being visible from an adjoining Street.
  - b. from the Atlantic Ocean (east of lots) and abutting side property lines (north / south), the Parking Structure must be substantially enclosed by the use of screening methods to minimize the view of vehicles, mechanical equipment, and any storage areas located within the Parking Structure.

Large open voids in the building facade are prohibited. The exterior fa?ades of all Parking Structures must be architecturally designed to be similar to the architectural design of the Principal Building. If a non-conforming Parking

Structure is substantially renovated, the exterior facades shall be modified as required by the ARB. The use of larger or taller landscaping materials such as trees shall also be used where possible to supplement the above screening requirements.

## 2. *Minimum unit/hotel room requirements*

Currently, the OF Ocean Front District requires multiple family residences to contain at least 24 dwelling units, and allows them additional uses if they have at least 100 dwelling units. While the majority of OF properties have more than 100 dwelling units, the redevelopment trend is to reduce the number of units and increase their size as well as increase the area devoted to residential amenities. Moreover, it has been state policy for decades to limit the residential density in the Coastal High Hazard Area (barrier islands), and this rule contradicts that policy. The OF district also requires hotels to have a minimum of 100 guest rooms. Yet the Village has seen, in PD developments, how a mixed-use property such as the Ritz Carlton can prosper with a relatively small number of hotel units.

One alternative would be to remove all minimum unit or room thresholds. Decades ago, these rules likely served to avoid the development of additional low-scale and low-end motels along the ocean typical of the mid-20th century. Current property values and market preferences make such development unlikely.

Another alternative would be to retain some minimums, but reduce them. For example, the minimum of 24 units for a multiple family residence project is consistent with current development trends. The Village could revise the Code so that a property with at least 24 units would not only satisfy the zoning but could also qualify for the additional convenience establishment uses. Similarly, the required minimum number of hotel rooms could be reduced or, in the case of a mixed-use property, removed completely. The Village could also consider whether there are other methods of assuring that hotel development is desirable, such as developing regulatory standards for hotels (requiring a single flag, requiring centralized management, requiring a single BTR, etc.).

The proposed ordinance retains the 24 unit minimum for multiple family residences, and removes the requirement for a minimum of 100 units for a multiple family residence to be eligible for convenience establishment uses. It also removes the requirement for hotels to have at least 100 hotel rooms. The approach to approving convenience establishment uses for multiple family residences and hotels is also proposed to be changed, as outlined below.

## 3. *Accessory/Convenience Establishment Uses*

Because the FEMA/FBC rules for underground parking turn on the mixed-use status of the project, the discussion around the Carlton Terrace project shone a spotlight on the current rules for convenience establishments and other uses allowed in a residential project in OF.

Ultimately, the applicant in that project incorporated a medical office use that was allowed as of right in the OF Ocean Front District. The question raised was whether medical/dental office or any of the other currently allowed principal or accessory uses should be removed from OF. Do these uses reflect the Village's current vision of the Bal Harbour Experience?

The current Code links the ability of multiple family residences to have convenience establishments to whether the project has at least 100 units. These convenience establishments include barbershops, beauty salons, cleaners, mini-groceries, travel agencies, health clubs, florists, and other similar uses as may be permitted by the Village Council, after a public hearing, provided that such uses are compatible with and do not adversely affect the residential character of the multi-family development. The section has appropriate regulations to assure the residential nature of the project is not transformed by these uses, such as limiting signage, lighting, and separate entrances. Also, their area is limited to 10% of the aggregate floor area of the principal building in which they are located.

Restaurants are similarly allowed as convenience establishments as part of that 10% of aggregate floor area. The OF regulations further allows a restaurant to be open to the public if approved by the Village Council following a public hearing as not adversely affecting the residents of the building or the character of the Village, with appropriate conditions to assure compatibility.

A question was raised about the meaning of "health club", and its relationship to spa use. It might be appropriate to modernize the terminology applicable to this use, to assure that the typical fitness and spa amenities desired in new projects are allowed regardless of the number of units in the project.

This section also requires that hotels have a minimum of 100 rooms in order to have convenience establishment uses. While those uses are not constrained by the definition applicable to multiple family residences, the Village has seen that hotels with a smaller number of units may be quite viable, particularly when combined with multiple-family units as at the Ritz Carlton.

Based on these discussions and the input from the Council, the proposed ordinance makes the following changes to the OF regulations of convenience establishments.

a. Remove the requirement for 100 units for a multiple family residence to be qualified to seek convenience establishment uses.

b. Remove the requirement for 100 hotel rooms for hotels to be qualified for convenience establishment uses.

c. Define convenience establishments for multiple family residences to include those uses listed in the current Code, with the addition of spas. Removes the medical and dental uses currently allowed as convenience establishments.

d. Require Village Council approval before any convenience establishments can be included in a multiple family residence.

e. Continue to provide for approval of other similar uses by the Village Council following a public hearing, but only when they are limited to the exclusive use of the residents, and only after finding that the proposed use is compatible with and does not adversely affect the residential character of the multiple-family development.

f. Retains the existing requirements to limit the impact of such uses on neighboring properties. (no signage, no separate entry, maximum floor area, no auto uses)

#### 4. *Floor Area Ratio*

The OF Ocean Front District contains lots that are platted and zoned from decades ago. Later, the state established the erosion control line, which resulted in slivers of land that are outside of the platted lots but available for development. It has previously been determined that these slivers cannot be used as part of the density calculation for a property because of the requirements of the Village comprehensive plan.

The comprehensive plan does not affect the calculation of the FAR for a project. As part of the review of the Carlton Terrace project, the Village Planner ultimately interpreted that the FAR could be based on the combination of the platted lot and the sliver based on evidence of that measurement method having been applied to prior projects in the Village. A small revision to the Code would make it clearer that this is the proper method of calculation of FAR.

The proposed ordinance accomplishes this by creating a definition of a project site that encompasses one or more lots being developed for a single project, including the land east of the platted lot line to the erosion control line, and special definition of FAR for the OF district that allows the FAR to be measured on the basis of the lot or a project site.

#### 4. *Coastal Construction Control Line (CCCL)*

Currently, the Code clearly allows construction in the OF Ocean Front district to be seaward of the CCCL. However, the language of the separate Code sections in Article VII is contradictory, and does not accurately describe state law. The specific governs the general, and therefore the OF language is the applicable language. However, the apparently contradictory language is confusing, and might benefit from revisions so that readers of Article VII are aware of the treatment of the OF properties.

The proposed ordinance clarifies the language in Article VII, Section 21-447, and further updates the language to incorporate the recently revised floodplain regulations in Chapter 8.5.

5. *Other.*

The proposed ordinance also makes some technical changes to the OF Ocean Front District. It creates a defined term for the language used repeatedly throughout the Division to specify the measurement of height for those OF lots in proximity to the bridge.

It also clarifies the requirement in Section 21-296 to provide hurricane shutters to reflect that the Florida Building Code currently requires hurricane windows. The section is preserved because it continues to apply to older existing buildings in the OF district.

***THE BAL HARBOUR EXPERIENCE***

By amending the Village Code, the Village would continue to “implement smart policies and strategic solutions to address the challenges of today and to ensure that we remain a Resilient and Sustainable community able to protect our future.”

**CONCLUSION**

It is recommended that the Village Council adopt the proposed Ordinance.

Attachments:

1. Exhibit 1: Zoning Map

**ORDINANCE NO. 2023-\_\_\_\_**

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA;  
AMENDING CHAPTER 21 "ZONING" OF THE CODE OF  
ORDINANCES TO UPDATE ZONING REGULATIONS THAT  
AFFECT THE OCEAN FRONT ZONING DISTRICT; PROVIDING  
FOR INCLUSION IN THE CODE, CONFLICTS, AND AN  
EFFECTIVE DATE.**

**WHEREAS**, Bal Harbour Village (the "Village") Council finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, in consideration of recent development activities within the Village, the Village Council asked the Administration to review the Village Code and make recommendations as to whether the Village Code reflects the current circumstances and policy wishes of the Village Council and the community; and

**WHEREAS**, the Administration reviewed Chapter 21, "Zoning" of the Village Code, and proposed amendments to regulations affecting the OF Ocean Front zoning district, including definitions, parking garage setbacks, minimum unit/room requirements, convenience establishment uses, Floor Area Ratio measurements, and to harmonize the current regulations applicable to construction seaward of the coastal construction line; and

**WHEREAS**, the Village Council reviewed these concepts at its 2023 retreat, and provided input that has been reflected in this Ordinance; and

**WHEREAS**, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on \_\_\_\_\_, 2023, and recommended approval; and



**WHEREAS**, the Village Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Village Council has determined that this Ordinance is consistent with the Village’s Comprehensive Plan and in the best interest of the public health, safety and welfare.

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

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

**Section 2. Village Code Amended.** That Chapter 21 “Zoning,” is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 21. ZONING**

\* \* \*

**ARTICLE III. - DISTRICT REGULATIONS**

\* \* \*

**DIVISION 10. - OF OCEAN FRONT DISTRICT**

**Sec. 21-279. Purpose of District.**

The purpose of the OF Ocean Front District is to provide land development regulations for those lands identified as RH Residential High Density on the Village’s adopted Comprehensive Plan Future Land Use Map. Parcels so zoned shall be located between Collins Avenue and the eastern Lot Lines of those parcels of land depicted on the plat entitled "Ocean Front Section of Bay Harbour," recorded in Plat Book 44, at Page 27, of the Public Records of Dade County, Florida and those parcels of land depicted on the plat entitled "Bal Harbour Ocean Front Addition," recorded in Plat Book 57, at Page 68, of the Public Records of Dade County, Florida. The intended development characteristics

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Changes between first and second reading are shown in double underline and ~~double striketrough~~ font.

include primarily high-rise luxury residential development with ancillary commercial and recreational uses, exclusively for the use of the residents of the residential development. Additionally, resort-type development such as Hotels are also intended which may include convention facilities. The recorded subdivision plats contain Building restriction lines that were intended to establish the general position of Buildings on the Lots. Development requests should generally follow the Setback of existing construction, development intensities identified in the Comprehensive Plan and these regulations and Building heights.

### **Sec. 21-280. Definitions of Balcony and Porch Enclosure.**

The definitions in Section 21-1 apply to all of Chapter 21. For purposes of this division, the phrase following terms are defined:

"Balcony or Porch Enclosure" means exterior enclosures affixed to Balconies and Porches, made of screening, glass, aluminum, CBS block, wood, fabric, or any other material which is affixed to the face of the Principal Building for the purpose of enclosing a Balcony or Porch.

"Bridge Lot Street Grade" means a measurement, for Lots or portions of Lots in proximity to the Haulover Cut Bridge, determined by the combined average elevations of the adjoining frontage road and the road surface of the bridge adjoining the subject Property (westerly extension of the Property lines to the bridge). The determination of the average elevation shall be as follows:

- a. Based upon the roadway frontage adjoining the subject Property, establish an imaginary extension of the Property line to the eastern edge of the frontage road right-of-way and the bridge Structure;
- b. At the intersection of the extension of the Property line and the centerline of the frontage road and bridge roadway surface, determine the elevations of the road surfaces at the north and south Property line extensions and divide by four.

"Convenience Establishments in Multiple-Family Developments" means uses as may be permitted by the Village Council, after a public hearing, provided that such uses are for the exclusive use of the residents, and are compatible with and do not adversely affect the residential character of the multi-family development. These uses may include barbershops, beauty salons, cleaners, mini-groceries, restaurants, health clubs, spas, travel agencies, and florists.

"Floor Area Ratio (FAR)" means the Gross Floor Area, not including Parking Structures, on a Lot or Project Site, divided by the area of the Lot or Project Site. (For example, a Building containing 20,000 square feet of floor area on a Lot or Project Site of 10,000 square feet has a Floor Area Ratio of 2.0).

"Hotel" means a Building or premises where lodging or sleeping accommodations of not less than 24 Guest Rooms are provided.

"Project Site" means a Lot or combination of contiguous Lots or parcels of land fronting on a Street, drive, or waterway, which is proposed to be occupied by a new or

redeveloped Building(s) and any accessory Building(s) and/or related facilities, including the open spaces, recreational amenities, parking facilities and other aspects required under this chapter.

**Sec. 21-281. Permitted uses.**

No Building or land shall be used in the OF Ocean Front District and no Building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used for any purpose, unless otherwise provided for in this chapter, except for one or more of the following uses:

- (1) Multiple-Family Dwellings or apartment buildings containing not less than 24 dwelling units.
- (2) Hotels ~~containing not less than 100 Guest Rooms.~~
- (3) Public and private beach areas.
- (4) Public parks and playgrounds owned and operated by the Village.
- (5) Off-street parking and loading facilities.
- (6) Cabanas, as accessory structures, constructed concurrently with or subsequent to the construction of the main Building.
- ~~(7) Medical and dental offices including services in such offices related to medical or dental care that are performed under the supervision of medical doctors or dentists. Such medical and dental offices shall be located in buildings as defined in subsections (1) and (2) and must meet the requirements of subsection (8) a through e of this section.~~
- ~~(8)~~(7) Convenience establishments in multiple-family developments ~~containing at least 100 or more dwelling units,~~ provided their operations in ~~multiple-family developments~~ are for the ~~primary~~ exclusive use of the residents of the multiple-family development Building and are used only as an ancillary and Accessory Use thereto for the day-to-day convenience of the residents. These convenience establishments in multiple-family developments are subject to the following restrictions:
  - a. Such convenience establishments shall be entered only from within the Principal Building.
  - b. Such convenience establishments shall have no outside entrance or storefront.
  - c. Such convenience establishments shall have no sign display, lighting or advertisement matter facing or visible from the western boundary of the district, or which may be facing or visible from a point on Lot 1 in the district west or south of such ~~Hotel or~~ multiple-family building.
  - d. The total amount of floor area devoted to convenience establishments shall not exceed ten percent of the aggregate floor area of the Principal Building in which it is located.

- e. The sale, dispensing or storage of gasoline, oil, grease or automobile accessories is prohibited in this district.
- f. Convenience establishment uses must be those defined in this Division. Other similar uses for the exclusive use of the residents may be permitted by the Village Council, after a public hearing, upon finding that the proposed use is compatible with and does not adversely affect the residential character of the multiple-family development.

~~The Village Council may grant an exemption to a restaurant from the requirement that convenience establishments in multifamily developments be primarily for the use of residents of the building as an ancillary and accessory use after a public hearing and upon finding that:~~

- ~~1. Such an exemption will not adversely affect the residents of the building;~~
- ~~2. Such an exemption will not adversely affect the character of the Village; and~~
- ~~3. The nature of the restaurant for which an exemption is sought is compatible with other development in the Village.~~

~~In granting such an exemption, the Council may impose such conditions as it deems appropriate.~~

~~(9)(8) Convenience establishments in Hotels containing 100 or more Guest Rooms.~~

~~(10) Convenience establishments in multiple-family developments shall be defined as follows:~~

- ~~a. Barbershops.~~
- ~~b. Beauty salons.~~
- ~~c. Cleaners.~~
- ~~d. Mini-groceries.~~
- ~~e. Restaurants.~~
- ~~f. Health clubs.~~
- ~~g. Travel agencies.~~
- ~~h. Florists.~~
- ~~i. Other similar uses as may be permitted by the Village Council, after a public hearing, provided that such uses are compatible with and do not adversely affect the residential character of the multi-family development.~~

~~The definition of convenience establishments in Hotels may include any of the uses listed as permitted or conditional uses in the Village's B Business District (Section 21-316), and shall not be restricted except as otherwise provided in this Code or under Florida other applicable law.~~

~~(11)(9) Vacation Rentals in accordance with section 21-363.~~

\* \* \*

**Sec. 21-286. Maximum Floor Area Ratio.**

The Floor Area Ratio in the OF Ocean Front District shall not exceed 2.8 to one, exclusive of floor area within enclosed Parking Structures devoted entirely to off-street parking and those floor areas listed in section 21-1 that are excluded in the definition of Floor Area Ratio. The Floor Area Ratio calculation in the OF Ocean Front district may include the area of the Project Site located east of the platted Lot and west of the erosion control line.

**Sec. 21-287. - Maximum Lot coverage–Generally.**

Principal Buildings and Structures in the OF Ocean Front District having 17 Stories or less shall not exceed 20 percent of the total Lot area. For each Story in excess of 17 Stories, the maximum percentage of Building coverage permitted for Principal Buildings and Structures shall decrease by one percent; i.e., 18 Stories, 19 percent Lot coverage; 19 Stories, 18 percent Lot coverage; etc.

**Sec. 21-288. Same–Exception for accessory Parking Structures.**

In the OF Ocean Front District, 100 percent of the required off-street parking spaces shall be contained in fully enclosed Parking Structures ~~which may utilize front, side and rear Setback areas~~ subject to the following requirements and design standards:

- (1) The maximum Lot coverage of the Principal Building does not exceed 20 percent of the total Lot.
- (2) ~~No~~Minimum required parking is not provided on the roof of the Parking Structure. Supplemental parking spaces for guests, deliveries, drop-off and pickup services, and construction, maintenance & repair personnel may be designated:
  - a. along the driveways, and
  - b. on up to 25% of the area of the western end of the Parking Structure rooftop. A larger area of an existing Parking Structure rooftop may be devoted to supplemental parking spaces if approved by the Village Council as provided in subsection (3).
- (3) A minimum of 75 percent of the roof of the Parking Structure, excluding the Principal Structure, shall be utilized for open space, Landscaping, and recreation in accord with a plan approved by the Village. For a Parking Structure constructed prior to January 1, 2023, a request may be submitted to the Village Council to reduce the 75% minimum to allow designation of additional supplemental parking spaces on the rooftop, upon a showing that the additional spaces are necessary to assure safe access to and traffic flow through the site. The Council approval shall specify the alternative minimum percentage and any necessary conditions.

- (4) The maximum Height of the accessory Parking Structure shall not exceed an elevation of 22.00 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property, and shall conform to the setback regulations contained in section 21-291. ~~For the purpose of this section, the determination of the average Street Grade for those Lots or portions of Lots in proximity to the Haulover Cut Bridge shall be measured as the combined average elevations of the adjoining frontage road and the road surface of the bridge adjoining the subject Property (westerly extension of the Property lines to the bridge). The determination of the average elevation shall be as follows:~~
- ~~a. Based upon the roadway frontage adjoining the subject Property, establish an imaginary extension of the Property line to the eastern edge of the frontage road right-of-way and the bridge Structure;~~
  - ~~b. At the intersection of the extension of the Property line and the centerline of the frontage road and bridge roadway surface, determine the elevations of the road surfaces at the north and south Property line extensions and divide by four.~~
- (5) No portion of the Parking Structure shall encroach within the front Building Restriction Line area as shown on the recorded plats of the Ocean Front Section of Bay Harbor and the Bal Harbour Ocean Front Addition.
- (6) ~~Accessory Parking Structures shall be designed in such a manner so that from the adjoining roadways, the Structure must be substantially screened from view by the use of earthen berms and Landscaping. Driveways should appear to rise to the entrance of the Principal Building. This shall not prohibit the Parking Structure driveway openings from being visible from an adjoining Street.~~

Where any portion of a Parking Structure is above Grade, the Parking Structure shall be designed in such a manner so that:

- a. from the adjoining roadways, the Parking Structure must be substantially screened from view by the use of earthen berms and Landscaping. Driveways should appear to rise to the entrance of the Principal Building. This shall not prohibit the Parking Structure driveway openings from being visible from an adjoining Street.
- b. from the Atlantic Ocean (east of lots) and abutting side property lines (north / south), the Parking Structure must be substantially enclosed by the use of screening methods to minimize the view of vehicles, mechanical equipment, and any storage areas located within the Parking Structure.

Large open voids in the exterior facade are prohibited. The exterior fa?ades of all Parking Structures must be architecturally designed to be similar to the

architectural design of the Principal Building. If a non-conforming Parking Structure is substantially renovated, the exterior facades shall be modified as required by the ARB. The use of larger or taller landscaping materials such as trees shall also be used where possible to supplement the above screening requirements.

**Sec. 21-289. - Minimum floor areas.**

The following shall be considered minimum habitable floor areas in the OF Ocean Front District:

- (1) Efficiency dwelling units: 600 square feet.
- (2) One-bedroom dwelling units: 900 square feet.
- (3) Two-bedroom dwelling units: 1,150 square feet.
- (4) Three-bedroom dwelling units: 1,500 square feet.
- (5) For each additional bedroom over three, an additional 200 square feet of floor area shall be required.
- (6) Hotel Guest Rooms: 400 square feet.

Spaces which are convertible to additional bedrooms shall be considered as bedrooms for purposes of determining minimum habitable floor areas.

**Sec. 21-290. - Open space.**

- (a) Not less than 60 percent of the total Lot area of Lots in the OF Ocean Front District shall be maintained as open space. For purposes of this chapter, the roofs of off-street Parking Structures shall be considered open space.
- (b) Further, not less than 50 percent of the total required open space shall be exclusively maintained as usable recreation areas. This space shall be in such dimensions as to be usable for active and passive recreation.

**Sec. 21-291. Setbacks.**

The following Setbacks apply in the OF Ocean Front District:

- (1) *Front.* All Buildings and Structures, except for fully enclosed Parking Structures as allowed in section 21-288 of this article, of 17 Stories or less shall be set back a minimum of 150 feet from the right-of-way of Collins Avenue. Each Story above the 17th Story shall be set back an additional 25 feet from the Story below; i.e., 18 Stories, 175-foot Setback; 19 Stories, 200-foot Setback; etc. This would allow a "stepped" effect for those portions of a Building over 17 Stories. This provision shall not be interpreted to require a "stepped" Building above the 17th Story; rather, if the entire Building is set back to include the base Setback and

supplemental Setback for each additional Story over 17, the Building shall be deemed in compliance with this paragraph.

- (2) *Rear.* No Building or Structure of any kind, except Cabanas not greater in Height than ten feet above the finished Grade, shall be erected or maintained on any Lot beyond the east Setback line as shown on the recorded plats of the Ocean Front Section of Bay Harbor and the Bal Harbour Ocean Front Addition.
- (3) *Bulkhead:* No Building or Structure of any kind, except those necessary for the control of beach erosion, shall be built east of the existing Bulkhead.
- (4) *Erosion Control Line:* No Building or Structure of any kind shall be erected or constructed within 55 feet west of the Erosion Control Line.
- (5) *Side.*
  - a. All Principal Buildings and Structures shall maintain a minimum side Setback from each side Lot Line equal to 25 percent of the Street frontage of the Lot.
  - b. The maximum width of any Principal Building shall be 50 percent of the width of the Lot.
  - c. Where two or more Principal Buildings are erected on the same or multiple Lots, their combined width shall not exceed 50 percent of the width of the Lot.
  - d. Side Setbacks shall be equal, except that Lots over 250 feet in width may have unequal side Setbacks, provided, however, that not less than a 50 foot side Setback shall be provided for Lots equal to or more than 250 feet in width.
  - e. Notwithstanding subsection (5)d. above, for any parcel of land more than 250 feet in width, if any combination of access easements and beach access improvements are provided on said parcel for the public, all as may be approved by the Village Council, the width of a side Setback shall be measured from the exterior Lot Line, as opposed to any public access easement or land parcel. The purpose of this section is to not penalize a Property Owner for providing public beach access by deducting the width of the public access land from the overall Lot Width. A side Setback for a Principal Building shall not be less than 50 feet in width.
- (6) *Cabanas, Parking Structures and Porte-Cocheres.* Only Cabanas and enclosed Parking Structures shall be permitted in the Setback areas, subject to the following:
  - a. Cabanas and Parking Structures shall ~~either abut the side Lot Lines or~~ maintain a minimum twenty-five (25) foot side Setback from each side Lot Line.
  - b. No Parking Structure shall exceed an elevation of 22.00 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property, where such Structure abuts a side Lot Line.



- c. No Parking Structure shall exceed an elevation of 22.00 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property, within the rear Setback as shown on the recorded plats of the Ocean Front Section of Bay Harbor and the Bal Harbour Ocean Front Addition, as of May 1, 2002.
  - d. Cabanas may be erected in the rear Setback area provided they do not exceed an elevation of 31.00 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property.
  - e. Cabanas erected in the side Setback portions of the rear Setback areas shall not exceed an elevation of 22.00 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property.
  - f. No Buildings or Structures of any kind shall be erected or constructed within the front Setback area, except as follows:
    - (i) A Porte-Cochere may be constructed in the front Setback area so long as it is cantilevered, and does not exceed a length along the front entrance in reasonable proportion to the entrance, and projects no more than 20 feet into the front Setback area. Notwithstanding the above, for Buildings that are located as of May 1, 2002 in the front Setback area, the Porte-Cochere may project no more than 20 feet from the face of the existing tower Structure area. Such Porte-Cochere must be reviewed by the Architectural Review Board.
    - (ii) A fully enclosed Parking Structure may be erected within the front Setback area but shall not encroach within the Building Restriction Line areas adjacent to Collins Avenue as shown on the recorded plats of the Ocean Front Section of Bay Harbor and the Bal Harbour Ocean Front Addition.
- (7) *Coastal Construction Control Line.* Notwithstanding anything to the contrary in the Code, Building construction seaward of the coastal construction control line may be permitted provided that all State and local permits required for such Building construction are obtained by the applicant.

**Sec. 21-292. - Landscaping.**

The following Landscaping provisions shall apply in the OF Ocean Front District.

(1) *Minimum Landscaping required.* A minimum of 25 percent of the total Lot area shall be maintained as landscaped areas.

(2) *Area to be landscaped.* All Lot areas not occupied by a principal and accessory Structures, required off-street parking and loading, access and circulation facilities or other required areas, including roof surface of enclosed Parking Structures, shall be landscaped by lawns, trees, shrubs, ground cover and other appropriate materials.

(3) *Buffer zones.*

a. Within the front Setback areas, there shall be a fully landscaped buffer zone along the front Lot Line for a depth of at least 40 feet as measured from the Street right-of-way line, and a fully landscaped buffer zone along the north and south side Lot Lines for a depth of ten feet, as measured from the side Lot Line.

b. Landscaping within these buffer zones shall be designed and planned to protect the view of adjoining Properties and screen surface parking facilities from the adjacent Streets and Properties.

(4) *Front Setback area.* A minimum of 50 percent of the required front Setback area shall be fully landscaped.

(5) *Beach Landscaping.* The beach area between the existing Bulkheads and the Erosion Control Line shall be landscaped with plant materials intended to beautify the area and to aid in the control of beach erosion.

(6) *Landscape plan required.* A landscape plan, indicating size, type, and location of all plant and other materials, shall be submitted for review and approval to the Village.

### **Sec. 21-293. Building Height.**

(a) The maximum Height of a flat roof deck or the midpoint of a sloped roof of any Principal Building or Structure, other than decorative architectural roof features, Mechanical Equipment or Rooms, elevator equipment Rooms, water storage facilities, air conditioning equipment, accessory recreational facilities, fences, wall and similar facilities (non-habitable roof features) shall be 275 feet above the average Street Grade (or Bridge Lot Street Grade if applicable) adjoining the Property. Non-habitable roof features may extend above the height of the Building by no more than 25 feet.

(b) In the OF Ocean Front District, for the purposes of calculating maximum Building coverage pursuant to section 21-287, and Setbacks pursuant to section 21-291, a Story shall not exceed 11 feet. The 11-foot Story Height referenced herein shall not be interpreted to restrict the Height of an individual Story to 11 feet or any other dimension, but shall only serve as a means to measure and restrict Building coverage and Setbacks.

(c) Roof Structures designed and utilized for the housing of Mechanical Equipment such as elevators, water storage, air conditioning and similar facilities shall not be considered in calculating the number of Stories, provided:

(1) The Structure is fully enclosed or screened and does not exceed 25 feet in Height.

(2) The outside walls of the roof Structure are set back a minimum of 20 feet from the exterior walls of the principal Structure.

(3) No Guest Rooms, dwelling units, business establishments or other accommodations or public spaces, are contained within this Structure.

(d) Rooftop accessory recreational facilities shall be visually screened from neighboring oceanfront Lots by fences, walls or other screening materials or features that are no

shorter in height than the object to be screened, all as approved by the Architectural Review Board.

~~(e) For the purpose of this section, the determination of the average Lot Street Grade for these Lots or portions of Lots in proximity to the Haulover Cut Bridge shall be measured as the combined average elevations of the adjoining frontage road and the road surface of the bridge adjoining the subject Property (westerly extension of the Property lines to the bridge). The determination of the average elevation shall be as follows:~~

~~(1) Based upon the roadway frontage adjoining the subject Property, establish an imaginary extension of the Property line to the eastern edge of the frontage road right-of-way and the bridge Structure;~~

~~(2) At the intersection of the extension of the Property line and the centerline of the frontage road and bridge roadway surface, determine the elevations of the road surfaces at the north and south Property line extensions and divide by four.~~

### **Sec. 21-294. - Model Buildings.**

Model Buildings designed and utilized for advertising, promotional or display purposes may be constructed in the OF Ocean Front District subject to the following requirements:

(1) Model Buildings shall not exceed a height of 12 feet above finished Grade, shall be set back a minimum of 50 feet from the front Property line, and shall be set back a minimum of 20 feet from side Lot Lines.

(2) Model Buildings shall not be erected prior to the issuance of all required building permits for the principal structure.

(3) Model Buildings shall be removed prior to the issuance of certificates of occupancy for the Principal Building.

### **Sec. 21-295. - Balcony or Porch Enclosures.**

(a) Balcony or Porch Enclosures shall be permitted in any Principal Building in the OF Ocean front District constructed after the effective date of this section, provided:

(1) Such enclosures are uniform in color, material, design, configuration and type.

(2) Such enclosures are installed and constructed contemporaneously with the construction of the Principal Building.

(3) Individual enclosed Balconies or Porches may not be utilized as a bedroom.

(4) Applications for Building permits for all Balcony or Porch Enclosures shall be accompanied by a statement from a professional engineer or architect in active structural practice, registered in the State of Florida, certifying the capability of the Principal Building to support the proposed enclosure.

(b) Except as otherwise provided in this section, Ordinance No. 228 shall apply to Principal Buildings constructed after the effective date of Ordinance No. 228, May 26, 1981. Balcony or Porch Enclosures to be constructed in any existing Building shall be governed by regulations in effect prior to the adoption of Ordinance No. 228; provided, however, that Ordinance No. 228 shall also apply to Principal Buildings constructed prior to the adoption of that ordinance where no Balcony or Porch Enclosures have been installed or constructed on such Principal Buildings as of the effective date of Ordinance No. 239.

**Sec. 21-296. Storm and hurricane shutters; Roofing material.**

(a) Current Florida Building Code requires impact resistant doors and windows for new multistory multiple family development and hotel construction. If allowed by Florida Building Code, storm or hurricane shutters or similar protective devices must meet the following standards shall be permitted in any Principal Building in the OF Ocean Front District constructed after the effect of this section, provided:

- (1) Such storm or hurricane shutters or impact resistant windows are uniform in color, material, design, configuration and type for each Principal Building.
- (2) Storm or hurricane shutters of whatever type, when installed, shall be installed immediately facing the structural wall plane of the Principal Building, as close as practical to sliding glass doors, doors, windows or other wall openings.
- (3) Storm or hurricane shutters of whatever type shall not be installed on the exterior face or railings of Balconies or Porches where such Balconies or Porches are located above the first floor level.

(b) Except as otherwise provided in this section, Ordinance No. 239 shall apply to storm or hurricane shutters installed on Principal Buildings constructed after the effective date of Ordinance No. 239. Storm or hurricane shutters already installed, or to be installed, on Principal Buildings in existence as of the effective date of Ordinance No. 239 shall be governed by regulations in effect prior to the adoption of Ordinance No. 228 on May 26, 1981; provided, however, that Ordinance No. 228 shall apply to storm or hurricane shutters installed on Principal Buildings constructed prior to the effective date of Ordinance No. 228 on May 26, 1981 where no such storm or hurricane shutters have been installed or constructed on such Principal Buildings as of the effective date of Ordinance No. 239.

**Sec. 21-297. - Protection of sea turtles during nesting season.**

The disturbance of sea turtles nests is prohibited, unless conducted by authorized persons in the duty of sea turtle protection. During nesting seasons, beach cleaning activities are not to come within a distance which will disturb the function of the nests. Where feasible, the source of emission of outside light from structures will not be directly visible from turtle nesting areas.

**Sec. 21-298. - Protection of sea turtles during beach renourishment.**

Beach renourishment projects shall protect sea turtle nesting areas by limiting construction in such areas to fall, winter and spring months, or by permitting the collection of eggs from

identified nests by authorized personnel for incubation, hatching and subsequent release of hatchlings.

**Sec. 21-299. - PD Planned Development District.**

\* \* \*

**ARTICLE VII. - BOATS, WATERWAYS, BEACHES AND DOCKING FACILITIES**

\* \* \*

**DIVISION 3. - BEACH AND COASTAL CONSTRUCTION CONTROL LINE**

\* \* \*

~~**Sec. 21-446. - Prohibition of habitable structures.** Construction of new habitable structures seaward of the coastal construction control [line] shall be prohibited.~~

**Sec. 21-447. - Structures allowed seaward of the coastal construction control line.** Construction of ancillary nonhabitable structures such as pools, cabanas, tennis courts, etc., shall be allowed seaward of the coastal construction control line provided such structures are designed pursuant to Chapter 8.5 of this Code and all State and local permits required for such Building construction are obtained by the applicant. ~~either to be sacrificed to intense storms or constructed withstand wave forces on the order of 1,000 psi and provided all necessary permits are obtained from agencies having jurisdiction over that area.~~

\* \* \*

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the

Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflict.** That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 18<sup>th</sup> day of July, 2023.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Jeffrey P. Freimark

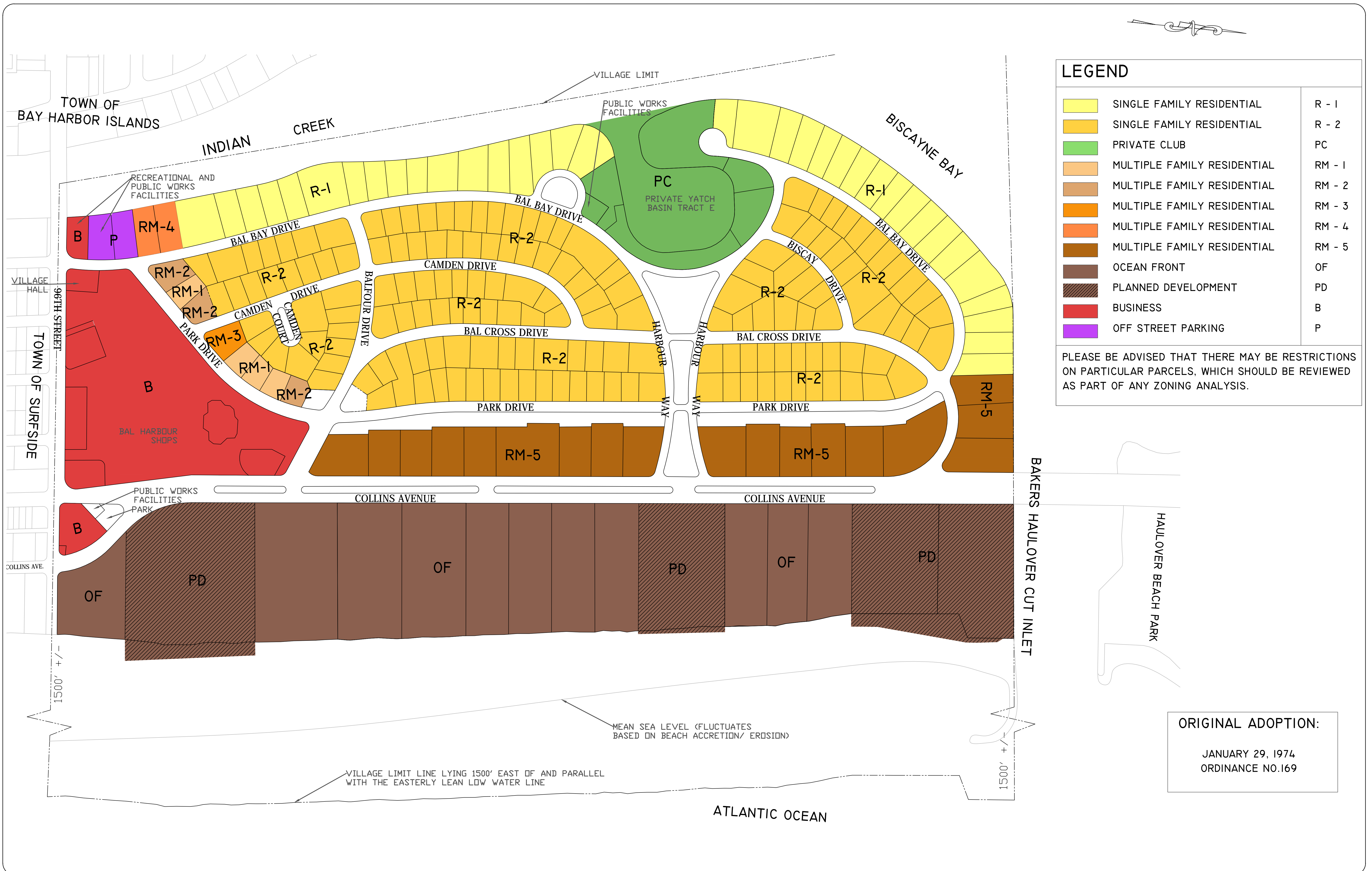


ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.



**LEGEND**

|                    |                             |        |
|--------------------|-----------------------------|--------|
| [Light Yellow Box] | SINGLE FAMILY RESIDENTIAL   | R - 1  |
| [Yellow Box]       | SINGLE FAMILY RESIDENTIAL   | R - 2  |
| [Green Box]        | PRIVATE CLUB                | PC     |
| [Light Orange Box] | MULTIPLE FAMILY RESIDENTIAL | RM - 1 |
| [Orange Box]       | MULTIPLE FAMILY RESIDENTIAL | RM - 2 |
| [Dark Orange Box]  | MULTIPLE FAMILY RESIDENTIAL | RM - 3 |
| [Red-Orange Box]   | MULTIPLE FAMILY RESIDENTIAL | RM - 4 |
| [Brown Box]        | MULTIPLE FAMILY RESIDENTIAL | RM - 5 |
| [Dark Brown Box]   | OCEAN FRONT                 | OF     |
| [Hatched Box]      | PLANNED DEVELOPMENT         | PD     |
| [Red Box]          | BUSINESS                    | B      |
| [Purple Box]       | OFF STREET PARKING          | P      |

PLEASE BE ADVISED THAT THERE MAY BE RESTRICTIONS ON PARTICULAR PARCELS, WHICH SHOULD BE REVIEWED AS PART OF ANY ZONING ANALYSIS.

**ORIGINAL ADOPTION:**  
 JANUARY 29, 1974  
 ORDINANCE NO.169

| DATE      | ORD. NO. | REVISION   | BY  |
|-----------|----------|--|-----|
| 8/13/2019 |          | ADDED LOTS PC  | ACR |
| 3/19/2013 | 567      | REZONE TRACTS A FROM OF OCEAN FRONT TO PD              | ACR |
| 2/21/2008 | 504      | REZONE TRACTS A FROM PC PRIVATE CLUB TO OF OCEAN FRONT |     |
| 6/17/2003 | 484      | REZONE TRACTS C, D AND E FROM OF TO PD                 |     |
| 8/17/2000 | 437      | REZONE LOTS 2, 3 AND 4 FROM OF TO PD                   |     |

Designed: MJM  
 Drawn: ACR  
 Checked: MJM

**MICHAEL MILLER PLANNING ASSOCIATES, INC.**  
 7522 Wiles Rd, Suite B-203  
 Coral Springs, Florida 33067  
 Tel. (954) 757-9909 Fax: (954) 757-7089

PREPARED FOR  
**BAL HARBOUR VILLAGE**

**ZONING DISTRICT MAP**

SCALE: 1"=200'  
 PROJECT: 00-1103-0400  
 SHEET NO.





# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES.**

### Issue:

Should the Village Council approve the proposed 5% Local Business Tax Rate Increase for FY 2023-24?

### The Bal Harbour Experience:

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Beautiful Environment    | <input checked="" type="checkbox"/> Safety           | <input checked="" type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities  | <input checked="" type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community          |
| <input checked="" type="checkbox"/> Other: State Requirement |  |   |

### Item Summary / Recommendation:

Business Tax Receipt (BTR) fees are based on the type of business being run and gross sales. Businesses will need to pay a minimum fee plus a tax percentage based on the gross receipts for the calendar year. These fees are included in the General Fund revenue to fund operating budget expenditures.

With the exception of FY21, which was deferred due to the anticipated impacts of COVID-19, the BTR has been adjusted every other year since FY 2015. The annual renewal rate was increased by 5% after a historical analysis was conducted to determine BTR rate history. In FY 2015, it was determined that it had been more than 10 years since the BTR rates had been reviewed and changed causing a significant erosion of real value due to inflation factors. The then council approved the increase and directed staff to review the rates every other year to ensure we catch-up and/or maintain the rates against inflation.

It is recommended that the Council approve the Ordinance authorizing a five-percent (5%) rate adjustment to Local Business Taxes for FY 2023-24. An increase of 5% would generate an increase of approximately \$36,800 of general revenue for FY 2024 for a projected total of \$771,750.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.**


### Advisory Board Recommendation:

The Village Budget Advisory Committee unanimously recommended the 5% increase in the BTR rate at their June 21st, 2023 and July 5th, 2023 meetings.

### Financial Information:

|  | Amount    | Account                      | Account #    |
|--|-----------|------------------------------|--------------|
|  | \$771,750 | Business Tax Receipt Revenue | 01-00-316000 |

### Sign off:

|  |                                |   |
|--|--------------------------------|---|
|  | <b>Chief Financial Officer</b> | <b>Village Manager</b>  |
|  | <b>Claudia Dixon</b>           | <b>Jorge M. Gonzalez</b>  |
|  |                                |  |

# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: July 18, 2023

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES; PROVIDING FOR AN INCREASE IN CERTAIN BUSINESS TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

It is recommended that the Council approve the Ordinance authorizing a five-percent (5%) rate adjustment to Local Business Taxes for FY 2023-24 (FY 2024).

### **BACKGROUND**

Pursuant to Chapter 205, Florida Statutes, counties, and municipalities are authorized to levy a local business tax. As part of the levy, each local government establishes categories of professions, occupations, and businesses, and then imposes a tax on each designated category. Under current law, the rate structures and classifications cannot be modified and the rates can only be increased by 5% every other year. Revenues collected remain with local governments as general revenue. Local Business Tax Receipt (BTR) Revenue for Bal Harbour Village were:

- \$721,400 for FY 2016
- \$740,100 for FY 2017
- \$718,760 for FY 2018
- \$705,576 for FY 2019
- \$702,000 for FY 2020
- \$778,700 for FY 2021
- \$781,600 for FY 2022
- Budgeted at \$735,000 for FY 2023.

Fluctuations in the BTR revenue collected from year-to-year results from changes in business types; timing of payments received and in reported inventory for retail establishments. In FY 2023, Business Tax is expected to be temporarily negatively impacted as a result of the Shops Expansion. The average license fee for FY 2023 was \$3,041. An increase of 5% would result in an increase of the average license fee of approximately \$150.00.

With the exception of FY21, which was deferred due to the anticipated impacts of COVID-19, the BTR has been adjusted every other year since FY 2015. The annual renewal rate was increased by 5% after a historical analysis was conducted to determine BTR rate history. In FY 2015, it was determined that it had been more than 10 years since the BTR rates had been reviewed and changed causing a significant erosion of real value due to inflation factors. The then council approved the increase and directed staff to review the rates every other year to ensure we catch-up and/or maintain the rates against inflation.

The BTR rates are eligible for adjustment for FY2024 by Ordinance and an increase of 5% would generate approximately \$36,800 more in general revenue than the current year budget of \$771,750. By choosing not to adjust these rates as provided by Florida Statutes the Village would not keep pace with the Consumer Price Index for the same time period and would forgo an estimated \$147,000 over four years that could be collected by the Village. Keeping current with BTR rate adjustments ensures that commercial properties carry their fair and proportionate share of the cost of government services.

### **THE BAL HARBOUR EXPERIENCE**

This action is aligned with the Village's mission through The Bal Harbour Experience. The proposed BTR rate increase ensures that commercial properties carry their fair and proportionate share of the cost of government services which corresponds directly to all goals as amounts collected remain as general revenue which supports the general government services.

### **CONCLUSION**

Approval of this Ordinance is recommended to help ensure that BTR rates will keep pace with the consumer price index adjustments and that commercial properties pay their proportionate share for the cost of Village services.

ORDINANCE NO. 2023-\_\_\_\_

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA;  
AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF  
CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX"  
OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES;  
PROVIDING FOR AN INCREASE IN CERTAIN BUSINESS  
TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
INCLUSION IN THE CODE; AND PROVIDING FOR AN  
EFFECTIVE DATE.

**WHEREAS**, the Village Council desires to increase by 5% the annual rate charged by the Village for the issuance of certain business tax receipts as authorized by applicable law.

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

**Section 1.** **Recitals.** The above recitals are true and correct and hereby adopted.

**Section 2.** **Village Code Amended.** That Section 9-40 "Local business tax schedule" of Article II "Local Business Tax" of Chapter 9 "Business regulations and business tax" of the Code of Bal Harbour Village is hereby amended to read as follows:<sup>1</sup>

**Sec. 9-40. - Local business tax schedule.<sup>1</sup>**

Local business taxes for the following businesses, occupations, or professions are hereby levied and imposed as follows:

(a) *Retail sales and lease-Goods.*

(1) Businesses in this category shall include but not be limited to:

Florists;

Flower stands, selling cut or potted flowers or plants;

Food sales, where not in connection with regularly licensed grocery store;

Grocery stores, which, within the meaning of this chapter, shall be construed as any place of business where groceries are sold at retail;

---

<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

Merchants, including any person engaged in the business of selling merchandise of any kind.

(2) Taxes:

a. Where goods carried do not exceed \$1,000.00 of stock in value .....  
~~\$70.19~~ \$73.70

b. For each additional \$1,000.00 or fractional part thereof ..... 4.14 \$4.35

(3) No additional receipt required for storage accessory to selling of merchandise. Merchants possessing a local business tax receipt from the Village under the "Merchants" category for a business premises located within a building (the "Primary Business Premises") may occupy a second location within the same building or shopping mall development, solely for the purpose of providing accessory storage space for the Primary Business Premises, without being required to obtain a second local business tax receipt, so long as the value of any goods maintained in such accessory storage area have been included in calculating the local business tax applicable for the Primary Business Premises. This accessory storage space shall only be used for the storage of merchandise and shall not be used to conduct business. The use by a merchant of a desk, chair, copier, telephone, fax, modem, computer or like furnishings within said accessory storage space shall constitute conducting a business.

*(b) Same–Services.*

(1) Businesses in this category shall include but not be limited to:

Automobile renting business; per auto;

Barbershop;

Beauty parlor;

Boat livery, including rental, leasing; per boat;

Carwash facility;

Caterer;

Dry cleaning agency and/or valet shop;

Fruit shipping;  
Golf, practice driving nets;  
Parking cars, meaning the business of parking motor vehicles for guests  
of hotels, apartment houses, clubs and similar places;  
Parking lot;  
Photographer;  
Service station;  
Solarium.

(2) Taxes:

- a. Generally ..... ~~\$70.19~~ \$73.70
- b. For barber shops or beauty parlors with chairs in excess of four, per  
chair ..... ~~14.67~~ \$15.40

(c) *Lodging.*

(1) Business in this category shall include but not be limited to:

Apartment houses or other leased or rented buildings (each room that  
can be leased or rented not including kitchens and bathrooms); per each  
room;  
Cabanas; each;  
Hotel, motel; per each room that can be leased or rented.

(2) Taxes, per room or per cabana ..... ~~\$2.55~~ \$2.68

(d) *Restaurants.*

(1) Business in this category shall include but not be limited to:

Restaurants, drugstores, soda fountains, or other establishment serving  
food, and/or liquor.

(2) Taxes:

- a. For the first 35 chairs or seats ..... ~~\$70.19~~ \$73.70
- b. For each additional chair or seat over 35 ..... ~~1.90~~ \$2.00

(e) *Late hour bars.*

(1) Business in this category shall include but not be limited to:

Establishments serving intoxicating liquor, either given away or consumed on the premises between the hours of midnight and 7:00 a.m., and shall be subject to the late hour bar business tax as well as the restaurant business tax defined in this section.

(2) Taxes ..... ~~\$638.14~~ \$670.05

(f) *Professional.*

(1) Business in this category shall include but not be limited to:

- Agent, broker, operator dealer, all kinds;
- All individuals holding a professional license, engaged in the practice of any profession who offers his services for a consideration;
- Professional management;
- Stockbroker.

(2) Taxes:

- a. Generally ..... ~~\$82.95~~ \$87.10
- b. Per Professional ..... ~~25.53~~ \$26.81

(g) *Vending machines.*

Per machine ..... ~~\$3.50~~ \$3.68

(h) *Insurance.*

*Insurance company.* A business tax receipt of ~~\$82.95~~ \$87.10 shall be paid by each insurance company doing business whether an office is maintained or an agent or a representative resides in the Village.

(i) *Financial institutions.*

(1) Business in this category shall include but not be limited to:

Financial institution, which, within the meaning of this chapter, shall include federal and State chartered banks, federal and State chartered savings and loans, industrial savings banks, trust companies, international banking agencies or representative office, credit unions and other financial businesses which are regulated by State and federal law.

(2) Taxes:

a. Generally ..... ~~\$255.26~~ \$268.02

b. Per branch (if main bank within Village) ..... ~~63.81~~ \$67.00

(j) *Nightclubs*. Which is defined to be a restaurant or dining room with entertainment. In addition to business tax for a restaurant or the sale of liquor.

Tax ..... ~~\$3,190.70~~ \$3,350.24

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.**

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



**Section 5. Effective Date.**

That this ordinance shall take effect immediately upon the adoption hereof on Second and Final Reading.

PASSED ON FIRST READING this 18<sup>th</sup> day of July, 2023.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Jeffrey P. Freimark



ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.



# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME, AND PLACE FOR THE FIRST BUDGET HEARING FOR FISCAL YEAR 2023-24; AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY.**

### Issue:

Should Council approve the Resolution to set the tentative millage rate and on what date should the First Budget Hearing be scheduled?

### The Bal Harbour Experience:

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Beautiful Environment    | <input checked="" type="checkbox"/> Safety           | <input checked="" type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities  | <input checked="" type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community          |
| <input checked="" type="checkbox"/> Other: State Requirement |  |   |

### Item Summary / Recommendation:

It is recommended the Village Council Approve the Resolution determining the proposed millage rate of 1.9654 mills, and the first budget hearing on Tuesday, September 12th, 2023, at 7:00 p.m. in the Village Council Chamber per Florida Statutes (F.S.) 200.065 as provided on the Village's website, the meeting agenda or the TRIM notice mailed by the Property Appraiser. The proposed millage rate is consistent with the current fiscal year rate of 1.9654 mills. The overall preliminary property tax value increase results from property sales and new construction that occurred during the calendar year 2022. This increase is timely due to increased costs resulting from increased insurance and labor costs; as well as continuing to invest in our capital projects. This increase however is subject to changes that will likely result from appeals to the Value Adjustment Board Hearings.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**


### Advisory Board Recommendation:

The Village Budget Advisory Committee unanimously recommended a tentative millage rate of 1.9654 mills at their June 21st, 2023, and July 5th, 2023 meetings.

### Financial Information:

|  | Amount       | Account          | Account #    |
|--|--------------|------------------|--------------|
|  | \$11,727,132 | Ad Valorem Taxes | 01-00-311000 |

### Sign off:

|  |                                |   |
|--|--------------------------------|---|
|  | <b>Chief Financial Officer</b> | <b>Village Manager</b>  |
|  | <b>Claudia Dixon</b>           | <b>Jorge M. Gonzalez</b>  |
|  |                                |  |

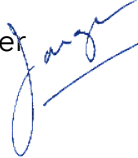
# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: July 18, 2023

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST BUDGET HEARING FOR FISCAL YEAR 2023-2024; AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

It is recommended the Village Council Approve the Resolution determining the proposed millage rate of 1.9654 mills, and set the first budget hearing on September 12th, 2023, at 7:00 p.m., and the second budget hearing on September 19th, 2023, at 6:30 p.m., in the Village Council Chamber per Florida Statutes (F.S.) 200.065 as provided on the Village's website, the meeting agenda or the TRIM notice mailed by the Property Appraiser. The proposed millage rate is consistent with the current fiscal year rate of 1.9654.

### **INTRODUCTION**

The Miami-Dade County Property Appraiser provides municipalities with a certification of Assessment Roll Values for the upcoming fiscal year on July 1, each year. Pursuant to Florida Statutes (F.S) 200.065, within thirty-five (35) days of certification of value, each taxing authority shall advise the Property Appraiser of its proposed millage rate, and of the date, time, and place at which its first public budget hearing will be held to consider the proposed millage rate and tentative budget. This requires the setting of the preliminary millage rate, and establishing the date and time for the budget hearing at the July Village Council meeting. It should be noted that setting the preliminary millage rate is simply an initial step in our budget process.

The preliminary millage rate or ceiling declared by Village Council, cannot be increased without extraordinary efforts per Florida Statutes 200.065(2)d during the budget hearings but it can be decreased or remain unchanged.

The proposed resolution also sets the hearing date for the First Budget Hearing in September 2023. F.S. 200.065.2(e) 2, requires the hearings shall be held after 5 p.m. and cannot conflict with the budget hearing dates for the Miami-Dade County School Board scheduled to take place on July 26th and September 6th, and Miami-Dade County scheduled to take place on September 7th and September 21st. Therefore, we recommend holding the first Fiscal Year 2023-2024 Bal Harbour Village Budget Hearing

on Tuesday, September 12th, at 7:00 p.m. in the Council Chambers as provided on the Village’s website, the meeting agenda or the TRIM notice mailed by the Property Appraiser, with the second and final Budget Hearing scheduled for Tuesday, September 19th, 2023, at 6:30 p.m. in the Council Chambers. Establishment and adherence to these dates allow for statutorily required advertising deadlines for the establishment of Ad Valorem millage and Non-Ad Valorem assessment rates.

**TAX ROLL, MILLAGE RATE, AD VALOREM REVENUE, AND ROLLED-BACK RATE**

The tax roll certified by the Miami-Dade County Property Appraiser on July 1, 2023, is \$6,280,833,356 which is an increase of 8.8% from the same value last year. At the current and proposed tentative millage rate of 1.9654 mills (calculated at the 95% rate allowed by the State of Florida for budget purposes), would generate \$11,727,132; as opposed to \$10,781,186 for the current year’s budgeted revenue. The overall preliminary property tax value increase results from property sales and new construction that occurred during the calendar year 2022. This increase is timely due to increased costs resulting from increased insurance and labor costs; as well as continuing to invest in our capital projects. This increase however is subject to changes that will likely result from appeals to the Value Adjustment Board (VAB) Hearings.

For example, the final 2022 Tax Roll reflects a **Final** Assessment Value of \$5,604,011,430. As you know our FYE 2023 adopted budgeted Ad Valorem Revenue included an increase of \$957,439 based on the certified preliminary assessment roll value for 2022. That amount adjusted for final 2022 Tax Roll Values resulted in a reduction from the budgeted FYE 2023 Ad Valorem Revenue of \$317,768. This decrease is the result of successful Value Adjustment Board appeals. The below table reflects the impact on budgeted Ad Valorem revenues for each of the most recent three (3) years:

| Description   | FYE 2019 - Budget   | FYE 2020 - Budget   | FYE 2021 - Budget   | FYE 2022 - Budget*  | FYE 2023 - Budget*  |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|
| Ad Valorem Taxes - Adopted (a)  | \$ 10,267,100       | \$ 10,269,500       | \$ 9,852,900        | \$ 9,826,847        | \$ 10,781,186       |
| Ad Valorem Taxes - Based on Final Roll * (b)                                      | 9,864,883           | 10,069,053          | 9,598,116           | 9,658,236           | 10,463,418          |
| <b>Budgeted Increase based on July 1 Values = (a) current year vs prior year)</b> |                     | <b>2,400</b>        | <b>(416,600)</b>    | <b>(26,053)</b>     | <b>954,339</b>      |
| <b>Budget Shortfall - Change \$ from Adopted Budget to Final = (a - (b))</b>      | <b>\$ (402,217)</b> | <b>\$ (200,447)</b> | <b>\$ (254,784)</b> | <b>\$ (168,611)</b> | <b>\$ (317,768)</b> |
| <b>Budget Shortfall - Change % from Adopted Budget to Final = (a - (b))</b>       | -3.92%              | -1.95%              | -2.59%              | -1.72%              | -2.95%              |

To partially offset their fluctuation in values and revenues, the Village includes a Millage Stabilization line item of \$150,000 in the budget to help offset the VAB adjustments that occur during the fiscal year.

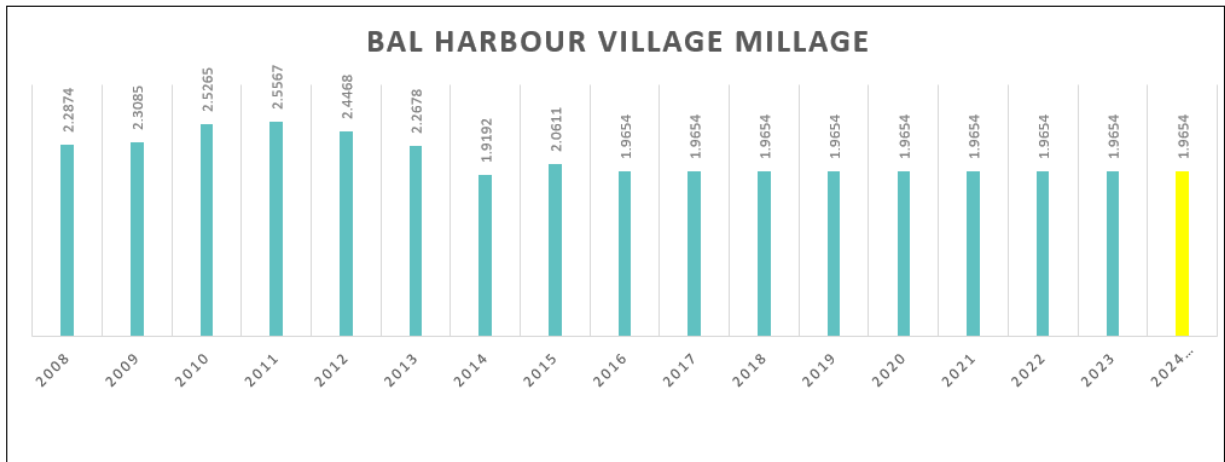
The rolled-back rate for FY 2023-2024 would be 1.7554 mills. The rolled-back rate, calculated as required by the Florida State Department of Revenue will provide the same ad valorem tax revenue during the prior year exclusive of new construction and

improvements. The preliminary proposed millage rate of 1.9654 mills is slightly higher (.2100) higher than the current year aggregate roll-back rate. The state-required methodology for calculating the rolled-back rate requires the use of the current year's gross roll value.

**PROPOSED MILLAGE RATE HISTORY & ANALYSIS**

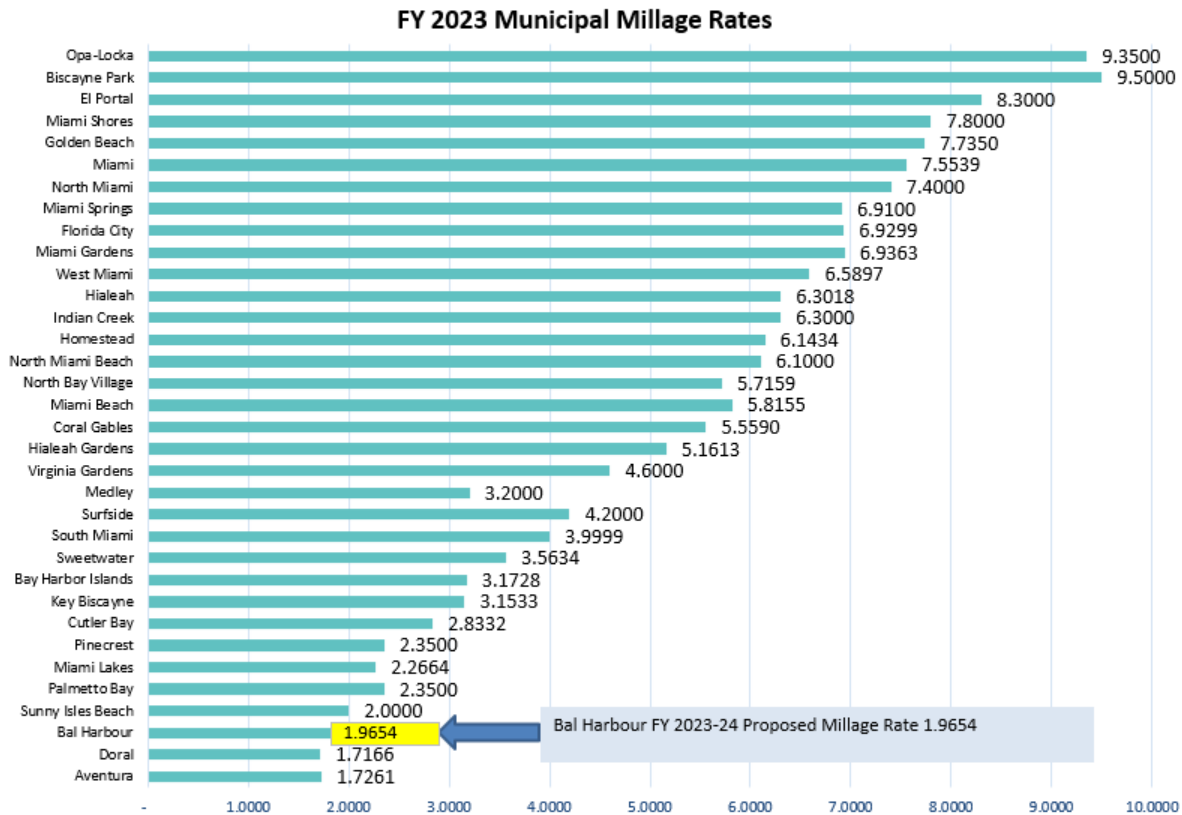
Since FY 2007 the millage rate for the Village has dropped significantly, by over 32% since 2007 from 2.9020 mills to 1.9654 mills for the current and proposed tentative millage rate for FY 2023-2024; resulting in no proposed millage adjustment for the upcoming fiscal year.

Maintaining this historically low millage rate for the last seven fiscal years has allowed the Village to provide stable service delivery and plan for future capital projects through the appropriation of funding on an annual basis. The following chart reflects the millage rates from FY 2008 through FY 2023, and the continuation of the existing rate for FY 2024:



Currently, the FY 2022-2023 adopted millage rate for Bal Harbour Village is the third lowest municipal millage rate in Miami-Dade County as compared to other cities. It is the only long-established municipality within the grouping of the lowest nine millage rates for Miami-Dade County cities. In addition, Bal Harbour Village represents the second lowest total combined (inclusive of Millage rates charged by overlapping jurisdictions) millage rate in Miami Dade County Cities.

The following chart reflects the FY 2023 adopted millage rates for Miami-Dade County municipalities.



It is recommended that Village Council tentatively set a preliminary millage rate for Fiscal Year 2023-2024, at 1.9654 mills, a rate which is \$1.9654 per \$1,000 of assessed property value. The proposed tentative millage rate, calculated at 95% for budget purposes, and based upon the July 1, 2023 estimated adjusted Taxable Value as provided by the Miami-Dade County Property Appraiser is anticipated to yield \$11.727 million, for FY 2023-2024.

The recommended FY 2023-2024 preliminary millage ceiling outlined for your consideration allows the Village to retain a historically very low rate, providing for coverage of anticipated inflationary impacts for property insurance, contractual-related increases, the continued provision of the current level of municipal services, a millage stabilization line item to mitigate value adjustment board impacts experienced in the last few fiscal years, and additional pay-as-you-go funds toward future capital projects.

In developing a budget, we must look at available revenues, expected and anticipated increases in expenses (i.e., property insurance is anticipated to increase by 225%), potential enhancements, and opportunities for cost savings or efficiencies. By setting an appropriate millage ceiling we establish the first parameter in the development of the FY 2023-2024 Operating Budget. It is important to set a level that offers appropriate opportunities to make wise choices leading to the adoption in September of the final Budget. FY 2023-2024 budget development, is a time to refocus resource allocation in a strategic manner with a focus toward the Village’s future.

**BUDGET ADVISORY COMMITTEE RECOMMENDATION**

The Budget Advisory Committee (BAC) as appointed by Village Council has been meeting to review the budget development process. At their June 21st, 2023 and July 5th, 2023 meetings, they considered the tentative millage rate, to make appropriate recommendations for the Council's consideration. The BAC provided a recommendation that the Council set a tentative millage rate of 1.9654 mills. This recommendation is consistent with the my millage recommendation. The process undertaken by the Committee commenced with a review of the end of year FY2022 Comprehensive Annual Financial Report and Budget, and mid-year FY2023 Budget amendments and projections, inclusive of a review of operating department line items, with work ongoing for the Utility Fund and review of final proposed budget adjustments.

**THE BAL HARBOUR EXPERIENCE**

This action is aligned with the Village's mission through The Bal Harbour Experience. The proposed millage rate determines the ad valorem revenue for the General Fund which funds a myriad of general governmental services. Every element of the Bal Harbour Experience is funded in part through General Fund resources and therefore are supported by this item.

**CONCLUSION**

In conclusion, we are required to establish a preliminary millage ceiling, and to establish the date, time and place for the Fiscal Year 2023-2024 Village First Public Budget Hearing. A millage rate of 1.9654 mills is recommended; as is the hearing date of Tuesday, September 12th, 2023 at 7:00 p.m. for the first Budget Hearing, and Tuesday, September 19th, 2023 at 6:30 p.m. for the second Budget Hearing both in the Village Hall Council Chambers as provided on the Village's website, the meeting agenda or the TRIM notice mailed by the Property Appraiser, as applicable.



RESOLUTION NO. 2023-\_\_\_\_

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME, AND PLACE FOR THE FIRST BUDGET HEARING FOR FISCAL YEAR 2023-24; AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on July 1, 2023, the Property Appraiser of Miami-Dade County, Florida (the "Property Appraiser") served upon Bal Harbour Village, Florida (the "Village"), a Certification of Taxable Value (the "Certification") certifying to the Village its 2023 taxable value; and

**WHEREAS**, the provisions of Section 200.065, Florida Statutes, require that the Village, within thirty-five (35) days of service of the Certification, furnish to the Property Appraiser the proposed millage rate, the current year rolled-back rate and the date, time and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget.

**WHEREAS**, the Village Council finds that this action is warranted.

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

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

**Section 2. Declaration of Proposed Millage Rate.** The proposed millage rate for Bal Harbour Village for Fiscal Year 2023-24 is declared to be 1.9654 mills, which is \$1.9654 per \$1,000.00 of assessed property value within Bal Harbour Village.:

**Section 3. Computation of Rolled-back rate.** The Fiscal Year 2023-24 rolled-back rate as computed pursuant to Section 200.065, Florida Statutes, is 1.7554 mills, which is \$1.7554 per \$1,000.00 of assessed property value within Bal Harbour Village.

**Section 4. Schedule of the First Budget Hearing.**

The proposed date, time and place of the first public hearing on the budget and taxes is set by the Village Council as follows:

| <b>Date</b>                                | <b>Time</b> | <b>Place</b>   |
|--|-------------|--|
| <b><u>FIRST BUDGET HEARING:</u></b>        |             |  |
| Tuesday, September 12 <sup>th</sup> , 2023 | 7:00 PM     | Village Hall Council Chambers<br>655 96th Street<br>Bal Harbour, FL 33154. |

In the event that the Board of County Commissioners of Miami-Dade County, Florida or the School Board of Miami-Dade County schedules any County or School Board Budget Hearing on a date set for a Village Budget Hearing, the Village Manager is authorized to change the date of the Village Budget Hearing.

**Section 5. Authorization of Village Clerk.**

The Village Clerk is directed to send the original Certification of Taxable Value and a certified copy of this Resolution to the Property Appraiser on or before August 4, 2023.

**Section 6. Effective Date.**

That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 18<sup>th</sup> day of July, 2023.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH THE TOP RANKED FIRM ERNEST & YOUNG (EY), FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; AND IF UNSUCCESSFUL, TO NEGOTIATE WITH THE SECOND RANKED FIRM, RESONANCE CONSULTANCY; SUBJECT TO APPROVAL BY THE VILLAGE COUNCIL AT A SUBSEQUENT MEETING.**

### Issue:

Should the Village Council approve a Resolution to Authorize the Village Manager to negotiate the terms and cost with the firm recommended by the Evaluation Committee for the development of a Tourism Strategic Plan?

### The Bal Harbour Experience:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Beautiful Environment   | <input checked="" type="checkbox"/> Safety           | <input type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities | <input checked="" type="checkbox"/> Unique & Elegant | <input type="checkbox"/> Resiliency & Sustainable Community          |

### Item Summary / Recommendation:

Bal Harbour Village issued a Request for Proposals (RFP) for qualified and experienced firms to develop an integrated comprehensive strategic plan to continue to drive tourism in the Village by creating a framework to support the short and long-term success and resilience of the Village's tourism industry. The development of a Tourism Strategic Plan will help further refine and guide the strategies and goals executed by the Village and our Tourism Department. The Village received five responses from the following qualified vendors: (1) Alvarez & Marsal, (2) Boston Consulting Group, (3) CSL International, (4) Ernest & Young (EY), and (5) Resonance Consultancy. An Evaluation Committee was appointed and met on July 10, 2023 with each of the vendors presenting their respective proposals. Based on the Evaluation Committee's recommendation, the top ranked vendor was EY and the second ranked vendor was Resonance. This Resolution authorizes the Village Manager to negotiate the terms and cost with the top ranked firm, EY, and if unsuccessful, to negotiate the terms and cost with the second ranked firm, Resonance. If the terms and cost are successfully negotiated, an item would be brought to the Village Council at a subsequent Village Council meeting to award the contract to the selected vendor.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Advisory Board Recommendation:


The Resort Tax Committee discussed and passed a motion at the February 2023 meeting to support the issuance of an RFP for the development of a Tourism Strategic Plan.

### Financial Information:

| Amount | Account         | Account # |
|--------|-----------------|-----------|
| TBD    | Resort Tax Fund |           |

### Sign off:

|   |  |                                      |
|---|--|--------------------------------------|
| Assistant Village Manager<br>Ramiro J. Inguanzo | Chief Financial Officer<br>Claudia Dixon | Village Manager<br>Jorge M. Gonzalez |
|---|--|--------------------------------------|



# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: July 18, 2023

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH THE TOP RANKED FIRM ERNEST & YOUNG (EY), FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; AND IF UNSUCCESSFUL, TO NEGOTIATE WITH THE SECOND RANKED FIRM, RESONANCE CONSULTANCY, FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; SUBJECT TO APPROVAL BY THE VILLAGE COUNCIL AT A SUBSEQUENT MEETING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending approval of this Resolution.

### **BACKGROUND**

On April 21, 2023, Bal Harbour Village issued Request for Proposals (RFP) 2023-02 for qualified and experienced firms to develop an integrated comprehensive strategic plan to continue to drive tourism in Bal Harbour Village by creating a framework to support the short and long-term success and resilience of Bal Harbour Village's tourism industry. A copy of the scope of services from RFP 2023-02 is attached.

At the February 23-23, 2023 Village Council Retreat, the Village's tourism and public relations efforts was identified as a priority item to focus on, and as a result, the development of a Tourism Strategic Plan was discussed as a way to address the future of the Village's tourism efforts. The Village's resort tax revenue collected has continued to increase since the pandemic began, with Fiscal Year (FY) 2021-2022 collecting the highest amount of resort tax revenue in the Village's history and FY 2022-2023 currently on track to collect a similar or slightly less amount than collected in FY 2021-2022. However, the tourism industry as a whole continues to change and evolve in the post-pandemic world and even though our tourism model has been successful in meeting the Village's goals, it is recommended that the Village develop a Tourism Strategic Plan to further and comprehensively align our efforts to ensure the continued success of our tourism efforts.

As you know, Bal Harbour Village is one of only three Miami-Dade County municipalities, along with the City of Miami Beach and the Town of Surfside, to levy a resort tax, and in doing so takes advantage of the benefits derived from this revenue source. This includes the reinvestment in the promotion of tourism and enhancing tourist eligible activities

throughout the Village as well as efforts related to the beautification and maintenance of the Village in areas visited by tourists. Bal Harbour Village levies a Resort Tax of four (4) percent of the amount received for the occupancy of a room in any hotel, motel, or apartment house. In addition, it levies two (2) percent on retail sales of all items of food or beverages, alcoholic or otherwise, sold at retail for consumption on the premises, at any place of business within the Village.

The Bal Harbour Village Tourism Department is responsible for the marketing and branding efforts of the Village as a destination, including promoting Bal Harbour's unique lifestyle, culinary and hotel offerings, as well as increasing Bal Harbour's brand equity, awareness and preference amongst tourists, travel professionals and potential residents in key feeder markets throughout North, South and Latin America, Europe and other parts of the world. The focus of the Tourism Department is to position Bal Harbour Village as a premier luxury and lifestyle destination worldwide. This is achieved by continuing to re-invest and support the Village by strengthening the awareness of Bal Harbour Village, building demand for the destination from both tourists and potential residents, and generating business for our restaurants, hotels and partners.

The Tourism Department accomplishes these goals in a number of ways, including: (1) coordinating a digital advertising campaign to promote the Village as a tourism destination; (2) representation in key strategic domestic and international markets, using contracted professionals in these key markets, including in the following countries: Argentina, Brazil, Canada, Chile, Mexico and the U.S; (3) coordinating press and familiarization ("FAM") trips to Bal Harbour from key markets; (4) a recurring partnership with the Greater Miami Convention and Visitors Bureau (GMCVB) for joint efforts to attract visitors to Bal Harbour; and (5) developing special event programming and opportunities to enhance *The Bal Harbour Experience* for both our visitors and our residents.

In 2013, the Village embarked on an effort to further evolve and enhance the Bal Harbour Village brand as a result of the continued vibrant growth of our area as a world-class global destination at that time. This resulted in an updated brand identity system and style guidelines reflective of the Village's updated brand positioning. The Village contracted with Partners & Napier, an integrated marketing firm whose expertise lies in the development of luxury brands, to clearly identify the Village's target audience, brand pillars (what the Bal Harbour Village brand stands for) and brand essence. This effort resulted in the Village contracting with Chandelier Designers for the development of an updated and comprehensive graphic presence and look for the Village. In addition, it also resulted in the creation of a style manual to which established guidelines for the consistent usage of the Village's new look were to be used for both the Village and our tourism efforts. Given that it has been nearly 10 years since this process was undertaken, the timing is right for the development of a strategic plan to guide us through the next few years.

**ANALYSIS**

The tourism goals of Bal Harbour Village are centered on enhancing our local community and increasing the overall benefit and economic impact generated by the tourism industry. These goals include: (1) increase traveler spending and tax revenues in Bal Harbour Village; (2) increase travel interest/demand year-round in Bal Harbour Village; (3) elevate Bal Harbour’s recognition as an international tourism destination; (4) maximize marketing return on investment; and (5) support appropriate events in Bal Harbour Village.

The development of a Tourism Strategic Plan will help further refine and guide the strategies and goals executed by Bal Harbour Village and our Tourism Department. The framework of this Strategic Plan should be developed using a participative process, based on active engagement of the relevant stakeholders to our community, including elected officials, members of the Village’s Resort Tax Committee, representatives from hotels and restaurants in Bal Harbour, the Bal Harbour Shops, tourism entities such as the Greater Miami Conventions and Visitors Bureau, and from other relevant public and private representatives, with a focus on: (1) changes in and the evolution of the Bal Harbour tourism environment, (2) emerging short and long-term strategic issues, (3) implications for tourism development in Bal Harbour, (4) and leveraging Bal Harbour’s tourism brand to expand economic and real estate investments and opportunities in Bal Harbour Village.

RFP 2023-02 was issued on April 21, 2023 with a response due date of June 2, 2023. The Village received five responses to the RFP from the following qualified vendors reflected in the chart below, along with each of the vendor’s proposed cost to complete the work:

| <b>VENDOR</b>           | <b>PROPOSED COST</b> | <b>EXPENSES</b> | <b>TOTAL COST</b> |
|-------------------------|----------------------|-----------------|-------------------|
| Alvarez & Marsal        | \$350,100            | \$5,000         | <b>\$355,100</b>  |
| Boston Consulting Group | \$790,000            | \$50,000        | <b>\$840,000</b>  |
| CSL International       | \$164,700            | \$19,764        | <b>\$184,464</b>  |
| Ernest & Young (EY)     | \$293,000            | 0               | <b>\$293,000</b>  |
| Resonance Consultancy   | \$141,550            | \$9,600         | <b>\$151,150</b>  |

I appointed the following individuals to serve on an Evaluation Committee to review these proposals and meet with each of the vendors: (1) Arianna Calcaterra, St. Regis Bal Harbour Resort to represent the hotel industry, (2) Paola Busch from our Tourism Department, (3) Jeff Lehman to represent the Resort Tax Committee, (4) Raj Singh, a Village resident, member of the Village’s Budget Advisory Committee, and a representative of the hotel industry, (5) Carolyn Travis to represent the Bal Harbour Shops and the various restaurants in the Shops, and (6) Sylvia Flores from our Recreation, Arts & Culture Department.

The Evaluation Committee met on July 10, 2023 and each of the vendors presented their respective proposals. The following criteria was used to rate each of the vendors:

| Rating Factors   | MAX POINTS |
|--|------------|
| Experience of the Proposer   | 15         |
| Experience of the key professionals assigned for provision of Services | 15         |
| Availability of resources to perform the required Services             | 15         |
| Proposed approach toward the delivery of Services                      | 15         |
| Recent, current, and projected workloads of the Proposer               | 10         |
| Proposed Price   | 30         |
| <b>TOTAL</b>   | <b>100</b> |

Arianna Calcaterra was not able to attend the committee meeting and as a result did not vote. The Evaluation Committee recommended that the Village explore contracting with two of the vendors that presented. Based on the Evaluation Committee’s recommendation, the top ranked vendor was EY and the second ranked vendor was Resonance Consultancy.

The individual scores from the Evaluation Committee for each of the two recommended vendors is reflected in the chart below:

| Committee Member     | Ernest & Young (EY) | Resonance Consultancy |
|----------------------|---------------------|-----------------------|
| Sylvia Flores        | 88                  | 81                    |
| Paola Busch          | 85                  | 75                    |
| Carolyn Travis       | 80                  | 74                    |
| Jeff Lehman          | 80                  | 85                    |
| Raj Singh            | 90                  | 65                    |
| <b>Average Score</b> | <b>85</b>           | <b>76</b>             |

Attached are the initial RFP proposals from EY and Resonance Consultancy presented to the Village, as well as the presentations each of these vendors made to the Evaluation Committee.

EY is a large, well-established firm with a world-wide presence and access to a vast network of data and clients. EY has a practice focused on Travel, Tourism, Hospitality & Real Estate based in Miami with a team that has local presence devoted to both public-sector tourism and destination development as well as private-sector real estate and hospitality. This team has performed similar work for entities such as the Greater Miami Convention & Visitors Bureau, over 50 other national tourism organizations and tourist destinations, as well as with private companies such as real estate developers, hotel brands and cruise lines. The Evaluation Committee was impressed with the EY team’s capability to do more than prepare a tourism plan for the Village, but rather develop an end-to-end destination growth strategy and provide strategic recommendations in these areas. The proposed timeline for EY to complete this work is 20 weeks and their proposed cost is \$293,000.

Resonance is a boutique firm based in New York City established 15 years ago with a successful track record of advising destinations, developers, hotels and resorts in more than 200 cities around the world with destination development and tourism master planning. The Resonance team recently completed a similar project with the City of Scottsdale, Arizona in the development of a strategic plan to guide their destination in the post-pandemic recovery and growth of the tourism industry over the next five years, with a focus on the affluent traveler. The Evaluation Committee was impressed by the approach described by the Resonance team in creating a strategy for Bal Harbour Village rooted in thoroughly understanding global industry trends and aligning the aspirations of affluent travelers with Bal Harbour to create a strategic plan that will guide our long-term sustainable development. The proposed timeline for Resonance to complete this work is 20 weeks and their proposed cost is \$151,150 inclusive of expenses.

While the Evaluation Committee believes that both firms can successfully complete the work required, the committee members were impressed by EY's team and what they have to offer, as well as EY's access to a vast amount of data and network of stakeholders.

This Resolution authorizes the Village Manager to negotiate the terms and cost with the top ranked firm, EY, and if unsuccessful, to negotiate the terms and cost with the second ranked firm, Resonance. If the terms and cost are successfully negotiated, an item would be brought to the Village Council at a subsequent Village Council meeting to award the contract to the selected vendor.

### **THE BAL HARBOUR EXPERIENCE**

The Village's tourism efforts promote Bal Harbour Village as a desirable destination by highlighting the four pillars of *The Bal Harbour Experience* which distinguishes Bal Harbour from competing destinations. Specifically, the Resort Tax Fund supports and funds all of the following elements of *The Bal Harbour Experience*: Beautiful Environment, Destination & Amenities, Unique & Elegant, and Safety.

### **CONCLUSION**

Approval of this Resolution is recommended to authorize the Village Manager to negotiate with the top ranked firm EY, and if unsuccessful, with the second ranked firm Resonance Consultancy. If the terms and cost are successfully negotiated, an item would be brought to the Village Council at a subsequent Village Council meeting to award the contract to the selected vendor.

### **Attachments:**

1. Tourism Strategic Plan RFP 2023-02 - Scope of Services
2. EY RFP Proposal and Presentation
3. Resonance Consultancy RFP Proposal and Presentation



RESOLUTION NO. 2023-

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH THE TOP RANKED FIRM ERNEST YOUNG, FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; AND IF UNSUCCESSFUL, TO NEGOTIATE WITH THE SECOND RANKED FIRM, RESONANCE CONSULTANCY, FOR THE DEVELOPMENT OF A TOURISM STRATEGIC PLAN; SUBJECT TO APPROVAL BY THE VILLAGE COUNCIL AT A SUBSEQUENT MEETING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the tourism goals of Bal Harbour Village are centered on enhancing our local community and increasing the overall benefit and economic impact generated by the tourism industry; and

**WHEREAS**, the development of a Tourism Strategic Plan will help further refine and guide the strategies and goals executed by Bal Harbour Village and our Tourism Department; and

**WHEREAS**, On April 21, 2023, Bal Harbour Village issued a Request for Proposals ("RFP") for qualified and experienced firms to develop an integrated comprehensive strategic plan to continue to drive tourism in Bal Harbour Village; and

**WHEREAS**, The Village received five responses to the RFP from the following qualified vendors: (1) Alvarez & Marsal, (2) Boston Consulting Group, (3) CSL International, (4) Ernest Young ("EY"), and (5) Resonance Consultancy ("Resonance"); and

**WHEREAS**, an Evaluation Committee was established to review the proposals and recommended EY as the top ranked proposer and Resonance as the second ranked proposer; and

**WHEREAS**, the Village Manager accepts the recommendation of the Evaluation Committee and wishes to conduct negotiations with these two firms; and

**WHEREAS**, the Council has determined that it is in the best interest of the Village to authorize the Village Manager to negotiate an agreement with EY as the first ranked proposer, subject to Council approval for the development of the strategic plan. If the Village Manager is unable to reach a satisfactory agreement with the first ranked firm, then

the Village Manager is authorized to negotiate an agreement with the second ranked firm, Resonance, subject to Council approval.

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

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

**Section 2. Resolution Approved.** That the Resolution to authorize the Village Manager to negotiate an agreement with the first ranked firm or with the second ranked firm, if negotiations with the first ranked firm are unsuccessful for the development of a Tourism Strategy Plan, with the understanding that any agreement is subject to approval of the Village Council at a subsequent meeting, is hereby approved.

**Section 3. Implementation.** That the Village Manager is hereby authorized to initiate the activities as required to negotiate the agreement for the provision of services as detailed within the RFQ and to take all actions necessary to implement the purposes of this Resolution.

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

PASSED AND ADOPTED this 18<sup>th</sup> day of July, 2023.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

## SECTION 2 - SCOPE OF SERVICES

### 2.1. Background

Bal Harbour Village is located in Miami-Dade County in South Florida, USA. By way of this RFP, the Village is soliciting proposals from interested parties for the development of an integrated comprehensive strategic plan to drive tourism and recovery by creating a framework to support the short and long-term success and resilience of Bal Harbour Village's tourism industry.

Celebrating our seventy fifth anniversary in 2021, Bal Harbour Village remains a pristine community, a carefully designed haven for the very best in residential living and upscale tourism. With elegant homes and condominiums, elite shops and exquisitely manicured roadways, the Village is widely recognized as the jewel in the crown of South Florida's communities - a model for the good life. For generations, Bal Harbour Village has drawn discerning visitors seeking the best that Miami has to offer—in an atmosphere that's contemporary, luxurious, and serene. Our mission is defined by the "Bal Harbour Experience" - that distinctive feeling one experiences when living in or visiting our unique, curated, refined community.

Located in Bal Harbour Village are the Bal Harbour Shops, an exquisite collection of designer boutiques, department stores and restaurants in a lush tropical garden setting. An internationally renowned shopping destination, it's a favorite playground for socialites, fashionistas, and celebrities. Retailers and restaurants include Salvatore Ferragamo, Alexander McQueen, Balenciaga, Brioni, Chanel, Dolce & Gabbana, Fendi, Goyard, Harry Winston, Prada, Richard Mille, Van Cleef & Arpels, Versace, Makoto, Le Zoo, Carpaccio and Hillstone. The anchors are Neiman Marcus and Saks Fifth Avenue. Featuring some of the Miami area's most celebrated dining, the restaurants of the Village offer a range from the family-friendly and casual, to multi-course gourmet cuisine, including Carpaccio, Le Zoo, Makoto, Aba, and Hillstone Bal Harbor. There are four hotels in Bal Harbour Village, including the 5-Star St. Regis Resort, the 4-Star Ritz-Carlton Resort, the Sea View Hotel, and Beach Haus Bal Harbour.

The Bal Harbour Tourism Department is responsible for the marketing and branding efforts of the Village, including: Promoting Bal Harbour's unique Lifestyle, Culinary and Hotel Offerings, Cultural Connections, Extraordinary Fashion Selection and Secluded Beaches; and increasing brand equity, awareness and preference amongst Tourists, Travel Professionals and Potential Residents in Key Feeder Markets throughout North and Latin America, and Europe. The focus of the Tourism Department is to position Bal Harbour Village as a premier luxury and lifestyle destination worldwide. This is achieved by continuing to re-invest and support the Village by strengthening the awareness of Bal Harbour Village, building demand for the destination from both tourists and potential residents, and generating business for our partners. The Tourism Department accomplishes this goal in a

number of ways, including: Advertising; Representation in key strategic domestic and international markets, using contracted professionals in these key markets which include Argentina, Brazil, Canada, Chile, Mexico and the U.S; Coordinating press and familiarization trips to Bal Harbour from these key markets; a recurring partnership with the Greater Miami Convention and Visitors Bureau (GMCVB); and developing Special Event programming to enhance the "Bal Harbour Experience".

Bal Harbour Village is one of only three Miami-Dade County municipalities, along with the City of Miami Beach and the Town of Surfside, to levy a resort tax, and in doing so takes advantage of the benefits derived from this revenue source. This includes the reinvestment in the promotion of tourism and enhancing tourist eligible activities throughout the Village as well as efforts related to the beautification and maintenance of the Village in areas visited by tourists. Bal Harbour Village levies a Resort Tax of four (4) percent of the amount received for the occupancy of a room in any hotel, motel, or apartment house. In addition, it levies two (2) percent on retail sales of all items of food or beverages, alcoholic or otherwise, sold at retail for consumption on the premises, at any place of business within the Village. Both these levies are consistent with Part I, Chapter 212, of Florida Statutes.

## **2.2. Purpose**

The Village is seeking proposals to establish a contract(s) with a qualified and experienced vendor, hereinafter referred to as the "CONTRACTOR", to provide the Services described under this RFP.

The Village intends to award a contract to a qualified firm to create an integrated comprehensive strategic plan to drive tourism by creating a framework to support the short-and-long-term success and resilience of Bal Harbour's tourism industry.

The tourism goals of Bal Harbour Village are centered on enhancing the local community and increasing the overall benefit and economic impact generated by the tourism industry and include: (1) increase traveler spending and tax revenues; (2) increase travel demand year-round; (3) elevate Bal Harbour's recognition as an international tourism destination; (4) maximize marketing return on investment; (5) support current and future events in Bal Harbour Village.

## **2.3. Scope of Work-Basic Services**

Each of the required tasks and key focus areas listed below should be considered incorporating the following: (1) What strategies, plans and metrics could be undertaken by Bal Harbour Village to support each focus area, including sustainable destination and product development, and (2) What strategies, plans and metrics could be undertaken by Bal Harbour to support destination marketing, promotion and visitor services to build brand awareness and tourism demand.

## Tasks

### 1. Analysis

- Interview members of the Bal Harbour Village Executive Staff to obtain their perspectives on past, current and future tourism and special events objectives for Bal Harbour.
- Conduct necessary review of existing Village and stakeholder master/general plans, including but not limited to Brand Pillars, Style Guidelines, Marketing and Advertising Strategy.
- Conduct a review of the tourism market to identify changes in the local marketplace and the global tourism environment, including comparisons to competitive cities/regions, like-destinations with a focus luxury, and similar hotels and amenities.
- Review the Tourism Department's program of work to include tourism development program structure and priorities and tourism development program allocation of resources.
- Assess our current approach and evaluate its impact/success as well as assess the current key markets we focus on and advise on whether they are the right ones and if there are other key markets we should focus on, and if so, what the potential return on investment (ROI).

### 2. Assessment

- Conduct an extensive participative process of engagement of stakeholders through interviews and potentially surveys for completion of a custom Strengths, Weaknesses, Opportunities and Threats (SWOT) assessment to include, but not limited to:
  - i. Government - Mayor, Council Members, Village Manager, Department relevant Department Directors and staff (including contracted market representatives), Resort Tax Committee members.
  - ii. Business Stakeholders - General Managers and Sales, Marketing and PR Representatives from all Bal Harbour hotels and restaurants, Executives from the Bal Harbour Shops, art galleries, and other vested entities.
  - iii. Tourism Industry Partners - Representatives from the Greater Miami Conventions and Visitors Bureau, Surfside Tourism Department, Sunny Isles Beach Tourism Department, and Miami Beach Visitors and Convention Authority.

### 3. Evaluation and Recommendations

- Event Development - what are the best practices in special events in Bal Harbour, including events that the Village should consider participating in, promoting or producing.
- Experiences - top emerging travel trends or products domestically and globally that Bal Harbour should consider; existing Bal Harbour products and experiences that could be elevated; best practices in promoting these opportunities; enhancements needed to keep Bal Harbour attractive to relevant emerging generations.

- Infrastructure and Investment - what are Bal Harbour's greatest infrastructure and product needs to grow leisure, meetings, special events visitations during the next 5-10 years and resources required.
- Research - additional research that the Village should consider obtaining with emphasis on domestic and international visits.
- Tourism Industry Advancement - How can local tourism partners better collaborate to support Bal Harbour's tourism brand
- Travel Market & Product Development - existing best practices in travel marketing and promotion in comparison to: competitive cities/regions; like-destination with focus on luxury; and similar hotels and amenities.

### Desired Final Outcomes

The desired final outcomes of the complete process of the required tasks and deliverables should include:

1. Alignment between the Mayor, Council, Village Management and primary tourism, community and business stakeholders as to the major opportunities and challenges confronting Bal Harbour's tourism development.
2. Alignment as to what the guiding principles of Bal Harbour's tourism and special event framework should be.
3. Understanding and consensus about Bal Harbour's primary SWOT that directly impact the Village's tourism competitiveness and identification of those issues/items that require action in the short and long term.
4. A strategic framework for Bal Harbour Village that include, but not limited to:
  - i. Recommended action plan for the Tourism Department
  - ii. Key priorities for the Bal Harbour tourism and special events efforts
  - iii. High level actionable items and timelines for implementation
  - iv. Specific strategies for tourism and economic development initiatives
5. Alignment and support for the strategic framework and what Bal Harbour Village will need from a staffing and budgetary perspective to actualize the strategic framework.

### Task Deliverables

1. A verbal and written summary of findings and recommendations resulting from the internal and external reviews with all stakeholders.
2. Public outreach to provide direction in the preparation of custom SWOT exercises and analysis of results.
3. Preparation of evaluations along with recommended strategic goals, objectives, and actions including for: event and experience development, staffing, research, tourism industry advancement, and travel marketing & product development.

### Final Outcome Deliverables

1. Final summary of all discussions and presentation of a collaborative Tourism Strategic Framework that will guide the development of Bal Harbour's tourism and special events action plan and short-and-long term strategies.

2. A final proprietary Tourism Strategic Framework document for Bal Harbour Village that identifies goals, priorities, and achievable objectives/actions for the next 3-5 years in areas including but not limited to:
  - Public Relations Strategy
  - Sales & Marketing Strategy
  - Event Development
  - Experience Development
  - Travel Research, Marketing and Product Development
3. Recommended Metrics for assessing progress in achieving objectives.
4. The final draft report due date is approximately 120 days from the signing of the contract, anticipated to be approximately September 30, 2023. Final Report due following review and feedback 30-45 days after draft report is submitted.

#### **2.4 ADDITIONAL SERVICES**

The CONTRACTOR may be requested to perform additional services or provide service frequencies at the discretion of the Village.

**END OF SECTION**







# Tourism Strategic Plan Development - EY Response

Proposal to serve Bal Harbour Village

2 June 2023



Building a better  
working world

# Table of Contents

|    |   |    |
|----|---|----|
| 1  | Introduction Letter                                     | 3  |
| 2  | About EY's Global Destination and Tourism Advisory team | 5  |
| 3  | Qualifications  | 10 |
| 4  | Proposed scope  | 26 |
| 5  | Questionnaire   | 36 |
| 6  | Curriculum vitae  | 42 |
| 7  | Client references                                       | 52 |
| 8  | Pricing   | 54 |
| 9  | Additional Forms  | 56 |
| 10 | Additional Letters of Recommendation                    | 60 |
| 11 | Exceptions  | 63 |

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The US firm is part of the global organization of member firms (collectively, EY) of Ernst & Young Global Limited, separate legal entities that perform professional services under the "EY" name worldwide.

# 1

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## Introduction letter





Our team is excited about the opportunity to work alongside you and your various constituents to develop a strategic tourism plan for Bal Harbour Village that will unlock value for the community and help you grow well into the future. Our team will provide you with clear advantages to reach your goals, given our:

- ▶ **Extensive experience performing similar strategic tourism advisory projects**
- ▶ **Strong relationships with the local development community that allow us to quickly leverage a strategic viewpoint on key issues impacting visitation and development**
- ▶ **Tailored approach stemming from our established, proven process for successful delivery of tourism advisory projects**
- ▶ **Close familiarity with the Village's tourism economy driven by several team members' native understanding of Miami**
- ▶ **Industry-leading resources backed by EY's advanced suite of tools and deep network of 400,000+ professionals globally**

You can expect proactive support to help you make the right decisions, while minimizing fees. We are confident that only EY can most effectively deliver your needs.



**Matthew Duke**  
State of Florida, GCSP  
Managing Director

Ramiro J. Inguanzo  
655 96<sup>th</sup> Street, Bal Harbour Village, FL 33154

2 June 2023

Ernst & Young U.S. LLP (EY) is pleased to present this response to your invitation ("RFP") to submit a proposal for the provision of consulting services to provide a comprehensive strategic tourism plan for Bal Harbour Village ("the Village").

We have assembled a team of professionals with extensive experience in Miami-Dade, Broward and Palm Beach counties in both public-sector tourism and destination development as well as private-sector real estate and hospitality. We are highly confident that we are the best-suited team to assist Bal Harbour Village in unlocking the full potential of its tourism economy due to the following experiences and capabilities:

- **Native understanding and history serving Miami.** EY's dedicated project team includes four team members who live in Miami and have immense experience working in the county as well as deep community networks. This team has a native understanding of the greater Miami area, is passionate about this area, and has a vested interest in helping Bal Harbour Village thrive. Moreover, EY has performed a variety of destination and tourism advisory work for entities in Miami, not only for public entities such as the Greater Miami Convention & Visitors Bureau but also for private companies such as real estate developers, hotel brands and cruise lines, with recently completed projects in the following areas: Downtown/Brickell, Design District, Miami Beach and Surfside.
- **Immense tourism development experience nationwide.** Our team has served over 50 national tourism organizations outside of Miami, including state and local organizations in New York, California, Georgia, Ohio, and Massachusetts. Not only have we built comprehensive tourism strategy plans through our proven tourism advisory process, but we have seen these strategic plans through: we have attracted tourism product investment, supported clients in building out infrastructure, and developed sustainability initiatives and ongoing monitoring processes.
- **Cross-disciplinary capabilities.** The EY Global Destination & Tourism Advisory process was developed on the principle that a holistic strategy considering a broad range of subject matters beyond just tourism is required to unlock the true value of tourism. We have a vast network of engaged leaders from other EY practices to provide necessary perspectives and analysis related to economic development, climate change and sustainability, diversity equity and inclusion, infrastructure, housing, and workforce as needed. This cross-disciplinary approach will ensure a highly actionable strategic tourism plan that is as multifaceted as the tourism industry itself.

We are delighted to present this response and are excited about the opportunity to work with you on shaping the Village's future. If we can provide any further information or clarification, please feel free to contact Robbie Karver, who is local and happy to meet with you in person, or Ryan Foster, our project team lead.

Sincerely,



**Robbie Karver**  
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# 2

## About EY's Global Destination and Tourism Advisory team





## Firm overview

Our purpose is **building a better working world**. The insights and quality services we provide help enhance economies around the world. We develop outstanding leaders who team to deliver on our promises to all our stakeholders. In doing so, we play a critical role in building a better working world for our people, for our clients and for our communities.

Since our founding, we have evolved into a global leader in assurance, consulting, tax and strategy and transactions services. Worldwide, our 400,000 people are united by an unwavering commitment to quality in the services we offer and to help our people and clients build a better working world. Our services are as follows:

400,000

Employees

150+

Countries

700+

Offices

45%

Of EY employees are women

37%

Of EY employees are minorities

The firm and its predecessors have been in business in the US for more than 100 years. The Americas Area (which consists of North, Central and South America, along with the Caribbean region), formed in 2006, comprises member firms in 30 countries and more than 75,000 people. The US firm is a substantial entity, with 49,000 people working in the US across 98 offices spread throughout the country. The US firm is owned by approximately 3,600 US partners and principals. The workplace culture of the US firm is recognized by organizations such as *Fortune* magazine, the Great Place to Work Institute and Universum, which frequently place EY US near the top of their lists for companies across the Americas Area.

# EY Global Destination & Tourism Advisory team overview

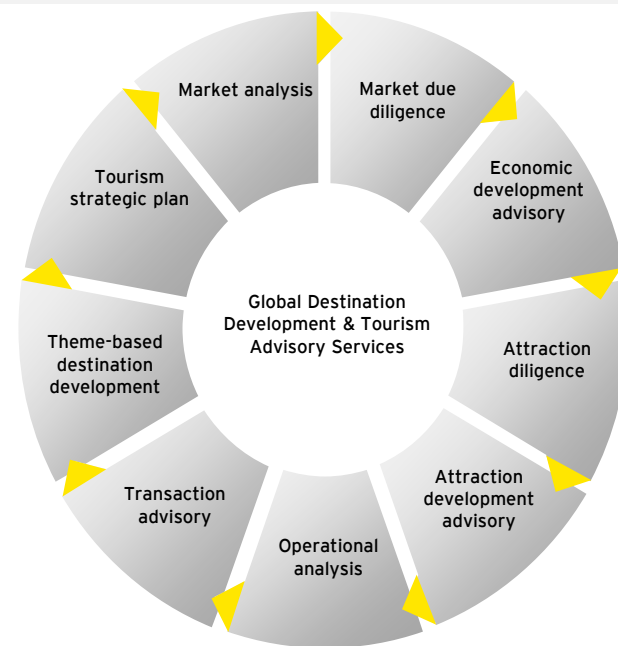
## Our organization

- The EY Global Destination & Tourism Advisory team is comprised of specialized travel and tourism professionals within EY’s roster of 18,000 real estate, hospitality, and tourism professionals.
- The team is globally integrated, and leverages knowledge from subject matter resources among EY’s 400,000 professionals across the globe. The team has served global and national destinations in providing strategic advisory services **for over 20 years**.
- The team has **an innovative, flexible and proven process** to deliver significant benefits to growing destinations – from improved visitation to strengthened economic impact.

**EY has the largest integrated hospitality practice of any accounting and consulting organization**, with professionals around the world providing services to governments, developers, non-profits, corporates and operators – among many other types of clients served.

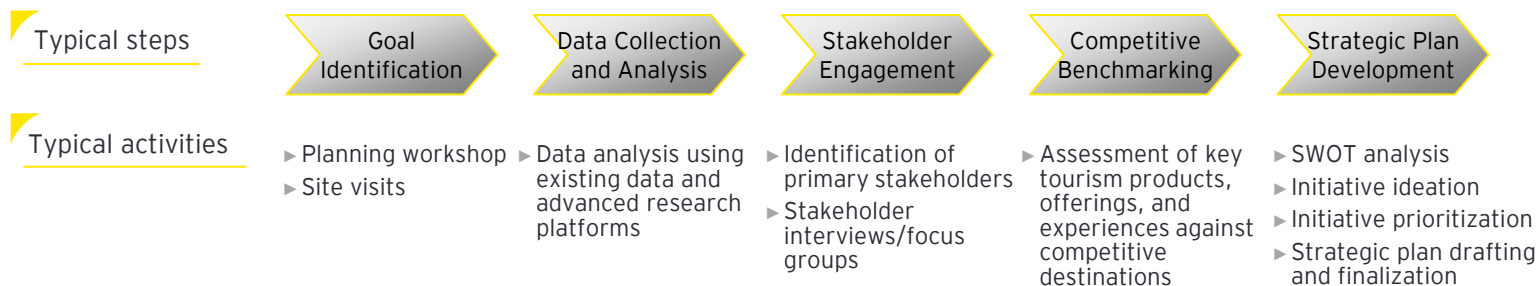
EY’s Global Destination & Tourism Advisory Services team provides an end-to-end suite of services to support innovative and sustainable strategic tourism plans.

## Our services



## Our process

EY’s process is a purpose-driven solution that allows clients to define and prioritize their strategic goals, develop and implement the tools and initiatives to reach those goals, and monitor performance against them relative to competitive destinations. By putting visitors, investors, businesses and communities at the heart of a destination’s strategy, a plan is developed that meets the needs and expectations of all stakeholders.





# EY Global Destination & Tourism Advisory capabilities and value proposition

## Our capabilities

### Addressing

direct and indirect economic impact for the destination

### Creating

a framework to facilitate sustainable tourism development

### Attracting

private sector development and investment

### Forming

and stimulating public-private partnership

### Enhancing

profitability of tourism infrastructure entities, contributing to the viability of the destination

### Identifying

competitive disadvantages and advantages to set priorities and engage stakeholders

### Prioritizing

sequencing targeted initiatives to increase visitor length of stay, overall visitation and spend

### Implementing

and monitoring transformational change in your destination

## Our value proposition



Increased inbound visitation, spend and length of stay



Higher hotel occupancy and resulting occupancy tax revenue



Improved amenities for tourists and community residents



Increased private-sector investment in tourism product



Larger marketing budget for tourism authority



Development of a governing tourism authority and related operational framework/policies



A motivational, purpose-led strategy for a destination marketing organization



Optimal locations identified for development of transformational lodging product



Enhanced overall brand image for the destination



Increased number of internationally branded hotels



Higher real estate values and associated property tax revenue



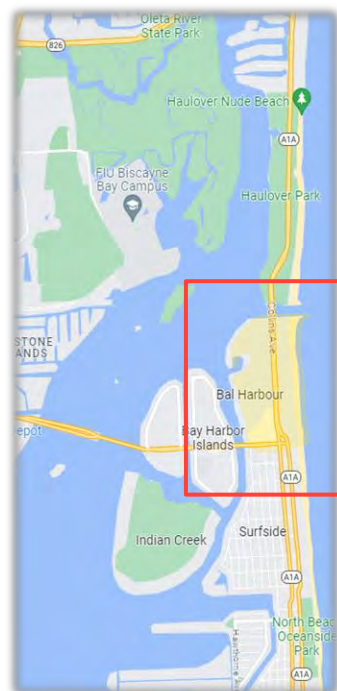
Overall economic impact in terms of new jobs, spending, and income tax revenue





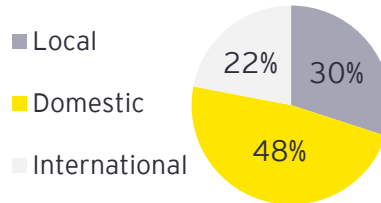
# EY Tourism activity in Greater Miami and Bal Harbour

- As a coastal municipality of Miami Dade County, Bal Harbour Village is known for its beaches, contemporary luxury shopping and dining, and serene, quaint and laid-back environment. Strategically located, it attracts local visitors as well as domestic and international tourists that arrive to the Greater Miami area and visit Bal Harbour for its unique characteristics seen as a complement to the normal hustle and bustle of metropolitan Miami-Dade county.
- Miami has recently seen unprecedented growth as US residents migrate south from source markets seeking a better quality of life and lower taxation. During the COVID-19 pandemic, an even larger influx of high-income individuals from the Northeast US migrated to Florida due to the relaxed regulations and enhanced work-from-home settings.
- In 2022, visitation in the Greater Miami region exceeded 2019 levels, indicating a full recovery post COVID-19. However, not every municipality saw an increase in visitors (as a percentage of total visitors) according to the GMCVB.
- As Greater Miami continues growing, municipalities (e.g., Wynwood, Brickell, Downtown Miami) are focusing on strategically developing tourism demand generators in order to better attract and capture their share of local, domestic and global tourists visiting the region. Consequently, it has become imperative for Bal Harbour to think strategically about defining its own approach to maintaining and growing its share of visitation as the regional tourism economy continues to thrive.



### 2022 Greater Miami Visitor Profile

Distribution per Origin



Top International Markets



## Key Statistics

**26.5 million**

Greater Miami & Miami Beach Visitors 2022 (9.7% increase from 2019)

**\$20.8 billion**

Total visitor spend 2022 (16.2% and 8.0% increase from 2019 and 2021 respectively)

**17.1 million**

Hotel room nights sold in 2022 (6.5% and 12.7% increase from 2019 and 2021 respectively)

**3.3%**

Florida population increase from April 2020 to July 2022

Sources: Greater Miami Convention & Visitors Bureau (GMCVB), United States Census Bureau

# 3

## Qualifications



# EY Global Destination & Tourism Advisory qualifications introduction

EY's Global Destination and Tourism Advisory team has substantial experience performing the requested scope and has been providing these services to client types across the industry since EY committed to this subsector over 30 years ago. Over the years, our team has successfully delivered numerous projects with scopes focused on tourism growth and development.

Furthermore, EY's Global Destination and Tourism Advisory team has the capability to do more than prepare tourism plans. The team has the capacity to **develop end-to-end destination growth strategies** through the analysis of all verticals that intersect with tourism - lodging development, infrastructure development, economic development and others - and moreover provide strategic recommendations in these areas.

### EY service categories



EY's team has provided these services, spanning tourism, hospitality, and real estate focuses, for an array of different public and private client types, and thus understands the nuances and needs of these clients.



# EY EY Global Destination & Tourism Advisory qualifications overview

Our team's principal, Robbie Karver, has over 16 years of experience performing hospitality and tourism advisory work. Robbie is based in Miami and has substantial industry experience serving the US southeast and Latin America.

Our team's project lead, Ryan Foster, has over 15 years of experience leading hospitality and tourism advisory project. Ryan is based in Boston and has particular expertise providing advisory services to public-sector clients.

## Proposer's experience

*EY Global Destination and Tourism Advisory*

# 30+ years

providing industry services

## Principal in charge's experience

*Robbie Karver*

# 16+ years

Local industry experience

## Project manager's experience

*Ryan Foster*

# 15+ years

industry experience

## Relevant, recent and ongoing engagements

| #  | Engagement   | Time period                 | Service categories | Client type | Reference    |
|----|--|-----------------------------|--------------------|-------------|--------------|
| 1  | Confidential - US State                            | Ongoing                     |                    | Public      | -            |
| 2  | Confidential - Brazilian Municipality              | Ongoing                     |                    | Public      | -            |
| 3  | Confidential - Entertainment & Leisure Destination | Ongoing                     |                    | Private     | -            |
| 4  | HRM (Gencom and Hyatt)                             | 2022-2023 (ongoing)         |                    | Private     | Yes          |
| 5  | Fort Partners                                      | 2015-2023 (ongoing)         |                    | Private     | Yes          |
| 6  | Miami Design District Associates                   | 2015-2023 (occurs annually) |                    | Private     | Yes          |
| 7  | Destination Cleveland                              | 2017                        |                    | Public      | Yes          |
| 8  | Greater Miami Convention & Visitors Bureau         | 2013                        |                    | Public      | See slide 60 |
| 9  | Bermuda  | 2013 - 2014                 |                    | Public      | See slide 61 |
| 10 | Yas Island, Abu Dhabi                              | 2019                        |                    | Public      | -            |
| 11 | Visit Savannah                                     | 2018                        |                    | Public      | -            |
| 12 | Mass. Office of Travel and Tourism                 | 2018                        |                    | Public      | -            |

# Confidential - US State

Client - public sector

Date: Ongoing

## Project Brief

A US state destination marketing organization has contracted a team of consultants including EY's Global Destination and Tourism Advisory team to develop strategic tourism plans for many of the State's defined tourism regions.

To develop these strategic tourism plans, EY is in the process of establishing relationships with regional tourism stakeholders, forming and interviewing steering committees and focus groups, gathering and analyzing advanced tourism market data, and ideating creative recommendations to align realistic tourism goals between the region and the state DMO, boost tourism volume and attract and spend tourism investment.

## EY Solution

- EY is establishing working relationships with many types of tourism stakeholders, including regional DMO directors, attraction personnel, economic development professionals, hoteliers, food-service professionals, sustainability professionals, and diversity, equity, and inclusion professionals. EY is interviewing these professionals to understand the strengths, weaknesses, opportunities, and threats of each region's tourism economy.
- EY is establishing and interviewing focus groups of professionals in ancillary sectors to tourism, such as infrastructure, transportation, and small business, to gain further feedback about the intersection between these sectors and each region's tourism economy.
- EY is analyzing advanced tourism data, including a data set with 75 relevant data points for each region, that statistically describe strengths and weaknesses across a variety of tourism-relevant verticals.
- EY is developing written strategic tourism plans for each of its assigned regions.



## Value Delivered

EY's work is creating value for the Client through the following project objectives:

- EY's work will clearly identify strengths, weaknesses, opportunities, and threats associated with each region's tourism economy.
- **This identification will result in alignment in understanding of the current state and needs of each region's tourism economy** both internally between regional stakeholders and externally between the region and Visit California.
- **EY will also provide ideation of strategies to enhance tourism offerings, tourism experiences, attract tourism investments, and attract new visitors.**
- Alignment and ideation can engender resolution of strategic conflicts between tourism stakeholders internal to regions, across regions, and with the State.

# Confidential - Brazilian Municipality

Client - public sector

Date: Ongoing

## Project Brief

EY was engaged to define and develop a sustainable tourism growth strategy for a municipality in the Amazon region of Brazil. The focus of the approach is to transition the economy from a predominately mining city to one based in tourism.

EY's work included assessing the current state of tourism in the municipality, defining target state aspirations, performing a gap analysis, benchmarking against other global cities and regions which have transitioned to a tourism economy, and assisting in the development of the strategic plan and tactical roadmap for short-term and long-term sustainable tourism growth.



## EY Solution

Primary activities related to this project include:

- Assessment of the current state of tourism in the municipality through data collection, product and infrastructure inventory and assessment, stakeholder mapping
- Identification of competitive destinations for the tourism products, resulting on a competitive benchmarking analysis
- Definition of target state and gap analysis to understand areas for development by identifying potential gaps in tourism product and infrastructure compared to domestic and global best practices
- Developing a strategic plan and roadmap for the destination, including the definition of short- and long-term goals and identification of areas with the greatest need for enhancement for the development of a competitive, high-growth, and sustainable tourism economy.

## Value Delivered

The first phase of the engagement provided the client with an assessment of the current tourism state, the definition of the target state and future vision. Currently, EY is **working together with the client in developing a detailed strategic plan to transform the municipality into a tourism destination** not only at national level but also to be recognized internationally.

The first phase of the engagement resulted in the understanding of the current state of tourism and providing strategic recommendations on how the municipality may bridge the gap to drive visitation and spending, in addition to recommendations for the development of an independent entity to promote, develop and regulate tourism in the destination.

# Confidential - Entertainment and Leisure Destination

Client - private sector

Date: Ongoing

## Project Brief

The Client is performing diligence and feasibility analysis to understand the potential of the development of a large entertainment and leisure destination. Through its own preliminary analysis, the Client was mulling the development of an extensive lodging complex that would contain numerous entertainment and leisure components. The Client was seeking advisory services on the following focus areas for all the proposed development components:

- Lodging market study and analysis
- Destination program design and strategy
- Economic development and analysis
- Financial modeling support

## EY Solution

EY has provided these advisory services, assisting the Client in understanding the lodging market and the potential of this development. EY's approach consisted of the following:

- Hotel supply and demand analysis, consisting of a deep dive on hotel market KPIs and trends.
- F&B supply and demand analysis, consisting of ideation for creative program strategies and offerings, as well as facilitation of partnerships with local operators.
- Entertainment market analysis, consisting of an analysis of the local entertainment market's supply and demand, development feasibility, and operational recommendations.
- MICE market analysis, consisting of a supply and demand analysis, a deep competitive program analysis, and strategic program recommendations.
- Economic impact analysis, consisting of estimated job creation, payroll creation, and impact to local businesses.



## Value Delivered

The Client has relied significantly on the analyses provided to grasp the existence and nature of market opportunity, **develop an optimized plan and program for its core development components**, understand economic impact of the project, and estimate the financial feasibility of its prospective development.

The analysis uncovered and enabled significant potential for the Client's destination development, which could strike ground soon pending government approval. With the help of EY's team, the destination is estimated to generate more than \$1b in annual economic activity.

# HRM Gencom

Client - private sector

Reference

Date: 2022 - 2023 (ongoing)

## Project Brief

As part of the redevelopment and repositioning of the existing Hyatt Regency Miami and James L. Knight Convention Center into a world class mixed-use hotel, multifamily, meeting/convention center and commercial area for downtown Miami, EY continues to be engaged to validate the business plan, complete a strategic land / project valuation and determine the economic impact to the City of Miami and greater Miami-Dade County.

## EY Solution

- EY conducted a review of the proposed development and performed a comparative analysis to determine if it is aligned with the highest and best use of the site given current market conditions and the broader tourism strategy for the City of Miami.
- EY assessed, through market research and discussions with market participants, the outlook for the hotel (including convention demand), multi-family, retail, office and parking sectors in downtown Miami/Brickell and broadly for Miami-Dade county.
- EY developed a SWOT analysis for the general market and property type, with a focus on fundamentals and outlook that might impact the development of the project, identifying potential opportunities and risks associated with the inclusion of the planned uses and positioning, and helping determine the merits of whether any of the uses should be changed given trends in visitation and demand.
- EY compared key programmatic elements and performance inputs from the prior market study/highest and best use analysis against updated market trends. Where applicable, we suggested refinements based on data collected.



## Value Delivered

EY was successful in providing the Client a market research study supporting the **feasibility of the planned redevelopment and repositioning of the property that is aligned with current supply and demand** trends for Miami-Dade County.

The client was able to secure public approval via a referendum that confirmed the planned uses.



# Fort Partners

Client - private sector

Reference

Date: 2015 - 2023 (ongoing)

## Project Brief

EY has been and continues to be engaged to perform a variety of strategic hotel, residential and tourism advisory projects for Fort Partners, the developers and current owners of the Four Seasons at the Surf Club. This includes an assessment of multiple beachfront parcels located in Surfside, as well as hotel, residential and tourism efforts in Palm Beach, Broward, and Miami-Dade counties.

## EY Solution

- EY was initially engaged to help validate the development strategy for what would become the Four Seasons Hotel and Residences at the Surf Club. This included an assessment of luxury lodging and residential demand to a submarket (Surfside) that had historically not received significant investment.
- As part of our work, EY validated the client's business plan, which concluded that there were sufficient ancillary attractions in Bal Harbour and enough linkage to Miami Beach and downtown Miami/Brickell that, together with the Four Seasons brand, lack of awareness for the destination could be overcome.
- Subsequently, EY has been involved in a myriad of efforts in both the Surfside submarket as well as in other destinations in South Florida. This has included valuation (land and existing developments), land development strategy (hotel, residential, commercial) and tourism strategy (efforts to generate more demand) in Surfside.
- EY has also been involved in the client's acquisition and development efforts throughout Florida, focused on luxury hotel, residential, retail/commercial and other attraction uses.



## Value Delivered

EY's rigorous analysis and thought leadership has been critical as the **client continues to expand into markets and development efforts** focused on hotel, residential and commercial demand.

Our ability to leverage our understanding of luxury tourism trends in Miami-Dade, Broward and Palm Beach counties has further helped the client support their ambitious growth strategy to other parties.

# Miami Design District Associates

Date: 2015 - 2023 (occurs annually)

Client - private sector

Reference

## Project Brief

EY is engaged on an annual basis to assess the market value of certain properties that comprise much of the Miami Design District, a neighborhood known for high-end shopping and dining and where guests experience contemporary art and design as well as seasonal events. Additionally, EY is engaged to comment on the support for the remaining development strategy for assets in the Miami Design District and Wynwood submarkets of Miami.



## EY Solution

- EY reviews over 30 appraisals focused on land (for commercial/retail, office, and hotel development) and building (commercial/retail, office) uses as part of the Design District and Wynwood real estate holdings.
- As part of this work, EY holds discussions with multiple stakeholders including the client, with a focus on understanding performance trends, projections and any internal development strategy.
- EY also conducts interviews with different stakeholders (such as brokers, tourism associations, investors) in order to better understand the current state of the Miami market as well as trends that impact the value of the properties.

## Value Delivered

EY provides a second set of eyes and assurance that the appraisals/valuations prepared by third parties are **supported by current and projected market supply and demand trends**.

This assurance helps guide the client and advise on entity value and long-term development strategy.

# Destination Cleveland

Client - public sector

Reference

Date: 2017

## Project Brief

EY worked with Destination Cleveland to assess its previously developed tourism plan and goals, assess its performance against those goals, understand its purpose through creating a “Why” story, and assist with the development of a 2017 - 2020 refreshed strategic tourism plan in order to continue on a path towards growth.

Utilizing research tools and analytics, EY performed an external market assessment of Cleveland in comparison to its competitive markets and evaluated Cleveland’s tourism performance in the context of current and anticipated tourism and travel needs.



## EY Solution

Primary activities related to this project included:

- Interviews with elected officials and industry stakeholders from across Cleveland.
- Evaluation of tourism performance relative to top tourism and travel trends.
- Identification of anticipated challenges and opportunities.
- Development of refreshed goal list.
- Development of a strategic and tactical plan.
- Guidance to the implementation process and measurement of Key Performance Indicators (“KPIs”).

## Value Delivered

EY identified challenges and opportunities to develop a strategic plan that refreshed Cleveland’s growth-related tourism goals.

**EY also provided overall guidance on the plan’s implementation process**, including key tactics, implementation timeline, and a plan for measuring performance against goals.

The EY team further provided guidance and recommendations for the development of a financially and organizationally sustainable model for the destination marketing organization.

# Greater Miami Convention & Visitors Bureau

Date: 2013

Client - public sector

Letter of Rec. in Section 10

## Project Brief

EY and MMGY global (a global tourism marketing firm) worked jointly to assist the Greater Miami Convention & Visitors bureau (GMCVB) in identifying its strategic priorities for the next five years. The focus of the project included understanding visitor needs and visitor behavior and identifying and describing tourism growth opportunities by market segment and vertical, including MICE, leisure, and tour/wholesale.



## EY Solution

- EY conducted a review of existing GMCVB marketing policies, marketing strategy, and plan documents.
- EY conducted a visitor pattern, segmentation, and trend analysis for the destination.
- EY conducted primary research of consumers and event planners interested in the destination.
- EY conducted an assessment of the Greater Miami and the Beaches market by interviewing over 40 market representatives and key stakeholders.
- EY performed a strengths and weaknesses assessment and competitive analysis of the destination.
- EY assisted the GMCVB with drafting its 5-year strategic plan.

## Value Delivered

The analysis formed the priorities for the GMCVB's 5-year strategic plan, laying out strategies to highlight Miami's assets, understand and attract visitors, and pursue new tourism growth opportunities, particularly within the MICE event vertical.

This strategy has helped drive Miami's recent propulsion as a tourism market towards the upper echelon of leisure tourism destinations, alongside New York, Paris, and London.

# Bermuda

Client - public sector

Letter of Rec. in Section 10

Date: 2013 - 2014

## Project Brief

- EY was engaged to develop and assist in the execution of a new governance model and transition plan related to dissolving the Bermuda Department of Tourism and setting up a new public-private company named the Bermuda Tourism Authority (BTA) in order to minimize disruptive political interference in tourism business. The objectives of the project were to assist a streamlined transition to a new tourism authority that could more effectively stimulate tourism to the Island.
- EY was also engaged to help the client find a purpose to inform its strategic framework, sales and marketing plan as well as brand and agency partnership selection when a new CEO was appointed.

## EY Solution

- EY studied and analyzed leading practices of world-class tourism organizations and assisted in drafting the legislation of a new Act to form the BTA.
- EY kicked off the transition by developing an optimized governance structure and operating model for the transition team.
- EY assisted in the implementation of this new enterprise, including the transition of all assets and liabilities from a government department to a new private entity.
- EY aided in building a strategic framework, starting with the collaboration to discover the island's purpose statement, which included key unique attributes, experiences and personas to drive sustainable market share growth and achieve desired outcomes.



## Value Delivered

**EY designed leading policies and procedures on how to transition and develop an effective world-class tourism enterprise.** EY's strategic framework and implementation support was delivered successfully, and the new authority's operational capacity was consequently strong from its inception.

Bermuda has seen a burst in transaction activity, redevelopment activity and positive visitation trending since EY's assistance with its tourism authority transformation.

# Yas Island, Abu Dhabi

Client - public sector

Date: 2019

## Project Brief

EY was engaged to assist the Island in identifying opportunities to increase visitation, enhance the visitor experience, sustainably preserve their competitive advantage, and identify new opportunities for development and enhancement of new and existing amenities and attractions.

To perform this analysis, EY leveraged a series of critical success factors in assessing the performance and opportunity of the island as a destination. Additionally, EY performed a global benchmarking exercise to measure Yas Island against other similar global entertainment destinations to identify best in-class standards.



## EY Solution

Primary activities related to this project included:

- Assessment of the current state of tourism in the destination.
- Benchmark analysis (Yas Island against global destinations) and assessment against critical success factors of the destination as well as each benchmark. Selected critical success factors: Governance, Attractions & Experiences, Branding, Marketing & Identity, Accessibility & Mobility, Lodging and Authenticity.

The primary source of information for the purpose of this project was through interviews with key stakeholders and representatives from Yas Island as well as other similar global destinations. Key data points and documentation were obtained for Yas Island to support the assessment.

## Value Delivered

**EY presented a series of prioritized recommendations designed to enhance the Island's performance.** These recommendations were anchored in measurable data points, allowing the destination to perform ongoing performance monitoring using several key performance indicators (KPIs).

Yas Island continues to develop new and bespoke amenities to drive global visitation to this luxury entertainment destination.

# Visit Savannah

Client - public sector

Date: 2018

## Project Brief

EY teamed with MMGY to provide Visit Savannah, the city of Savannah's Destination Marketing Office, a "Tourism Future Study" to analyze changes related to emerging travel and tourism trends, technology and lifestyle that would affect the evolving landscape of local Savannah tourism over the period from 2015 to 2020.

The team further provided an understanding of the current state of Savannah's tourism economy benchmarked against comparable tourism economies.



## EY Solution

While highlighting Savannah's assets, EY & MMGY identified and analyzed the top twelve prevailing and future travel and tourism trends based on extensive industry knowledge. The methodology for doing this included:

- Interviews with elected officials, industry stakeholders, as well as engaged citizens from across Savannah.
- Multiple primary demand surveys with potential and actual visitors (both domestic and international).
- An analysis of identified travel & tourism trends as they relate to Savannah based on research on leading practices among popular, comparable global destinations, including a benchmarking analysis relative to these destinations.

## Value Delivered

EY & MMGY were successful in providing the DMO with a forward-looking Study focusing travel and tourism industry trends and **delivered to Visit Savannah a comprehensive analysis that juxtaposed the current state of Savannah's tourism economy relative to industry competitors and greater trends.**

The concluded study served as a precursor and foundation for a multi-year strategic tourism plan for the city of Savannah.

# Massachusetts Office of Travel and Tourism (MOTT)

Client - public sector

Date: 2018

## Project Brief

- EY, together with Tourism Economics, completed a comprehensive study to analyze the current state of tourism in the Commonwealth and the role that tourism plays in supporting economic development across the state. The analysis also estimated the overall economic impact that tourism has on the Commonwealth's economy.
- Additionally, EY led an organizational analysis of the DMO and its relationships with the individual tourism regions across the state, to enhance overall connectivity/relationships, align strategic goals and objectives, and promote increased transparency around data available sharing.

## EY Solution

EY analyzed the following factors:

- Tourism industry trends, such as visitor spend and length of visit, and trends associated with contained sectors, such as lodging, food and beverage, and recreation.
- Economic trends considering how the tourism industry impacts the overall economy of the Commonwealth of Massachusetts. Trends studied included tourism's impact on business sales, employment, taxes, and gross domestic product.
- Tourism by county, which looked at some of the high-level tourism trends including visitation, visitor spend, and director employment, by county, across the Commonwealth.
- Identification of strengths and weaknesses of MOTT as an organization and the need to develop a strategic business plan to further unlock the value of tourism to the Commonwealth.



## Value Delivered

Through analyzing economic data, **EY demonstrated that the impact and importance of the tourism industry was highlighted as a key driver of economic health and development across the Commonwealth of Massachusetts.** Furthermore, EY uncovered the perception of MOTT and its role in enhancing tourism.

Through its findings, EY identified and presented areas for enhancing agency's role as a resource for Regional Tourism Authorities (RTAs), attractions, tourism service providers, and other stakeholders.



## Additional relevant advisory experience in Greater Miami

The EY team is particularly connected to the Greater Miami real estate and hospitality market and has performed advisory work in a variety of relevant competencies for many of the regions' leading hotels, commercial/retail and tourist attractions.

Notably, the EY team has performed commercial growth strategy, development strategy, management company analysis and selection, valuation and bankruptcy diligence for the 15 hotels listed and visualized on the right side of the slide, either in or near Bal Harbour Village.

Additionally, the EY has completed various real estate and hospitality engagements in other submarkets including:

- Downtown Miami (Genting site(s))
- Downtown Miami
- Brickell (including strategy for Brickell City Centre)
- Coral Gables (including demand adjacent to Merrick Park)
- Wynwood/Design District
- Hollywood
- Fort Lauderdale
- Pompano Beach
- Boca Raton
- Palm Beach

| Hotels in EY advisory engagements<br>Bal Harbour & surroundings | Locations of subject hotels |
|---|-----------------------------|
| The Ritz Carlton Bal Harbour                                    |                             |
| The St. Regis Bal Harbour                                       |                             |
| Four Seasons Hotel at The Surf Club                             |                             |
| Carillon Miami  |                             |
| Eden Roc Miami Beach  |                             |
| Nobu Hotel Miami Beach  |                             |
| The Confidante Miami Beach                                      |                             |
| 1 Hotel South Beach   |                             |
| W South Beach   |                             |
| The Setai Miami Beach   |                             |
| Shore Club Hotel Miami Beach                                    |                             |
| The Raleigh Miami Beach   |                             |
| SLS South Beach   |                             |
| Delano South Beach  |                             |
| Sagamore South Beach  |                             |

# 4

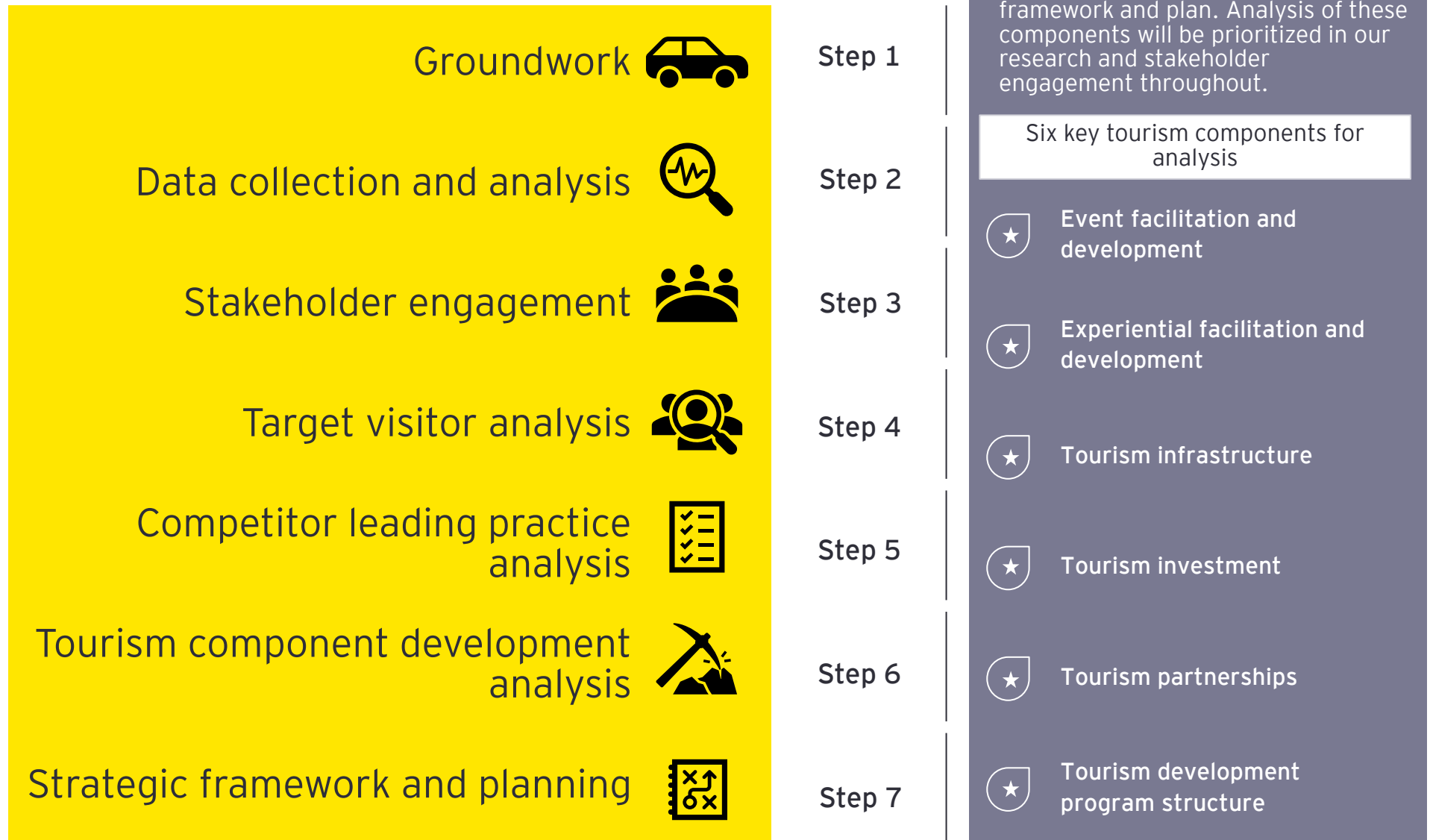


## Proposed scope

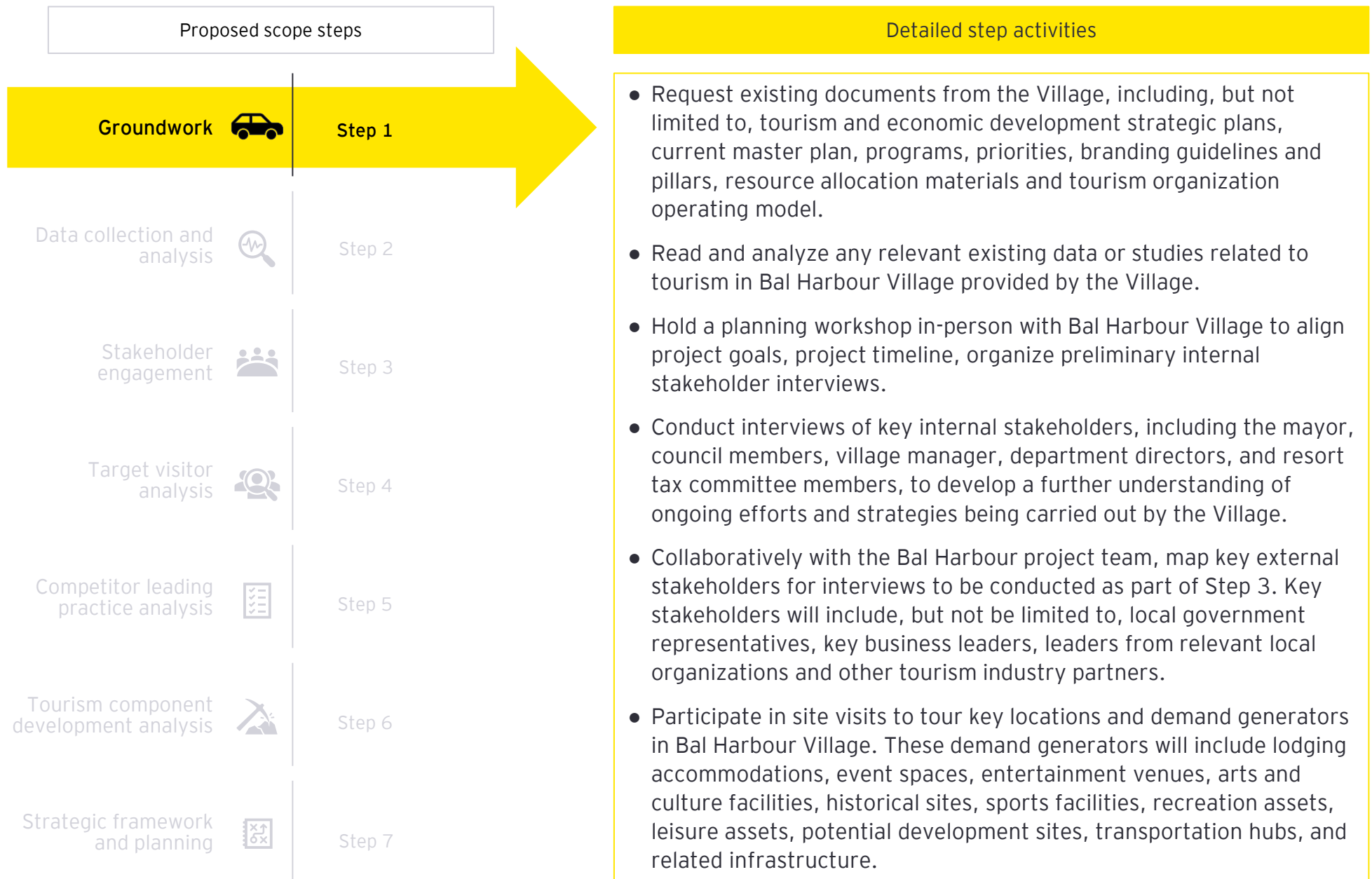


# Proposed scope overview

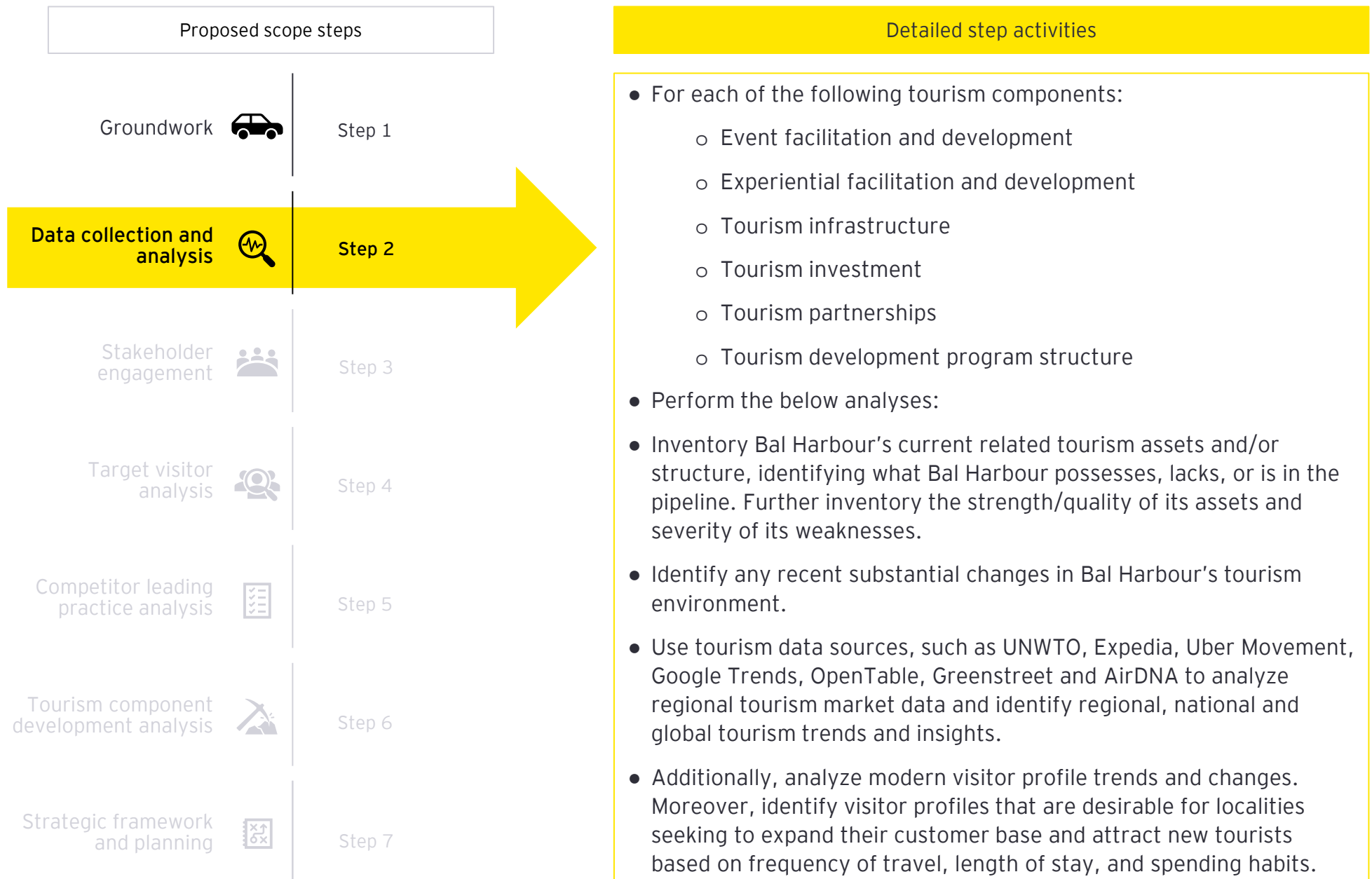
We have tailored our proven strategic tourism advisory process, along with our deep industry experience across a variety of specialties, to the Village's objectives. Our proposed process includes the following tasks:



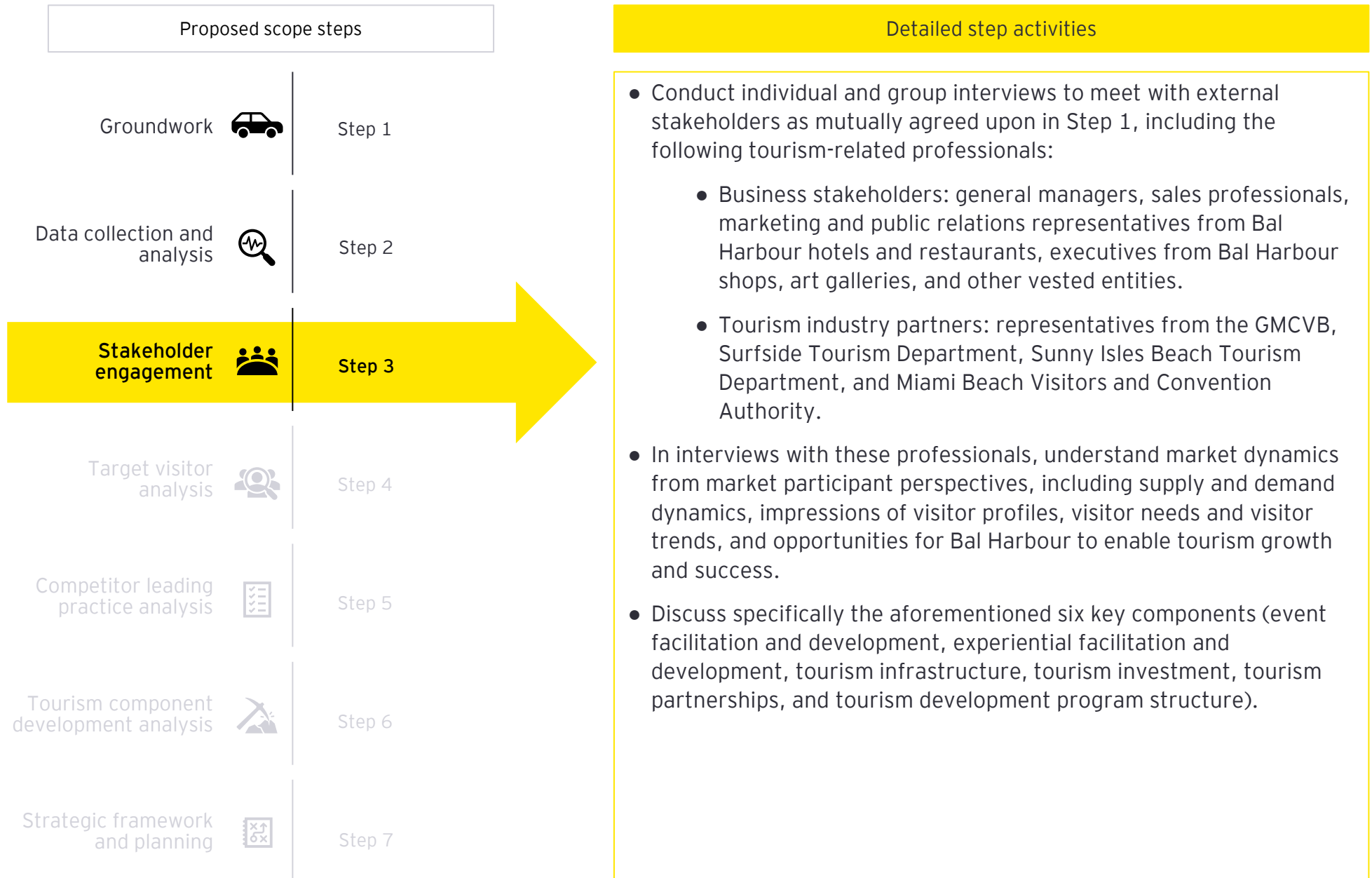
# Proposed scope - detailed by step



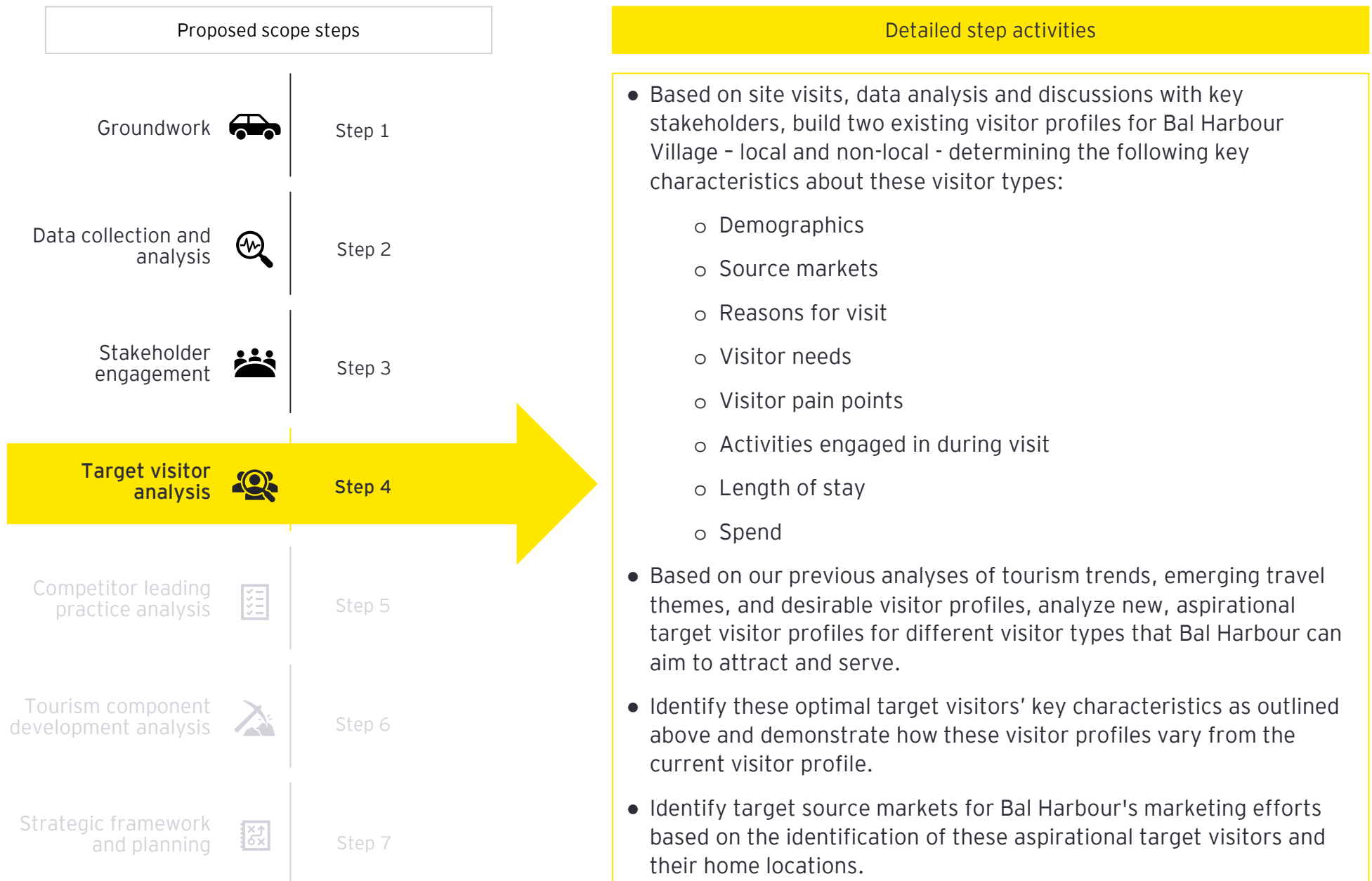
# Proposed scope - detailed by step



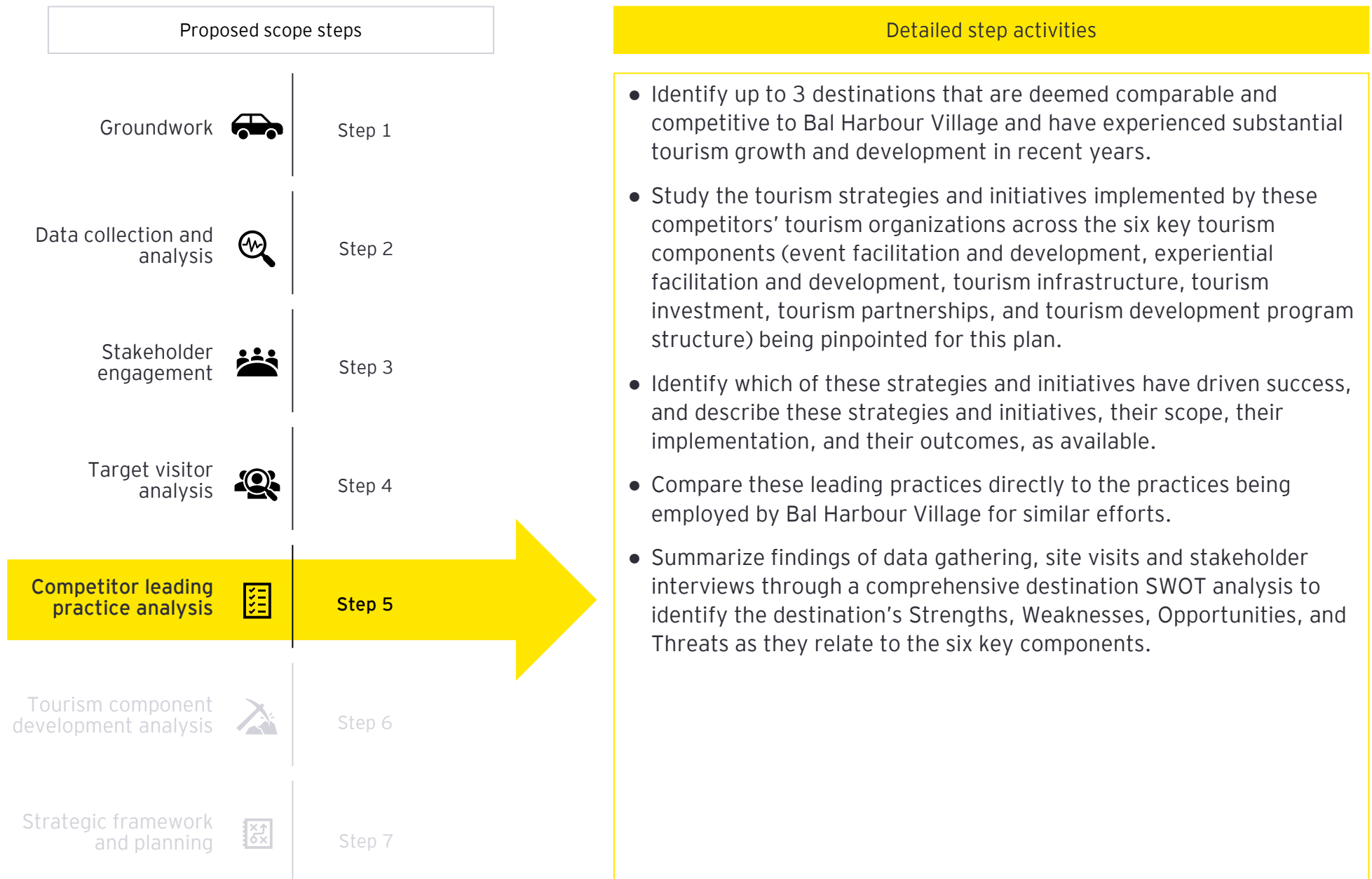
# Proposed scope - detailed by step



# Proposed scope - detailed by step

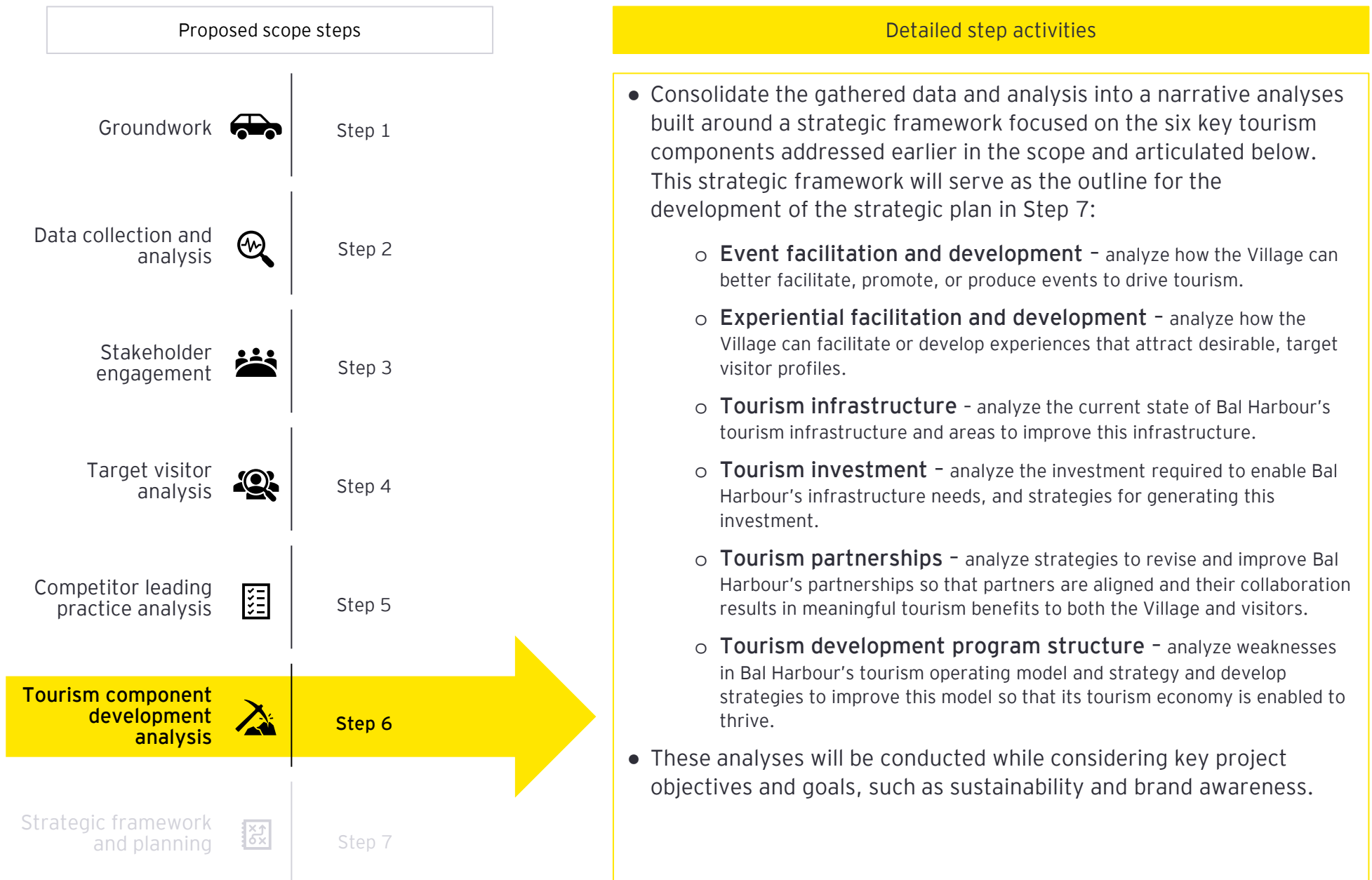


# Proposed scope - detailed by step

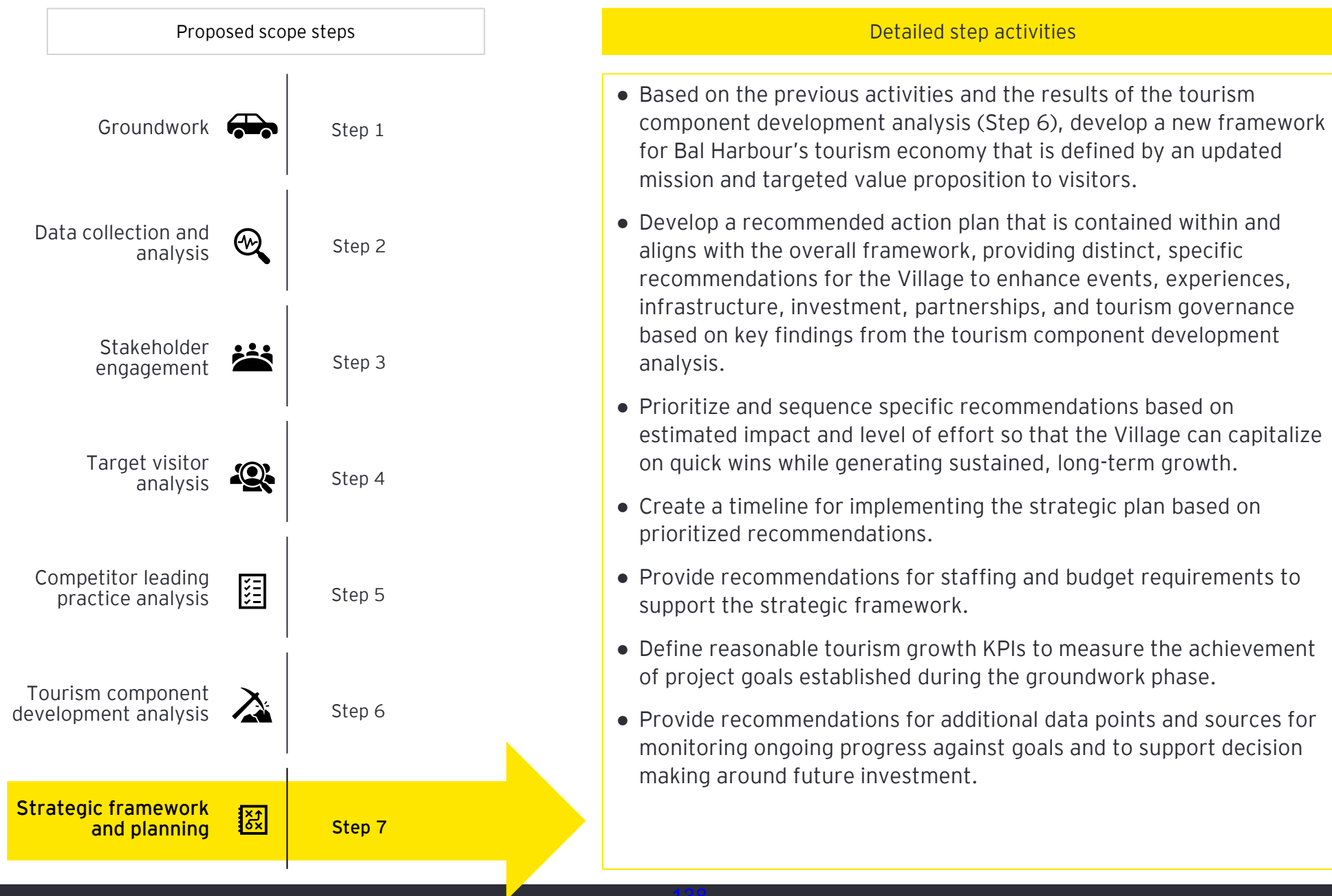




# Proposed scope - detailed by step

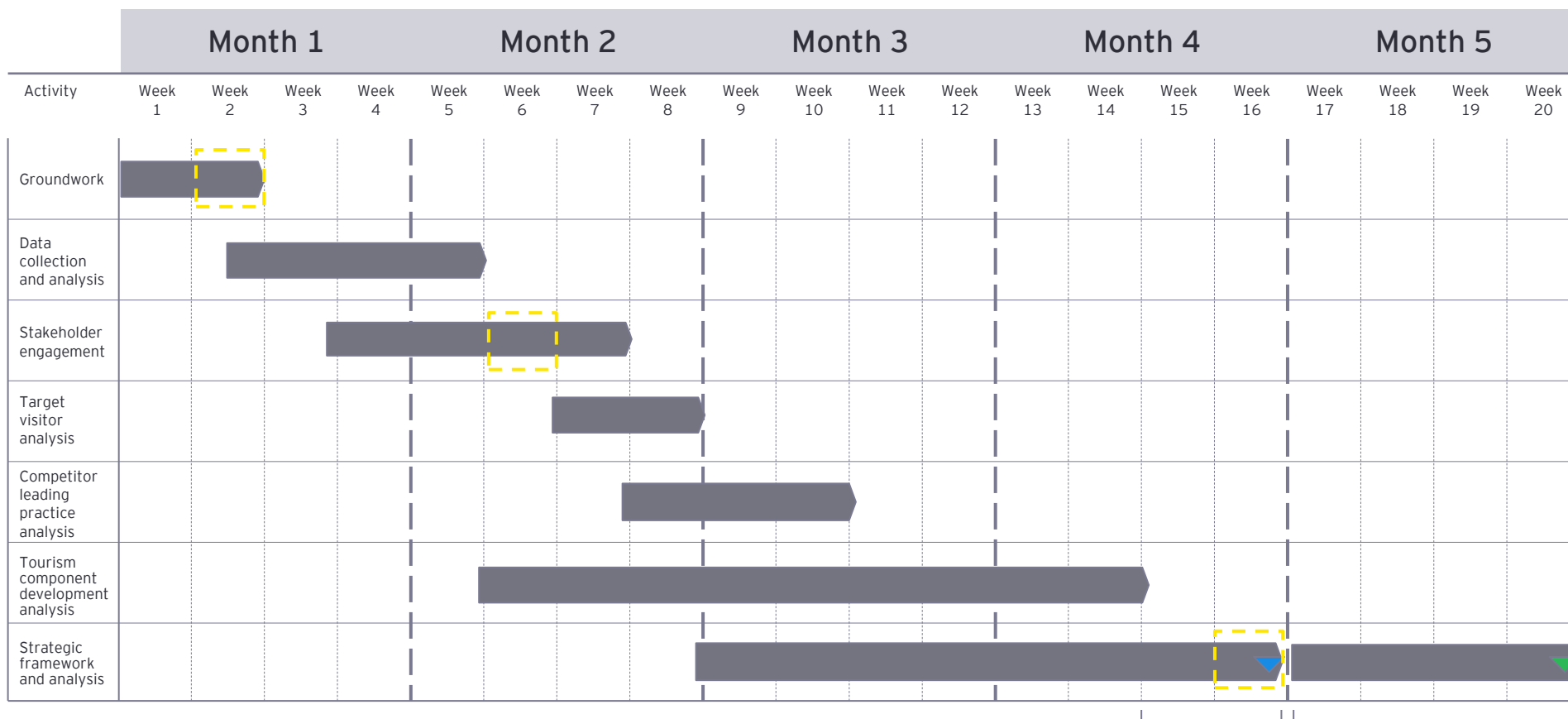


# Proposed scope - detailed by step



# Proposed timeline

EY proposes the below schedule to successfully deliver the requested services through its proposed seven-step approach. This schedule will result in EY delivering a draft strategic framework and plan at week 16 and finalizing this framework and plan with the Client by Week 20.



### 📅 EY on-site visit

The project lead as well as the execution team plans to be on-site for Week 2 of groundwork to perform site visits and engage with internal stakeholders, week 6 to engage with external stakeholders, and week 16 to present the draft framework and plan. However, the majority of the team is based in Miami and is available for live meetings outside of these planned dates.

Draft strategic plan      Finalize strategic plan with Client

# 5

## Questionnaire



## Form 1

## FORM 1

## QUESTIONNAIRE

Firm Name: Ernst and Young U.S. LLP

Firm Address: 700 NW 1st Avenue Miami, FL 33136

Firm Contact Information: https://www.ey.com, +1 - 305 - 358 - 4111

Firm Representative (name and title): Robbie Karver, Principal and Authorized Signatory

Representative Contact Information: robert.karver@ey.com, +1 - 847 - 334 - 1234

Firm Type (circle one):      Individual      Partnership      Corporation

If Corporation:

Date and Place of Incorporation: N/A

If Foreign Corporation:

Date of Registration with Florida Secretary of State: N/A

Name of Resident Agent: N/A

Address of Resident Agent: N/A

President: N/A

Vice President: N/A

Treasurer: N/A

Board of Directors: N/A

If Partnership:

Date and Place of Organization: 1989, State of Delaware

Partners: 3,786 as of May 2023

# Form 1

On a separate sheet of paper, please provide answers to the following questions:

1. Number of years of relevant experience.
2. Please list the names, titles, responsibilities, qualifications and certifications for all staff members, employees, volunteers and/or subcontractors of Proposer that would be involved in the provision of Services.
3. Provide an organizational chart for the Proposer firm.
4. Describe Proposer's qualifications and experience.
5. Have any agreements held by Proposer for a project ever been canceled or terminated?
6. Has Proposer or any of its principals failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, failed to complete a contract or declared to be in default in any contract in the last five years?
7. Has Proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership?
8. Has Proposer or any of its principals or employees been convicted in federal, state, county or municipal court for a violation of law other than a traffic violation?
9. Is the Proposer a party to any pending litigation?
10. Has the Proposer been a party to any lawsuit filed within the last 10 years?
11. Please list any person involved in this Proposal that is not listed above.
12. Please list potential, actual or perceived conflicts of interest in connection with this solicitation.
13. Has Proposer been involved in any discussions regarding a merger or acquisition of its firm, partnership with another firm or a transfer or assignment of its contracts, assets and/or liabilities?

## Form 1

1. EY has been engaged in relevant strategic tourism advisory services for over 30 years.
2. Please see the slide titled "Our team" in section 6 of the proposal for a display and description of our project team. The team would be staffed completely with EY personnel; there is no need for us to subcontract any of the work. The team will be led by a local principal and will leverage a team of local Miami and New York based staff. The team also has connectivity to key source markets including Europe and South America.
3. Please see the slide titled "Our team" in section 6 of the proposal for an organizational chart.
4. Please see the section titled "Qualifications" of the proposal for detailed descriptions of our group's qualifications and experience.
5. As a firm of EY's size (\$30B in revenues and tens of thousands of contracts) there are sometimes instances where EY has not been able to complete a contract, due numerous circumstances, most often circumstances such as conflict of interest that come up after contract award, regulatory changes, loss of appropriations, termination for convenience, etc. It is not EY's standard practice to keep a listing of these instances or the circumstances.
6. As a firm of EY's size (\$30B in revenues and tens of thousands of contracts) there are sometimes instances where EY has not been able to complete a contract, due numerous circumstances, most often circumstances such as conflict of interest that come up after contract award, regulatory changes, loss of appropriations, termination for convenience, etc. It is not EY's standard practice to keep a listing of these instances or the circumstances.
7. As with any firm of EY's size (over 55,000 employees in the US), employment and legal matters involving EY personnel do arise and are handled appropriately by the firm. EY does not disclose details related to employment or legal matters involving EY personnel to clients in response to general requests for this type of information.
8. As with any firm of EY's size (over 55,000 employees in the US), employment and legal matters involving EY personnel do arise and are handled appropriately by the firm. EY does not disclose details related to employment or legal matters involving EY personnel to clients in response to general requests for this type of information.
9. Ernst & Young LLP, as is true of all major accounting and advisory firms, is involved in litigation, administrative proceedings and regulatory matters in the normal course of our professional activities. We believe that raising an allegation or the filing of a suit against a firm provides no meaningful indication of the quality of work, since the complaint represents merely the unproven allegations. The outcome, moreover, may not bear a meaningful relationship to quality. We believe that the quality of our firm's work meets the standards of the profession. We have tried and won numerous lawsuits before both judges and juries, most of them in the last decade of increased litigation against accounting firms. We are proud of our record. It supports our assessment that litigation has not reflected adversely upon the quality of our professional work; nor has it ever impaired our ability to serve our clients.

## Form 1

Ernst & Young LLP maintains a comprehensive professional indemnity insurance program that is continually monitored and modified so as to provide the firm with coverage considered appropriate in the current operating environment. We believe our coverage is commensurate with that carried by the other Big 4 firms.

10. Ernst & Young LLP, as is true of all major accounting and advisory firms, is involved in litigation, administrative proceedings and regulatory matters in the normal course of our professional activities. We believe that raising an allegation or the filing of a suit against a firm provides no meaningful indication of the quality of work, since the complaint represents merely the unproven allegations. The outcome, moreover, may not bear a meaningful relationship to quality. We believe that the quality of our firm's work meets the standards of the profession. We have tried and won numerous lawsuits before both judges and juries, most of them in the last decade of increased litigation against accounting firms. We are proud of our record. It supports our assessment that litigation has not reflected adversely upon the quality of our professional work; nor has it ever impaired our ability to serve our clients.

Ernst & Young LLP maintains a comprehensive professional indemnity insurance program that is continually monitored and modified so as to provide the firm with coverage considered appropriate in the current operating environment. We believe our coverage is commensurate with that carried by the other Big 4 firms.

11. All personnel that will serve on the project team are displayed in the "Our team" slide included in section 6 of the proposal.

12. Based on the knowledge that we have at this time, we do not see any potential, actual or perceived conflicts of interest in connection with this solicitation.

13. As a large partnership, EY frequently pursues and often engages in acquisition activities of accounting and advisory firms for purposes of expanding and enhancing its offerings to clients. While EY's acquisition efforts are constant, they do not appear to present any threat or disruption to our project team's ability to successfully execute this project through completion.



# Form 1

Proposer hereby acknowledges that the information contained in this Questionnaire will be relied upon by the VILLAGE in awarding this solicitation, and such information is warranted by Proposer to be true. The undersigned Proposer agrees to furnish such additional information, prior to acceptance of any Proposal relating to the qualifications of Proposer, as may be required by the VILLAGE. Proposer further understands that the information contained in this Questionnaire may be confirmed through background investigation conducted by the VILLAGE. By submitting this Questionnaire, Proposer agrees to cooperate with said investigation, including but not limited to fingerprinting and providing information for a credit check.

WITNESS:

*IF INDIVIDUAL*

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

WITNESS:

*IF PARTNERSHIP:*

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

Ernst & Young US, LLP  
Print Name of Firm  
700 NW 100 Avenue, Suite 1800  
Address Miami Beach 33136

By: [Signature]  
Principal and Authorized Signatory  
Robert Kanter  
Print Name

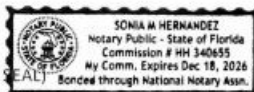
WITNESS:

*IF CORPORATION:*

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name of Firm  
\_\_\_\_\_  
Address

By: \_\_\_\_\_  
President  
\_\_\_\_\_  
Print Name



(CORPORATE SEAL)  
Attest: \_\_\_\_\_

# 6

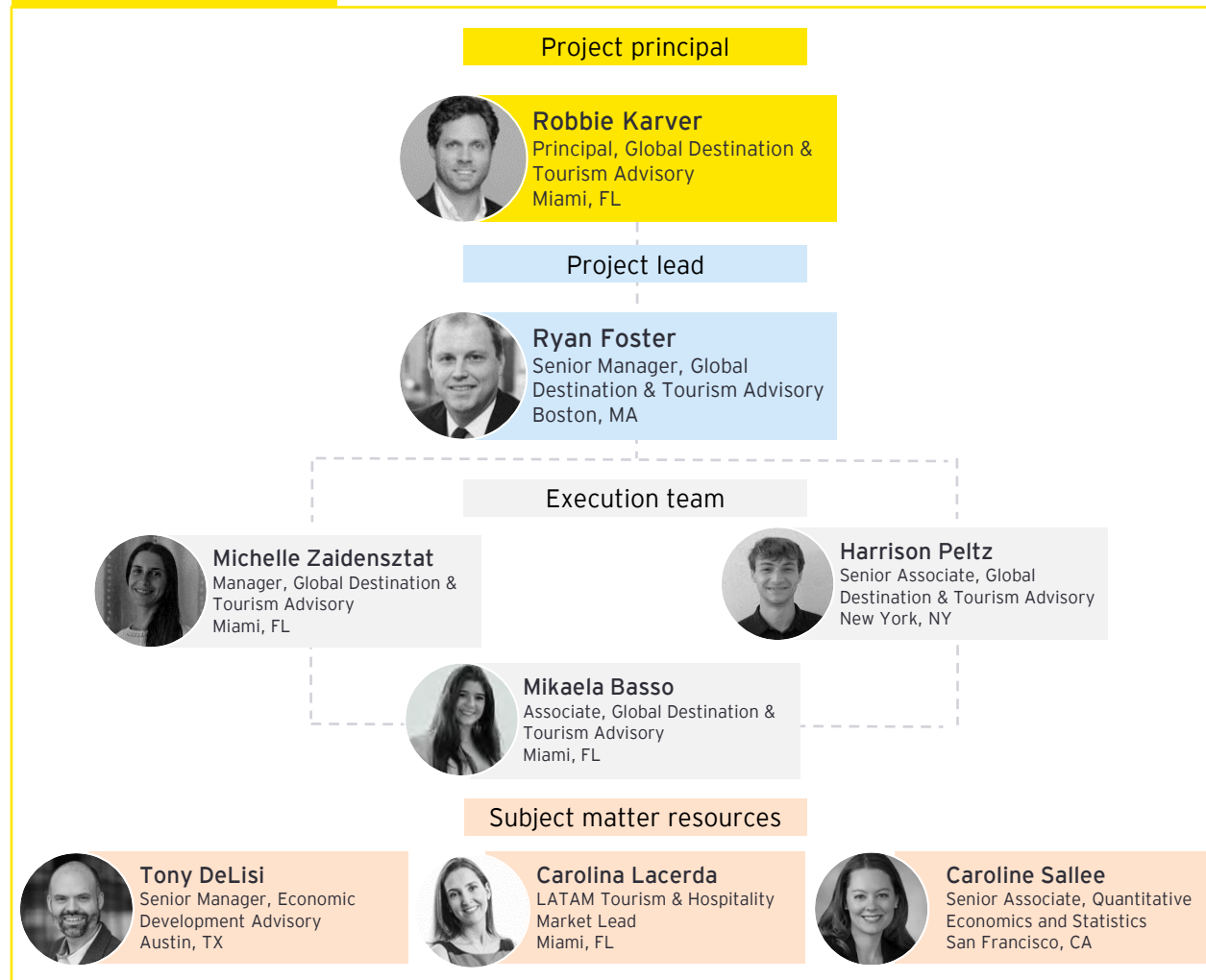
## Curriculum vitae



# Our team

We have selected a core team of experienced tourism and hospitality professionals, as well as a sub-team of subject matter resources with expertise in specialty areas ancillary to this project's focus to provide Bal Harbour Village with an insightful, innovative, and effective strategic plan.

## Org chart



## One team

Mobilized, connected and ready to provide responsive, exceptional client service.

Our team is aligned to meet the individual needs of your in-scope entities while helping you realize the synergies of using one firm. All of our team members have previous experience serving tourism and hospitality clients.

## One goal

For the duration of the engagement, personnel will be available to work on the engagement with Bal Harbour Village:

- ▶ We have not been engaged or been asked to propose on any similar services as described in your request for proposal by any competing person or organization.
- ▶ Our subject matter resources listed will serve in support roles to imbue the analysis with further expertise across a wider array of tourism-related verticals. We further will not hesitate to leverage the global breadth of our organization and utilize a subject matter resource in another practice area to support the analysis. The focus will be on responding quickly to your needs and executing on our shared objectives through assistance from any necessary personnel.



## Robbie Karver

*Principal - Global Destination & Tourism Advisory*

Phone: +1 847 334 1234

Email: robert.karver@ey.com

Location: Miami, FL

**Project principal**

### Background

- ▶ Robbie Karver is a Principal within the Hospitality and Leisure practice of EY, bringing over 16 years of experience in the advisory areas of commercial mixed-use and hospitality development. Robbie leads EY efforts in the Central US region for travel and tourism and is the Practice Leader for the firm's broader hospitality and tourism strategic work in the Caribbean, Mexico, Central America and South America.
- ▶ Robbie's main areas of specialization include strategic development and business planning advisory services, destination planning and strategic development, market and acquisition due diligence services, and valuation services across all real estate uses for developers, private equity groups, governments and lending institutions.
- ▶ His experience includes having worked with clients such as the Greater Miami Convention & Visitors Bureau, as well as major destination theme parks and cruise lines and the governments/destinations that help market and drive this demand. His specific passion with these projects is to help develop innovative and sustainable tourism practices benefiting both visitors and small to midsized businesses impacted by travel and tourism initiatives.

### Selected Professional Experience

- ▶ Robbie has advised multiple destination marketing organizations, and travel and tourism companies (airlines, hospitality companies, cruise lines, theme park operators) as they consider their expansion into destination development throughout the Americas.
- ▶ Robbie has completed over 100 strategic feasibility assignments throughout the US and internationally, allowing him to develop a strong understanding for destination and demand drivers in a variety of markets.
- ▶ Robbie also has broad real estate experience includes participation in projects involving the analysis of single as well as portfolio real estate assets, being highly familiar with multiple asset classes including master-planned mixed-use communities, stand-alone hotels, residential communities, office buildings, industrial facilities, recreational facilities, land development, and other non-core real estate uses (e.g. farming, data warehouses, golf/marina facilities, indoor water parks, etc.).
- ▶ Additional areas of Robbie's capabilities include exit-strategy and strategic operational planning assessments and alternatives, individual and portfolio valuations, operational diagnostics, strategic planning, and transaction due diligence, among others

### Education & Other

- ▶ University of Wisconsin-Madison, School of Business Administration (degree in International Business - Latin American and European Concentration, as well a degree in Real Estate and Urban Land Economics).
- ▶ Previous chair of the Urban Land Institute Hotel and Recreational Real Estate Council for Florida.
- ▶ Previous speaker at the Hotel Opportunities in Latin America (HOLA), Caribbean Hotel and Resort Investment Summit (CHRIS) and Latin Markets Real Estate conferences held in Miami and New York, respectively.
- ▶ Authored various articles, including "Why Mexico - post COVID" and has hosted various roundtables focused on Mexico real estate and hospitality investment in resort and urban markets.



## Ryan Foster

*Senior Manager - Global Destination & Tourism Advisory*

Phone: +1 617 585 6839

Email: ryan.foster@ey.com

Location: Boston, MA

Project lead

### Background

- ▶ Ryan leads Ernst & Young LLP's Real Estate & Hospitality advisory practice in Boston, Massachusetts and leads the firms' Destination and Tourism strategic advisory practice in the United States. Ryan has more than 15 years of real estate, hospitality and tourism experience working across multiple sectors of the industry to provide public and private sector clients with strategic growth solutions.

### Selected Professional Experience

- ▶ **Confidential US State Strategic Tourism Plan (ongoing)** - Ryan is currently leading an ongoing confidential strategic tourism study for a US state. As part of this project, Ryan is responsible for developing an implementable strategic growth plan to drive sustainable tourism across the state, requiring comprehensive and ongoing stakeholder outreach, benchmarking analysis of key competitor destinations, identification of key performance indicators and development of a process to monitor ongoing progress toward goals.
- ▶ **Confidential US Destination Development Feasibility (ongoing)** - Ryan is currently leading the feasibility assessment of a large-scale US entertainment and leisure destination, looking specifically at analyzing and conceptualizing the programming of a large-scale luxury lodging component, assessing the size and configuration of multiple entertainment venues, and analyzing the number and type of proposed food and beverage outlets. EY's team is also analyzing the capture market, the regional tourism opportunity, and ultimately the economic impact of such a project.
- ▶ **UAE Destination Development** - Ryan prepared a current state assessment and delivered prioritized recommendations for strategic enhancement opportunities for a global destination in the United Arab Emirates. Benchmarked subject destination against global best practices focused on six critical success factors - governance, attractions, authenticity, accessibility, branding/identity, and lodging, resulting in a multi-year strategic roadmap to drive visitation, streamline operations, and maximize marketability.
- ▶ **Entertainment Attraction Development Feasibility** - Ryan served as a strategic advisor to a prominent Boston area attraction developer to analyze the feasibility of developing a state-of-the-art tourism attraction along the waterfront in downtown Boston. Ryan's work encompassed financial and commercial due diligence, analyzing the development proforma, assessing the operational projections and leveraging global tourism trends in contributing to the overall concept design.
- ▶ **Confidential Travel Business Growth Strategy** - Ryan led the development of strategic growth opportunities for a member-based travel business to better align offerings with evolving and emerging travel trends to increase membership, enhance revenue, grow user awareness and engagement, and enhance the customer journey. Results focused on broader offerings through a revised platform and business model, new partnerships and partnership arrangements, and a reimaged digital and physical customer experience connecting inspiration with opportunities.

### Education & Other

- ▶ Cleveland State University, Master's in Urban Planning, Design and Development
- ▶ Cleveland Marshall College of Law, Juris Doctor
- ▶ Gettysburg College, Bachelor's in Sociology
- ▶ Licensed Massachusetts real estate broker and broker of record for EY Real Estate Services Company, LLC
- ▶ Licensed Massachusetts attorney



## Michelle Zaidensztat

*Manager - Global Destination & Tourism Advisory*

Phone: +1 305 415 1325

Email: michelle.zaidensztat@ey.com

Location: Miami, FL

Execution team

### Background

- ▶ Michelle is a Manager within the Strategy and Transactions group based out of Miami, Florida, focusing primarily on the Caribbean, Mexico, Central America, South American and Southeast US/Florida markets in the real estate, hospitality and tourism industries. Michelle brings over 6 years of experience in the real estate and hospitality industries, with focus on the Latin-American market as well as tier 1 cities in the US and Europe.
- ▶ Michelle's main areas of expertise include market analysis and strategic development of high-end residential, hospitality and commercial projects, tailored to developers, private equity groups and/or lending institutions. Prior to joining EY, Michelle spent five years with Chateau Group - a real estate developer realizing high-end residential, commercial and mixed-use projects in the US, Argentina and Uruguay. She also worked at Aterre, member of the Sircle Collection hospitality group, where she strategically positioned a hybrid 'aparthotel' concept in Europe.

### Selected Professional Experience

- ▶ Michelle's extensive real estate experience includes underwriting a portfolio of over 40 hospitality, high-end residential and mixed-use projects situated in the US, Latin America and Europe. She has participated in the acquisition, analysis and development of single and portfolio real estate assets and is highly familiar with multiple asset classes such as branded residential condos, stand-alone hotels, master-planned mixed-use communities, office buildings and co-living facilities, among others.
- ▶ Further areas of expertise include, but are not limited to, strategic planning, transaction due diligence, strategic operational planning assessments and alternatives, feasibility analyses and individual valuations.
- ▶ Michelle has recently advised a cruise company on modeling and commercial support for their destination strategy, a new luxury cruise start-up on a variety of commercial elements as well as a boutique cruise company with operations in three Latin-American countries.
- ▶ Michelle has recently participated in the current state assessment and definition of a tourism growth strategy for a municipality in the Amazon, Brazil.
- ▶ Michelle has participated in the execution of various engagements in Mexico, including the analysis of two resort hotels in Punta Mita, Riviera Nayarit as well as an industrial asset portfolio valuation assessment for a US-based private equity firm with manufacturing, warehousing and office assets in over 10 markets throughout Mexico.
- ▶ Michelle is currently advising a new ultra high-end hospitality company that is building sustainable lodges across Central America with the aim of developing exclusive destinations in remote, authentic and natural locations.

### Education & Other

- ▶ Erasmus University, The Netherlands, Master of Science in Economics and Business, Entrepreneurship and Strategy Concentration, Distinction: Cum Laude
- ▶ Universidad ORT, Uruguay, Bachelor of Science in Economics, Finance Concentration, Distinction: Cum Laude
- ▶ Fluent in Spanish (native), English and Hebrew



## Harrison Peltz

*Senior Associate - Global Destination & Tourism Advisory*

Phone: +1 914 844 7406

Email: harrison.peltz@ey.com

Location: New York, NY

Execution team

### Background

- ▶ Harrison Peltz is a senior associate in EY's Global Destination and Tourism Advisory practice.
- ▶ Harrison has worked on several long-term strategic advisory projects related to the tourism and hospitality industry with EY, and also specializes in real estate valuation and market analysis. Through these projects, Harrison has performed various tourism industry analyses, and conducted 75+ local stakeholder and market expert interviews.
- ▶ Prior to joining EY, Harrison graduated Cum Laude from the School of Hotel Administration at Cornell University with a Bachelor of Science in Hotel Administration and a minor in real estate.

### Selected Professional Experience

- ▶ **Confidential US State Strategic Tourism Plan (ongoing)** - Harrison is serving on an ongoing strategic tourism plan for a confidential US state. As part of this project, Harrison is responsible for establishing relationships with local stakeholders, interviewing stakeholders and focus groups, gathering and analyzing advanced tourism data, and ideating creative strategies to enable tourism growth.
- ▶ **Confidential Entertainment and Leisure Destination Feasibility Analysis (ongoing)** - Harrison is serving as the lead senior associate on an ongoing entertainment and leisure destination development study and feasibility analysis, performing advanced market studies and data analyses regarding the subject market's hotel, F&B, entertainment and event space markets, holding conversations with other industry experts to understand niche development factors, identifying development threats and risks, and providing strategic program design recommendations.
- ▶ **Confidential Travel Business Growth Strategy** - Harrison served as the lead associate for a tourism strategy project on behalf of a non-profit membership group seeking to enhance its travel offerings, engaging in interviews with 20+ stakeholders and market experts, conducting comprehensive hospitality industry research and drafting a private report assessing the current state of the client's tourism offerings and outlining key recommendations for offering enhancement.
- ▶ **Confidential Major Parent Company Brand Launch** - Harrison has supported a confidential major hotel parent company in its due diligence to acquire a smaller brand, performing commercial due diligence, performance forecasting, and providing negotiation support.
- ▶ **Confidential Hotel Brand Transaction Buy-Side Advisory** - Harrison served as a lead associate for a project that launched a new hotel brand through commercial due diligence and program design.

### Education & Other

- ▶ Cornell University - Bachelor of Science, Hotel Administration
  - ▶ *Minor: Real Estate*
  - ▶ *Distinction: Cum Laude*
- ▶ Teaching Assistant at Cornell University: Hospitality Real Estate Finance



## Mikaela Basso

Associate - Global Destination & Tourism Advisory

Phone: +1 305 415 1564

Email: mikaela.basso@ey.com

Location: Miami, FL

Execution team

### Background

- ▶ Mikaela is an associate within the Strategy and Transactions group based out of Miami, Florida, focusing primarily on the Caribbean, Mexico, Central America, South American and Southeast US/Florida markets in the real estate, hospitality and tourism industries.
- ▶ Mikaela's main areas of expertise include market analysis, due diligence, portfolio valuation, market leasing assessments, highest and best use analysis and ESG.
- ▶ Prior to joining EY, Mikaela worked with CPG Hospitality's private equity - Alojica - to identify potential investment opportunities across the Mexican hospitality market. She also worked at Playa Hotels & Resorts analyzing KPIs to assess overall portfolio performance for all-inclusive resorts in the Caribbean, Mexico and Jamaica. Further, she has worked for the Latin America and Caribbean Development team at Hilton Worldwide researching lodging and tourism trends across multiple markets in Latin America and Caribbean.

### Selected Professional Experience

- ▶ Mikaela's real estate experience includes developing investment models to analyze acquisitions of single asset, portfolio, and corporate hotel transactions in Latin America and the Caribbean.
- ▶ Mikaela has expertise in market due diligence, compiling statistics including a supply and demand database with over 60,000+ data points to determine the feasibility of new large-scale resort projects across LAC markets. As well as create a 500+ lodging database, identifying potential investment opportunities.
- ▶ Further expertise include, but are not limited to strategic planning, feasibility analysis, asset valuation, industry research and site valuation.
- ▶ Mikaela has recently participated in the current state assessment and definition of a tourism growth strategy for a municipality in the Amazon, Brazil.
- ▶ She has participated in engagements for several asset types (industrial, land, commercial, and office) to verify market rents and sales in the US, Mexico, and Brazil.
- ▶ Mikaela has recently participated in the execution of various engagements in Latin America, including:
  - *Property valuation for a luxury hospitality community in Guanacaste, Costa Rica.*
  - *Strategic assessment of growth opportunities in Mexico for a global hotel chain.*

### Education & Other

- ▶ Cornell University - Bachelor of Science, Hotel Administration
  - *Minor: Real Estate*
- ▶ Fluent in Spanish, Portuguese, and English





## Tony DeLisi

*Senior Manager - Economic Development Advisory*

Phone: +1 512 963 7057

Email: tony.delisi@ey.com

Location: Austin, TX

Subject matter resource

### Background

- ▶ Tony DeLisi is a senior manager at Ernst & Young LLP and serves as the director of strategy for the Economic Development Advisory Services practice. He helps clients create actionable strategies to spur economic growth, address challenges, inspire innovation and become more inclusive.
- ▶ He has extensive experience facilitating complex community conversations, managing projects, conducting research, and supporting diverse client economic development needs. Tony's work includes working with communities focused on developing their tourism sectors, with notable clients in this area including Destination Cleveland, OH; Sonoma County, CA; and West Palm Beach, FL.

### Selected Professional Experience

- ▶ Tony has successfully created innovation, target industry, workforce, and comprehensive economic development strategies for more than 50 communities, regions, and states across the United States, recently including the Texas Broadband Development Office; the Kentucky Association for Economic Development; the Illinois Innovation Network; Austin, Texas; Bellevue, Washington; Chattanooga, Tennessee; Columbus, Ohio; and Lawrence, Kansas.
- ▶ Prior to joining EY, Tony served as vice president of Avalanche Consulting, a national economic development consultancy, for nine years. He has also worked as a consultant at other firms and as research director for the Greater Austin Chamber of Commerce.
- ▶ The son of a US diplomat, Tony grew up overseas, living and traveling in countries throughout Asia and Africa and developing an appreciation for the diversity of urban experiences across the globe. His international and domestic travels help inform his perspective on cities and their unique attributes.

### Education & Other

- ▶ Stanford University , Bachelor of Science; Earth Systems
- ▶ Michigan University, Master of Science; Urban and Regional Planning



## Carolina Lacerda

*LATAM Tourism & Hospitality Market Lead*

Phone: +1 786 518 8118

Email: Carolina.Lacerda@ey.com

Location: Miami, FL

Subject matter resource

### Background

- ▶ Carolina is the Latam Tourism & Hospitality Market Lead within the Strategy and Transactions group based out of Miami, Florida, focusing primarily on the Caribbean, LatAm and Southeast US/Florida markets in the real estate, hospitality and tourism industries. Carolina brings over 15 years of real estate & hospitality experience with focus on Latin-America.
- ▶ Prior to joining EY, Carolina spent 14 years at JLL where she recently developed and carried out the business plan to establish the JLL Hotels & Hospitality practice in Mexico. Prior to that, from the Brazil office Carolina helped develop the company's consulting services in Colombia, Peru, and Chile.

### Selected Professional Experience

- ▶ Carolina led global strategic advisory and buy-side advisory assignments on behalf of institutional clients as well as complex deals including land and residential components, complex entity structures, unique local laws and regulations, volatile currencies, and anti-trust approval processes.
- ▶ Carolina led the transaction advisory of over US\$3.0 billion in assets from valuation to closing, in addition to developing and maintaining relationships throughout the US, Latin America, and Caribbean region.
- ▶ Carolina advised different buyer and seller groups on the hospitality and real estate industry in Latin America, from institutional REITs and funds to family offices. Recent transactions include: the St. Regis Punta Mita (Mexico), Hilton Sao Paulo (Brazil), The Resort at Pedregal (Mexico), JW Marriott Mexico City (Mexico), Sheraton & Luxury Collection Santiago (Chile), Viceroy Riviera Maya (Mexico), Ritz-Carlton Grand Cayman (Cayman), Waldorf Astoria Casa Marina and Waldorf Astoria The Reach in Key West (FL), among others.
- ▶ Carolina conducted valuations, feasibility studies, strategic planning, and investment sales projects throughout Latin America.
- ▶ Carolina has recently participated in the current state assessment and definition of a tourism growth strategy for a municipality in the Amazon, Brazil.

### Education & Other

- ▶ Ecole Hôtelière de Lausanne, Lausanne, Switzerland, Bachelor Of Science Degree In Hospitality Management
- ▶ Cornell School of Hotel Administration, Ithaca, Professional Development Program - Fundamentals of the Hotel Investment & Financing Decision
- ▶ Fluent in Portuguese (Native), Spanish (fluent), English (fluent) and French (Intermediate level)
- ▶ Moderator and panelist in several hospitality related conferences (HOLA, GRI, MexHIC, SAHIC, etc) - Most recent: Moderated View from the Boardroom Panel at the HOLA Conference 2023



## Caroline Sallee

*Senior Manager - Quantitative Economics and Statistics*

Phone: +1 415 984 7418

Email: caroline.sallee@ey.com

Location: San Francisco, CA

Subject matter resource

### Background

- ▶ Caroline Sallee is a Senior Manager with EY's Quantitative Economics & Statistics team. Caroline manages projects related to state and local tax policy, public finance, and regional economics, including workforce development and location advisory services.
- ▶ Caroline has more than 17 years of experience, including 10 years with EY, providing economic and social impact analyses for private and public sector clients. She possesses deep knowledge of IMPLAN and RIMS-II economic multiplier models.

### Selected Professional Experience

- ▶ Caroline has worked with public and private clients to analyze policy and tax proposals, estimate economic and revenue impacts of policies and private-sector investments, evaluate business climate competitiveness and present economic and fiscal impact study results to policymakers and the public.
- ▶ Caroline has extensive experience modeling the potential jobs, income GDP and tax benefits of tourism-related activities, including benefits related to conference and convention centers, concerts, and sporting events.

### Education & Other

- ▶ Augustana College, Bachelor of Arts; Economic and History
- ▶ Michigan University, Master of Public Policy; Public Finance

# 7

## Client references



## Client references

Per the updated RFP, it is our understanding that at least 3 client references for whom comparable services were provided must complete and send Form 2 to Bal Harbour Village as part of this response. Bal Harbour Village can expect to receive completed Form 2 evaluations from the below listed clients.

### Destination Cleveland

|                   |                                     |
|-------------------|-------------------------------------|
| Reference name    | David Gilbert                       |
| Reference title   | President & CEO                     |
| Reference address | 334 Euclid Ave., Cleveland OH 44114 |
| Telephone number  | +1 216 875 6600                     |
| Email address     | dgilbert@clevelandsports.org        |

### Gencom

|                   |  |
|-------------------|--|
| Reference name    | Donald McGregor  |
| Reference title   | Executive Vice President & Managing Director for Latin America & the Caribbean |
| Reference address | 2700 Tigertail Ave., Miami, FL 33133   |
| Telephone number  | +1 305 442 9808  |
| Email address     | dmcgregor@gencomgrp.com  |

### Fort Partners

|                   |   |
|-------------------|---|
| Reference name    | Michael Conaghan  |
| Reference title   | Chief Operating Officer                                       |
| Reference address | 500 W. Cypress Creek Rd., Suite 330, Ft. Lauderdale, FL 33309 |
| Telephone number  | +1 305 571 8228   |
| Email address     | mconaghan@newrycapital.com                                    |

### Miami Design District Associates

|                   |   |
|-------------------|---|
| Reference name    | Steven Gretenstein  |
| Reference title   | Executive Vice President & Chief Financial Officer          |
| Reference address | 3841 NE 2nd Ave, Suite 400, Miami Design District, FL 33137 |
| Telephone number  | +1 305 531 8700   |
| Email address     | steven@dacra.com  |

# 8

## Pricing



# Pricing

## Team

- ▶ The team presented in the organization chart in section 6 will serve as the core team that executes the proposed scope of work. As described in section 6, EY will leverage subject matter resources to provide specialized insights on any additional topics that are found to intersect with core project matters.

## Timing

- ▶ In alignment with the stated timeline in the RFP, and as outlined on the Gantt Chart slide in Section 4, analysis and deliverable drafting is expected to take approximately 16 weeks, with an additional 4 weeks allotted for deliverable finalization with the Client. Exact dates will depend on start time and will be confirmed with Client prior to project kick-off.
- ▶ Project updates will be provided on ~1x weekly basis with a more formal interim update each ~4 weeks.

## Professional fees

- ▶ Total professional fees for the 20-week engagement are to be \$293,000 USD.

## Expenses

- ▶ The proposed professional fees are inclusive of anticipated expenses.

## Deliverables

- ▶ A written analysis report supported by the market research and stakeholder engagement described in the proposed scope of work. Analysis sections will be centered around the following key components:
  - Event facilitation and development
  - Experiential facilitation and development
  - Tourism infrastructure
  - Tourism investment
  - Tourism partnerships
  - Tourism development program structure
- ▶ Furthermore, a SWOT analysis regarding Bal Harbour's tourism economy will be provided.
- ▶ All of these analyses will culminate in a written strategic framework and plan for Bal Harbour village, which clearly outlines steps that Bal Harbour can take to achieve its stated tourism goals across a prioritized timeline.
- ▶ Interim decks of analyses will be provided throughout the project timeline on a rolling basis.

# 9

## Additional forms





## Form 3

**FORM 3**  
**DRUG-FREE WORKPLACE PROGRAM CERTIFICATION**


Pursuant to Florida Statutes Section 287.087 ("Preference to Businesses with Drug-Free Workplace Programs"), whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- (4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

Does the individual responding to this solicitation certify that their firm has implemented a drug-free workplace program in accordance with the provision of Section 287.087, Florida Statutes, as stated above?

YES  NO

NAME OF BUSINESS: Ernst and Young U.S. LLP

SIGNATURE:  \_\_\_\_\_

## Form 4

**FORM 4**  
**SWORN STATEMENT PURSUANT TO**  
**FLORIDA STATUTE SECTION 287.133(3)(a) ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to Bal Harbour Village, Florida.  
 by: Robbie Karver, Principal and Authorized Singatory  
*(print individual's name and title)*  
 for: Ernst and Young U.S. LLP  
 whose business address is: 700 NW 1<sup>st</sup> Avenue Miami, FL 33136  
 and (if applicable) its Federal Employer Identification Number (FEIN) is: 346565596.  
 (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: \_\_\_\_\_.)
2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), FL Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the U.S., including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the U.S. and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that "affiliate" as defined in Paragraph 287.133(1)(a), FL Statutes, means:
  - a. A predecessor or successor of a person convicted of a public entity crime; or
  - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

# Form 4

6. Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which applies).

Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

  
Signature


Sworn to and subscribed before me this 31 day of May, 2023.

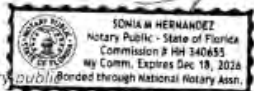
Personally known

OR  
Produced identification: \_\_\_\_\_

Notary Public, State of FLORIDA

\_\_\_\_\_  
\_\_\_\_\_  
Type of identification:

My commission expires: 



Printed, typed or stamped commissioned name of notary public

# 10

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## Additional letters of recommendation



## Additional letters of recommendation Greater Miami Convention & Visitors Bureau

In addition to the completed Form 2 evaluations provided by HRM Gencom, Fort Partners, Miami Design District Associates, and Destination Cleveland, EY would like to present letters of recommendation received for other relevant strategic tourism advisory projects conducted.



3/31/2021

To whom it may concern,

I have had the pleasure of working with the EY Real Estate, Hospitality and Tourism team over the past 15 years. Initially their focus on understanding tourism from the eyes of an investor and customer led us to hire them in 2013 to help craft our strategic plan. Our experience with them was very professional; their work product and insights provided strategic guidance and helped us define a path forward to help fuel our region's tourism growth.

We have maintained a strong relationship as EY continues to provide us with market research and insights. They have hosted valuable industry events promoting tourism and investment and have been a part of high-profile presentations to visiting international delegations including key real estate and hospitality partners looking to invest in our market.

Their local knowledge, expertise in the sector, depth of resources and overall positive attitude continue to be the reason why EY is always in our consideration as we look for strategic partners to help us grow Greater Miami's tourism sector.

Please feel free to contact me for additional insights at [Rolando@GMCVB.com](mailto:Rolando@GMCVB.com). Thank you.

Sincerely,

Rolando Aedo  
Chief Operating Officer

## Additional letters of recommendation Bermuda Tourism Authority

In addition to the completed Form 2 evaluations provided by HRM Gencom, Fort Partners, Miami Design District Associates, and Destination Cleveland, EY would like to present letters of recommendation received for other relevant strategic tourism advisory projects conducted.

April 25, 2014

Ernst & Young LLP  
5 Times Square,  
New York, NY 10036  
USA



To whom it may concern:

I am writing this letter to thank EY very much for the outstanding work performed with regards to the formation of the Bermuda Tourism Authority as the new governing body for tourism in Bermuda, as well as the creation of a new strategic framework for tourism in Bermuda.

In order to return tourism, a key industry for the Bermudian economy, to growth after three decades of declining economic impact, the Bermuda Tourism Board, together with the Bermuda Department of Tourism the predecessor to the new Bermuda Tourism Authority, engaged EY in March 2013 to deliver the following services through April 2014:

1. Perform an independent review of Bermuda's current tourism governance model, provide benchmarking on leading global governance practices for tourism authorities, and assist us with the redesign of Bermuda's tourism governance model to impact growth.
2. Prepare and facilitate initial planning workshops for the creation of the Bermuda Tourism Authority and the transition of tourism functions and assets from the Bermuda Department of Tourism and the Bermuda Tourism Board to the new entity.
3. Support the formation of and advise a project management office and an executive steering committee on selected project management, financial, operational, and human resources matters related to our efforts to create the Bermuda Tourism Authority.
4. Develop a strategic framework for Bermuda tourism and collaborate with us to refine the sales and marketing strategy and tactics that support the tourism strategy in order to align with Bermuda's purpose and competitive advantages.
5. Collaborate with us to identify key partnerships such as PR agency, social media agency, partnership agency.
6. Develop a communication plan with key messaging for building trusted relationships with partners, stakeholders, on-island public, PR firms for various interactions across channels such as social media, interview, PR and media, and meetings (e.g., town hall meetings).

EY completed the services above and all corresponding deliverables, including (a) various reports related to tourism governance design, (b) strategic tourism framework, (c) business plan framework for the Bermuda Tourism Authority as well as (d) project management services on financial, operational, human resources and related matters, to our fullest satisfaction.

The quality and professionalism of EY's work was truly exceptional and its impact on tourism governance in Bermuda has been transformational. The Bermuda Tourism Authority Act, legislation to create the new governing body for tourism in Bermuda, was passed in parliament in September 2013 and the newly formed Bermuda Tourism Authority officially commenced operations on April 1, 2014.

Based on the professional excellence and transformational impact delivered to us by EY, I highly recommend EY as a vendor of choice to assist tourism destinations around the world with opportunities or challenges faced.

It would be my pleasure to provide further detail or answer any questions in person. Please do not hesitate to contact me at [ddodwell@bermutatourism.com](mailto:ddodwell@bermutatourism.com).

Sincerely,

David Dodwell  
Chairman  
Bermuda Tourism Authority

Ernst & Young LLP

18 Church Street  
Hamilton HM 11 Bermuda

T: +1 (248) 6031 + 1 (441) 298 0320  
E: [bermuta@ey.com](mailto:bermuta@ey.com)

# 11

## EY Exceptions



## EY Exceptions

As part of our response to the RFP we have reviewed the terms and conditions set forth therein. While we are willing to enter into an engagement agreement based upon the proposed terms, we do have comments about certain of those terms and have set out those comments below. While we have tried to be thorough, we cannot guarantee we have identified all issues that may arise during the process of finalizing the engagement agreement. Our proposal to provide services is contingent on the execution of a mutually satisfactory engagement agreement between us and we expect to resolve any open items related to engagement terms to our mutual satisfaction.

### SECTION 3 - GENERAL CONDITIONS

3.6 NON-ASSIGNMENT AND NON-TRANSFERABILITY - Due to the size and breadth of our practices we prefer to retain the right to assign as a result of changes in ownership structure or other business changes upon notice to our clients.

3.8 ADVERTISING - Our agreements generally provide that a client cannot use our name without our prior consent.

3.16 INSURANCE REQUIREMENTS - While we can agree to commercially reasonable insurance requirements, we may need to seek certain changes to this section consistent with our firm policy on such matters.

3.17 INDEMNIFICATION -We generally neither request nor provide indemnities. We do on occasion agree to mutual indemnities with our clients for bodily injury or damage to tangible property to the extent directly caused by our negligence or misconduct, and for intellectual property infringement caused by our deliverables, subject to customary commercial exceptions.

### *Other matters of inclusion in the final agreement*

Disputes/Arbitration/Mediation - In the event a client views our services as having been rendered otherwise than in compliance with the agreement our approach is to enter into good faith discussions with the client to arrive at a mutually acceptable resolution of the matter. Our firm policy favors the speedy and amicable resolution of disputes through mediation and arbitration conducted in accordance with the Rules for Non-Administered Arbitration of the CPR International Institute for Conflict Prevention and Resolution.

Intellectual Property or Ownership - Our clients generally own our reports and other deliverables provided to them, subject to restrictions on their distribution to third parties and our retention of ownership of certain data, modules, leading practices, and specifications developed or used by EY or its licensors, or to which EY otherwise has rights, including enhancements and improvements developed in the course of performing the services.

Limitation of Liability - We generally limit our total aggregate liability under an Agreement to the fees paid to EY for the services under which any liability is principally alleged to arise. We generally provide that EY will not in any case be liable for consequential, incidental, indirect, punitive, or special damages, or attorney's fees.

Termination - Our agreements generally provide that we may terminate immediately if we reasonably determine that we can no longer provide the Services in accordance with applicable law or professional obligations.





# Tourism Strategic Plan Development EY Presentation

Proposal to serve Bal Harbour Village

10 July 2023



Building a better  
working world

# EY Global Destination & Tourism Advisory team overview

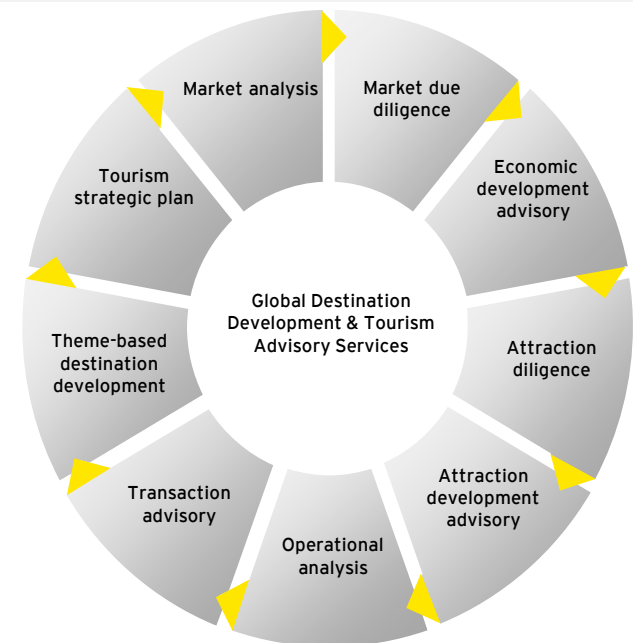
## Our organization

- The EY Global Destination & Tourism Advisory team is comprised of specialized travel and tourism professionals within EY's roster of 18,000 real estate, hospitality, and tourism professionals.
- The team is globally integrated, and leverages knowledge from subject matter resources among EY's 400,000 professionals across the globe. The team has served global and national destinations in providing strategic advisory services **for over 20 years**.
- The team has **an innovative, flexible and proven process** to deliver significant benefits to growing destinations – from improved visitation to strengthened economic impact.

**EY has the largest integrated hospitality practice of any accounting and consulting organization**, with professionals around the world providing services to governments, developers, non-profits, corporates and operators – among many other types of clients served.

## Our services

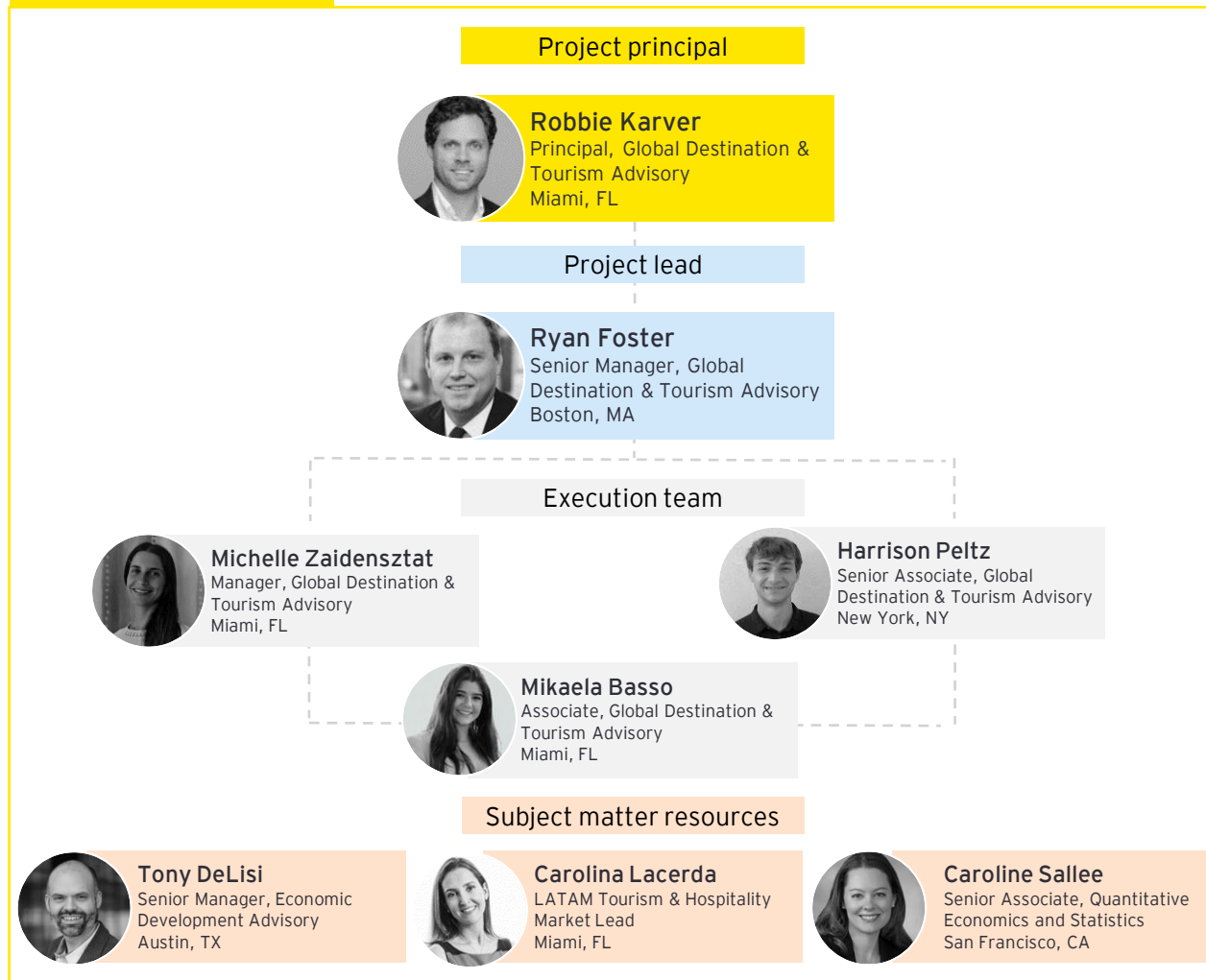
EY's Global Destination & Tourism Advisory Services team provides an end-to-end suite of services to support innovative and sustainable strategic tourism plans.



# Our team

We have selected a core team of experienced tourism and hospitality professionals, as well as a sub-team of subject matter resources with expertise in specialty areas ancillary to this project’s focus to provide Bal Harbour Village with an insightful, innovative, and effective strategic plan.

## Org chart



## One team

Mobilized, connected and ready to provide responsive, exceptional client service.

Our team is aligned to meet the individual needs of your in-scope entities while helping you realize the synergies of using one firm. All of our team members have previous experience serving tourism and hospitality clients.

## One goal

For the duration of the engagement, personnel will be available to work on the engagement with Bal Harbour Village:

- ▶ We have not been engaged or been asked to propose on any similar services as described in your request for proposal by any competing person or organization.
- ▶ Our subject matter resources listed will serve in support roles to imbue the analysis with further expertise across a wider array of tourism-related verticals. We further will not hesitate to leverage the global breadth of our organization and utilize a subject matter resource in another practice area to support the analysis. The focus will be on responding quickly to your needs and executing on our shared objectives through assistance from any necessary personnel.

# Today's EY team presenting the RFP

---



**Robbie Karver, Principal**  
Real Estate, Hospitality, Travel and Tourism  
Global Destination & Tourism Advisory  
Miami, FL



**Carolina Lacerda**  
Real Estate, Hospitality, Travel and Tourism  
LATAM Tourism & Hospitality Market Lead  
Miami, FL

# EY Global Destination & Tourism Advisory qualifications introduction

EY's Global Destination and Tourism Advisory team has substantial experience performing the requested scope and has been providing these services to client types across the industry since EY committed to this subsector over 30 years ago. Over the years, our team has successfully delivered numerous projects with scopes focused on tourism growth and development.

Furthermore, EY's Global Destination and Tourism Advisory team has the capability to do more than prepare tourism plans. The team has the capacity to **develop end-to-end destination growth strategies** through the analysis of all verticals that intersect with tourism - lodging development, infrastructure development, economic development and others - and moreover provide strategic recommendations in these areas.

## EY service categories

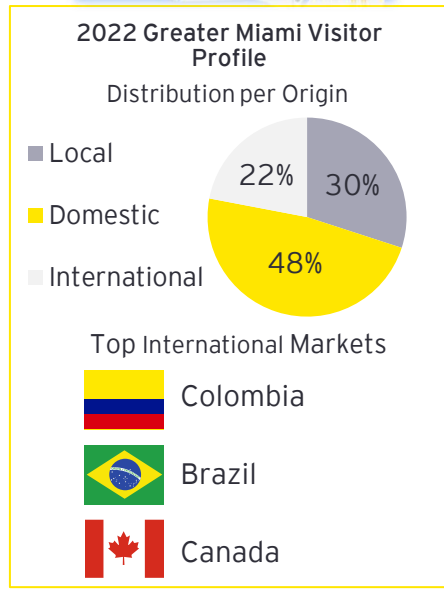
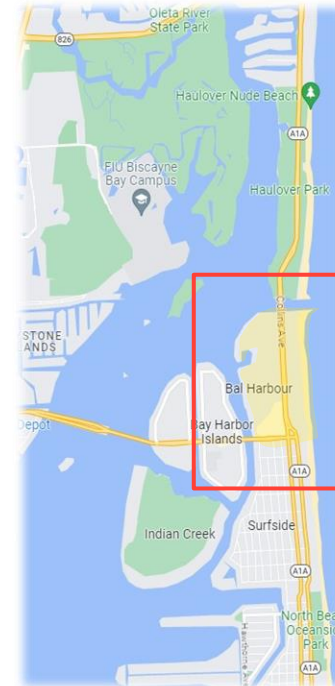


EY's team has provided these services, spanning tourism, hospitality, and real estate focuses, for an array of different public and private client types, and thus understands the nuances and needs of these clients.



# Tourism activity in Greater Miami and Bal Harbour

- As a coastal municipality of Miami Dade County, Bal Harbour Village is known for its beaches, contemporary luxury shopping and dining, and serene, quaint and laid-back environment. Strategically located, it attracts local visitors as well as domestic and international tourists that arrive to the Greater Miami area and visit Bal Harbour for its unique characteristics seen as a complement to the normal hustle and bustle of metropolitan Miami-Dade county.
- Miami has recently seen unprecedented growth as US residents migrate south from source markets seeking a better quality of life and lower taxation. During the COVID-19 pandemic, an even larger influx of high-income individuals from the Northeast US migrated to Florida due to the relaxed regulations and enhanced work-from-home settings.
- In 2022, visitation in the Greater Miami region exceeded 2019 levels, indicating a full recovery post COVID-19. However, not every municipality saw an increase in visitors (as a percentage of total visitors) according to the GMCVB.
- As Greater Miami continues growing, municipalities (e.g., Wynwood, Brickell, Downtown Miami) are focusing on strategically developing tourism demand generators in order to better attract and capture their share of local, domestic and global tourists visiting the region. Consequently, it has become imperative for Bal Harbour to think strategically about defining its own approach to maintaining and growing its share of visitation as the regional tourism economy continues to thrive.



### Key Statistics

**26.5 million**  
Greater Miami & Miami Beach Visitors 2022 (9.7% increase from 2019)

**\$20.8 billion**  
Total visitor spend 2022 (16.2% and 8.0% increase from 2019 and 2021 respectively)

**17.1 million**  
Hotel room nights sold in 2022 (6.5% and 12.7% increase from 2019 and 2021 respectively)

**3.3%**  
Florida population increase from April 2020 to July 2022

*Sources: Greater Miami Convention & Visitors Bureau (GMCVB), United States Census Bureau*

# EY Global Destination & Tourism Advisory qualifications overview

Our team's principal, Robbie Karver, has over 16 years of experience performing hospitality and tourism advisory work. Robbie is based in Miami and has substantial industry experience serving the US southeast and Latin America.

Our team's project lead, Ryan Foster, has over 15 years of experience leading hospitality and tourism advisory project. Ryan is based in Boston and has particular expertise providing advisory services to public-sector clients.

## Proposer's experience

*EY Global Destination and Tourism Advisory*

# 30+ years

providing industry services

## Principal in charge's experience

*Robbie Karver*

# 16+ years

Local industry experience

## Project manager's experience

*Ryan Foster*

# 15+ years

industry experience

## Relevant, recent and ongoing engagements

| #  | Engagement   | Time period                 | Service categories | Client type | Reference    |
|----|--|-----------------------------|--------------------|-------------|--------------|
| 1  | Confidential - US State                            | Ongoing                     |                    | Public      | -            |
| 2  | Confidential - Brazilian Municipality              | Ongoing                     |                    | Public      | -            |
| 3  | Confidential - Entertainment & Leisure Destination | Ongoing                     |                    | Private     | -            |
| 4  | HRM (Gencom and Hyatt)                             | 2022-2023 (ongoing)         |                    | Private     | Yes          |
| 5  | Fort Partners                                      | 2015-2023 (ongoing)         |                    | Private     | Yes          |
| 6  | Miami Design District Associates                   | 2015-2023 (occurs annually) |                    | Private     | Yes          |
| 7  | Destination Cleveland                              | 2017 - 2020                 |                    | Public      | Yes          |
| 8  | Greater Miami Convention & Visitors Bureau         | 2013                        |                    | Public      | See slide 60 |
| 9  | Bermuda  | 2013 - 2014                 |                    | Public      | See slide 61 |
| 10 | Yas Island, Abu Dhabi                              | 2019                        |                    | Public      | -            |
| 11 | Visit Savannah                                     | 2018                        |                    | Public      | -            |
| 12 | Mass. Office of Travel and Tourism                 | 2018                        |                    | Public      | -            |



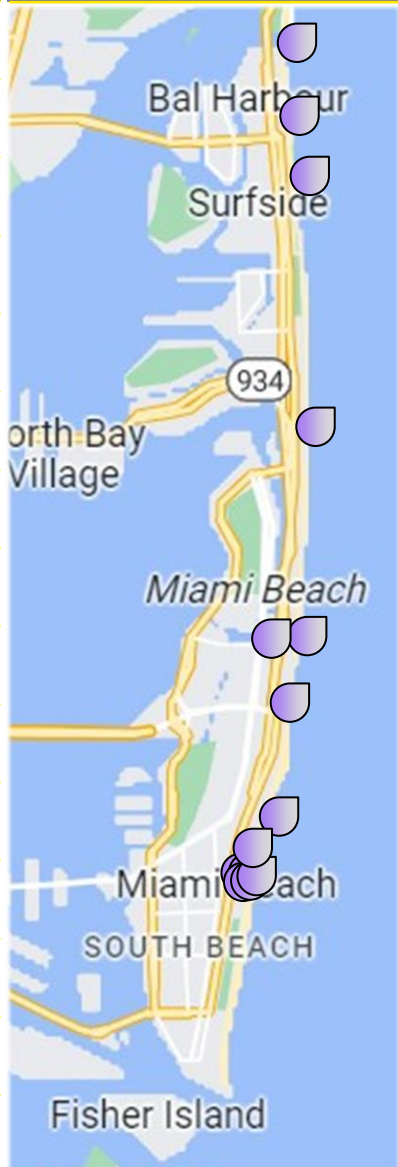
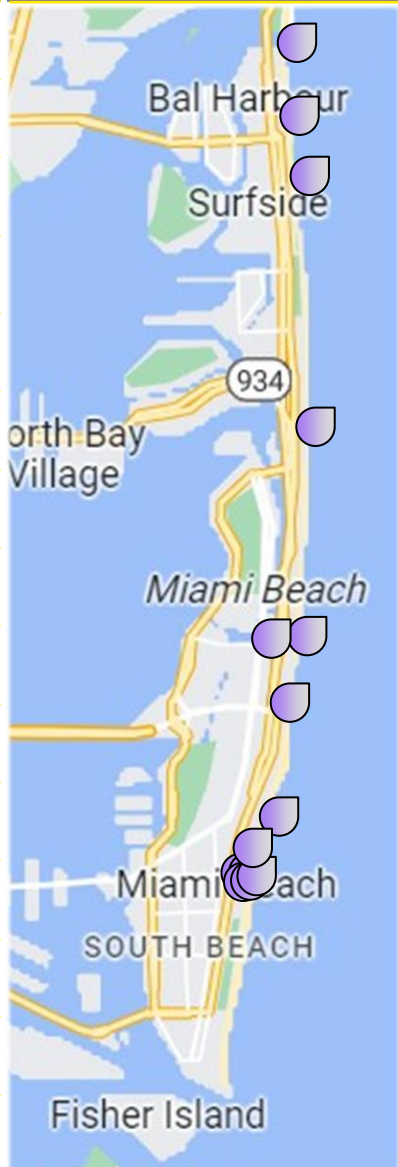
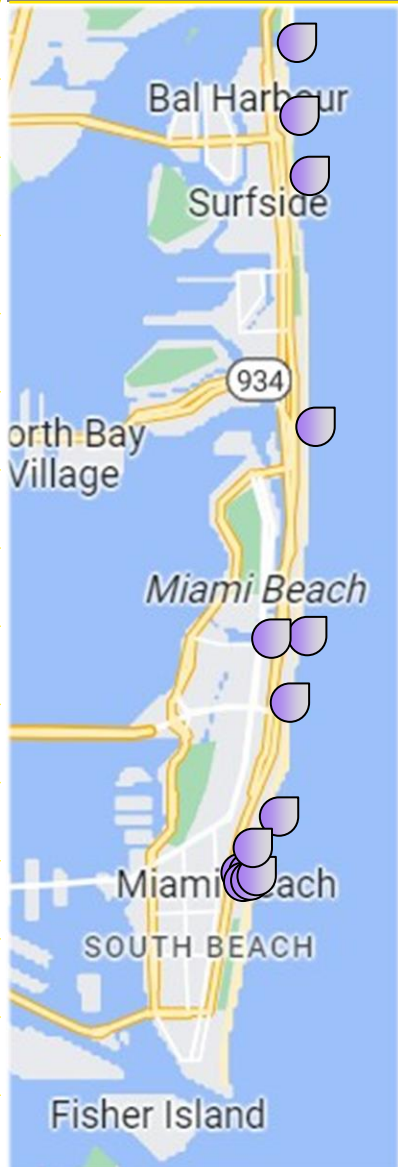
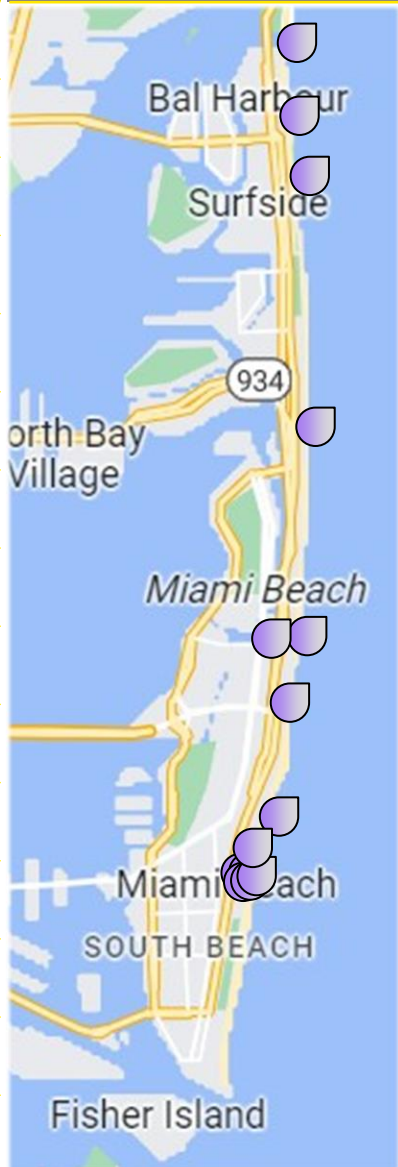
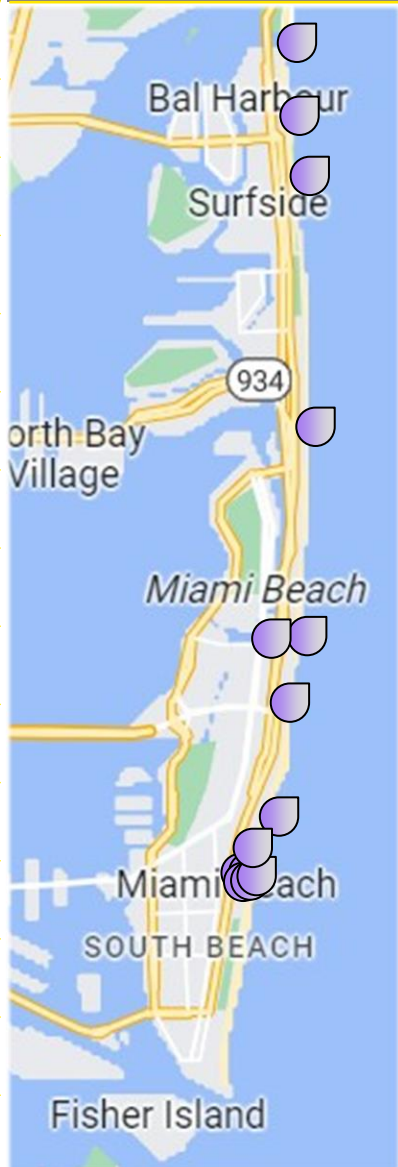
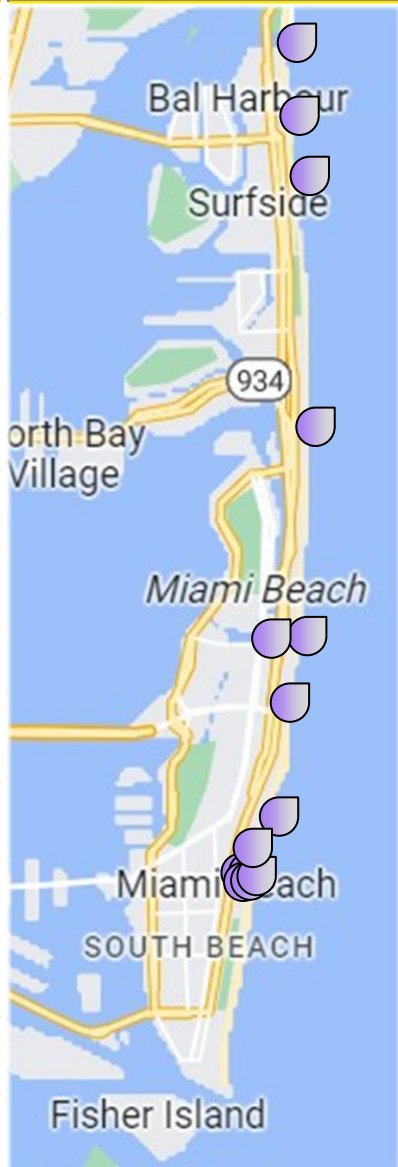
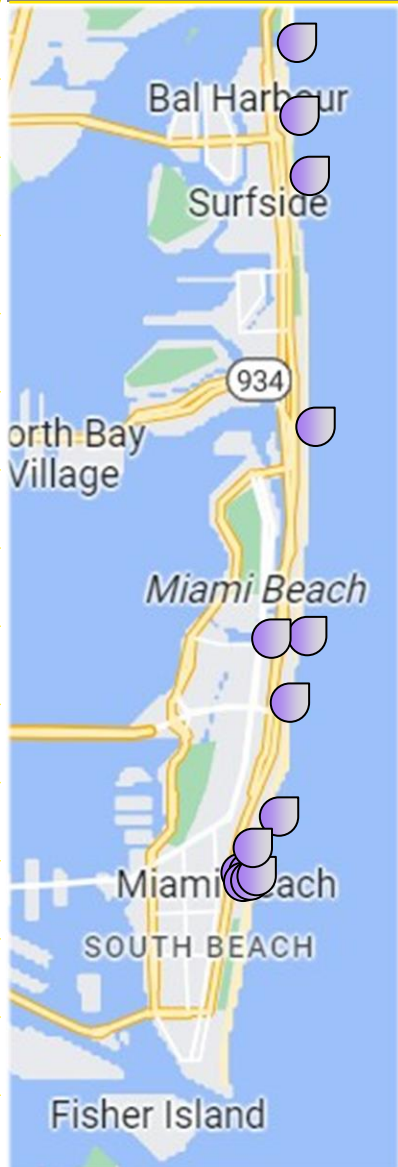
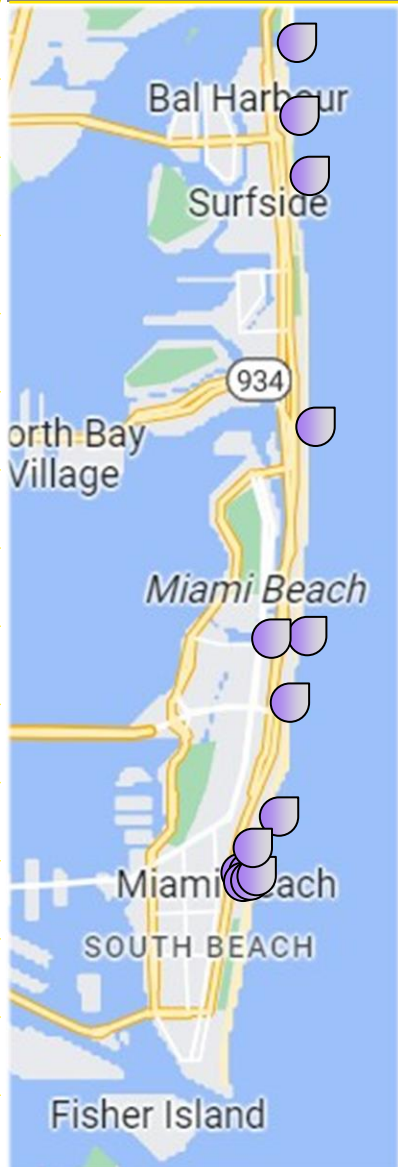
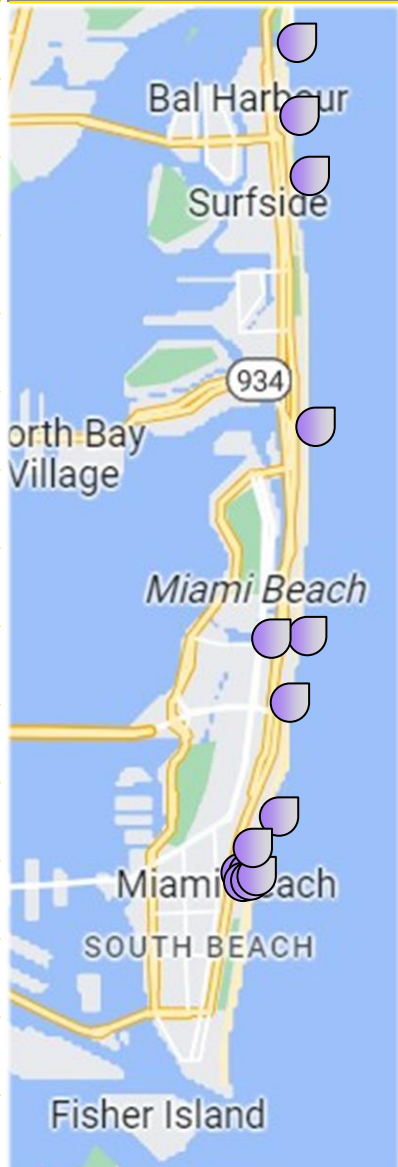
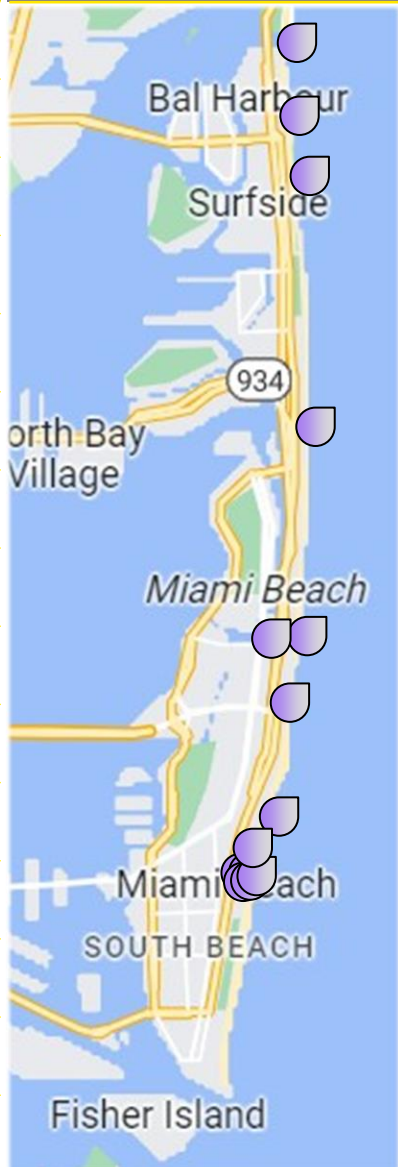
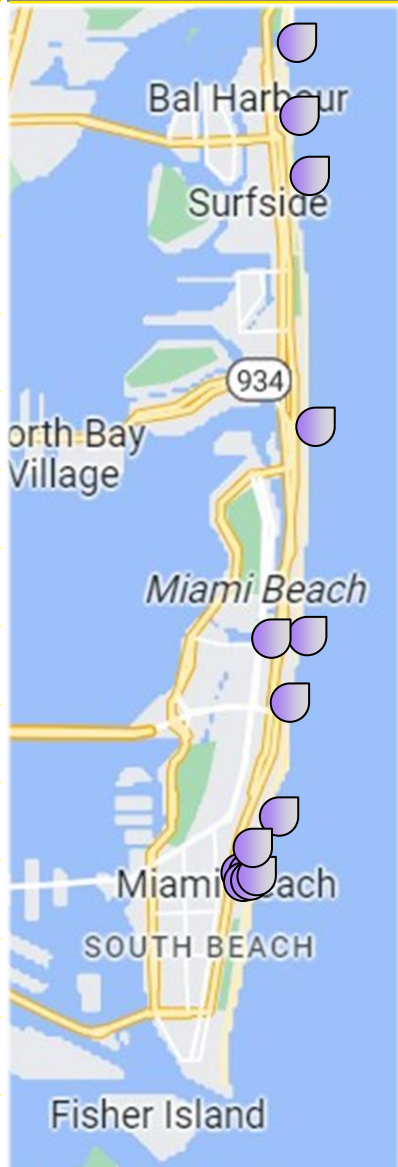
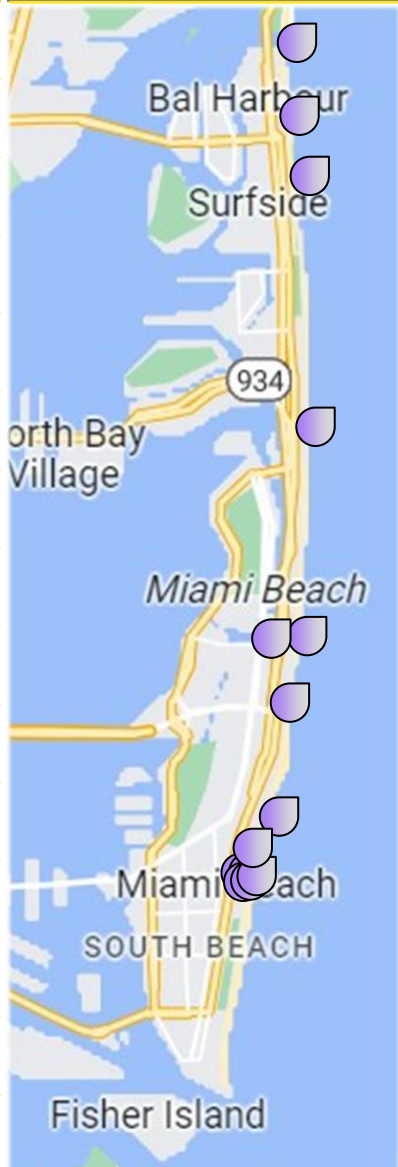
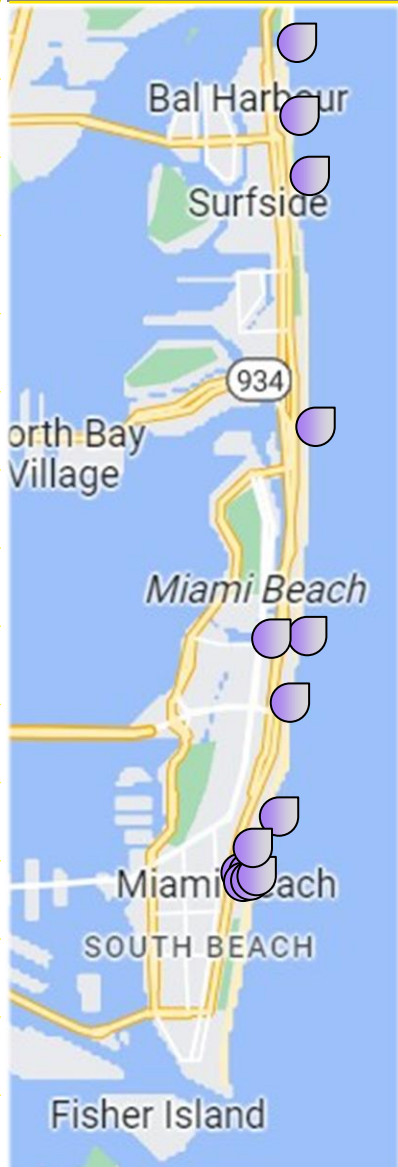
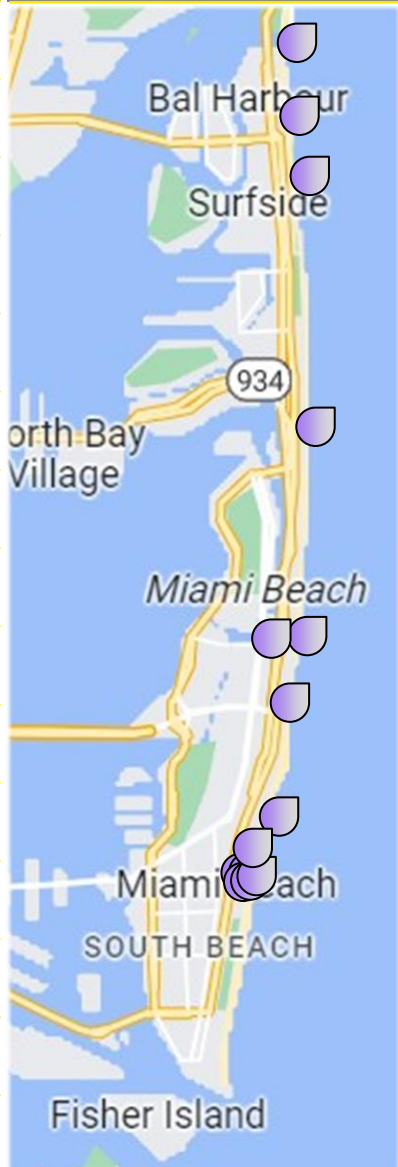
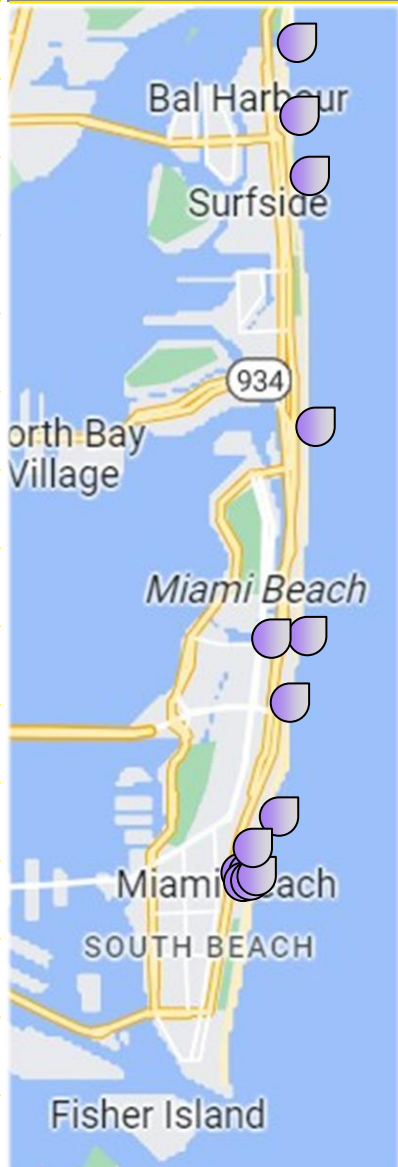
## Additional relevant advisory experience in Greater Miami

The EY team is particularly connected to the Greater Miami real estate and hospitality market and has performed advisory work in a variety of relevant competencies for many of the regions' leading hotels, commercial/retail and tourist attractions.

Notably, the EY team has performed commercial growth strategy, development strategy, management company analysis and selection, valuation and bankruptcy diligence for the 15 hotels listed and visualized on the right side of the slide, either in or near Bal Harbour Village.

Additionally, the EY has completed various real estate and hospitality engagements in other submarkets including:

- Downtown Miami (Genting site(s))
- Downtown Miami
- Brickell (including strategy for Brickell City Centre)
- Coral Gables (including demand adjacent to Merrick Park)
- Wynwood/Design District
- Hollywood
- Fort Lauderdale
- Pompano Beach
- Boca Raton
- Palm Beach

| Hotels in EY advisory engagements<br>Bal Harbour & surroundings | Locations of subject hotels  |
|---|--|
| The Ritz Carlton Bal Harbour                                    |  |
| The St. Regis Bal Harbour                                       |  |
| Four Seasons Hotel at The Surf Club                             |  |
| Carillon Miami  |  |
| Eden Roc Miami Beach  |  |
| Nobu Hotel Miami Beach  |  |
| The Confidante Miami Beach                                      |  |
| 1 Hotel South Beach   |  |
| W South Beach   |  |
| The Setai Miami Beach   |  |
| Shore Club Hotel Miami Beach                                    |  |
| The Raleigh Miami Beach   |  |
| SLS South Beach   |  |
| Delano South Beach  |  |
| Sagamore South Beach  |  |



# The future of travel

## Defining the post-pandemic traveler

As leisure travel demand surges, we expect full global recovery as international tourist arrivals are estimated to reach **80% to 95%** of pre-pandemic levels.

However, travel has not simply “returned to normal.” Instead, **a new traveler has emerged that is driven by...**



### Social Media Influence

The pandemic boosted the rise of peer-to-peer social media content (TikTok, Instagram) as a conduit for travel information and inspiration



### “Set-Jetting”

Consumers are finding travel inspiration and selecting destinations and experiences featured in popular TV series as they plan their next big trip



### Booking flexibility

Demand for flexibility will continue to dominate company pricing models as customers pay premiums for contingencies



### Sustainable travel

As the propensity to spend on sustainable travel builds, the demand for environmentally-friendly options will continue to rise

## The future of travel

Within the travel and hospitality industry there are three macro trends driving transformative change and improved understanding of consumer preferences

To attract future consumers, travel brands are focusing on the following trends:

Travelers are no longer satisfied with one-size-fits-all approaches



Personalized and flexible offerings

Tailored offerings informed by data analytics **boost customer satisfaction** and increase revenue

Enhanced digital engagement is part of consumers' new normal



Digitally enabled engagement

Use new tech to influence customer behavior through earlier engagement, **removing barriers** to purchase, and **extending brand loyalty** beyond the vacation

Travelers are prioritizing unique and immersive experiences



Authentic and memorable experiences

Consumers are willing to pay a premium for **cultural and meaningful activities**

## The future of travel

### Personalized and Flexible

Travelers are no longer satisfied with a one-size-fits-all approaches, and it is not just about more options

- Travelers want you to know them
- Travelers are expecting personalization that can bridge the gap from digital offerings to physical interactions
- Travelers desire a balance between offering flexibility and choice, with clear guidance that helps them navigate through various options without feeling overwhelmed

**Not only are most consumers interested in tailored offers from brands....**

**74%**

of travelers are interested in personalized travel experiences that are tailored to their preferences and interests

**... they are willing to pay more and recommend brands that provide personalization**

**77%**

of consumers have chosen, recommended, or paid more for a brand that provides a personalized experience

**...and companies are seeing an increase in revenue attributed to personalization efforts**

**+40-100%**

increase in net incremental revenue attributable to personalization initiatives

## The future of travel

### Digitally enabled

Travelers expect enhanced digital engagement as an integral part of their travel experience.

- Instead of replacing the human experience, companies are focused on designing technology solutions that enhance it
- Companies can focus on providing parity and cohesiveness between web and mobile experiences throughout the entire consumer journey, allowing guests to choose their own paths while providing a seamlessness and ease of use that makes the journey enjoyable

**Consumers expectations for the customer experience have been raised...**

# 68%

of consumers say that the pandemic has raised their expectations for the digital experiences offered by travel companies

**...and companies that excel see impressive financial growth**

# 89%

of customers expect companies to use digital channels to provide seamless and consistent customer experiences across all touchpoints

# +14%

Increase in compound annual growth rate (17% vs 3%) compared to companies that lag behind in customer experience

## The future of travel

### Authentic and memorable

Travelers are using experiences to broaden their horizons and gain a better understanding of the world around them.

- Travelers want to connect with a location on a deeper level, providing a sense of understanding and appreciation for the culture, people, and the history of a destination
- Travelers expect brands to be involved with their communities and engage with an authentic voice
- Companies can provide authentic engagement by communicating through social media platforms to showcase user-generated content, including vlogs, photos, and reviews, to create excitement and build a community around their brand

Consumers are seeking to experience destinations as a local would ...

**95%**

of travelers prefer to spend some time on their trip on new and unique experiences, ideally averaging 3 hours a day

and have a stronger desire for brands to be aligned to their values

**81%**

of travelers agree they want to travel to destinations where they can immerse themselves into the local culture

**82%**

of consumers want the values of brands to align with their own

# The future of travel



**How does this apply to Bal Harbour?**



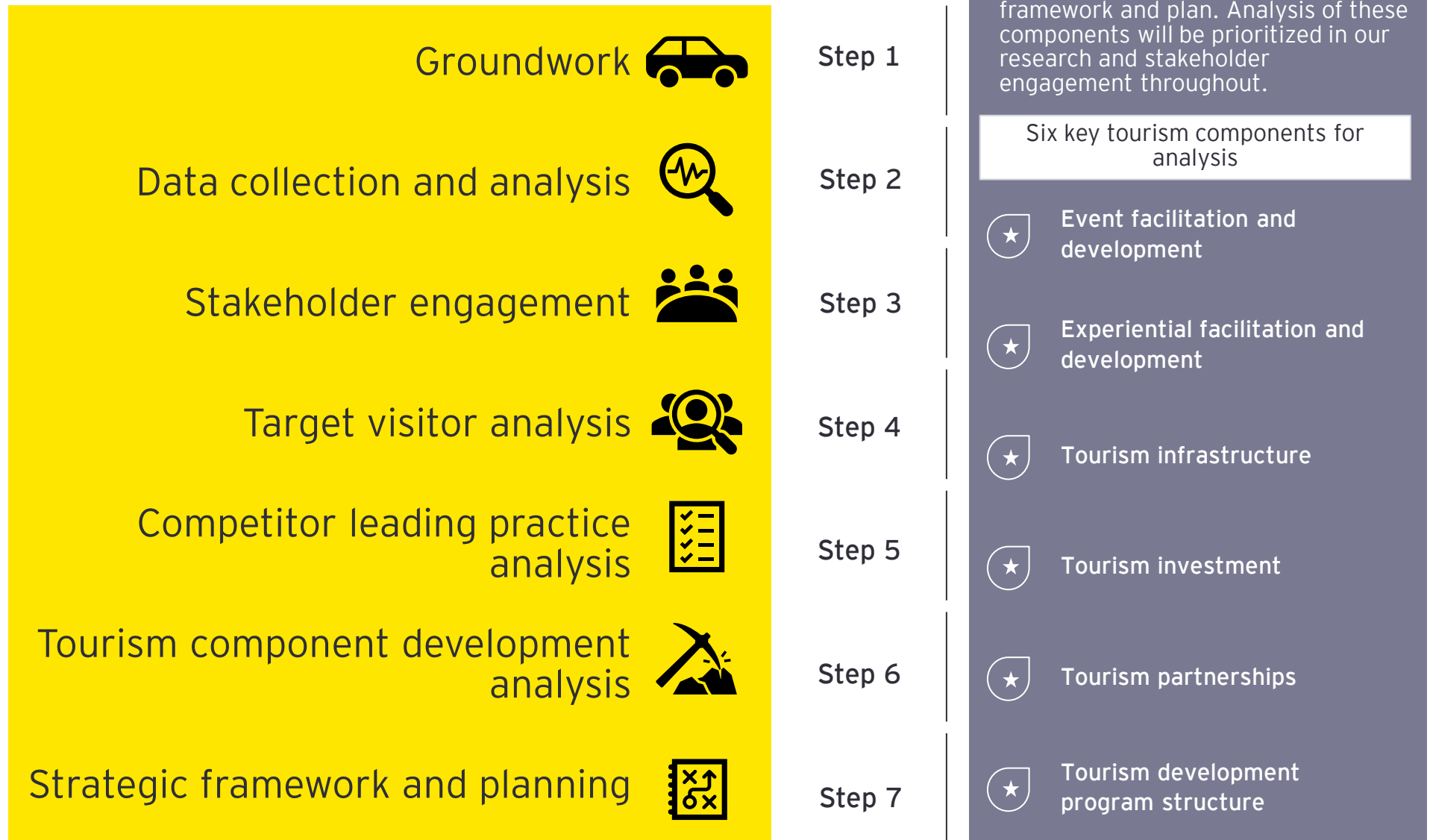
**What incentives, amenities and experiences can we offer visitors that align with trends observed in the travel and leisure space sector?**



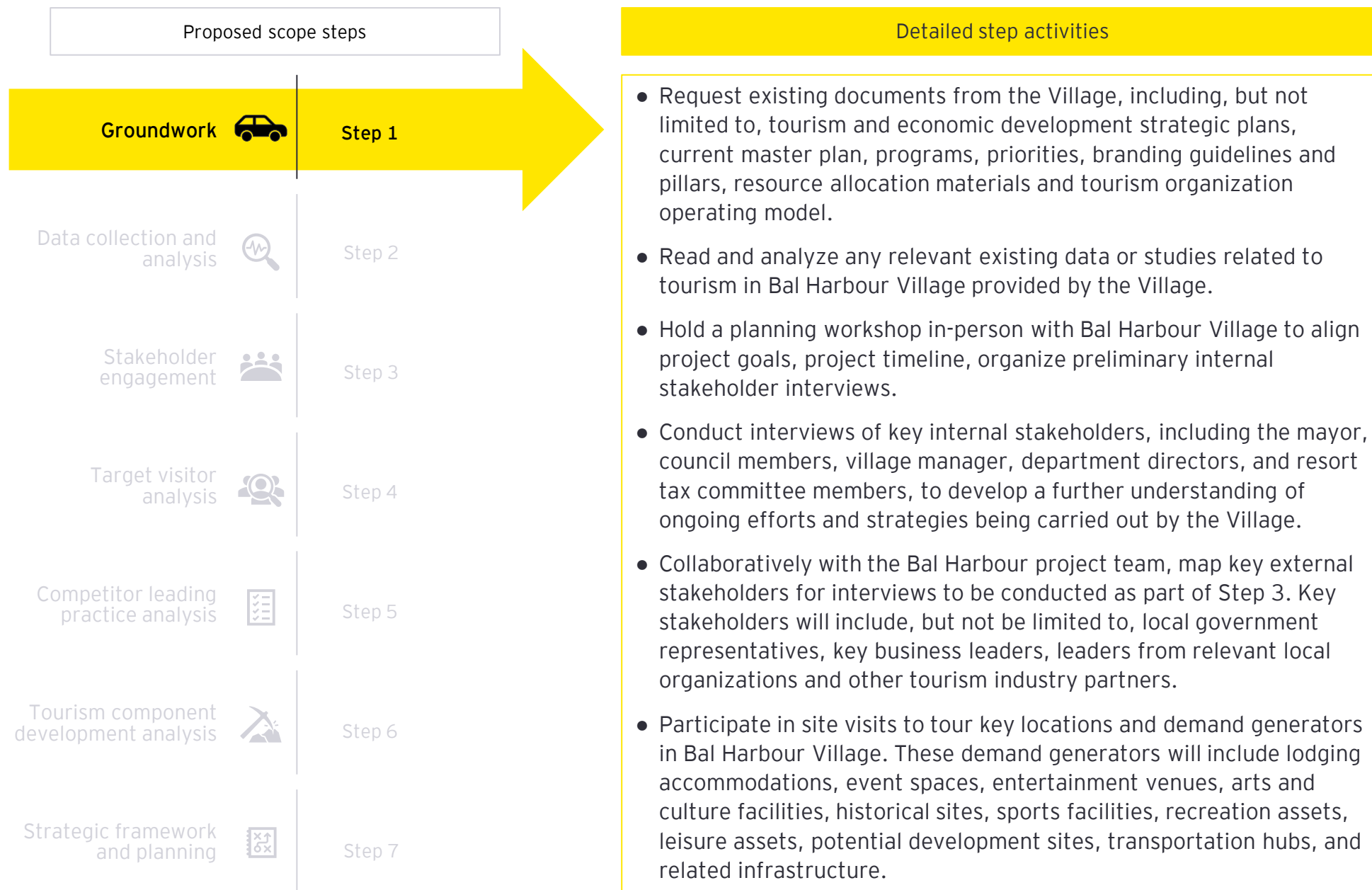
**What lessons can we learn from the travel industry to make Bal Harbour more aligned with future customers?**

# Proposed scope overview

We have tailored our proven strategic tourism advisory process, along with our deep industry experience across a variety of specialties, to the Village's objectives. Our proposed process includes the following tasks:

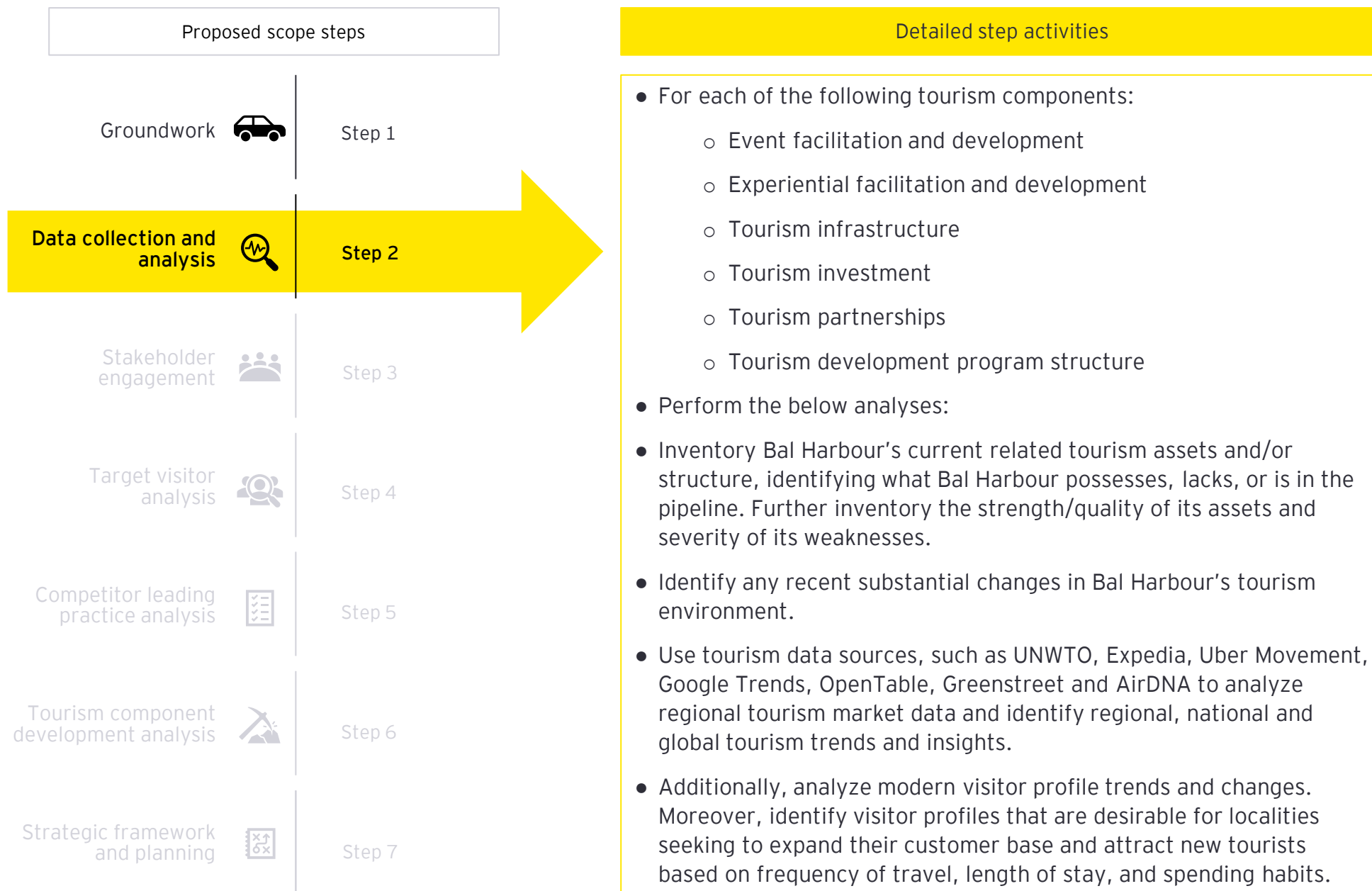


# Proposed scope - detailed by step

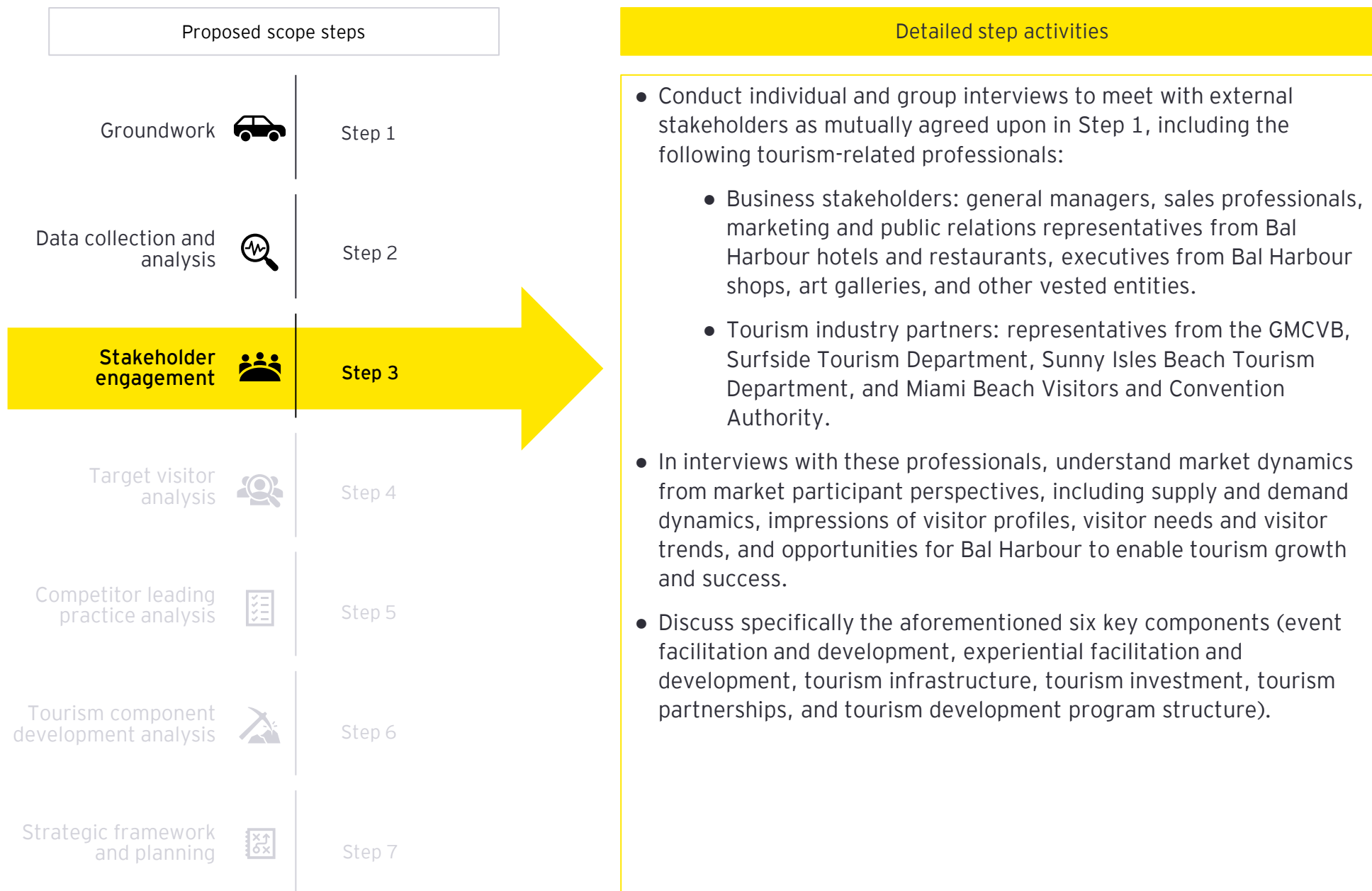




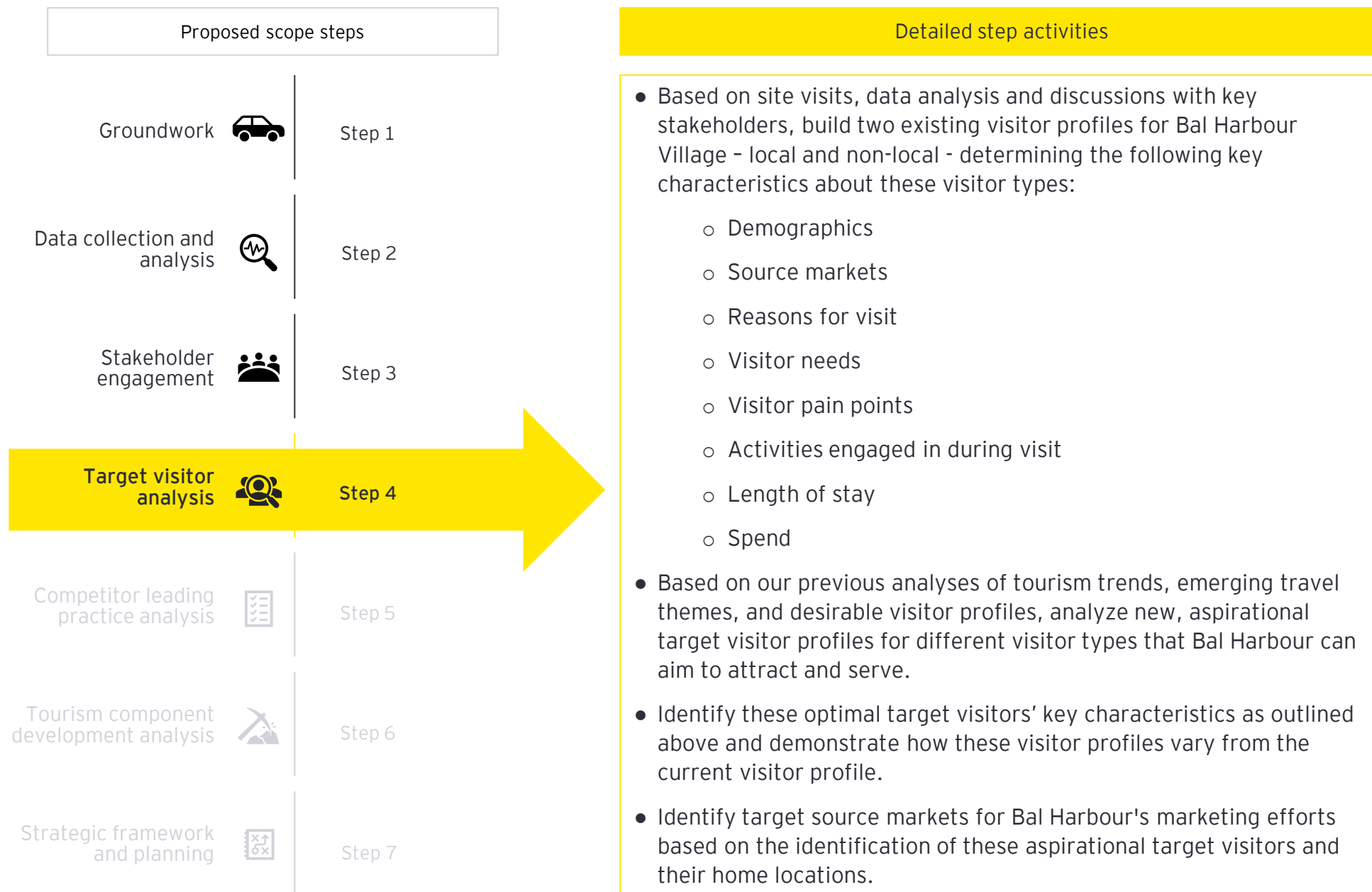
# Proposed scope - detailed by step



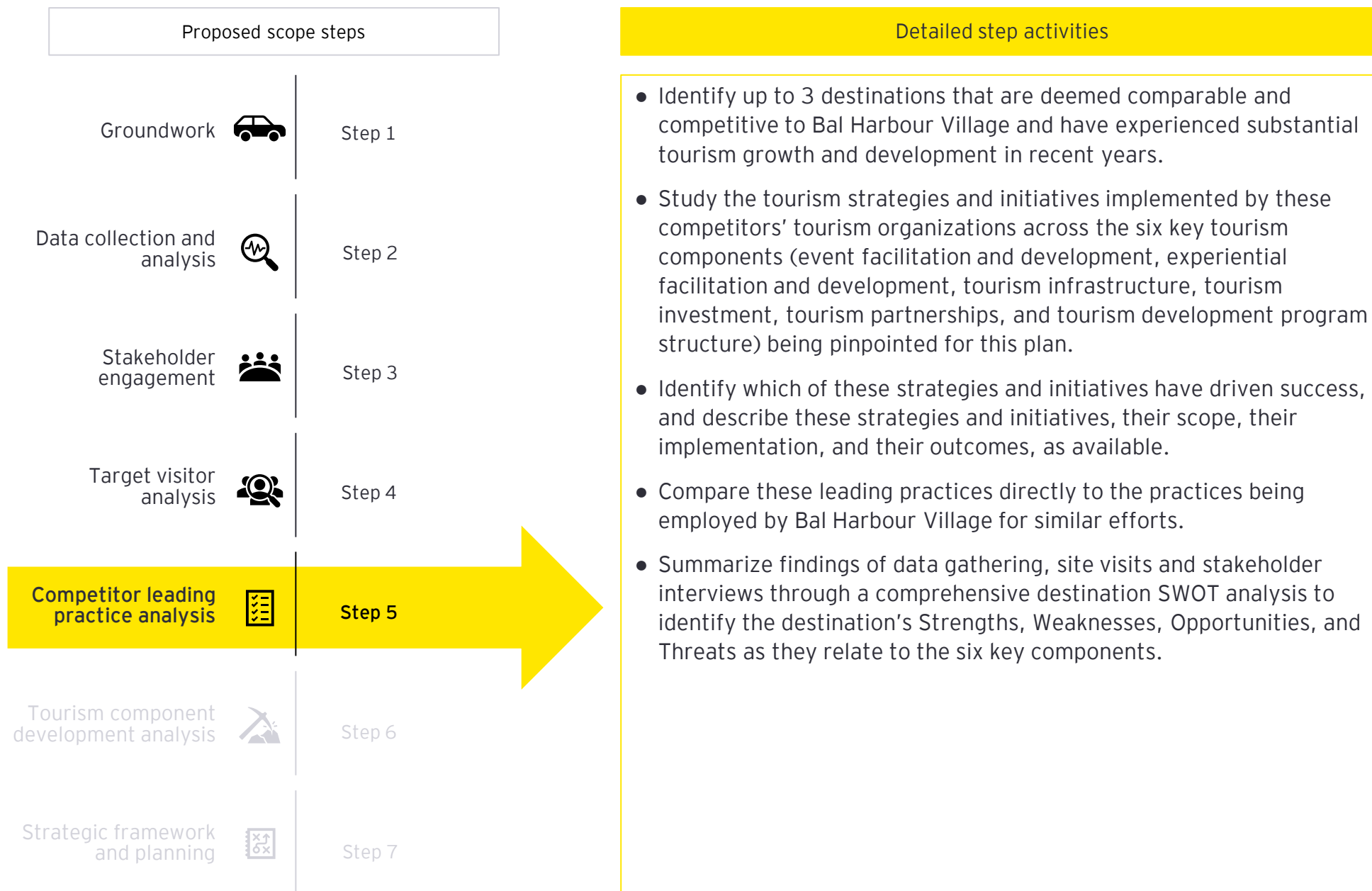
# Proposed scope - detailed by step



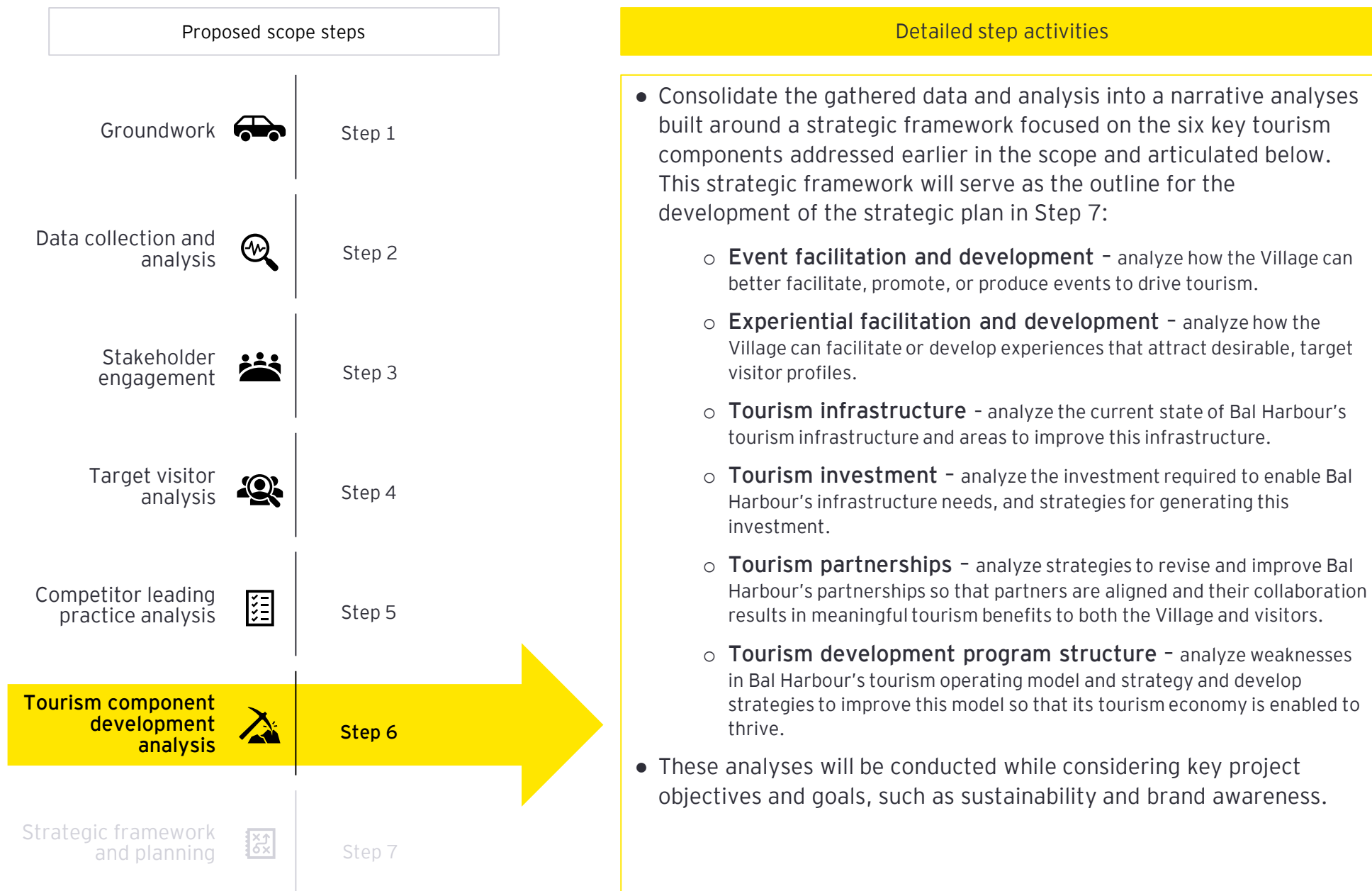
# Proposed scope - detailed by step



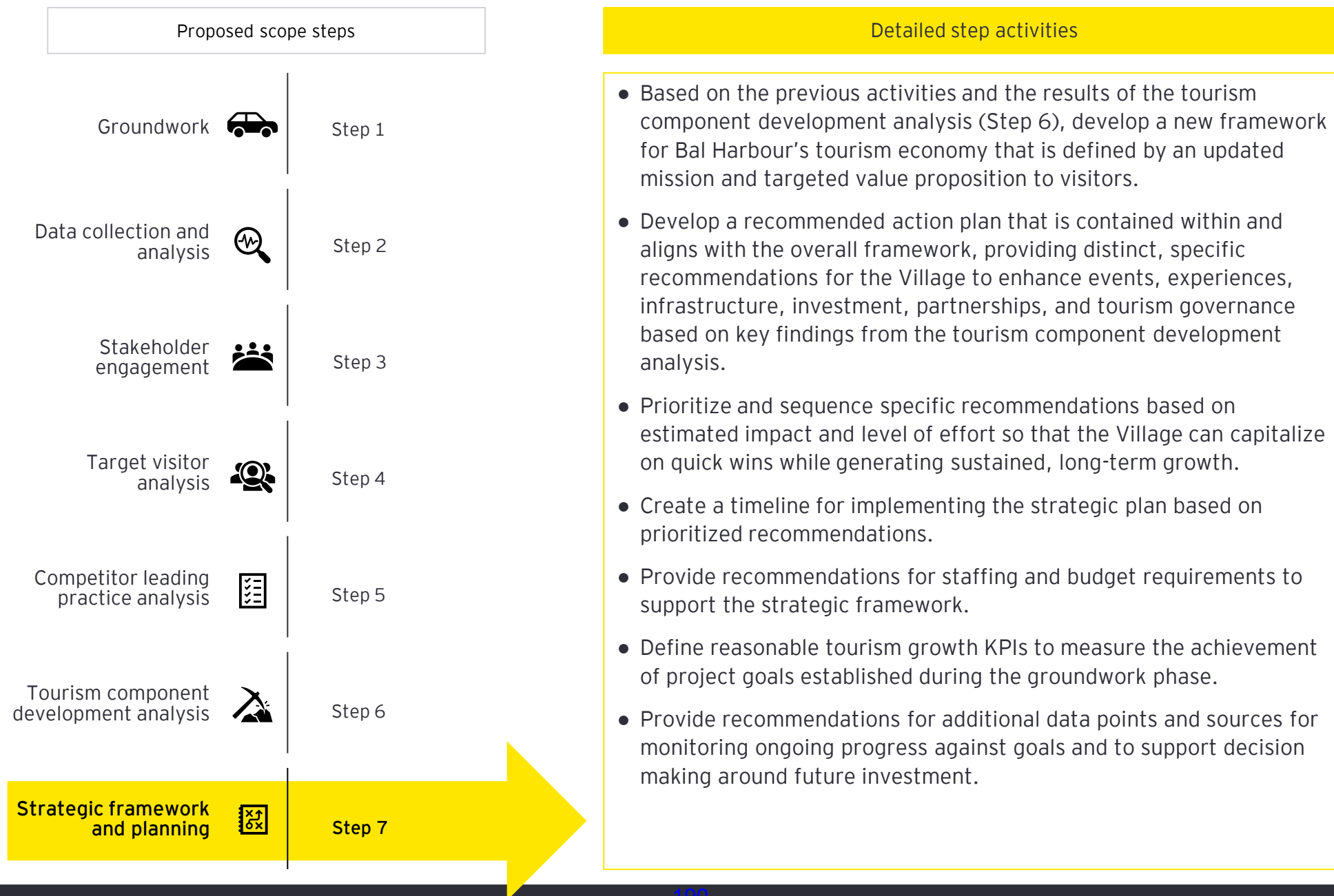
# Proposed scope - detailed by step



# Proposed scope - detailed by step

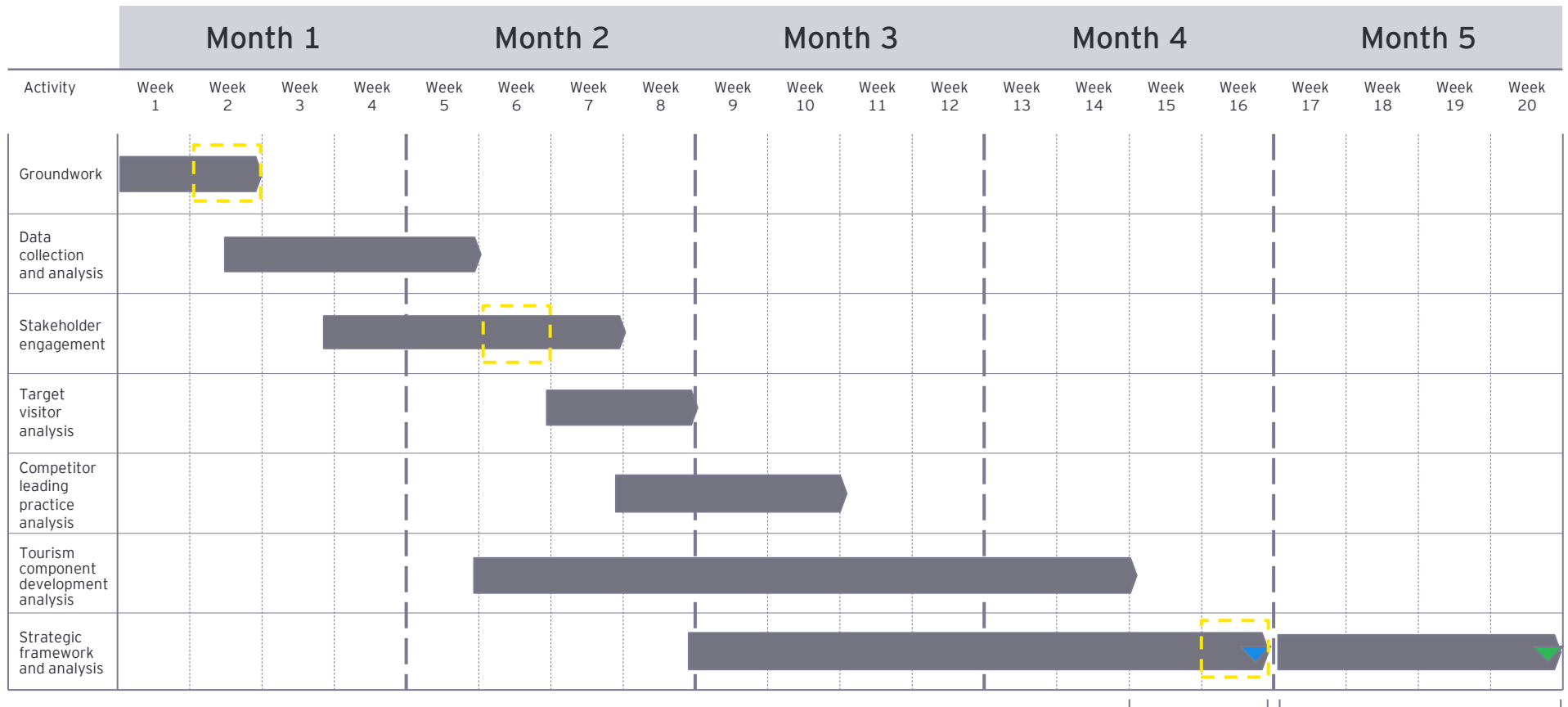


# Proposed scope - detailed by step



# Proposed timeline

EY proposes the below schedule to successfully deliver the requested services through its proposed seven-step approach. This schedule will result in EY delivering a draft strategic framework and plan at week 16 and finalizing this framework and plan with the Client by Week 20.



### ■ EY on-site visit

The project lead as well as the execution team plans to be on-site for Week 2 of groundwork to perform site visits and engage with internal stakeholders, week 6 to engage with external stakeholders, and week 16 to present the draft framework and plan. However, the majority of the team is based in Miami and is available for live meetings outside of these planned dates.

■ Draft strategic plan  
 ■ Finalize strategic plan with Client

---

Questions?







XXX RESONANCE

# Tourism & Events Strategic Plan

Bal Harbour Village

JUNE 02, 2023

# Table of Contents

|                                   |         |
|-----------------------------------|---------|
| Introduction Letter               | Page 03 |
| Firm Profile & Select Client List | Page 05 |
| Project Experience & References   | Page 07 |
| Team Structure & Qualifications   | Page 11 |
| Project Understanding             | Page 16 |
| Approach/Scope of Work            | Page 17 |
| Project Fees                      | Page 26 |
| Appendix                          | Page 27 |
| Form 1                            |         |
| Form 2                            |         |
| Form 3                            |         |
| Form 4                            |         |

MAY 26, 2023

Ramiro J. Inguanzo, Assistant Village Manager  
655 96th Street, Bal Harbour Village FL 33154  
Ringuanzo@balharbourfl.gov

**Re: Proposal to Develop a Tourism & Events Strategic Plan for Bal Harbour Village (“the Village”)**

Dear Ramiro,

On behalf of Resonance Consultancy, it is my pleasure to submit this proposal to develop Bal Harbour Village’s seminal Tourism & Events Strategic Plan. Resonance is a leading authority and advisor on destination marketing, placemaking and economic development for the world’s best destinations, cities, and downtowns. Our interdisciplinary team has worked in more than 80 countries around the world and 24 U.S. States over the last 15 years and is uniquely qualified to provide an unparalleled level of service to the Village as it seeks to develop a trend-forward and consensus-driven Tourism & Events Strategy.

Since the pandemic, our team has supported and shepherded cities and luxury travel destinations across North America for not just travel recovery, but long-term destination success and resiliency in the wake of significant industry and lifestyle shifts. For this effort with the Village, we plan to leverage our industry knowledge from authoring the 2023 Future of U.S. Luxury Travel Report, a guide to key trends and patterns in post-pandemic travel consumption by affluent American households. Our team is armed with insights from two comparative surveys of U.S. travelers with household incomes of \$500k+ and/or net worth of \$11 million+, a first of its kind study that analyzes pre- and post-pandemic high-net worth traveler trends including insights on where these wealthy travelers are planning to visit, the types of accommodations and activities they prefer. These insights will be complemented by a set of qualitative research tasks that will enable our team to dive deep into understanding the strengths and challenges of Bal Harbour’s existing events and attractions, and the PR and marketing strategies that impact the destination’s marketability to affluent travelers.

Over the next four months, our efforts will be overseen by Principal-in-Charge, Chris Fair, with day-to-day management by Consulting Director, Nur Asri. Combined with our in-house storytelling, branding, and destination product experts, we will ensure the delivery of an actionable strategic plan that is not only data-driven and forward-thinking, but also aligned with the aspirations of Village partners and major industry stakeholders.



We hope our team and approach presented henceforth exceeds your expectations and we look forward to refining it with you in order to ensure that it is optimized for the needs of Bal Harbour Village. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

Christopher Fair  
President & CEO  
Resonance Consultancy Inc  
E: [cfair@resonanceco.com](mailto:cfair@resonanceco.com)  
M: +1-646-413-888



**Resonance is a leading authority and advisor on tourism, placemaking, and economic development for the world’s best destinations, cities and communities.**

Our team has advised destinations, developers, hotels and resorts in more than 200 cities and 80+ countries. In all of our work, we help our clients understand consumer trends, engage their communities, and plan for the future. Resonance is recognized as one of the world’s leading authorities on destination development and tourism master planning. In addition to our work internationally with cities such as Brussels, Copenhagen, Christchurch, and Edinburgh, we have completed destination master plans for more cities in North America than any other firm. These include:

- Los Angeles, CA
- Vancouver, BC
- Cincinnati, OH
- Ottawa, ON
- Bellevue, WA
- Richmond, VA
- Portland, OR
- Tucson, AZ
- San Luis Obispo, CA
- Scottsdale, AZ

RESONANCE CONSULTANCY

BAL HARBOUR - FL

As the presenting sponsors of the City Nation Place Americas conference (to be held in New Orleans this year) we are also at the forefront of bringing leading destination marketing and economic development executives together to enhance the prosperity of our cities. In addition, Resonance publishes the annual World’s Best Cities and America’s Best Cities reports – the most widely read and publicized city rankings on the planet. The data we collect provides our clients with a unique approach to benchmarking the supply-side of the destination.

Our approach to creating a Tourism & Events Strategy for a niche destination like Bal Harbour is rooted in thoroughly understanding global industry trends and aligning the aspirations of affluent travelers with that of the local community in order to create a Tourism & Events Strategy that will guide the long-term sustainable development, marketing and management of the destination in a manner that generates economic benefits and enhances quality of life for local residents.

For more information, please visit: [resonanceco.com](http://resonanceco.com)

|   |  |
|---|--|
| Company size: 20-25 employees<br>Experience: 15 years | Location: New York (USA), Vancouver (Canada) |
|---|--|



# Select Client List

## MUNICIPAL AND DESTINATION DEVELOPMENT ENTITIES

- |  |   |
|--|---|
| City of Bellevue   | Houston First Corporation                       |
| City of Brampton   | Houston Theater District                        |
| City of Charlottesville  | Illinois Council of Convention & Visitor Bureau |
| City of El Paso  | Lower Lonsdale Business Improvement Association |
| City of Goodyear   | New York City Economic Development Corporation  |
| City of Greenville   | Office du tourisme de Québec                    |
| City of Guelph   | Richmond Region Tourism                         |
| City of Los Angeles  | Salmon Arm Economic Development Society         |
| City of Lynchburg  | Singapore River One BID                         |
| City of Olathe   | Snohomish County Office of Economic Development |
| City of Prince George  | South Bend Elkhart Regional Partnership         |
| City of San Luis Obispo  | Town of Milton                                  |
| City of Scottsdale   | Tourism Vancouver                               |
| City of Tucson   | Tourisme Montreal                               |
| Calgary Municipal Land Corporation   | Travel Manitoba                                 |
| Coastal Mississippi & Mississippi Gulf Coast Regional Convention & Visitors Bureau | Travel Portland                                 |
| Cordillera Metropolitan District   | Tulsa Regional Chamber                          |
| Curacao Tourist Board  | Urban Redevelopment Authority Singapore         |
| Department of Culture and Tourism Abu Dhabi  | Visit Bellevue                                  |
| Destination Canada (Canadian Tourism Commission)                                   | Visit Denver                                    |
| Destination Cleveland  | Visit Oakland                                   |
| Destination El Paso  | Visit Pittsburgh                                |
| Destination Madison  | Visit Quad Cities                               |
| Destination Toronto  | Visit Tampa Bay                                 |
| District of West Vancouver   | Visit Tucson                                    |
| Downtown Vancouver Business Improvement Association                                | Visit Tulsa                                     |
| Fayetteville Convention & Visitors Bureau  | VisitColumbusGA                                 |
| Finger Lakes Wine Country Tourism  | West Harlem Community Preservation Organization |
| Greater Topeka Partnership   |   |

RESONANCE CONSULTANCY

BAL HARBOUR - FL



# Destination Canada

## DEFINING THE FUTURE OF TOURISM POST-COVID

A global study to identify the trends most likely to influence the future of travel in order to guide the development of a new national tourism strategy.

- Date:** 2021-Present
- Client:** Destination Canada
- Services:** Research & Tourism Strategy
- Reference:** Meaghan Ferrigno  
Chief Data and Analytics Officer,  
Destination Canada  
[ferrigno.meaghan@destinationcanada.com](mailto:ferrigno.meaghan@destinationcanada.com)

### CONTEXT

From a virtual industry-wide shutdown to unprecedented demand for leisure travel in some destinations in the space of just two years, the pandemic upended the long-term plans of Canada's national, provincial and municipal destination marketing organizations.

Resonance was hired to develop a shared framework and alignment on the key trends most likely to impact the industry over the next one to three years that Destination Canada could share with its partners to inform and guide unified planning, policies and marketing strategies across the nation. Long-term trends were also identified as part of the process to anticipate adaptive measures for the industry moving forward.

### APPROACH

Trends likely to affect the Canadian tourism industry were identified through a review of existing relevant research, interviews with more than 30 key national and international industry leaders, as well as consultations with all provincial marketing organizations (PMOs), large destination marketing organizations (DMOs), the Indigenous Tourism Association of Canada (ITAC) and Destination Canada.

The scan took a strategic approach modeled around a STEEP (social, technological, economic, environmental, political) framework, including consideration of trends within the supply side of the industry, changes in consumer behaviors, and responses from other competing international organizations.

While more than 40 trends were identified, each trend was assessed based on its impact on the tourism industry and its anticipated timeframe. This framing allowed the scan to identify trends that are most likely to have the greatest impact in the next one to three years.

### IMPACT

Our assessment helped Destination Canada and its stakeholders evaluate the impact of the pandemic on the industry as well as identify and understand potential key trends and changes in both the industry and the marketplace. The Big Shift Report produced by Resonance was adopted by all PMOs and Resonance now updates it annually to inform and guide both marketing strategies and product development across the country.



# Scottsdale Tourism & Events Strategic Plan

## DEFINING THE FUTURE OF AFFLUENT TRAVEL

A plan to shape and manage  
the future of a leading  
boutique destination.

**Date:** 2021-2022

**Client:** City of Scottsdale Tourism &  
Events Department

**Services:** Destination Master Plan

[Extended Case Study](#)

### CONTEXT

The Tourism & Events Department of the City of Scottsdale engaged Resonance, in partnership with Experience Scottsdale, in the development of the strategic plan to guide the post-pandemic recovery and growth of the industry over the next five years.

This work follows our earlier engagement with the City of Scottsdale to develop an economic development strategy and brand identity for Choose Scottsdale, the City's economic development department.

### APPROACH

As one of the country's most recognized and desirable destinations, Scottsdale welcomes visitors from around the world who come to enjoy an urban sanctuary in the heart of the Sonoran desert.

From hiking trails to shopping safaris, sports to arts and culture, Scottsdale offers a wealth of experiences that attracts active adventurers, urban enthusiasts, business meetings and world-class events throughout the year.

The strategic plan provides a framework for decision making regarding efforts and investments to enhance Scottsdale's visitor economy. The planning effort was overseen by a Steering Committee consisting of representatives from the hotel industry and key anchor attractions within the destination.

As part of our process, we conducted extensive engagement that included the Mayor & City Council, City Manager's Office, various city department leadership, hoteliers, property owners, retailers, restaurants, art galleries, and other partners and stakeholders.





# Los Angeles

## AN OLYMPIC EFFORT TO GROW TOURISM

A plan to prepare the City of Los Angeles for the 2028 Olympic Games and grow from welcoming 50 million to more than 70 million visitors a year.

**Date:** 2019-2020

**Client:** City of Los Angeles

**Services:** Consulting, Tourism Master Planning, Strategic Planning

**Reference:**

Doane Liu

Executive Director, LA City Tourism Department

213-765-4249

doane.liu@lacity.org

[Extended Case Study](#)

### CONTEXT

In 2018, the Los Angeles travel and tourism industry generated a record \$36.6 billion in total economic impact. With an upcoming Super Bowl, World Cup and Olympic Games, L.A. planned to host 70 million visitors a year by 2030, which would create more than 400,000 additional jobs and create as much as a billion dollars a year more in tax revenue for the city. The City of Los Angeles engaged Resonance to develop a Tourism Master Plan to prepare for this growth in a way that would deliver a positive experience for visitors while also enhancing quality of life for local residents.

### APPROACH

Our team engaged hundreds of tourism stakeholders in L.A., including convention planners, hotel owners, more than 1,000 residents and 1,500+ past visitors. With the input from stakeholders, the public, boards and steering committees, Resonance created a final report that orders and contextualizes the findings and lays out a path of action for the CTD and the City of Los Angeles.

### IMPACT

While the Tourism Master Plan addresses critical hardware—such as transportation or the Los Angeles Convention Center—required to achieve the City of Los Angeles’ goals, it also addresses the software of relationships and programming required to foster the quality of life, culture and experiences necessary to create a unique and compelling sense of place for visitors and residents. As a result of Resonance recommendations, Mayor Eric Garcetti signed his 33rd Executive Directive, which creates the City of Los Angeles Tourism Cabinet, a group of department general managers to support growth in the tourism and hospitality sectors in Los Angeles. The Executive Directive also calls for the creation of a Chief Tourism Officer and implementation of the recommendations laid out in the City’s Tourism Master Plan.



# San Luis Obispo

## AN OUTDOOR RECREATION DESTINATION BALANCING NATURAL PRESERVATION WITH TOURISM DEVELOPMENT

**A countywide Destination  
Management Plan.**

**Date:** 2018-2019

**Client:** Visit SLO CAL

**Services:** Destination Management  
Strategy

**Reference:**

Chuck Davison

President & CEO, Visit SLO CAL

Chuck@SLOCAL.com

805.541.8000

### CONTEXT

Resonance Consultancy was engaged by Visit SLO CAL to help San Luis Obispo County community leaders understand the key competitive advantages and weaknesses for tourism, and quality of life for local residents in order to create a Destination Management Strategy intended to guide the planning, product development, programming, policy and promotion of SLO CAL as a destination to live, work, play and visit.

### APPROACH

Resonance Consultancy's approach to the creation of a Destination Management Strategy was designed to help residents and stakeholders articulate and share a clear vision for the future—because when people share a vision of the future, it gives them shared belief, shared purpose and shared passion.

This project required a careful balance between natural environmental protection and preservation, and tourism development. Residents in San Luis Obispo shared through the community surveyed that they care deeply about their natural environment and that they prioritize this as a driving force for developing SLO County as a destination.

This approach sought to define the destination as more than the sum of its parts. While the Destination Management Strategy addresses critical hardware, such as transportation or a potential conference center, required to achieve SLO CAL's goals, it also addresses the software of relationships and programming required to foster the quality of life, culture and experiences necessary to create a unique and compelling sense of place.

### IMPACT

We continue to work with San Luis Obispo County on a Destination Stewardship Plan for Oceano Dunes, a natural preserve and oceanfront sand dune destination for outdoor adventures.

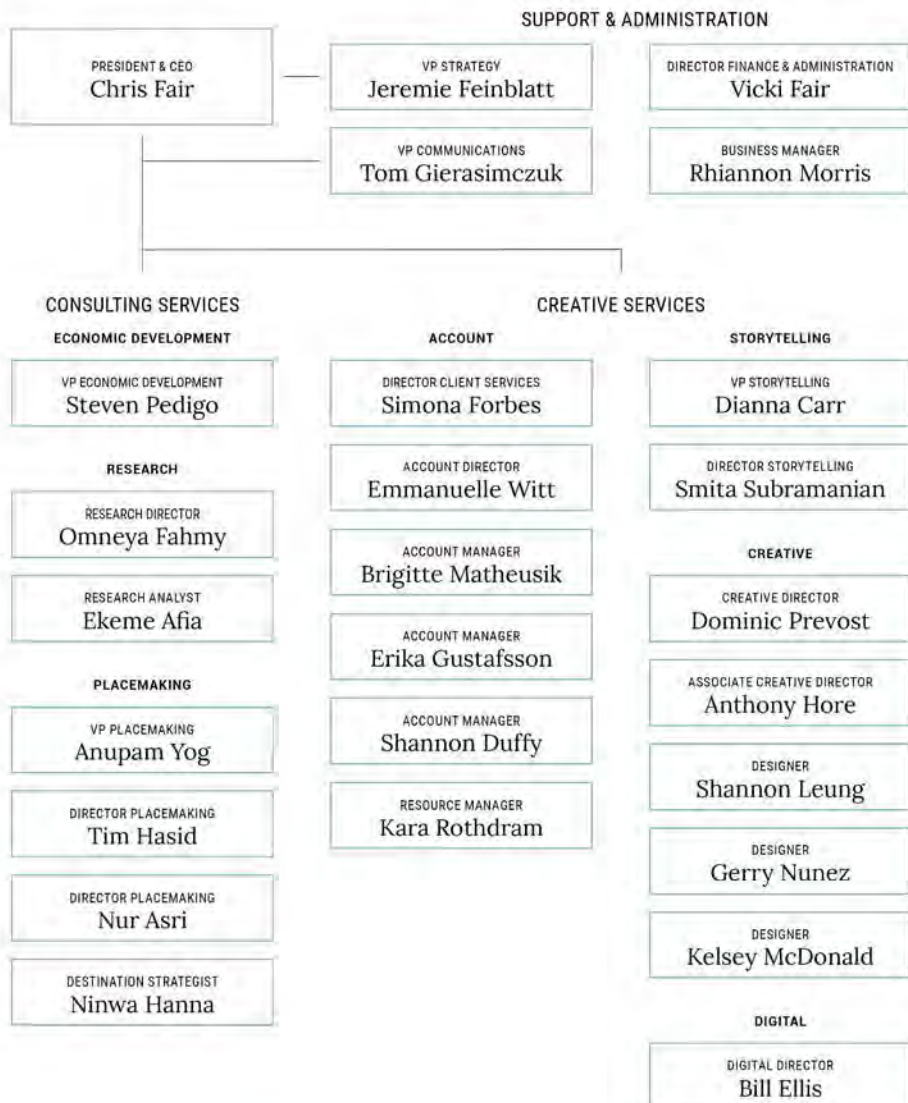


# Team Structure & Qualifications

## Organizational Chart

At Resonance, our team functions with limited hierarchical structures - offering our clients improved project coordination and communication, project efficiencies, and most importantly, the ability to tap into the various expertise of staff members in research, brand strategy & storytelling, and strategic planning.

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**Chris Fair**  
 President & CEO  
 Resonance

A futurist, marketing strategist and facilitator, Chris holds a Masters degree in Studies of the Future and has married his marketing expertise with futures methodologies to help a wide variety of clients envision and create development strategies, plans and brands that shape the future of places around the world. As President of Resonance, Chris leads a team that has completed more than 100 visioning, strategy, planning and branding projects for destinations, cities and developers in more than 20 countries.

Chris is the Chairman of the Urban Land Institute’s Travel Experience & Trends Council, a member of the Project for Public Spaces Leadership Council, and a former instructor in Placemaking at New York University. Chris frequently speaks on tourism and travel trends to organizations such as Destinations International, the Urban Land Institute, World Travel Market and various national tourism conferences ranging from the Philippines to Poland. He has been featured in Fast Company magazine and is a frequent commentator for leading publications: *The Wall Street Journal*, *Bloomberg*, *The Globe & Mail*, *Los Angeles Times*, *The Economist*, and *China Daily*.

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**Education & Training**

- Masters of Science (Studies of the Future), University of Houston
- Bachelor of Arts (Journalism), Concordia University, Montréal, Quebec

**Recent Project Highlights**

- Destination Canada Strategic Planning
- Miami Riverbridge Brand Strategy
- Ottawa Destination Stewardship Plan
- Scottsdale Tourism & Events Strategic Plan

**Professional Memberships**

- Destinations International
- Urban Land Institute (ULI)
- International Economic Development Council
- Project for Public Spaces Leadership Council
- Association of Professional Futurists



**Nur Asri, AICP**  
 Director of Placemaking  
 Resonance

With 10 years of experience in real estate strategy and community economic development, Nur brings to Resonance integral real estate market analysis, policy research and placemaking strategic planning skills. At Resonance, she has led the development of placemaking strategies, downtown strategies, and destination management plans for Houston Theater District, Downtown Calgary, and the City of Pittsburgh.

Prior to her time at Resonance, Nur advised hundreds of cross-sector clients on real estate and destination development strategies in major markets and diverse communities across North America, and has delivered award-winning projects including City of Cambridge Retail Strategic Plan (IDA Pinnacle Achievement, APA EDD Donald Hunter) and the Commonwealth of Massachusetts Rapid Recovery Plan (IDA Award Winner). Nur’s thought leadership on downtown revitalization and economic development has been published nationally, including the IEDC Journal. She was also co-author of the Commercial District Recovery Guide – a COVID-19 response toolkit for place-based organizations, published by the Local Initiatives Support Corporation, and lead researcher and author of Neighborhood Commons – a policy directive for public space management and programming across NYC commercial corridors (sponsored by NYC Department of Small Business Services), and Tourism & Hospitality Toolkit – a resource created as part of the Rapid Recovery Plan program for the Commonwealth of Massachusetts.

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**Education & Training**

Master of Science in City and Regional Planning, Pratt Institute, New York

Bachelor of Science in Urban Planning, Design & Management, University City College, London

Certified Planner, American Institute of Certified Planners

**Professional Memberships**

American Planning Association  
 International Downtown Association  
 Emerging Fellow, Urban Design Forum

**Recent Project Highlights**

Pittsburgh Destination Master Plan  
 Scottsdale Tourism & Events Strategic Plan

Houston Theater District Placemaking Strategy

\*Puerto Rico Bottom Up Destination Plans

\*Commonwealth of Massachusetts Rapid Recovery Plan program

*\* Work completed prior to joining Resonance*



**Ninwa Hanna**  
 Destination Strategist  
 Resonance

A destination strategist driven by a passion to create more meaningful connections between people and places, Ninwa brings a unique skillset to the Resonance team. Her journey in the industry both began and is rooted in the MENA region, starting with her role as Program Associate at Physicians for Human Rights before transitioning to travel sales and product development as Country Specialist for Audley Travel. At Audley, Ninwa specialized in the Middle East & North Africa, launching multiple destinations for the U.S. market. She’s also held roles such as MENA Tourism Strategy Associate for Trove Tourism, where she focused on branding strategy and unique positioning of destinations.

Her most recent role at Corragio Group helped her hone her skills in-depth destination situation assessments, leveraging stakeholder outreach as well as primary & secondary research to synthesize and communicate clear strategic implications. Ninwa has worked on many domestic projects across the United States including Strategic Planning, Destination Stewardship, Resiliency Planning, & Destination Management for states, regions, and counties.

In her role at Resonance, Ninwa aims to help clients succeed in the tourism industry through effective planning that is innovative, strategic, & industry-informed. Fluent in English, Arabic and Spanish, she brings a truly global perspective to the way we see and speak about places.

**Education**

Bachelor of Arts, Lasell University,  
 Newton, MA

**Current and Previous Positions**

Destination Strategist, Resonance  
 Consultancy, 2023 – present  
 Associate Principal / Destination Strategist,  
 Corragio Group, 2021– 2022  
 Tourism Strategy Associate, Trove Tourism  
 Development Advisors, 2021

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**Tom Gierasimczuk**  
 Vice-President, Communications  
 Resonance

Tom is an award-winning journalist and marketer with a proven record of developing multi-platform, editorially driven marketing strategies that engage audiences and infuse brand communication with a sense of purpose and utility.

He helps clients develop public relations and earned media strategy, as well as owned media programs using Resonance Consultancy’s World’s Best Cities platform to maximize exposure, save time, and optimize budgets.

Tom also leads Resonance marketing, communications and thought-leadership to drive new business, client retention, audience engagement, and brand influence.

Tom’s experience in the travel and tourism and destinations marketing industry ranges from launching an adventure travel outfitter in South America with a global clientele, to leading WestJet Airlines’ inflight magazine and destination content, for which he received ‘Editor of the Year’ honors. At Rogers Media, Tom led the Marketing Group and Marketing Magazine, Canada’s largest advertising, PR and media resource. As a media leader and publisher, Tom has launched new media outlets and transitioned legacy brands struggling with online engagement and revenue into lean, daily audience-first resources focused on vital journalism, creative services and event activation.

His writing and insights about marketing, tourism and place branding have appeared in The New York Times, Entrepreneur, The Globe and Mail, and many other outlets.

**Education**

Bachelor of Journalism, Toronto  
 Metropolitan University, Toronto, ON

**Current and Previous Positions**

VP, Communications, Resonance Consultancy,  
 2023 – present  
 VP, Partnerships, Overstory Media Group,  
 2020–2023  
 Chief Content Officer, Resonance Consultancy,  
 2016 – 2020

# Project Understanding

## Elevating Bal Harbour's status as an exquisite seaside destination through one-of-a-kind experiences

Resonance has worked across all scales and geographies, making us adept at planning in diverse project settings. From some of the world's major cities, including New York, Miami, Los Angeles, Brussels, and Vancouver, to smaller niche destinations such as Tucson and Scottsdale, our team has honed our expertise in destination development and management with each new project – making us some of the leading thinkers on tourism and placemaking.

Bal Harbour is an elegant and sought-after destination on the cusp of exciting change. Following years of planning, the Village will soon feature new anchor attractions by the waterfront including Cut Walk Jetty and Waterfront Park, an intergenerational and inclusive amenity that presents an opportunity for new types of programming and activations catering to a wider range of audiences. These investments, combined with the destination's recently developed digital identity that enables extensive reach to both tourist and resident audiences, place Bal Harbour in an even stronger position to weather unanticipated impacts and changes through diversification of its offerings and marketing efforts.

Our goal for this work is to build upon the exciting and progressive changes in the destination to expand traveler demand, spending, and tax revenues, and grow overall recognition of Bal Harbour as more than just a luxury traveler's paradise but a world-class international destination.

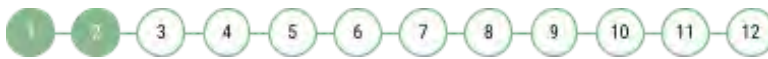
To that end, our team will focus on creating new experiences, events, and attractions that leverage iconic public realm changes such as the 96th Street Gateway and public waterfront access. This includes filling in the gaps in the Village's calendar of events to extend dwell time of luxury visitors, developing marquee events that can raise recognition of the destination to new audience segments within Greater Miami, and ensuring experiences are well-aligned with the destination's brand pillars.



# Approach/Scope of Work

## Phase 1 Situational Analysis

### TASK 1.1 PROJECT SET UP AND KICK OFF

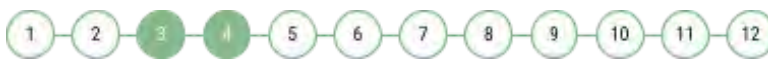


Resonance begins every project with a kickoff meeting with all project stakeholders (as jointly determined with the Client) to establish baseline expectations for the work ahead. The kick off meeting will be held remotely and an agenda may include:

- Introductions, orientation and project kick-off between the Resonance Project Team and the Client Team.
- Discussions regarding Tourism Department staff roles, responsibilities and requirements for project direction, management and facilitation.
- Preliminary discussion of competitive set and key tourism partners (local and regional)
- Collection of all secondary research including any persona development and marketing strategies, and other appropriate data sources (including lodging, visitation data, etc.).
- Discussion of final project timeline and key milestones to ensure successful and timely delivery of all reports and documentation.
- Site Visit planning including establishing an itinerary and outreach plan to reach key stakeholders for roundtable focus groups and site tours.

Following the kick off, Resonance will also set up a biweekly client meeting to report on project progress and address any critical milestones throughout the process.

### TASK 1.2 SITE VISIT & DISCOVERY ENGAGEMENT



The two-day site visit will be an opportunity for the Project and Client team to formally meet in-person and to tour the destination and its key tourism



infrastructure and facilities, particularly the waterfront, existing hotels/resorts, Bal Harbour Shops, and the adjacent commercial corridors serving culinary experiences to visitors.

The tour will serve two main goals: **a) Conduct physical audits and assess quality** of key tourism assets and experiences (our team will also pay particular attention to public realm assets such as wayfinding systems and public art/public space), and **b) Host a round of discovery engagement meetings** (including a mix of individual interviews with elected officials and government staff (Mayors, Council Members, Village Manager, etc.), and focus groups with regional industry partners (Greater Miami Conventions and Visitors Bureau, Surfside Tourism Department, Sunny Isles Beach Tourism Department, and Miami Beach Visitors and Convention Authority), local stakeholders such as hotels/meeting spaces/sports facilities and business owners). These early discovery conversations will help us understand destination product, industry resiliency, and needs from the perspective of key industry players.

**TASK 1.3 STRATEGIC REVIEW & MARKETING AUDIT**



Concurrent to the site visit, Resonance will **review critical background documents** including documents pertaining to regional and local economic development, tourism development efforts, and capital planning such as strategic plans for the Village/Tourism Department, tourism program structures and budgets, Village calendar of events, regional transportation/wayfinding plans, cultural master plans, recent brand guidelines (Brand Pillars, Style Guidelines), and any precedent research by your contracted advertising agency (e.g. immersive stakeholder interviews, research, persona creation, and competitive brand audit etc.)

The review will help our team identify existing market conditions and key programs that help shape the destination today. It also provides a baseline understanding of organizational frameworks and existing resources and partnerships that determine success of tourism in the region. This is critical to addressing issues of capacity that might otherwise impede implementation of the Tourism Events & Strategic Plan.

To complement this review, our team will also conduct an **audit of the Village's existing Marketing and Advertising Strategy**. This will focus on meeting future benchmarks by optimizing the earned media (PR), owned media (email database and engagement channels like newsletters), and shared media (social channels), with strategic paid amplification. The audit's goal is to ensure a clear path of engagement for target consumer audiences

and the influencers and trusted media that they look to. The audit will also offer clarity on the efficacy of building an owned audience of the highest-value prospects who know, like and trust Bal Harbour and are open to longer-term engagement. Lastly, the audit will expose any gaps in the pursuit of coveted consumers and where investment is needed.

Given the importance of earned media in the awareness and discovery journey, Resonance will also conduct an **analysis of the target media coverage** garnered by Bal Harbour's competitive cohort destinations. Doing so will crystalize the resonant attributes sought by target media and offer the right story angles to present in media pitches and outreach.

## TASK 1.4 VISITOR SURVEY



The **Visitor Sentiment research** will be conducted via an online survey and will be used to better understand not only the demographics of visitors to Bal Harbour, but their psychographics and future aspirations as well.

As a company that specializes in tourism, hotel and resort development, our expertise and differentiation is in our proprietary industry research, which dives deep across niches and demographics. While other firms focus their research primarily on how travel and tourism is purchased, our work is primarily focused on understanding the motivations and values of travelers and vacation home renters and buyers, the experiences they participate in, the ones they aspire to try and the types of hotels and residences they desire.

Going beyond demographics and approaching the market research from a psychographic perspective will allow us to identify the types of visitors whose values and behaviors best match the vision and goals of the destination, which will allow Bal Harbour Village to shift from a focus on just the quantity of visitors to the qualities of the visitors it is seeking to attract.

Resonance has surveyed thousands of travelers around the world and has created a proprietary segmentation modeling tool that allows you to understand travelers from a psychographic point of view. The segmentation analysis used is both a behavioral and attitudinal segmentation. Three main inputs are used in our segmentation modeling:

- Most important factors taken into account when deciding on a vacation destination;
- Activities enjoyed while on vacation; and
- General attitudes towards vacations

The resulting segmentation solution identifies five key segments of varying sizes with distinct behaviors and attitudes resulting in different demographic profiles and trip characteristics.

## TASK 1.5 LUXURY TRAVEL TREND & HOSPITALITY MARKET RESEARCH



Following the site visit, Resonance will conduct supplementary desktop research to understand regional hotel market performance (occupancy and RevPAR by season and class of product) and any emerging industry-wide and global trends in luxury travel. While our team is already armed with insights from two comparative surveys of U.S. travelers with household incomes of \$500k+ and/or net worth of \$11 million+, including an understanding of where these wealthy travelers are planning to visit, the types of accommodations (quality and amenities) and activities they prefer, we will plan to delve deep specifically into coastal luxury destinations to uncover the kinds of experiences that might appeal to top 1% by the waterfront - or out on the water - and assets, hotel products, and infrastructure required to support these experiences. In addition, we will explore the tastes and lifestyle preferences of high-end travelers from some of the top origin markets outside North America to ensure that the development of any new experiences in Bal Harbour are responsive to the exclusive needs of international travelers.

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## TASK 1.6 COMPETITIVE BENCHMARKING & BEST PRACTICE



Resonance will conduct a qualitative benchmarking exercise to compare Bal Harbour against other upscale coastal destinations in the region and nationally such as Palm Beach, Key Largo, Malibu, Santa Barbara, and Scottsdale. This competitive set will be further refined with input from the Client.

We will look to benchmark the destination in the following categories impacting visitor experience, and customer journey and satisfaction:

- **Visitor Characteristics:** Annual volume, Origin markets, National vs International share
- **Customer Journey:** Marketing Channels & Partnerships, Sales Channels
- **Visitor Experience:** Tourism Products and Anchor Attractions/Assets (Arts/Culture, Outdoor Recreation, Culinary, etc),



Capital Projects/Improvements, Events and Activations (types, frequency)

- **Brand & Marketing:** Paid, Earned, Shared, Owned Media Tactics, Brand Pillars

In addition, we will evaluate best practice and lessons learned from these like-destinations to ensure future recommendations help the destination remain competitive globally - particularly as it seeks to both differentiate within Greater Miami and to increase the overall appeal of Miami as a destination to international luxury travelers.

## TASK 1.7 SITUATIONAL ANALYSIS REPORT

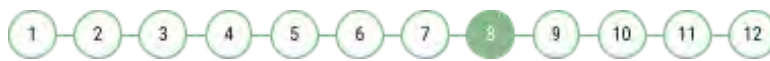


The Situational Analysis Report summarizes findings from the preceding research and engagement tasks and will include an overall SWOT Matrix (Strengths, Weaknesses, Opportunities and Threats) to outline and articulate key issues and opportunities facing Bal Harbour as a coastal luxury destination.

Ultimately, the report is an important milestone in the project that will provide the consultant team and stakeholders a snapshot of “where we are today” and will help identify gaps in the destination’s assets & infrastructure, PR/marketing strategies, and experiences and product offerings to be addressed in the next phase of work. The report will be presented to the Client team remotely and shared externally with stakeholders in the subsequent visioning workshop, and will conclude the first phase of work.

## Phase 2 Visioning & Strategic Plan

### TASK 2.1 VISIONING WORKSHOP



With the Situational Analysis report in hand, Resonance will facilitate two half-day workshops with 1) Village Leadership and Key Staff and 2) Business and Tourism Industry stakeholders.

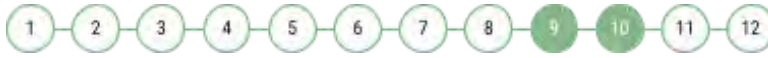
The workshop will be designed to walk attendees through a suite of luxury travel and general tourism industry trends before embarking on an exercise to prioritize the trends that will likely impact Bal Harbour in the next 5 years. In addition, we will walk through a set of visitor profiles (some of which previously identified in the visitor survey segmentation work) to workshop the desired/ideal set of visitor segments for the destination with stakeholder input. The following are key questions we will aim to answer during the workshop?

- Which three international luxury travel trends do you think will have the greatest impact on the future of tourism in Bal Harbour?
- Which three tourism industry trends do you think will have the greatest impact on the future of tourism in Bal Harbour?
- Which three macro trends do you think will have the greatest impact on the future of the village?
- What two traveler segments do you think Bal Harbour should prioritize in the future?
- Based on target audience(s), what actions could we take to drive overnight stays amongst these groups and extend dwell time?
- Based on target audience(s), how do we raise brand awareness amongst these travelers?

Our approach to workshop facilitation is differentiated by three core beliefs:

- Shifting the dialogue from focusing on “What is” to “What could be” through the use of futures techniques and methodologies.
- Engaging two diverse sets of participants in the process who can ultimately support the implementation of the final plan by bringing their perspectives on market-feasibility and governance.
- Utilizing graphic facilitation methods and imagery in strategic exercises to illustrate ideas that are more robust than can be expressed by words alone.

## TASK 2.2 STRATEGIC PLAN

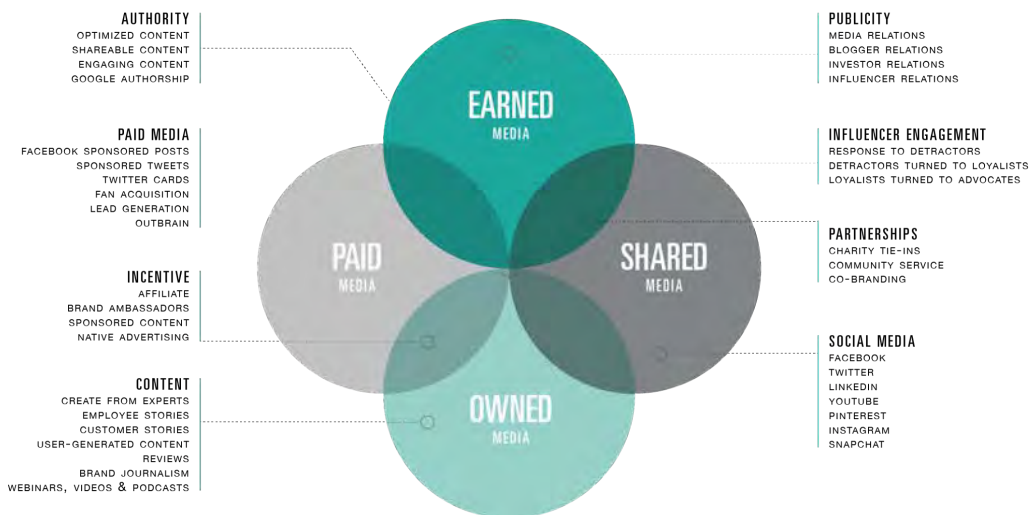


Resonance will then take learnings from the preceding research and workshops to develop a series of interrelated recommendations that will guide the development, management and marketing of tourism and events in Bal Harbour over the next 3-5 years. The Tourism & Events Strategy is a plan that is both aspirational and actionable. It will build consensus between industry stakeholders and destination leaders on the role and responsibilities the tourism industry plays in fostering not only a vibrant economy, but a resilient community as well.

For each of the following areas in the strategic plan, our team will develop goals and objectives, high-level strategies, and specific actions:

### PR, Sales & Marketing

Our team will dive into strategies on how to deliver the brand story using a combination of owned, shared, earned, and paid media (by order of priority) to sustain the marketing across all audiences through omni-channel marketing programs. With an eye to variable budget considerations, strategies will include tactics and recommendations for social media (organic and paid), out-of-home advertising, print, radio, digital, email, web, search (SEO and SEM), PR, industry trades, influencer and long-lead marketing. The strategies will consider past and current programs, success metrics, and proposed KPIs to meet timing, budget and reach goals.



**Experience & Product Development**

Our team will develop recommendations that speak to the management of the visitor experience in key areas such as accessibility/transportation, climate mitigation infrastructure, accommodation, visitor attractions and activities and identify potential areas and opportunities for improvement of the visitor experience or creation of new products in order to sustain return visits and grow audience segments.

**Meetings & Events Development**

Our team will identify best practices in festival, special and sporting event development and provide recommendations as to how the Village and its industry partners should create and manage the development of events in alignment with relevant themes and audiences. In particular, we will review and provide recommendations on venue/infrastructure, attractions, accommodation, and other investments that could help drive demand for these events in Bal Harbour over the next 3-5 years.

**Travel Research and Destination Management**

Finally, our team will also provide recommendations as to how the Village (with support from partners) can enhance management of the destination through building a robust and comprehensive research framework that will help track progress and identify market shortcomings. We will review the research currently used by the Village and provide recommendations on new sources of information and data that can be used to monitor destination performance, with a particular focus on tracking and reporting on international luxury travelers/visitation.

Resonance will compile the above recommendations into a final plan that will be graphically formatted and user-friendly in its organization, narrative and visual appearance.

**TASK 2.3 ACTION PLAN WORKBOOK**



Key to the success of any strategic planning initiative is the corresponding action plan that defines responsibilities (key actors, supporting partners, sponsors/funders), estimated timeline and costs (based on best practice research), level of impact, project risks, KPI, and priority of implementation for each strategy.

Based on our experience creating tourism development and management plans for leading destinations throughout the country, we recommend that





this important step in the process be included as a separate, living document within which the Client Team can manage and monitor the implementation of the plan over time. The action plan will be developed with input from Village staff and leadership of key partners. Depending on the level of interest and political environment, we may choose to facilitate a virtual workshop to review the action plan and refine key responsibilities and timelines. Alternatively, we may create a [Figma board](#) to invite key stakeholders to provide input to a live action plan at their own time.

# Project Fees

## Phase One: Situational Analysis

|  |                 |
|--|-----------------|
| Project Set Up & Kick Off                | \$7,800         |
| Site Visit & Discovery Engagement        | \$17,300        |
| Strategic Review & Marketing Audit       | \$10,725        |
| Visitor Survey                           | \$13,550        |
| Luxury Travel Trend Research             | \$8,925         |
| Competitive Benchmarking & Best Practice | \$10,600        |
| Situational Analysis Report              | \$16,200        |
| <b>Total</b>                             | <b>\$85,100</b> |

## Phase Two: Visioning & Strategic Plan

|                    |                 |
|--------------------|-----------------|
| Visioning Workshop | \$19,150        |
| Strategic Plan     | \$24,125        |
| Action Plan        | \$13,175        |
| <b>Total</b>       | <b>\$56,450</b> |

|                                  |                  |
|----------------------------------|------------------|
| <b>Total Fees</b>                | <b>\$141,550</b> |
| <b>Estimated Travel Expenses</b> | <b>\$9,600</b>   |
| <b>PROJECT TOTAL</b>             | <b>\$151,150</b> |

Based on Resonance hourly fees of \$350/hr for Consulting-Principal, \$275/hr for Consulting-Senior, \$225/hr for Account Direction, Art Direction and Consulting-Associate and \$175/hr for Copywriting, Project Management, Graphic Design and Programming.

# Appendix

**FORM 1**

QUESTIONNAIRE

Firm Name: Resonance Consultancy Inc.

Firm Address: 175 Varick Street, 6th Fl New York, NY 10014

Firm Contact Information: 604-681-0804

Firm Representative (name and title): Christopher Fair

Representative Contact Information: 646-413-8887

Firm Type (circle one):                      Individual                      Partnership                      **Corporation**

If Corporation:

Date and Place of Incorporation: January 8, 2016 New York, NY

If Foreign Corporation:

Date of Registration with Florida Secretary of State:  
March 13, 2020

Name of Resident Agent: Spiegel & Utrera, P.A.

Address of Resident Agent: 1840 SW 22nd Street, 4th Floor Miami, FL 33145

President: Christopher Fair

Vice President: Christopher Fair

Treasurer: Christopher Fair

Board of Directors: Christopher Fair

If Partnership:

Date and Place of Organization \_\_\_\_\_

Partners: \_\_\_\_\_

On a separate sheet of paper, please provide answers to the following questions:

1. Number of years of relevant experience.
2. Please list the names, titles, responsibilities, qualifications and certifications for all staff members, employees, volunteers and/or subcontractors of Proposer that would be involved in the provision of Services.
3. Provide an organizational chart for the Proposer firm.
4. Describe Proposer’s qualifications and experience in the provision of street sweeper services.
5. Have any agreements held by Proposer for a project ever been canceled or terminated?
6. Has Proposer or any of its principals failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, failed to complete a contract or declared to be in default in any contract in the last five years?
7. Has Proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership?
8. Has Proposer or any of its principals or employees been convicted in federal, state, county or municipal court for a violation of law other than a traffic violation?
9. Is the Proposer a party to any pending litigation?
10. Has the Proposer been a party to any lawsuit filed within the last 10 years?
11. Please list any person involved in this Proposal that is not listed above.
12. Please list potential, actual or perceived conflicts of interest in connection with this solicitation.
13. Has Proposer been involved in any discussions regarding a merger or acquisition of its firm, partnership with another firm or a transfer or assignment of its contracts, assets and/or liabilities?

Proposer hereby acknowledges that the information contained in this Questionnaire will be relied upon by the VILLAGE in awarding this solicitation, and such information is warranted by Proposer to be true. The undersigned Proposer agrees to furnish such additional information, prior to acceptance of any Proposal relating to the qualifications of Proposer, as may be required by the VILLAGE. Proposer further understands that the information contained in this Questionnaire may be confirmed through background investigation conducted by the VILLAGE. By submitting this Questionnaire, Proposer agrees to cooperate with said investigation, including but not limited to fingerprinting and providing information for a credit check.

WITNESS:

*IF INDIVIDUAL*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

WITNESS:

*IF PARTNERSHIP:*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name of Firm

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

By: \_\_\_\_\_  
General Partner

\_\_\_\_\_  
Print Name

WITNESS:

Signature  
Vicki Fair



\_\_\_\_\_  
Print Name

*IF CORPORATION:*  
Resonance Consultancy Inc.

\_\_\_\_\_  
Print Name of Firm  
175 Varick Street, 6th Fl New York, NY 10014

\_\_\_\_\_  
Address

By: \_\_\_\_\_  
President

Christopher Fair

\_\_\_\_\_  
Print Name

(CORPORATE SEAL)

Attest: \_\_\_\_\_





# Form 1 Questionnaire

RESONANCE CONSULTANCY

BAL HARBOUR - FL

| Question   | Answer   |
|--|--|
| Number of years of relevant experience   | 16   |
| Please list the names, titles, responsibilities, qualifications and certifications for all staff members, employees, volunteers and/or subcontractors of Proposer that would be involved in the provision of Services.                             | Please refer to individual team resumes/bios (pages 12-15) |
| Provide an organizational chart for the Proposer firm  | Please refer to organizational chart (page 11)             |
| Have any agreements held by Proposer for a project ever been canceled or terminated?   | No   |
| Has Proposer or any of its principals failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, failed to complete a contract or declared to be in default in any contract in the last five years? | No   |
| Has Proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership?  | No   |
| Has Proposer or any of its principals or employees been convicted in federal, state, county or municipal court for a violation of law other than a traffic violation?  | No   |
| Is the Proposer a party to any pending litigation?   | No   |
| Has the Proposer been a party to any lawsuit filed within the last 10 years?   | No   |
| Please list any person involved in this Proposal that is not listed above.   | -  |

# RESONANCE



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Please list potential, actual or perceived conflicts of interest in connection with this solicitation.

---

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No

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Has Proposer been involved in any discussions regarding a merger or acquisition of its firm, partnership with another firm or a transfer or assignment of its contracts, assets and/or liabilities?

---

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No

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**FORM 2**

PERFORMANCE EVALUATION COVER LETTER AND SURVEY  
Number of pages including this cover: 2  
**REQUEST FOR PROPOSALS NO. 2023-02**  
TOURISM AND EVENTS STRATEGIC PLAN DEVELOPMENT

To: JERAD BACHAR

Phone: 412-281-7711

Fax: n/a

E-mail: jerad.bachar@visitpittsburgh.com

RESONANCE CONSULTANCY INC

**Re: Performance Evaluation of** \_\_\_\_\_

To Whom It May Concern:

The Village of Bal Harbour, Florida (the "Village") has issued Request for Proposals No. 2023-02, requesting proposals from qualified and experienced providers. The above-referenced company has chosen to participate in this solicitation process and has listed you as a past or current client for whom they have done work.

In connection with its solicitation, the Village collects past performance information on firms and contractors that provide professional services and compete for Village contracts. The information you provide will be used to assist the Village in the selection of a firm to provide asphalt, concrete, and paver repair services to the Village by a licensed contractor. Both the company and the Village would greatly appreciate you taking a few minutes out of your busy day to complete the accompanying questionnaire.

Please review all items in the following attachment and answer the questions to the best of your knowledge. If you cannot answer a particular question, please leave it blank. Please return this questionnaire to survey to Ramiro J. Inguanzo at 655 96<sup>th</sup> Street, Bal Harbour Village, Florida 33154, or by email at: Ringuanzo@balharbourfl.gov.

Thank you for your time and effort in this matter.

Name, Title

Christopher Fair

President & CEO

RFP NO.2023-02

**PERFORMANCE EVALUATION SURVEY  
BAL HARBOUR VILLAGE RFP NO. 2023-02**

Company Name: Resonance Consultancy Inc.

Point of Contact: Christopher Fair

Phone and email: 646-413-8887 cfair@resonanceco.com

Nature of services provided: Destination Management Planning

Please evaluate the performance of the Contractor Firm and/or Project manager. A score of 10 means you are very satisfied and have no questions about hiring them again, and a score of one is if you would never hire them again because of very poor performance. Please indicate by "N/A" if there is a criteria that does not apply.

| NO. | CRITERIA   | SCORE<br>(1 to 10)      |
|-----|--|-------------------------|
| 1   | Ability to perform the requested services                            |                         |
| 2   | Accessibility of firm's staff and principals                         |                         |
| 3   | Ability to ensure the project is completed on-time and within budget | 1) 10<br>2) 10<br>3) 10 |
| 4   | Responsiveness   | 4) 10<br>5) 10          |
| 5   | Quality of services provided   | 6) 10<br>7) 10          |
| 6   | Quality and accuracy of on-site inspection                           | 8) 10<br>9) 10          |
| 7   | Ability to respond to feedback                                       |                         |
| 8   | Professionalism  |                         |
| 9   | Overall customer satisfaction  |                         |

Overall Comments: \_\_\_\_\_  
Company providing Referral: VISIT PITTSBURGH

Contact Name: JERAD BACHAR 

Contact Phone and e-mail: 412-281-7711. jerad.bachar@visitpittsburgh.com

Date of Services: 2022- Current

Dollar Amount for Services: USD \$288,725

Thank you for your time and effort. Please return this form to Ramiro J. Inguanzo at 655 96<sup>th</sup> Street, Bal Harbour Village, Florida 33154, or by email at: Ringuanzo@balharbourfl.gov.

**FORM 2**

PERFORMANCE EVALUATION COVER LETTER AND SURVEY  
Number of pages including this cover: 2  
**REQUEST FOR PROPOSALS NO. 2023-02**  
TOURISM AND EVENTS STRATEGIC PLAN DEVELOPMENT

To: SYLVIE HERMAN

Phone: +32 (0)2 5514629

Fax: n/a

E-mail: s.herman@visitbrussels

**Re: Performance Evaluation of** RESONANCE CONSULTANCY INC

To Whom It May Concern:

The Village of Bal Harbour, Florida (the "Village") has issued Request for Proposals No. 2023-02, requesting proposals from qualified and experienced providers. The above-referenced company has chosen to participate in this solicitation process and has listed you as a past or current client for whom they have done work.

In connection with its solicitation, the Village collects past performance information on firms and contractors that provide professional services and compete for Village contracts. The information you provide will be used to assist the Village in the selection of a firm to provide asphalt, concrete, and paver repair services to the Village by a licensed contractor. Both the company and the Village would greatly appreciate you taking a few minutes out of your busy day to complete the accompanying questionnaire.

Please review all items in the following attachment and answer the questions to the best of your knowledge. If you cannot answer a particular question, please leave it blank. Please return this questionnaire to survey to Ramiro J. Inguanzo at 655 96<sup>th</sup> Street, Bal Harbour Village, Florida 33154, or by email at: Ringuanzo@balharbourfl.gov.

Thank you for your time and effort in this matter.

Name, Title

Christopher Fair

President & CEO

RFP NO.2023-02

**PERFORMANCE EVALUATION SURVEY  
BAL HARBOUR VILLAGE RFP NO. 2023-02**

Company Name: Resonance Consultancy Inc.

Point of Contact: Christopher Fair

Phone and email: 646-413-8887 cfair@resonanceco.com

Nature of services provided: Destination Branding and Marketing

Please evaluate the performance of the Contractor Firm and/or Project manager. A score of 10 means you are very satisfied and have no questions about hiring them again, and a score of one is if you would never hire them again because of very poor performance. Please indicate by "N/A" if there is a criteria that does not apply.

| NO. | CRITERIA   | SCORE<br>(1 to 10) |
|-----|--|--------------------|
| 1   | Ability to perform the requested services                            | 10                 |
| 2   | Accessibility of firm's staff and principals                         | 10                 |
| 3   | Ability to ensure the project is completed on-time and within budget | 10                 |
| 4   | Responsiveness   | 10                 |
| 5   | Quality of services provided   | 10                 |
| 6   | Quality and accuracy of on-site inspection                           | 10                 |
| 7   | Ability to respond to feedback                                       | 10                 |
| 8   | Professionalism  | 10                 |
| 9   | Overall customer satisfaction  |                    |

Overall Comments:  
Company providing Referral: VISIT BRUSSELS

Contact Name: SYLVIE HERMAN

Contact Phone and e-mail: +32 (0)2 5514629. s.herman@visitbrussels

Date of Services: 2022- Current

Dollar Amount for Services: €1,000,000 (estimated to-date)

Thank you for your time and effort. Please return this form to Ramiro J. Inguanzo at 655 96<sup>th</sup> Street, Bal Harbour Village, Florida 33154, or by email at: Ringuanzo@balharbourfl.gov.

**FORM 3**  
**DRUG-FREE WORKPLACE PROGRAM CERTIFICATION**

Pursuant to Florida Statutes Section 287.087 ("Preference to Businesses with Drug-Free Workplace Programs"), whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

(1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

(2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

(3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).

(4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.

(5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.

(6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

Does the individual responding to this solicitation certify that their firm has implemented a drug-free workplace program in accordance with the provision of Section 287.087, Florida Statutes, as stated above?

YES  , NO

NAME OF BUSINESS: Resonance Consultancy Inc.

SIGNATURE:  \_\_\_\_\_

RFP NO.2023-02

**FORM 4**  
SWORN STATEMENT PURSUANT TO  
FLORIDA STATUTE SECTION 287.133(3)(a) ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to Bal Harbour Village, Florida.  
by: Christopher Fair President & CEO  
*(print individual's name and title)*  
for: Resonance Consultancy Inc.  
*(print name of entity submitting sworn statement)*  
whose business address is: 175 Varick Street, 6th Fl New York, NY 10014  
and (if applicable) its Federal Employer Identification Number (FEIN) is:  
81-1030067.  
(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_.)
2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
  - a. A predecessor or successor of a person convicted of a public entity crime; or
  - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

RFP NO.2023-02

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, Shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which statement applies).
- Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with ad convicted of a public entity crime subsequent to July 1, 1989.
  - The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
  - The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

  
\_\_\_\_\_  
Signature

Sworn to and subscribed before me this 15 day of May, 2023.

Personally known \_\_\_\_\_  
\_\_\_\_\_

OR

Produced identification  \_\_\_\_\_  
\_\_\_\_\_

passport \_\_\_\_\_  
\_\_\_\_\_

*Type of identification*



Notary Public, State of **Virginia**  
**County of Norfolk**

My commission expires:

*Printed, typed or stamped commissioned name of notary public*





## Vancouver

306-1040 Hamilton St.  
Vancouver, BC V6B 2R9  
P +1 604 681 0804

## New York

175 Varick St, 6th Floor  
New York, NY 10014  
P +1 646 413 8887

## Montréal

3500 St Jacques St.  
Montréal, QC H4C 1H2  
P +1 438 888 0161

## Singapore

46 Kim Yam Rd., #01-05/06/07  
Singapore 239351  
P +65 8116 7444

[info@resonanceco.com](mailto:info@resonanceco.com)



[@resonanceco](https://www.instagram.com/resonanceco)  
[resonanceco.com](http://resonanceco.com)



# Tourism & Events Strategic Plan

JULY 10, 2023

Village of Bal Harbour



Hello!

Principal-In-Charge



**Chris Fair**  
President, CEO  
cfair@resonanceco.com

Project Lead, Destination  
Development



**Nur Asri**  
Director, Consulting  
nasri@resonanceco.com

Marketing &  
Communications



**Tom Gierasimczuk**  
VP, Communications  
tom@resonanceco.com

# Agenda

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About Us

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The Opportunity

---

Our Process & Approach

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Question & Answer

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# We Are Placemakers

Based in New York, Vancouver, Montreal and Singapore, Resonance creates transformative strategies, plans, brands and campaigns that help destinations, cities and communities realize their full economic potential.

|      |                                      |
|------|--------------------------------------|
| 4    | Offices around the world             |
| 10   | Languages spoken                     |
| 100+ | Projects for cities around the world |
| 50%  | Women in leadership roles            |
| 28%  | BIPOC & LGBTQ Employees              |

# We are destination development & marketing experts

---

## Research

01  
We are a leading authority on affluent travellers and offer a unique approach to benchmarking the performance of destinations.

- Consumer Research
  - Market Analysis
  - Performance Benchmarking
  - Economic Forecasting
- 

## Strategy

02  
We create strategies and plans for sustainable destination marketing and development.

- Organizational Strategic Planning
  - Destination Master Planning
  - Marketing Strategy
- 

## Branding

03  
We express the identity, essence and experience of a place and bring it to life through art and copy.

- Brand Strategy
  - Brand Story & Messaging
  - Brand Identity
- 

## Marketing

04  
We attract visitors with creative campaigns, content and communications.

- Video Production
  - Advertising Campaigns
  - Social Media Management
  - Media Relations
-

Our clients

We partner with the world's leading destinations and hoteliers





# We are a leading authority on the future of luxury travel.

“Luxury travel and tourism has not only recovered, but grown over the past three years. However, there have been significant changes in where affluent travelers want to go and the types of activities and experiences they want to enjoy.”

- CHRIS FAIR, RESONANCE CEO

---

Resonance has been studying and monitoring the intentions and preferences of the wealthiest and most affluent travelers since 2008

- Preferred Destinations
- Preferred Accommodations
- Desirable Activities & Experiences
- Path to Purchase
- Media Consumption

# The luxury traveler today is also looking for discovery.

They want to experience a place not only from the confines of their luxury accommodation and its amenities and services, but through exploration and interaction with a destination's cuisine, culture, landscapes and people.

Cultural  
Adventures

Conscious  
Consumption

All-in-cations  
& Workations

Wellbeing

# Scottsdale

Defining the Future of Affluent Travel  
Post-Covid

A clear and shared vision for one of the country's most recognized and desirable destinations - a luxury destination in the heart of the Sonoran Desert.

## Opportunity

# How do we leverage our position as an affluent travel destination?

Scottsdale is a desirable destination that benefits from an attractive image both nationally and internationally, supported by a unique product offering and visitor experience. The future brings enormous opportunities for tourism to take center stage considering its significant contribution to economic growth and development – \$3.3 billion in economic impact and 26,627 jobs in 2019, and \$2.5 billion in economic impact and 21,258 jobs in 2021.



# Approach

## Assess and benchmark

tourism assets and experiences

## Identify & Evaluate the Key Trends

and changes in consumer preferences and supply-side realities

## Engage stakeholders

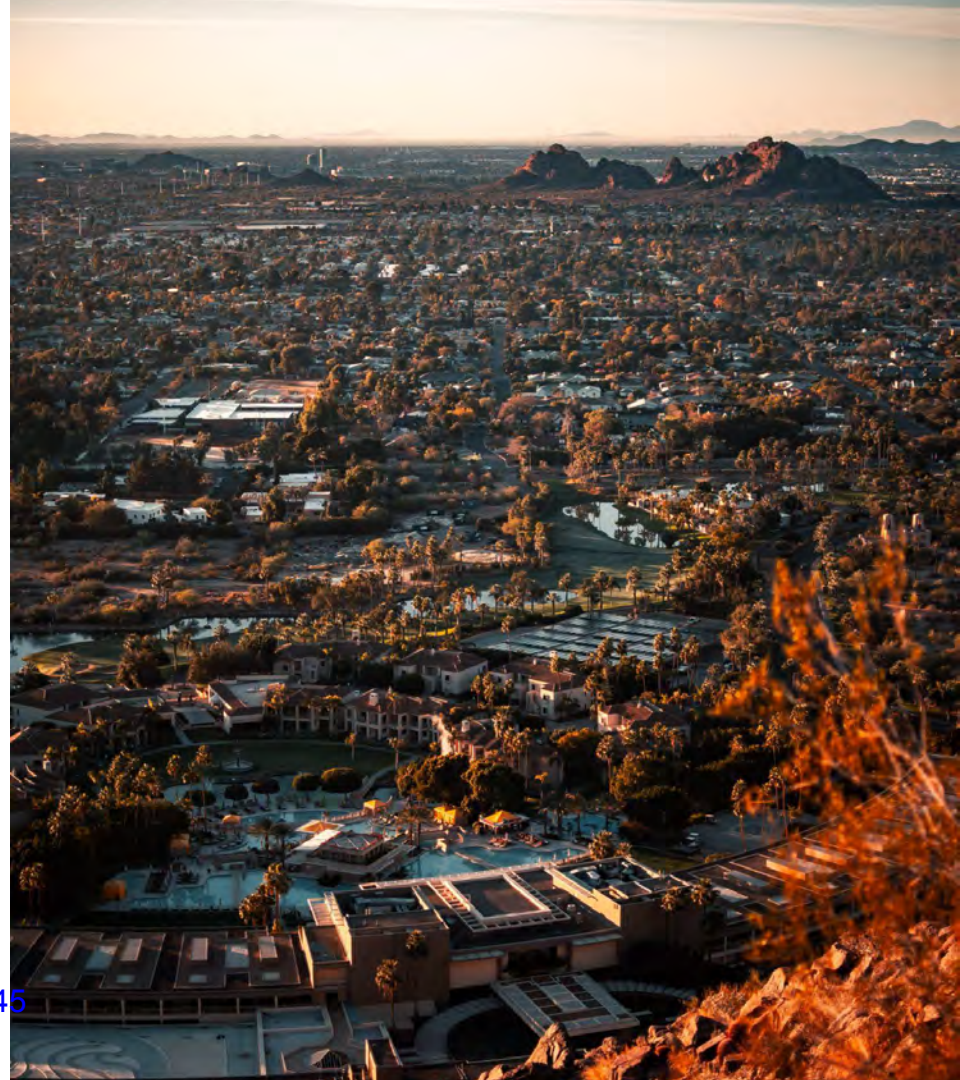
to better understand industry aspirations, challenges, and opportunities..

## Develop a Tourism & Events Strategy

that provides a roadmap for the management and marketing of tourism in Scottsdale.

## Survey past visitors

to better understand current perceptions and identify motivating factors driving choice for destination.



## Experience Pillars

1. Community Well-Being
2. Culture & Creativity
3. Festivals & Events
4. Meetings & Events
5. Outdoor Pursuits
6. Placemaking & Entertainment
7. Sports Tourism
8. Travel & Hospitality



# Bellevue

Transforming a suburban city

A Destination Development Plan for Seattle's little sister.

WESTIN

Opportunity

# Developing a new urban destination for affluent leisure visitors and businesses

The City of Bellevue Washington (Economic Development Department) in cooperation with Visit Bellevue Washington selected Resonance Consultancy thru an RFP process to develop a Destination Development Strategy for Bellevue to identity hardware, software and protocols for the future development of Bellevue as a business and leisure destination.





## Key Recommendations

1. Brand Positioning & Marketing
2. Hotel Development
3. Grand Connection
4. Meetings & Events
5. Nightlife
6. Multiculturalism
7. Storytelling & Communications
8. Regional Collaboration



# Costa Palmas

## Birthing the East Cape

Resonance introduced affluent travelers to the road less traveled in Cabo, creating awareness and desire for a thrilling new luxury destination that would become home to both Four Seasons Resort and Residences and an Aman Resort and Residences.

250

## Context & Challenge

# Everyone in the world knows Cabo San Lucas.

Few knew the calm, jewel-bright Sea of Cortés and the uncrowded towns of the East Cape, which are just a few miles away across the Baja. The Resonance mandate was to envision, name, brand and create stories and advertising for a **1,000-acre oceanfront resort property** on the East Cape where few had set foot—to entice luxury travelers to turn, physically and mentally, away from Cabo and into a new, more adventurous landscape and spirit.

With our extensive resort experience—and employing the findings of our respected Future of Luxury Travel Report—we created a distinct and differentiated language and visuals. We successfully engaged some of the world's most sophisticated travelers and attracted its best hospitality brands, Four Seasons and Aman, as the resort's the deep-water yacht slips, marina village, golf course and resort village took shape.



## Approach

# Sea of Dreams

We began, after our Development Strategy and Storyline, by building on traditional names and places in the area. By naming the property Costa Palmas, we took “possession” of the entire coast of the East Cape. The logo was designed to be elegant and timeless; Costa Palmas could have been built yesterday, or a half-century ago; it had the patina of a destination of both mystery and excitement.

Our first content told the story of the calm and swimmable waters of the Sea of Cortés—a clear differentiator from the beaches of Los Cabos. We dubbed it the Sea of Dreams and created a narrative about a place of elemental luxury and spirited adventure where young, wealthy families could safely bring their children, and where exploration of the waters would reveal a rich new world.



## Approach

# Hospitality & Harmony

While Four Seasons and Aman were physically located at opposite ends of the property, Aman's first resort community in the Americas found common ground with Four Seasons in the form of a Beach Club that was built between them. Resonance envisioned and strategically positioned the club as a gathering place for the free-spirited and social loyalists of both brands, directing photography and creating videos that were true to each brand.

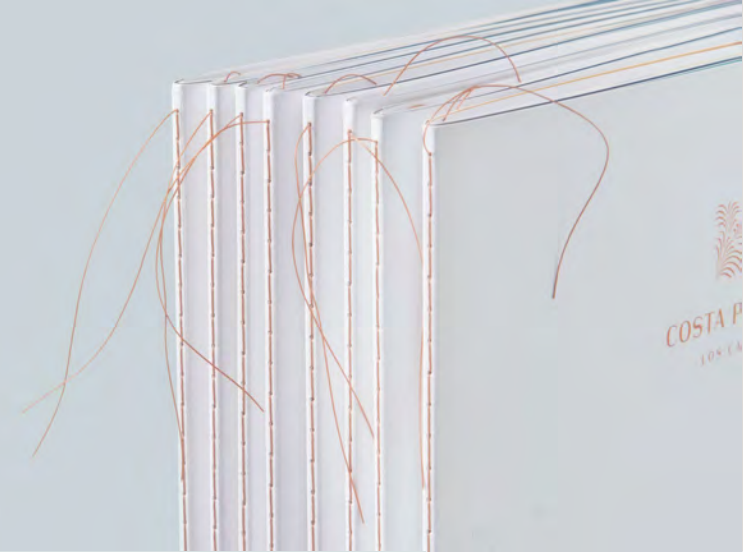


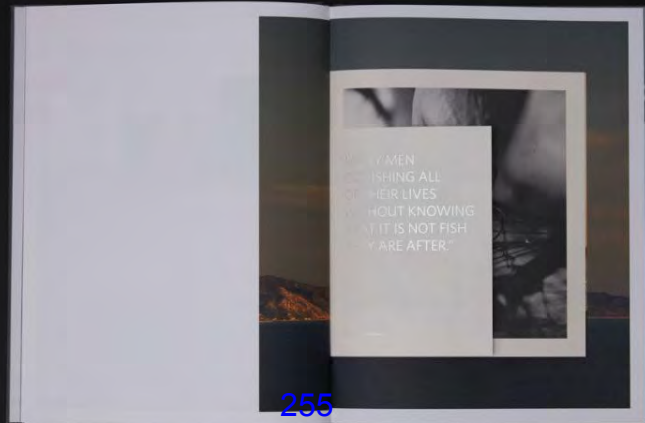
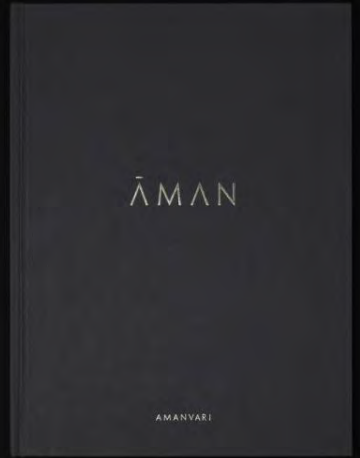
FOUR SEASONS

RESORT

LOS CABOS AT COSTA PALMAS™

AMANVARI





255



Impact

# New Life on the East Cape

Since 2018, Four Seasons Resort Los Cabos at Costa Palmas has sold homes ranging from jaw-dropping 10,000 sq. ft. custom sanctuaries on the water to breezy marina condominiums. Aman Residences, which came onto the market in 2019, are experiencing exceptional interest as travelers turn vacation destinations into second or third homes post-pandemic.

Costa Palmas successfully positioned the entire East Cape as a place as adventurous as it was elegantly elemental, the rarefied high end of a growing luxury market in Cabo. Today, other developments are following suit, resulting in a highly differentiated and desirable luxury destination.





## The Opportunity

Bal Harbour has the potential to reach new audience segments within Greater Miami. Together, we will build upon the exciting infrastructure changes to expand traveler demand, spending and tax revenues.

# Our Approach

A process rooted in consumer insights, competitive benchmarking, and best practices.

## Where We Are & Our Opportunities

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**01**  
Kick Off

---

**02**  
Site Visit & Discovery  
Engagement

---

**03**  
Strategic Review & Marketing  
Audit

---

**04**  
Past Visitor Survey

---

**05**  
Luxury Travel Trends

---

**06**  
Competitive Benchmarking &  
Best Practices

---

## Where Do We Want To Go

---

**01**  
Visioning Workshop

---

## How Do We Get There

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**01**  
Strategic Plan

- PR & Marketing
  - Experience & Products
  - Meetings & Events
  - Travel Research & Destination Management
- 

**02**  
Action Plan

---

# A Roadmap

A public facing designed report shared with your community and stakeholders

**Chapter 1:** State of the Destination Today

**Chapter 2:** Our Target Audiences

**Chapter 3:** Our Common Vision & Experience Pillars

**Chapter 4:** Key Strategies

**Chapter 5:** Action Plan (Governance, Priority/Phasing, Key Performance Indicators)



# Suggested Timeline

|   | Week                                     | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|--|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|
| Phase 1:<br>Situational<br>Analysis       | Project Kick-Off                         | ● |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |
|   | Site Visit & Discovery Engagement        |   | ● | ● |   |   |   |   |   |   |    |    |    |    |    |    |    |
|   | Strategic Review & Marketing Audit       |   | ● | ● | ● |   |   |   |   |   |    |    |    |    |    |    |    |
|   | Visitor Survey                           |   | ● | ● | ● | ● | ● | ● |   |   |    |    |    |    |    |    |    |
|   | Luxury Travel Trend Research             |   |   |   | ● | ● |   |   |   |   |    |    |    |    |    |    |    |
|   | Competitive Benchmarking & Best Practice |   |   |   | ● | ● | ● |   |   |   |    |    |    |    |    |    |    |
|   | Situational Analysis Report              |   |   |   |   |   |   |   | ● | ● |    |    |    |    |    |    |    |
| Phase 2:<br>Visioning &<br>Strategic Plan | Visioning Workshop                       |   |   |   |   |   |   |   |   |   | ●  |    |    |    |    |    |    |
|   | Strategic Plan                           |   |   |   |   |   |   |   |   |   |    | ●  | ●  | ●  | ●  |    |    |
|   | Action Plan                              |   |   |   |   |   |   |   |   |   |    |    |    |    |    | ●  | ●  |

# Question & Answer

We can't wait  
to work with you  
in Bal Harbour.

CONTACT

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[info@resonanceco.com](mailto:info@resonanceco.com)

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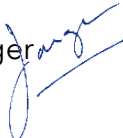
RESONANCE

# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: July 18, 2023

SUBJECT: **Discussion Regarding Sargassum Exclusion Device Concept Analysis**

### **BACKGROUND**

During the Village Council meeting on March 27, 2023, a Discussion Item "Sargassum Movement towards Florida" was presented. The presentation and conversation resulted in the request for Village Environmental Engineers Cummins Cederberg to conduct an analysis with associated probable costs, of Sargassum exclusion systems that are currently in-use and the potential to install a similar system along Bal Harbour Beach.

As requested, Cummins Cederberg has prepared a comprehensive analysis with probable costs and a Power Point Presentation for your review and continued discussion. In advance of this meeting, a Letter to Council (LTC), was transmitted to the Council members on July 11, 2023, and individual briefings scheduled for each of you on July 12, 2023.

Additionally, the Executive Summary of the attached Cummins Cederberg Sargassum Report is provided below for your reference.

### Temporary Floating In-water Sargassum Barrier

#### Executive Summary:

Bal Harbour's Coastal Management Program has been exploring the possibility of an in-water sargassum management strategy to prevent accumulation of sargassum on the beach and in the nearshore area associated with the Village's known hotspot immediately south of the Baker's Haulover Inlet's south jetty. The project concept is an in-water floating sargassum barrier to be temporarily deployed for 3 months during the peak of sargassum season between May - August; extending from the end of the jetty to approximately 1,000 feet south to connect at the northernmost relic beach groin. The barrier would preclude sargassum from accumulating on the beaches of the northernmost 4 properties in the Village.

Sargassum, a floating brown macroalgae in the open ocean, is essential fish habitat, supporting a complex and diverse biological community historically found in the nutrient-limited environment of the Sargasso Sea in the Atlantic Ocean. However, since 2011, the seasonal bloom has grown into the Great Atlantic Sargassum Belt spanning from West Africa to the Gulf of Mexico. Ocean currents move the sargassum mats into Florida's

nearshore area and onto the beach where it becomes a public nuisance, as well as a risk to public health, ecology, and local economies. In 2023, the sargassum expected to reach Florida's beaches was predicted to be the largest on record based on early satellite image analysis. However recent updates from the June satellite imagery shows a significant reduction of biomass in the Belt and therefore, Florida will likely see little sargassum until next year's bloom. Typical methods for managing the clean-up of sargassum that collects along Florida's beaches include hand raking and mechanical raking with heavy equipment used to mix or bury the sargassum within the wet portion of the beach or collect it and haul it offsite to a landfill. The County has been managing the accumulations on the beach by raking it and disposing of it in various ways. Very little in-water management of sargassum is occurring in Florida other than some limited examples in calm water and canals on beaches with no nesting sea turtles, mainly in the Keys. In-water sargassum barriers are becoming more widely used in the Caribbean and Mexico. The Village's project concept would be the largest in-water sargassum project in the state.

The project would require environmental permits from the local, state, and federal regulatory agencies. The biggest hurdles in permitting will be determining the fate of the sargassum through modeling, and the impacts the barrier may have on marine turtles and other protected species. Additional permitting considerations include determining who should be the applicant (County or Village), how the barrier would attach to the jetty and the shore, coordinating with the federal beach and groin project, modifying easements held by the Village from the State of Florida for the jetty and the groin, and developing the details of the physical and biological monitoring plans. Interviews with sargassum barrier manufacturers (ABASCO, ELASTEC, GEI Works, DESMI, and others) were conducted to inform the feasibility of the project concept. The DESMI product is recommended and carries a 3-year warranty. The overall permitting process is expected to take 1.5 to 3 years, with the federal and local permitting anticipated to be rigorous.

A rough order of magnitude budget for the project was developed assuming it would be redeployed each sargassum season for the next 5 years. The ROM estimate is \$1.86M in Year 1, and a total of \$6.02M over 5 years. It is adjusted for inflation and includes the barrier system components, installation, maintenance, monitoring, the purchase of a new barrier system in Year 4, and the potential removal in advance of significant storms. The largest costs associated with this project are the initial engineering design and permitting cost in Year 1 (~32% of total cost) and the daily biological monitoring during the seasonal deployment (~29% of total project cost in Year 1, 71% in Years 2 & 3). After review and discussion, I recommend that the Council authorize completion of these efforts and that the Village pattern the revisions to its ordinance after the provided Model Illicit Discharge and Connection Stormwater Ordinance. If approved, a first reading of the proposed ordinance will be developed and placed on the March Village Council meeting agenda.

Attached:

1. July 11, 2023, Letter to Council (LTC) Sargassum Exclusion Device Concept Analysis
2. Cummins Cederberg Sargassum Report
3. Cummins Cederberg Power Point Presentation




# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 108-2023

To: Mayor Jeffrey P. Freimark and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: July 11, 2023  
Subject: **Sargassum Exclusion Device Concept Analysis as Prepared by Cummins Cederberg**

The purpose of this Letter to Council (LTC) is to transmit to you information related to the March 27, 2023, Council meeting Discussion Item topic, "Sargassum Movement towards Florida". The presentation and conversation resulted in the request for Village Environmental Engineers Cummins Cederberg to conduct an analysis with associated probable costs, of Sargassum exclusion systems that are currently in-use and the potential to install a similar system along Bal Harbour Beach.

We have scheduled individual briefings for you on Wednesday July 12, 2023, to review the report and corresponding data. Additionally, a Discussion Item to follow-up will be placed on our July 18, 2023, Villager Council meeting agenda.

If you have any questions, please feel free to contact John Oldenburg or me directly.

Attached:

1. Cummins Cederberg Sargassum Report
2. Cummins Cederberg Power Point Presentation

JMG/JO

## Memorandum

To: John Oldenberg  
From: Danielle H. Irwin  
CC: J. Gonzalez, J. Cummins, L. Barrera Allen  
Date: July 11, 2023  
Project Name: Village of Bal Harbour Coastal Management Program Support  
Project Number: 77800  
Re: Temporary Floating In-water Sargassum Barrier

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## Executive Summary

Bal Harbour's Coastal Management Program has been exploring the possibility of an in-water sargassum management strategy to prevent accumulation of sargassum on the beach and in the nearshore area associated with the Village's known hotspot immediately south of the Baker's Haulover Inlet's south jetty. The project concept is an in-water floating sargassum barrier to be temporarily deployed for 3 months during the peak of sargassum season between May – August; extending from the end of the jetty to approximately 1,000 feet south to connect at the northernmost relict beach groin. The barrier would preclude sargassum from accumulating on the beaches of the northernmost 4 properties in the Village.

Sargassum, a floating brown macroalgae in the open ocean, is essential fish habitat, supporting a complex and diverse biological community historically found in the nutrient-limited environment of the Sargasso Sea in the Atlantic Ocean. However, since 2011, the seasonal bloom has grown into the Great Atlantic Sargassum Belt spanning from West Africa to the Gulf of Mexico. Ocean currents move the sargassum mats into Florida's nearshore area and onto the beach where it becomes a public nuisance, as well as a risk to public health, ecology, and local economies. In 2023, the sargassum expected to reach Florida's beaches was predicted to be the largest on record based on early satellite image analysis. However recent updates from the June satellite imagery shows a significant reduction of biomass in the Belt and therefore, Florida will likely see little sargassum until next year's bloom.

Typical methods for managing the clean-up of sargassum that collects along Florida's beaches include hand raking and mechanical raking with heavy equipment used to mix or bury the sargassum within the wet portion of the beach or collect it and haul it offsite to a landfill. The County has been managing the accumulations on the beach by raking it and disposing of it in

various ways. Very little in-water management of sargassum is occurring in Florida other than some limited examples in calm water and canals on beaches with no nesting sea turtles, mainly in the Keys. In-water sargassum barriers are becoming more widely used in the Caribbean and Mexico. The Village's project concept would be the largest in-water sargassum project in the state.

The project would require environmental permits from the local, state, and federal regulatory agencies. The biggest hurdles in permitting will be determining the fate of the sargassum through modeling, and the impacts the barrier may have on marine turtles and other protected species. Additional permitting considerations include determining who should be the applicant (County or Village), how the barrier would attach to the jetty and the shore, coordinating with the federal beach and groin project, modifying easements held by the Village from the State of Florida for the jetty and the groin, and developing the details of the physical and biological monitoring plans. Interviews with sargassum barrier manufacturers (ABASCO, ELASTEC, GEI Works, DESMI, and others) were conducted to inform the feasibility of the project concept. The DESMI product is recommended and carries a 3-year warranty. The overall permitting process is expected to take 1.5 to 3 years, with the federal and local permitting anticipated to be rigorous.

A rough order of magnitude budget for the project was developed assuming it would be redeployed each sargassum season for the next 5 years. The ROM estimate is \$1.86M in Year 1, and a total of \$6.02M over 5 years. It is adjusted for inflation and includes the barrier system components, installation, maintenance, monitoring, the purchase of a new barrier system in Year 4, and the potential removal in advance of significant storms. The largest costs associated with this project are the initial engineering design and permitting cost in Year 1 (~32% of total cost) and the daily biological monitoring during the seasonal deployment (~29% of total project cost in Year 1, 71% in Years 2 & 3).

## Introduction

The Village has been exploring in-water sargassum management strategies since 2020, prompted by concerned beach-front property owners in the vicinity of the Village's sargassum hot spot immediately south of the Baker's Haulover Inlet's south jetty. Predictions in early 2023 of an especially bad sargassum season for Florida renewed the Village's interest in in-water sargassum management. On May 4, 2023, Cummins Cederberg issued a memorandum to the Village on the Permitting Strategy, Timing, and Estimated Costs of a proposed in-water sargassum barrier for the Village hot spot, **attached**. This memorandum updates the information in the May Memo and should serve to inform the Village's next steps with respect to in-water sargassum management.

The project concept being explored by the Village is an in-water floating sargassum barrier to be temporarily deployed for 3 months during the peak of sargassum season between May – August<sup>1</sup> to prevent sargassum accumulation in the nearshore and beach area in the Village's hot spot. The barrier would have a float above water, a skirt hanging a few feet into the water, and would

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<sup>1</sup> Marine turtle nesting season in Miami-Dade County is May 1 to October 31. Hurricane season in Florida is June 1 to November 30, with August to October being most active.

be anchored in place on the seafloor. The barrier ends would have a northern terminus at/near the jetty end, and a southern terminus on the shore at the location of northernmost relict groin, approximately 4 parcels south of the jetty. Multiple outreach meetings with regulatory agencies, manufacturers, and other stakeholders have been underway since May and are ongoing. Additional permitting considerations and a rough order of magnitude cost estimate for the conceptual project is included.<sup>2</sup>

## Why & How are we dealing with Sargassum?

Sargassum, a large, brown macroalgae that floats, blooms seasonally in the open ocean, and has been historically limited to the Sargasso Sea in the Atlantic Ocean. It is considered essential fish habitat for organisms that have adapted to the floating mats including crab, shrimp, sea turtles, and commercially important fish species such as tuna and marlin. Sargassum sinks as it rots, sequestering carbon in the deep ocean (i.e. a carbon sink). Sargassum on the beach can be important for fertilizing dune plants and harboring crustacean and insect species vital for resident and migratory shorebirds.<sup>3</sup> While sargassum is a natural phenomenon first reported by Christopher Columbus in the 15<sup>th</sup> century,<sup>4</sup> the increased volumes during the past decade that are in the Caribbean and Gulf of Mexico, and eventually onto Florida's beaches, is cause for concern.

Since approximately 2011, the density and aerial extent of the sargassum bloom has been expanding, mainly due to increased nutrients from ocean upwelling in the eastern Atlantic, nutrients in river runoff from the Amazon and Mississippi Rivers, and altered ocean currents. In 2019, Wang *et al* analyzed satellite imagery between 2000 and 2019 to document the seasonal sargassum bloom's change as of 2011 into a belt that expands from West Africa to the Gulf of Mexico, known as the Great Atlantic Sargassum Belt.<sup>5</sup> The 2018 bloom was, at the time, the world's largest macroalgae bloom, an 8,850-kilometer-long belt containing more than 20M metric tons of sargassum biomass. The annual blooms in the tropical Atlantic and Gulf of Mexico appear to be adversely affected by higher-than-normal sea surface temperatures, which suppress sargassum growth.<sup>6</sup> Sargassum masses can get caught up in ocean currents, bringing it to Florida beaches. Reversal of the trend of worsening sargassum blooms will depend in large part upon international cooperation in the reduction of nutrient runoff from land associated with agricultural and other land use practices.

Typical methods for managing the clean-up of sargassum that collects along Florida beaches include hand raking and mechanical raking with heavy equipment used to mix or bury the sargassum within the wet portion of the beach or collect it and haul it offsite to a landfill. Incorporating the sargassum and other organic material within the sand while raking maintains

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<sup>2</sup> No engineering analysis of the concepts has been done by Cummins Cederberg beyond review of the existing data available on the coastal conditions at the project site.

<sup>3</sup> <https://myfwc.com/research/about/ear/sargassum/>

<sup>4</sup> July 2019, Wang *et al*, The Great Atlantic Sargassum Belt. <https://www.science.org/doi/10.1126/science.aaw7912>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid

the beach integrity by incorporating the sand adhering to the sargassum and helps reduce beach erosion. Landfill disposal is not a sustainable option as sargassum volumes in Florida are likely to continue increasing. Options other than a landfill include composting, although levels of heavy metals including arsenic and cadmium limit the scalability of this option. Florida State Parks with beaches do not actively manage sargassum, preferring to leave it in place. Bill Baggs State Park was knocked off the 2023 “Top 10 Beaches” list by Dr. Leatherman of the Florida International University. Bill Baggs used to be considered one of the nation’s top beaches on Leatherman’s list, but it is no longer listed is because of its policy of not removing sargassum.<sup>7</sup> The “leave be” management approach for state park beaches may not be an effective long-term strategy.

Floating booms/barriers can be used to divert the sargassum and debris to a designated portion of the beach for easier cleanup, brought offshore to a carbon sink area where it could be pumped into deep water, or harvested for some other purpose. The use of floating containment booms to deflect and minimize the accumulation of sargassum has occurred in the Caribbean and Mexico. Rare uses in Florida have been mainly limited to discrete projects in the Keys in calm waters such as coves, canals, and swimming areas. These areas were also not known to be marine turtle nesting beaches. Harvesting of in-water sargassum is heavily regulated under state and federal laws and not common in Florida.

Internationally, uses of the sargassum including converting it into eco-bricks for construction and into biofuel are growing. The Massachusetts Institute of Technology (MIT) released “Sustainability and the Caribbean: A solution to Sargassum Seaweed Invasions” in March of 2021. Their proposed solutions include Sargassum Ocean Sequestration of Carbon<sup>8</sup> (SOS Carbon) which is an open ocean vessel to intercept and sink sargassum (pumping it to a depth where it becomes negatively buoyant) preventing sargassum landfall across a wide area, while sequestering carbon dioxide contained in the algae. They also proposed the Littoral Collection Module (LCM) system that is a low-cost modular device that retrofits onto a small vessel and is used to harvest sargassum before it makes landfall. MIT is still working on the vessel mounted system and does not yet have an operation model.

Both Miami-Dade County and the City of Miami Beach have solicited information from the public in early 2023 on innovative methods for dealing with sargassum in the water and beneficial uses of sargassum. The results of those Requests for Information have been requested and will be reviewed upon receipt. The County’s 2022-23 Adopted Budget and Multi-year Capital Plan includes \$3.9M of continued funding to evaluate the impacts of and need to manage increased amounts of sargassum on the beach.

## **Sargassum Forecast for 2023 Improves.**

South Florida communities, including the Village, have been concerned over the dire predictions of a massive sargassum bloom in 2023 based on analysis of satellite imagery by the University

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<sup>7</sup> <https://kbindependent.org/2023/05/18/sargassum-knocks-bill-baggs-and-other-florida-spots-from-best-beach-list/>

<sup>8</sup> <https://soscarbon.com/about-us>

of South Florida (USF) in the early months of this year's sargassum season. In April, Miami-Dade County beaches started seeing an influx of sargassum that was documented by the County as the largest April collection volumes from the beach hot spots since the County started keeping track in 2019 (see Figure 1).

Currently, there is little sargassum in the Gulf of Mexico and the western Caribbean Sea. USF updated its predictions at the end of May based on a shrinking biomass footprint in the satellite imagery of the Belt. Future forecasts predict that it will continue to decrease. USF's Dr. Hu has hypothesized that stronger winds in June, storms, and atmospheric circulation pushed it away from the high-risk areas. Additionally, higher-than-normal sea surface temperatures in June versus April likely contributed to the decrease in sargassum biomass in the Belt. According to USF, the sargassum is expected to stay away from Florida for the rest of the summer.

Based on the updated sargassum predictions, management of sargassum that does accumulate on the beach during the remainder of this year could be handled as it has been in recent years, by the County raking the beach hot spots. Future years may still see large volumes of sargassum in the summer months, although predictions are difficult to make and there is much left to learn about the science of the Great Atlantic Sargassum Belt.

## What are the Risks from Increasing Sargassum Accumulation?

An increase in the volume of sargassum arriving on Florida beaches is a concern because of the three-pronged risk it poses to **public health, ecology, and local economies**. Sargassum presents a public health nuisance with tiny sea creatures in the sargassum that can irritate skin, and with the hydrogen sulfide gas<sup>9</sup> released from rotting sargassum that can irritate the eyes, nose, and throat, with potential effects worse for those with breathing difficulties such as asthmatics. The Florida Department of Health issued a sargassum fact sheet, updated March 2023, recommending avoiding touching or swimming near the sargassum to prevent stinging by organisms in the sargassum, and avoiding or limiting time on the beach for those with respiratory problems.<sup>10</sup> Unfortunately, public health management strategies can worsen the economic impacts felt by the beachside community and related commercial services such as hotels and restaurants if the public avoids visiting the beach areas.

Large amounts of sargassum in the nearshore can clog water intake pipes at critical infrastructure facilities such as wastewater treatment plants or desalinization plants. If these facilities were to go offline, a public health emergency may arise. The Biden Administration declared a federal emergency in July 2022 after the U.S. Virgin Islands warned of "unusually high amounts" of sargassum affecting water production at a desalination plant near St. Croix that was already struggling to meet demand amid a drought. The President's action authorized FEMA to coordinate all disaster relief efforts which had the purpose of alleviating the hardship and suffering caused

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<sup>9</sup> Arthur, K. E., *et al.*, (2020). Coastal sargassum and its implications for coastal tourism and human health: a review. *Journal of Environmental Management*, 261, 110207.

<sup>10</sup> [https://www.floridahealth.gov/environmental-health/beach-water-quality/\\_documents/sargassum-factsheet-appr-final.pdf](https://www.floridahealth.gov/environmental-health/beach-water-quality/_documents/sargassum-factsheet-appr-final.pdf)

by the emergency on the local population. FEMA managed the federal emergency aid made available to the territory to supplement the U.S. Virgin Islands response efforts to the emergency conditions resulting from a water shortage and health impact from the unprecedented sargassum seagrass influx.<sup>11</sup>

Many news outlets across Southeast Florida recently erroneously reported that the sargassum washing up onshore contained *Vibrio vulnificus*, a flesh-eating bacterium that has been recognized as a significant cause of human mortality. However, the news had misinterpreted a study published by Dr. Tracey Mincer of Florida Atlantic University (FAU) and co-authors regarding various bacteria found in the sargassum; none were *Vibrio vulnificus*. Research by Dr. Mincer concluded that *Vibrio vulnificus* is only found in brackish waters (i.e., estuaries, salt marshes, and mangrove swamps), not the open ocean which has salinity levels too high for it to thrive.<sup>12</sup> Dr. Brian Lapointe, a Principal Investigator at FAU, also commented on the news articles during our outreach call with him in June 2023, confirming that the news outlets mistook another *Vibrio* bacterium that is not flesh-eating found in the study for *Vibrio vulnificus*.

Accumulations of sargassum can cause significant impacts to the nearshore and beach ecosystem, depending on what marine resources are found in the area. Sargassum on the beach can be an impediment to marine sea turtle nesting and their hatchlings. All sea turtles found in Florida, including the loggerhead turtle which nests in the Village, are listed and protected under the U.S. Endangered Species Act and under state statutes. A 2022 study found that the impact of increased sargassum densities on marine turtle hatchling recruitment has transitioned from a minor nuisance to potentially catastrophic for turtle populations along the southeast Florida nesting sites.<sup>13</sup> In the lower oxygen concentrations (hypoxia) created by sargassum blooms, sea turtles are forced to struggle through the dense mats to dig their nests. Decaying sargassum atop nests may lead to hypoxic nesting environments and can reach lethal levels. Emerging hatchlings then face sargassum as a physical barrier. Consequently, their survival may be compromised by fatigue, desiccation, and increased exposure to predators.<sup>14</sup> Furthermore, sargassum inundation in nearshore waters can shade or smother marine resources such as seagrasses<sup>15</sup>, coral hardbottom areas, or mangroves. Organisms of 78 faunal species died due to Sargassum decay along Mexico's Gulf coast in 2018; the causes appeared to be hypoxic conditions created from

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<sup>11</sup> <https://www.fema.gov/press-release/20220725/president-joseph-r-biden-jr-approves-emergency-declaration-us-virgin-islands>

<sup>12</sup> Mincer, T. J., Bos, R. P., Zettler, E. R., Zhao, S., Asbun, A. A., Orsi, W. D., Guzzetta, V. S., & Amaral-Zettler, L. A. (2023a). Sargasso Sea *Vibrio* bacteria: Underexplored potential pathogens in a perturbed habitat. *Water Research*, 120033. <https://doi.org/10.1016/j.watres.2023.120033>

<sup>13</sup> Schiariti, J. P., & Salmon, M. (2022). Impact of sargassum accumulations on Loggerhead (*Caretta caretta*) hatchling recruitment in Se Florida, U.S.A. *Journal of Coastal Research*, 38(4).

<sup>14</sup> Impact of Sargassum Accumulations on Loggerhead (*Caretta caretta*) Hatchling Recruitment in SE Florida, U.S.A. Joshua P. Schiariti and Michael Salmon - *Journal of Coastal Research*.

<sup>15</sup> Van Tussenbroek, B. I., Hernández Arana, H. A., Rodríguez-Martínez, R. E., Espinoza-Avalos, J., Canizales-Flores, H. M., González-Godoy, C. E., Barba-Santos, M. G., Vega-Zepeda, A., & Collado-Vides, L. (2017). Severe impacts of brown tides caused by Sargassum spp. on near-shore Caribbean Seagrass Communities. *Marine Pollution Bulletin*, 122(1–2), 272–281.

high sulfide concentrations.<sup>16</sup> A 2022 literature review of the economic impacts in the Caribbean includes the lost value of the ecosystem services of the beach/nearshore, seagrass, coral, and mangrove ecosystems associated with sargassum inundation. The authors documented impacts to nearshore marine resources to be related to the sheer amount of sargassum biomass and the associated water quality impacts including reductions in light penetration, oxygen availability and increased temperature coupled with increased turbidity, eutrophication from nutrient loading, and toxic ammonia and hydrogen sulfide levels.<sup>17</sup> While sargassum is natural, too much of it in our beach and nearshore ecosystems is detrimental to their ecological balance.

The economic impacts from increasing amounts of sargassum accumulations in the beach/nearshore environments as not well tracked yet can be keenly felt by local businesses relying on beach/marine tourism and by beach-front property owners.<sup>18</sup> Fewer people visiting the beach during sargassum season, either scared away by news headlines, predictions, or past experiences, or staying away for public health reasons, can mean fewer reservations at hotels or patrons in restaurants. The Ritz Carlton, northernmost upland property affected by the Village's hot spot has mentioned cancellations of reservations due to sargassum. The economic impact of sargassum inundation along the Mexican Coast is mainly felt by the tourism, transportation, and fishing industries.<sup>19</sup> Monroe County has studied the potential effect of sargassum inundation in the Keys on tourism disruption, economic impact & the cost-benefit of mitigation measures in 2020. Tourism is the main employer in Monroe County, representing ~44% of total county employment. The study found the economic impact (lost value added) from a severe sargassum year similar to 2018 in Monroe County is estimated at \$20M, which would lead to a nearly \$3M decline in state and local tax collections and 300 lost jobs in Monroe County.<sup>20</sup> Monroe County estimates the cost of sargassum mitigation may range from \$3.4M to \$17.8M. Worsening and repeated sargassum seasons may also have the potential to adversely impact property values.

## Who has Sargassum Management Responsibility?

The State of Florida owns the beach seaward of the erosion control line (ECL) established when the federal government began beach nourishment projects in the early 1970s. Title to all lands seaward of the ECL is vested in the state by right of its sovereignty, and title to areas landward of such line shall be vested in the riparian upland owners. This line approximately follows the

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<sup>16</sup> R.E. Rodríguez-Martínez, A.E. Medina-Valmaseda, P. Blanchon, L.V. Monroy-Velázquez, A. Almazán-Becerril, B. Delgado-Pech, L. Vásquez-Yeomans, V. Francisco, M.C. García-Rivas, Faunal mortality associated with massive beaching and decomposition of pelagic Sargassum, *Marine Pollution Bulletin*, Volume 146, 2019, Pages 201-205, ISSN 0025-326X.

<sup>17</sup> [https://www.iweco.org/sites/default/files/2022-02/IWEco\\_Project\\_C2\\_FinalReport\\_The\\_potential\\_economic\\_impacts\\_of\\_sargassum\\_inundations\\_in\\_the\\_Caribbean\\_Part1\\_Insights\\_from\\_the\\_literature\\_Feb2022.pdf](https://www.iweco.org/sites/default/files/2022-02/IWEco_Project_C2_FinalReport_The_potential_economic_impacts_of_sargassum_inundations_in_the_Caribbean_Part1_Insights_from_the_literature_Feb2022.pdf)

<sup>18</sup> <https://www.msn.com/en-us/news/us/sargassum-masses-are-threatening-florida-s-environment-and-tourist-economy/vi-AA1aAuK1>

<sup>19</sup> Schling, M., Guerrero Compeán, R., Pazos, N., Bailey, A., Arkema, K., & Ruckelshaus, M. (2022). *The Economic Impact of Sargassum: Evidence from the Mexican Coast*.

<sup>20</sup> <https://www.monroecounty-fl.gov/DocumentCenter/View/29184/Sargassum-in-the-FL-Keys--Visitor-and-Economic-Impact-Evaluation-Executive-Summary-060421?bidId=>



landward limits of the Village's dune linear park. The riparian rights of the upland owners presumably end at the ECL, giving them no ownership or management responsibility in the beach or nearshore area. The State of Florida is not actively involved in sargassum management on sovereign land, although the 2023 Legislative Session allocated \$5M to the Florida Department of Emergency Management (FDEM) to establish grants for sargassum clean-up. The grant eligibility requirements, application process, and under what circumstances they may be granted remains to be established by FDEM.

The Village has three long-term easements from the State of Florida Board of Trustees of the Internal Improvement Fund (BTIITF) over the dunes (No. 30797, 2001, 50-year term), the groin field (No. 28017, 2010, 50-year term), and the jetty (No. 27999, 1987, 30-year term), all seaward of the erosion control line (ECL). The underlying landowner of all 3 BTIITF easements held by the Village is the State of Florida. The dune easement (includes jogging path) does not extend onto the beach or into the nearshore where the sargassum accumulates. The jetty and groin field easements did not contemplate those structures being used as part of a sargassum barrier project and thus, would require modification with the State during permitting. The Village provides public safety management, such as police, fire, and emergency medical services, on the beach with access by land and by water. Bal Harbour Police Department Marine Patrol vessels need access into the nearshore area. The level of management responsibility held by the Village for sargassum in the nearshore is little, if any, though public safety and welfare of beach users is a key concern of the Village.

The federal government has had a Beach Erosion Control Project under the U.S. Army Corps of Engineers (USACE) for the beach nourishment project and the relict groin system throughout the Village's beaches (Reference monument 27 (R-27) at the jetty to 96<sup>th</sup> Street),<sup>21</sup> both of which extend into the nearshore, and have been recently reauthorized by Congress for another 50-year life. The beach project re-occurs periodically as erosion worsens between nourishment projects and with storms. The groin system has been dilapidated for many years; USACE anticipates beginning redesign of the relict groin field in 2025, with permitting and construction to follow in subsequent years. The non-federal project sponsor is Miami-Dade County. The County is responsible for the maintenance and monitoring aspects of the federal project, yet the management of sargassum in the project area is not explicit in the 2019 County/USACE project partnership agreement (PPA). The PPA states that County, as the non-federal project sponsor, shall prevent any obstructions or encroachments that could hinder the federal project's proper function, operation, or maintenance. The County actively manages the federal beach project area by monitoring erosion / accretion, knocking down escarpments on the beach profile, marine turtle nest monitoring, and other responsibilities listed in the environmental permits and PPA. Any in-water sargassum management strategy would have to establish reasonable assurance it would not adversely affect the federal project. The County also rakes accumulated sargassum from the beach in the Village hot spot south of the jetty, see below section.

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<sup>21</sup> The federal project area is much larger than the Village's beaches, extending down across most of the beaches of Miami-Dade County. This federal project is the Miami-Dade County Main Segment, of which the Bal Harbour Segment is a part.

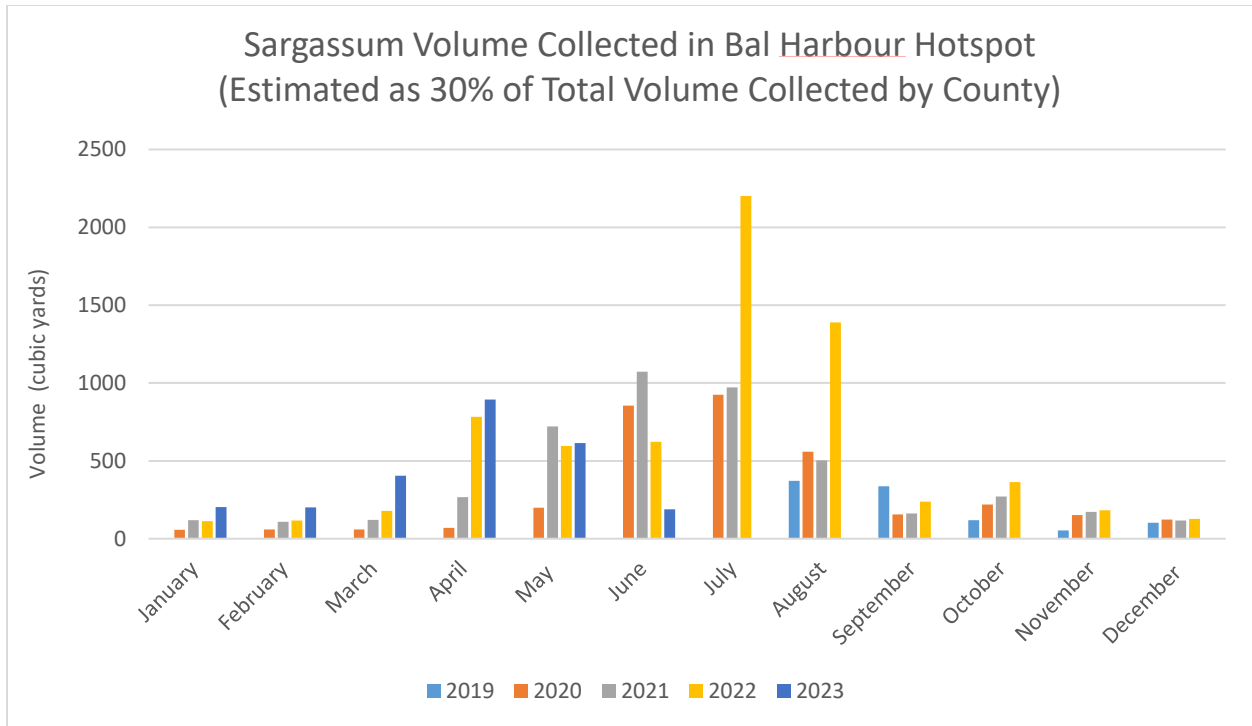
Environmental resource permitting with the federal, state, and local government for the in-water management of sargassum all require the applicant to be the owner of the land or the management entity designated by the owner to file a permit application. Because the beach and the submerged lands below the water line are owned by the state and have a federally authorized project, the applicant could be the State or USACE. However, neither entity would be the permit applicant and instead, both would likely designate the County to be the appropriate permit applicant. Should the Village pursue in-water sargassum management activities outside the scope of the County's beach-side collection efforts, the Village may need to enter an interlocal agreement or memorandum of understanding with the County to allow the Village to be the applicant on the environmental permits.

## County's Sargassum Beach Collection Activities

Miami-Dade County actively undertakes sargassum collection from the beach in four hot spots where the sargassum is known to accumulate. The Village beaches extend from reference monument R-27 at the jetty, then south to approximately halfway between R-31 and R-32, with a sargassum hot spot extending for approximately 800 feet south of the jetty. This activity is authorized under a Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line Permit issued to the County, FDEP CCCL Permit No. 8042286. The CCCL permit allows the County to rake the beach for sargassum in multiple areas within the county, including the Village's hot spot between R-27 to R-28. Other hot spots in the county include R-26 (Haulover Park), R-59 to R-61 (Miami Beach, 26<sup>th</sup> St. to 32<sup>nd</sup> St.), R-61 to R-63 (Miami Beach, 22<sup>nd</sup> St. to 26<sup>th</sup> St.), R-74 to R-75 (Miami Beach, Government Cut to 3<sup>rd</sup> St.), and R-95 to R-101 (Crandon Park).

The County has a contract with Florida Beach Raker to rake the hotspots and is authorized under the CCCL to use a front blade mounted on a full track bulldozer, a frontend loader, a 750 cy dump truck, and a 20 cy dump truck below the average daily tide line, with access to the Village hot spot by the jetty. Reporting is required under the permit and is summarized below in **Figure 1**. The data clearly shows the seasonal trends of sargassum in Miami-Dade County with June and July often representing peak season. The decrease in sargassum predictions in May from aerial imagery can be seen in the County's collection data. Note the significant drop in 2023 sargassum levels in June from May 2023 and when compared to the June amounts collected since 2019.

The volumes of sargassum collected and reported under the County's CCCL permit are the total volumes across all hot spots. The County attributes 30% of the total volume to be from the Village's 800-ft hot spot. The County attributes 40% of the total volume collected to be from the 4,200-ft segment in Miami Beach between 22<sup>nd</sup> to 23<sup>rd</sup> Streets, 15% from the 600-ft Government Cut segment, and 15% from the 600-ft segment in Haulover Park. Data on actual measured volumes collected from each hot spot is not being collected by the County.



**Figure 1.** Sargassum volumes estimated to have been collected in Bal Harbour based on 30% of the total volume collected in Miami-Dade County.

## Outreach / Pre-Application Meetings

This memo has been informed, in part, by the information gathered from a targeted list of entities. Numerous virtual meetings have been held over the past two months to better understand the feasibility of the proposed in-water floating sargassum barrier in the Village hot spot to be deployed during sargassum season, both from a product availability and a regulatory permitting perspective. Table 1 details the list of meetings since May 2023. Additional outreach is needed with stakeholders including Surfrider Foundation and the potentially affected upland property owners.

**Table 1.** Outreach meeting dates, entities, and main topic of discussion.

| Meeting Date     | External Attendees  | Discussion Topic                             |
|------------------|---|--|
| 5/2/2023         | FDEP – Greg Garis   | State permitting pathways                    |
| 5/5/2023         | Miami-Dade County Parks & Recreation – Tom Morgan                                       | Sargassum collection data                    |
| 5/10/2023        | Beach Protector Manufacturer – ABASCO   | Product information                          |
| 5/10/2023        | Beach Bouncer Manufacturer – ELASTEC  | Product information                          |
| 5/15/2023        | Floating Aquatic Plant Barrier Manufacturer – GEI Works                                 | Product information                          |
| 5/15/2023        | One Bal Harbour Corporation – Russell Smith, and Florida Keys Aeration – Scott Gardner  | Previous sargassum barrier concepts          |
| 5/31/2023        | Miami-Dade County DERM – Rockell Alhale   | Local permitting pathways                    |
| 6/1/2023         | FAU – Dr. Brian Lapointe  | International sargassum projects             |
| 6/5/2023         | Miami-Dade County Parks & Recreation – Tom Morgan                                       | Sargassum collection data                    |
| 6/7/2023         | Miami-Dade County Innovation & Economic Development – Galen Treuer                      | Sargassum impacts on tourism                 |
| 6/7/2023         | USACE Regulatory – Albert Gonzales, USACE Civil Works – Chris McNees, with NMFS and FWS | Federal permitting pathways                  |
| 6/22/2023        | Mesh Boom Manufacturer – DESMI  | Product information                          |
| 7/6/2023         | Miami-Dade County Parks & Recreation – Tom Morgan                                       | Sargassum collection data                    |
| 7/2023 (Pending) | Miami-Dade County Beaches – Alberto Pisani  | Proximate federal projects (beach and groin) |
| 7/2023 (Pending) | Surfrider – Mike Gibaldi  | In-water sargassum barrier                   |

## Product and Alignment Considerations

Research on in-water sargassum barriers in the Caribbean and Mexico helped to develop a short list of potential product manufacturers to interview. Virtual meetings were held with four sargassum barrier manufacturers (ABASCO, ELASTEC, GEI Works, and DESMI) to introduce the Village’s project concept and dominant coastal conditions in the project vicinity, see **Table 1**. The manufacturers were asked how they thought their products would work in the anticipated coastal conditions and what configuration they recommended to achieve the project goals. Some of the manufacturers offered feedback on how their barriers could be deployed, anchored, and

attached to the shoreline. The barrier system typically includes a float above the water with a mesh skirt hanging down approximately 3-ft into the water column, with markers/lights and anchoring systems also being discussed. The barriers will be exposed to high wind, current, wave and storm activity, and could have negative impacts on sea turtles, as the booms act as physical barriers to and from the shore. Shore connection points ranged from a proposed rock pile or other containment boom on the wet beach, to use of the relict groin. The jetty connection point may include connection directly to the jetty or to a new piling near the jetty end. Offshore floating barriers are expensive and highly vulnerable to breaking waves and storms. Any barrier deployment will need to be removed in advance of a significant storm and redeployed once coastal conditions have calmed.

Based on the manufacturers we contacted, DESMI displayed the most technical depth, showcasing their lessons learned from unsuccessful deployments outside of the U.S., adjustments made to deployments, and overall understanding of the sargassum issues. They have ~14 km installed right now in the Caribbean islands which survived 3 years; they offer a 3-year warranty on their systems. DESMI offered maintenance and storage recommendations, as well as ways to manage navigation through the barrier. They recognized potential challenges with baby turtles getting across the barrier<sup>22</sup>, and stressed the need for sargassum collection from the offshore side of the barrier. DESMI's main concern was that, if not collected from the offshore side of the barrier, the mat would decompose and sink, allowing the sargassum to go under the barrier. Cummins Cederberg recommends the DESMI barrier system should the in-water project concept move forward.

## Permitting Considerations

Environmental Permits will be required from the USACE, FDEP, Miami-Dade County DERM, and the United States Coast Guard (USCG) for the in-water barrier system. The list of agency meetings held can be seen in **Table 1**. The feedback from the federal, state, and local regulatory agencies indicates the USACE permitting and the Miami-Dade County Class I permitting will be the most rigorous, lengthy, and costly. The USACE is especially interested in the secondary impacts associated with potentially relocating the sargassum hot spot further to the south or allowing the sargassum to enter the inlet and back bay areas where benthic marine resources could be adversely affected. The overall permitting process is expected to take 1.5 to 3 years.

The most significant issue to resolve is what to do with the sargassum once it is blocked from reaching the typical beach hot spot – where will it go if deflected or accumulated elsewhere? The project feasibility increases significantly if the sargassum can be harvested from the offshore side of the proposed barrier. Then, once harvested, where will it be staged or disposed of? All the manufacturers recommended various methods of shore connection that will likely lead to an accumulation of sargassum on the beach at the shore connection, potentially requiring mitigation

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<sup>22</sup> Chávez, V., Uribe-Martínez, A., Cuevas, E., Rodríguez-Martínez, R. E., van Tussenbroek, B. I., Francisco, V., Estévez, M., Celis, L. B., Monroy-Velázquez, L. V., Leal-Bautista, R., Álvarez-Filip, L., García-Sánchez, M., Masia, L., & Silva, R. (2020). Massive influx of pelagic sargassum spp. on the coasts of the Mexican caribbean 2014–2020: Challenges and opportunities. *Water*, 12(10), 2908. <https://doi.org/10.3390/w12102908>

of downdrift beach erosion. The collection of the sargassum in the water is more difficult than on the beach and starts to involve additional levels of federal and state regulation beyond the anticipated environmental permitting. The National Marine Fisheries Service (NMFS) under the National Oceanographic and Atmospheric Agency (NOAA) limits the harvest or possession of pelagic sargassum in or from the exclusive economic zone (EEZ) off the southern Atlantic states to 5,000 lb (2,268 kg) annually through the South Atlantic Fishery Management Council's Sargassum Fishery Management Plan (FMP) for Pelagic Sargassum Habitat of the South Atlantic Region, approved in 2003.<sup>23</sup> However, the location where the Village is proposing to place the barrier is outside of the inner limit of the EEZ in Florida and thus, the limitations in the FMP may not be applicable to the harvest of sargassum from the water at the project site.<sup>24</sup> The Florida Fish and Wildlife Conservation Commission (FWC) sargassum website states that up to 100 pounds of Sargassum can be removed from canals or nearshore state waters with a recreational fishing license; and a commercial saltwater products license is required to remove more than 100 pounds.<sup>25</sup> Sargassum is home to many species of juvenile fishes and therefore potentially high rates of bycatch could be expected when harvesting Sargassum. Once the sargassum has been harvested, where and how to dispose/repurpose it will need to be determined.

A second significant issue to resolve is the potential impact to marine turtles and essential fish habitat (if harvesting the sargassum). The federal resource agencies responsible for protecting these resources will require a Biological Opinion to be issued during USACE permitting which will anticipate a certain amount of take or incidental take of marine turtles associated with the project. Take<sup>26</sup> as defined under the federal Endangered Species Act as a means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Incidental take is an unintentional, but not unexpected, taking.

During the FDEP permitting, the level of preemption of sovereign submerged lands from public use for recreation and navigation will be a point of discussion with the Division of State Lands. Due to the temporary nature of the barrier deployment, a Letter of Consent to use sovereign submerged lands may be authorized by FDEP for the area enclosed by the barrier. However, routine deployment annually and/or limitations on the degree of access boaters have to the area inside the barrier may trigger a public easement for the use of sovereign submerged lands. As previously stated, the Village holds 3 BTIITF easements, of which the jetty and groin easement may be affected by the proposed project. Refer to **Figure 2** for the general project vicinity in relation to the location of the pertinent BTIITF easements. The Village's 30-year sovereign submerged lands easement for the jetty expired in 2017; Cummins Cederberg is aware of efforts by others to renew this easement. It is anticipated that both the jetty and the groin easements

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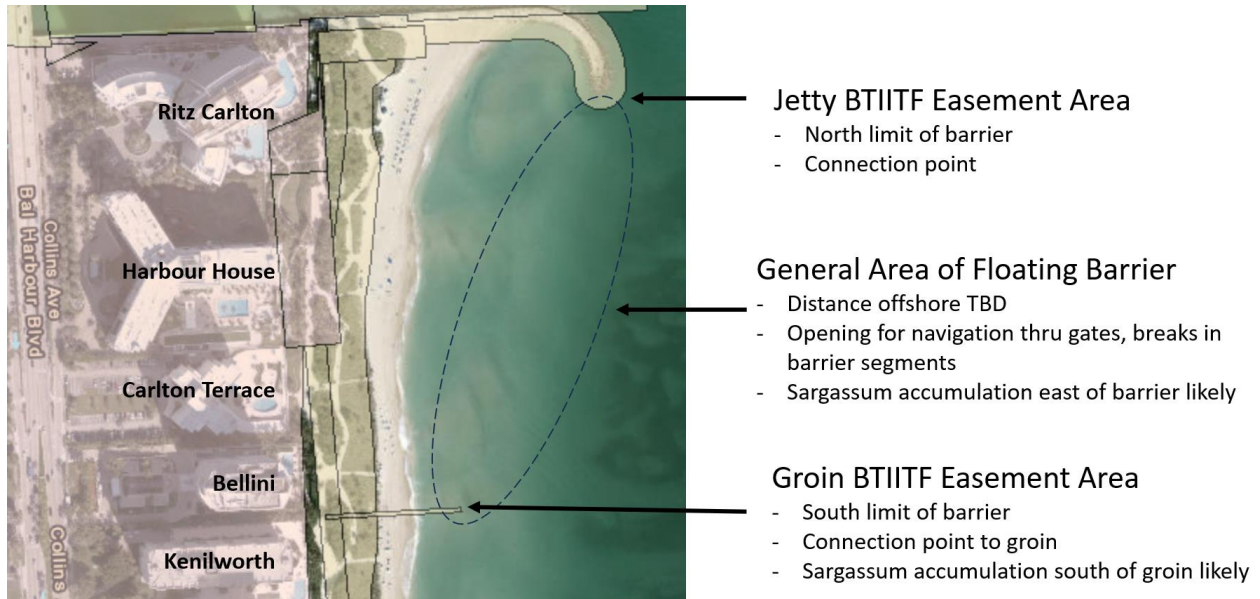
<sup>23</sup> <https://www.federalregister.gov/documents/2003/10/03/03-25149/fisheries-of-the-caribbean-gulf-of-mexico-and-south-atlantic-pelagic-sargassum-habitat-of-the-south>

<sup>24</sup> Under certain U.S. fisheries laws, such as the [Magnuson-Stevens Fishery Conservation and Management Act](#), the term "exclusive economic zone" is defined as having an inner boundary that is coterminous with the seaward (or outer) boundary of each of the coastal states. Texas, western Florida, and Puerto Rico, claim a 9 nautical mile belt as their state's limits. <https://oceanservice.noaa.gov/facts/eez.html>

<sup>25</sup> <https://myfwc.com/research/about/ear/sargassum/>

<sup>26</sup> <https://www.fisheries.noaa.gov/laws-and-policies/glossary-endangered-species-act>

would need to be modified to allow for the attachment of the barrier, depending upon the final design of the project terminal ends.



**Figure 2.** In-water sargassum barrier general project vicinity. Pertinent easements from the State of Florida Board of Trustees included. Source: FDEP MapDirect State Lands Layer

## Rough Order of Magnitude Estimate of Costs

Using the information from the manufacturers and the regulators, Cummins Cederberg has estimated the rough order of magnitude (ROM) costs based on a conceptual layout including the design and modeling, permitting, installation, maintenance, monitoring, and storage costs of approximately 1,500 linear feet of DESMI barriers deployed, anchored, and marked for a period of approximately 3 months annually. The barrier would span the 4 northernmost beach-facing properties in the Village; accumulation of sargassum may be experienced on the beach at the fifth property south of the jetty. Two potential storm removal and redeployment activities are included but may not be needed, depending upon weather conditions.

A 5-year ROM budget was prepared, see **Table 2**. The ROM estimate for the Project in the Village's sargassum hot spot is \$1.86M in Year 1, and a total of \$6.02M over 5 years, adjusted for inflation and the purchase of a new barrier and anchoring system in Year 4. The largest costs associated with this project are the initial engineering design and permitting cost in Year 1 (~32% of total cost) and the reoccurring monitoring during each annual deployment (~29% of total project cost in Year 1, 71% in Years 2 & 3). The anticipated level of design modeling and degree of daily biological monitoring required by the regulatory agencies, as well as the final method of shore and jetty attachment, are subject to change during the final design and permitting of the project concept.

Cummins Cederberg has no control over the cost of labor, material, equipment, or services furnished by others, or over the potential Contractor's methods of determining prices, or over competitive bidding, or market conditions. Cummins Cederberg cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from the ROM estimate.

**Table 2. 5-Year Rough Order of Magnitude Cost Estimate.**

| Rough Order of Magnitude Cost Estimate                                   |   |      |               |            |                    |                  |                  |                    |                    |
|--|---|------|---------------|------------|--------------------|------------------|------------------|--------------------|--------------------|
| In-Water Floating Sargassum Barrier, 3-month Deployment Annually         |   |      |               |            |                    |                  |                  |                    |                    |
| Item No.   | Description   | Unit | Est. Quantity | Unit Price | Yr 1 Cost          | Yr 2 Cost        | Yr 3 Cost        | Yr 4 Cost          | Yr 5 Cost          |
| <b>1. General</b>  |   |      |               |            |                    |                  |                  |                    |                    |
| 1.1  | Mobilization - anchor deployment  | LS   | 1             | \$30,000   | \$30,000           |                  |                  | \$40,000           |                    |
| 1.2  | Local Building Permit   | LS   | 1             | \$5,000    | \$5,000            |                  |                  |                    |                    |
| 1.3  | Environmental Permit Fees (To Regulatory Agencies)  | LS   | 1             | \$20,000   | \$20,000           |                  |                  |                    |                    |
| 1.4  | Layout/As-Built Surveys   | LS   | 1             | \$30,000   | \$30,000           |                  |                  |                    |                    |
| 1.5  | Bonds and Insurance (3% total cost)   | LS   | 1             | \$12,000   | \$12,000           |                  |                  |                    |                    |
| <b>Subtotal - General</b>  |   |      |               |            | \$97,000           | \$0              | \$0              | \$40,000           | \$0                |
| <b>2. Barrier Components</b>   |   |      |               |            |                    |                  |                  |                    |                    |
| 2.1  | Barrier (3-year warranty)   | LF   | 1500          | \$100      | \$150,000          |                  |                  | \$200,000          |                    |
| 2.2  | Weighted Anchors  | EA   | 60            | \$1,000    | \$60,000           |                  |                  | \$80,000           |                    |
| 2.3  | Solar Lights/markers  | EA   | 30            | \$1,000    | \$30,000           |                  |                  |                    |                    |
| 2.4  | Shore Connection (Assuming Existing Groin)  | LS   | 1             | \$25,000   | \$25,000           |                  |                  |                    |                    |
| 2.5  | Jetty Connection  | LS   | 1             | \$25,000   | \$25,000           |                  |                  |                    |                    |
| <b>Subtotal - Materials</b>  |   |      |               |            | \$290,000          | \$0              | \$0              | \$280,000          | \$0                |
| <b>3. Recurring Cost - Maintenance</b>                                   |   |      |               |            |                    |                  |                  |                    |                    |
| 3.1  | Monthly Divers to scrub growth off skirt  | EA   | 3             | \$5,000    | \$15,000           | \$17,000         | \$19,000         | \$21,000           | \$23,000           |
| 3.2  | Annual Liquid PVC Treatment/Cleaning  | EA   | 1             | \$7,000    | \$7,000            | \$8,000          | \$9,000          | \$10,000           | \$11,000           |
| 3.3  | Barrier Deploy/Retrieval - Boat & Diver-assisted  | EA   | 1             | \$50,000   | \$50,000           | \$55,000         | \$61,000         | \$67,000           | \$74,000           |
| 3.4  | Storage (annual fee)  | EA   | 1             | \$5,000    | \$5,000            | \$6,000          | \$7,000          | \$8,000            | \$9,000            |
| <b>Subtotal - Maintenance</b>  |   |      |               |            | \$77,000           | \$86,000         | \$96,000         | \$106,000          | \$117,000          |
| <b>4. Recurring Cost - Monitoring</b>                                    |   |      |               |            |                    |                  |                  |                    |                    |
| 4.1  | Monthly Beach Profiling, Elevations to Wading Depth                                       | -    | 4             | \$10,000   | \$40,000           | \$44,000         | \$48,000         | \$53,000           | \$58,000           |
| 4.2  | Turtle Nest Relocations (as needed, 6 estimated)  | EA   | 6             | \$1,500    | \$9,000            | \$10,000         | \$11,000         | \$12,000           | \$13,000           |
| 4.3  | Daily In-water Offshore Biological Monitoring   | EA   | 90            | \$5,000    | \$450,000          | \$495,000        | \$545,000        | \$600,000          | \$660,000          |
| 4.4  | Monthly Monitoring Reports  | EA   | 4             | \$9,000    | \$36,000           | \$40,000         | \$44,000         | \$48,000           | \$53,000           |
| <b>Subtotal - Monitoring</b>   |   |      |               |            | \$535,000          | \$589,000        | \$648,000        | \$713,000          | \$784,000          |
| <b>5. Soft Costs</b>   |   |      |               |            |                    |                  |                  |                    |                    |
| 5.1  | Engineering Design  | LS   | 1             | \$100,000  | \$100,000          |                  |                  |                    |                    |
| 5.2  | Field Data - (Beach Profiles, Multibeam Survey, Sidescan Sonar, Jet Probes, Current/Wave) | LS   | 1             | \$125,000  | \$125,000          |                  |                  |                    |                    |
| 5.3  | Modeling - (Sargassum Fate, Currents, Wave, Sediment)                                     | LS   | 1             | \$150,000  | \$150,000          |                  |                  |                    |                    |
| 5.4  | Environmental Permitting - USACE, FDEP, DERM, USCG  | LS   | 1             | \$200,000  | \$200,000          | \$25,000         | \$28,000         | \$31,000           | \$34,000           |
| 5.5  | Construction Administration   | LS   | 1             | \$25,000   | \$25,000           | \$17,000         | \$19,000         | \$21,000           | \$23,000           |
| <b>Subtotal - Soft Costs</b>   |   |      |               |            | \$600,000          | \$42,000         | \$47,000         | \$52,000           | \$57,000           |
| <b>Total Cost</b>  |   |      |               |            | <b>\$1,599,000</b> | <b>\$717,000</b> | <b>\$791,000</b> | <b>\$1,191,000</b> | <b>\$958,000</b>   |
| <b>Storm Contingency - Retrieval/Redeploy x 2 Tropical Storm Warning</b> |   |      |               |            | <b>\$100,000</b>   | \$110,000        | \$120,000        | \$130,000          | \$140,000          |
| <b>Contingency (10% of total cost)</b>                                   |   |      |               |            | <b>\$160,000</b>   | \$72,000         | \$79,000         | \$119,000          | \$96,000           |
| <b>Total Project Cost (10% inflation annually)</b>                       |   |      |               |            | <b>\$1,859,000</b> | <b>\$827,000</b> | <b>\$911,000</b> | <b>\$1,321,000</b> | <b>\$1,098,000</b> |

Prepared by:



Danielle H. Irwin, M.Sc., CFM, PWS, WEDG, LEED AP  
 Senior Director



## Memorandum

To: John Oldenburg  
From: Danielle H. Irwin, Senior Director  
CC: J. Gonzalez, J. Cummins, L. Barrera Allen  
Date: May 4, 2023  
Project Name: Village of Bal Harbour Coastal Management Program Support  
Project Number: 77800  
Re: Proposed Sargassum Exclusion Device / Barrier  
*Permitting Strategy, Timing, and Estimated Costs*

## Introduction

The Village of Bal Harbour experiences seasonal accumulation of sargassum. The 2023 sargassum season is expected to be one of the largest of sargassum growth ever recorded, with some of that growth making its way to Florida's Atlantic beaches. The sargassum management control on the Village's beaches is currently done by Miami-Dade County under a Coastal Construction Line (CCCL) beach raking permit once the macroalgae washes up on shore. The Village is interested in pursuing a strategy which prevents the material from washing up on the beach by blocking it with an in-water exclusion device such as a floating boom or other barrier.



Figure 1. Sargassum Boom Concept Plan (Proposed by One Bal Harbour Corporation)

The original concept of a sargassum boom was put forward by One Bal Harbour Corporation / Ritz Carlton and is depicted in **Figure 1**. The One Bal Harbour Corporation property sits immediately south of the jetty and is subjected to the highest concentrations of sargassum accumulation each season, i.e a sargassum hot spot. Additional information has been requested from One Bal Harbour Corporation but has not yet been received.

The current management of sargassum on Florida beaches may not be a sustainable approach as sargassum volumes often overwhelm onshore management efforts and sargassum in the water contribute to deterring tourism during peak months. However, in-water sargassum management strategies are not commonly used in Florida. They have been used to keep sargassum out of canals in South Florida but are not used in the more energetic, open coastal environments, prohibited largely by waves, current, and environmental risk. Long-term management plans for high tourism beaches that are sargassum hot spots will likely need both in-water deflection devices to reduce the sargassum reaching the beach and continued onshore collection for any sargassum that does make it onto the beach.

While rare in Florida, Mexico and the Dominican Republic are using in-water sargassum barriers deployed far enough offshore to avoid the higher nearshore wave energy. The Mexican Navy has deployed approximately 9050 meters of in-water sargassum barriers already this year, mainly at popular beach destinations along Mexico's Gulf Coast. They recently released their 2023 Sargassum Operations Plan with more than 328 people and 16 small boats participating in the sargassum removal work offshore Quintana Roo, a Mexican state on the Yucatan Peninsula, and 11 vessels deployed to help with at-sea collection.<sup>1</sup>

The potential economic harm sargassum season has on the tourism industry has prompted the Riviera Maya Hotel Association to invest this year in a \$100M sargassum plan.<sup>2</sup> The Riverian Maya is a popular resort area south of Cancun and a sargassum hot spot where the hotels are collaborating to tackle this growing need, attracting considerable international investment interest. Their plan focuses mainly on preventing the sargassum from reaching the beach using in-water barriers.

Given the above examples and Caribbean precedence, this memorandum outlines the permitting strategy, timing, and rough order of magnitude costs for an in-water floating sargassum exclusion device project (Project) to be temporarily deployed offshore of the Village's northernmost beaches immediately south of the south jetty at Bakers Haulover Inlet (**Figure 1**). The placement of a sargassum barrier system would require proper siting to ensure the floating booms are not exposed to unfavorable conditions (e.g. breaking waves, strong current). There are no historical benthic resources (hardbottom) in the area of interest, so impacts to benthic marine life are not anticipated. Impacts to pelagic marine life and to navigation will need to be considered and avoided, minimized, or mitigated.

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<sup>1</sup> <https://riviera-maya-news.com/navy-reports-on-installation-of-over-9000-meters-of-anti-sargassum-barriers-around-state/2023.html?cn-reloaded=1>.

<sup>2</sup> <https://thecancun.sun.com/riviera-maya-resorts-announce-new-ambitious-sargassum-plan/>.

The largest impediments to this project will be in securing a product that can withstand the coastal conditions at the project site and in siting the barrier for maximum sargassum exclusion effectiveness. Additional onshore sargassum collection will likely continue be needed.

## **State / Federal / Local Environmental Permitting**

The Florida Department of Environmental Protection (FDEP) has multiple programs, both regulatory and proprietary, potentially involved in authorizing the Project. Assuming the barrier is temporarily deployed during sargassum season, possibly from May to July, the anchoring on the seafloor does not impact benthic marine resources, and the sargassum is not harvested, the Joint Coastal Permit (JCP) Program based out of FDEP's headquarters in Tallahassee would review the project for authorization. Recent communication with the JCP Program Administrator has indicated that the project should qualify for a de minimus Exemption. Unlike typical Exemptions which have general conditions, the Exemption would have project-specific conditions attached to it requiring the monitoring of the beach and the barrier for sea turtles and the removal of the barrier after a specified date. The Exemption is typically valid for one year and can be obtained fairly quickly, within one to three months after receipt of the Exemption application by FDEP.

The FDEP JCP Program will review the project for proprietary authorization since it is proposed over sovereignty submerged lands. The temporary nature of the project will position it to receive a Letter of Consent to use sovereignty submerged lands. Depending on the degree of exclusion to the public, for example excluding navigation by vessels, and the duration of deployment, a higher form of proprietary authorization in the form of a public easement may be triggered by the FDEP Division of State Lands. However, based on our communication with FDEP on May 2, 2023 an easement *should* not be required.

It is unlikely an offshore deployment of the barrier will achieve the desired exclusion of sargassum in the nearshore so some sargassum is anticipated to be present due to the longshore transport of it in the surf zone. The closer the southern terminus of the barrier is to the surf zone, the more sargassum will be excluded. However, the wave and current action increases the closer you get to the shore and will be a significant limiting factor in the overall effectiveness of this in-water sargassum management strategy. Additionally, the closer the barrier is to the surf zone, the more exclusionary it is which could trigger the requirement for a submerged lands easement. One approach to improve effectiveness may be to include a shoreline groin (or rehabilitate the nearest relict groin approximately 1,000 ft south of the jetty) to trap the longshore transport. Adding in a shoreline structure to improve sargassum exclusion effectiveness will trigger a full JCP Individual Permit rather than a de minimus Exemption, thus extending the timeline for permitting to approximately one year.

The Florida Fish and Wildlife Conservation Commission (FFWCC) is a commenting agency to the FDEP during permit application review. For this project, their influence will be mainly related to the protection of sea turtles. Sea turtles are considered by both state and federal regulatory and commenting agencies to be most at risk of impact from an in-water sargassum barrier largely because sea turtle nesting season (May 1 to October 31) overlaps with sargassum season.

Swimming sea turtles trying to reach the nesting beach may get trapped in the sargassum accumulation on the offshore side of the barrier. New hatchlings emerging from nests on the beach may get trapped in the nearshore side of the barrier. Therefore, it is anticipated that FFWCC, through the FDEP JCP Program, will require daily turtle monitoring on the beach similar to what would be done for a beach nourishment project that extends into turtle nesting season. Less known is what level and type of turtle monitoring might be needed for the in-water barrier. Conversations to better understand the in-water monitoring potentially needed are ongoing.

The federal permitting approach is less straightforward compared to the state. The United States Army Corps of Engineers (USACE) will likely require a Standard Permit for this activity. During their review, USACE will coordinate with their resource commenting agencies, specifically the Fish and Wildlife Service (FWS) and the National Oceanographic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS). Similar to the state, the commenting agencies will be mainly concerned with protecting sea turtles. Additionally, since sargassum is designated essential fish habitat, the collection and disposal of sargassum from the water will be strongly discouraged. The NMFS may require a Biological Opinion on turtle impacts which can significantly delay their review and, thus, permit issuance. Coordination with the USACE Section 408 Program who oversees federal projects such as the Bal Harbour Segment nourishment project, and the USACE Navigation Section during permitting is expected to be lengthy. The timeframe for federal permitting is expected to be a year or more unless coordination between the state and USACE can develop a work around to expedite the process. The temporary nature of the project may provide the basis for an alternate federal permitting path with a shorter timeframe to permit.

Concurrent with the FDEP and USACE environmental permitting, a Class I permit from the Miami-Dade County Department of Regulatory and Economic Resources Division of Environmental Resource Management (DERM) will be required. The project does not appear to qualify for an expedited administrative authorization, or a short form Class I permit based on Chapter 24-48 in the Miami-Dade County Code. Therefore, a standard form Class I permit will be required. The timeline for obtaining the Class I permit is approximately nine months to a year. It is assumed this project will not need to go before the Miami-Dade County Board of County Commissioners.

The United States Coast Guard (USCG) may require the barrier be lit as an aid to mariners under a Private Aids to Navigation (PATON) permit. However, given the barrier would be temporary, this requirement may be waived. If the PATON permit is required, it is the last permit to obtain once the state and federal permits have been received. A PATON permit typically takes one to three months to obtain depending upon USCG workload.

In conclusion, because required permitting is anticipated to take approximately one year, and because sargassum season is roughly May to July, Cummins Cederberg recommends Project approval and commencement of permit applications at the earliest convenience for implementation next year (2024).

## Manufacturers

Choosing the right product for the Village's specific application requires knowledge of and coordination with manufacturers of appropriate products. As such, Cummins Cederberg has begun outreach many manufacturers, including those listed below. One of the manufacturers commented that there are no products on the market that could handle the conditions as close to shore as the concept project is proposing. Meetings and preliminary product reviews are ongoing. The Cummins Cederberg project engineer will coordinate with the manufacturer to obtain the product design specifications to support the Project-specific design and operation of the system, including the anchoring system.

- Elastec Beach Bouncer.

<https://www.elastec.com/floating-debris-seaweed-barrier/>



- DESMI Mesh Boom.

<https://www.desmi.com/segments/enviro-clean/seaweed-sargassum-handling-solutions/>



- Abasco Aquatic Plant Boom  
<https://www.abasco.com/sargassum-seaweed-boom.html>



- Orion Floating Containment Boom.  
<https://www.silt-barriers.com/seaweedcontrolbarrier.html>



## Tasks

The list below identifies the anticipated services needed for this Project in two phases. Phase I is the design, permitting, and cost estimating of the sargassum vessel exclusion device. Phase II is the product supply and installation, construction support, and potential in-water monitoring support during the period of deployment. A rough order of magnitude costs for Phase I range between \$125,000 to \$200,000 depending largely on the type of additional information the federal agencies may require and will take at least one year. Construction costs for deployment will be determined during Phase I and summarized in an Opinion of Probable Costs. Phase II costs depend largely on the outcome of permitting and the associated level of permit-required turtle

monitoring during deployment, as well as the product and anchoring system proposed. Phase II costs will be provided near the conclusion of Phase I.

## Phase I

1. Data collection
  - a. Field conditions / Online Data Mining
  - b. Manufacturer Product Specifications
2. Engineering Design for Anchoring System
  - a. 60%, 90% Design Plans
  - b. 100% Construction Documents
  - c. Opinion of Probable Cost
3. Environmental Permitting
  - a. Environmental Assessment Report
  - b. Maintenance/Monitoring Plan
  - c. FDEP de minimus Exemption Application & Processing
  - d. FDEP Letter of Consent Application & Processing
  - e. USACE Standard Permit Application & Processing
  - f. DERM Standard Permit Application & Processing
  - g. USCG PATON Permit (may not be required)

Due diligence communication is ongoing with all three levels of regulatory authority. Cummins Cederberg recommends submitting the permit applications with a minimal level of new field data given the extensive historical data available from the USACE and County associated with the issued JCP for the Bal Harbour Segment beach nourishment project. While this data is not current, the location of hardbottom resources, the coastal conditions, and the geologic conditions are still relevant. Additionally, no numerical modeling is anticipated, significantly reducing the up-front time and cost associated with applying for environmental permits.

**Beginning Phase I as soon as possible *may* allow for deployment of an in-water barrier by the 2024 sargassum season.**

Prepared by:



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Danielle H. Irwin, M.Sc., PWS, CFM, WEDG  
Senior Director







# Sargassum Update and Conceptual Barriers

July 12, 2023  
Village Council Briefing

# 2023 Big Year for Sargassum in Florida?

## Giant blobs of seaweed are hitting Florida. That's when the real problem begins

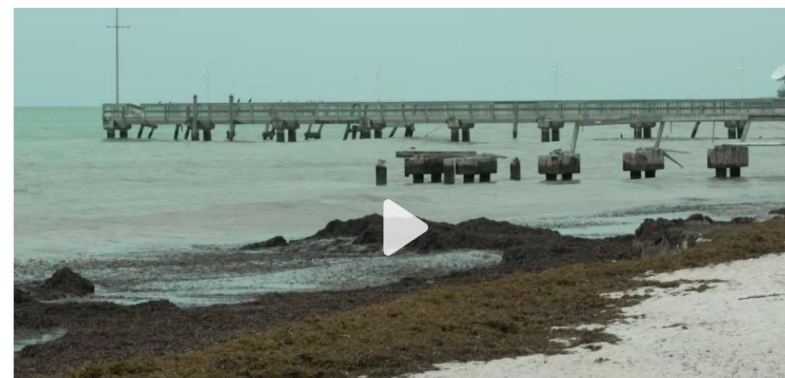
May 5, 2023 · 5:04 AM ET  
Heard on All Things Considered  
By Emily Olson

2-Minute Listen



## A record-breaking blob of smelly seaweed is arriving in Key West – and tourists aren't happy about it

By Leyla Santiago, Zoe Sottile and Sara Weisfeldt, CNN  
Published 3:14 PM EDT, Mon May 1, 2023



## Massive clumps of seaweed from a giant blob are washing up on Florida beaches

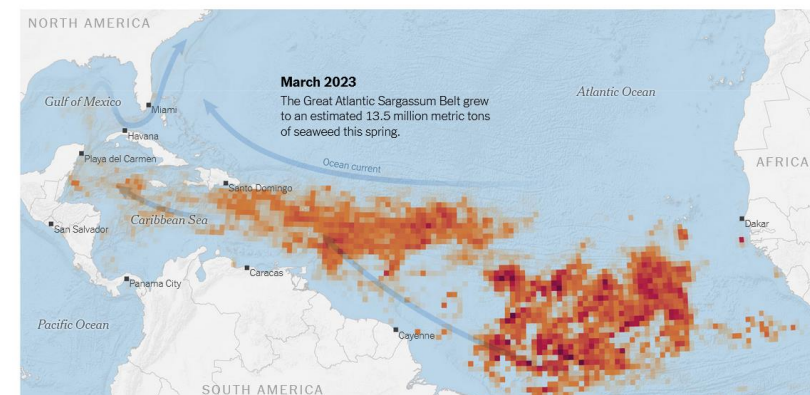
BY MANUEL BOJORGUEZ, ANALISA NOVAK  
MAY 1, 2023 / 9:16 AM / CBS NEWS



## Those Seaweed Blobs Headed for Florida? See How Big They Are.

By Elena Shao April 19, 2023

Scientists say they spotted more than 13 million tons of Sargassum, a yellowish-brown seaweed, drifting in the Atlantic Ocean last month — a record for the month of March.



### LOCAL NEWS

Anthony Talcott, Digital Journalist

Published: May 30, 2023 at 4:50 PM  
Updated: May 31, 2023 at 6:37 AM

Tags: Florida, Health, Beaches, Volusia County, Brevard County, Florida Atlantic University, Sargassum, Seaweed, Flesh-Eating Bacteria, Strange Florida

### Sign up for our Newsletters

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## Massive seaweed blob hitting Florida beaches full of flesh-eating bacteria: report

Researchers find Vibrio bacteria in plastics carried by blob of Sargassum seaweed



# Minimum Sargassum Now Predicted for Florida in 2023.

U.S. >

## Seaweed blob headed to Florida that smells like rotten eggs shrinks "beyond expectation"

BY LI COHEN  
JULY 5, 2023 / 10:04 AM / CBS NEWS

f t



A boat passes through sargassum floating on the surface of the ocean on May 18, 2023, in Marathon, Florida.  
/ GETTY IMAGES



A beachgoer walks through sargassum that washed ashore on May 18, 2023, in Key West, Florida.  
/ GETTY IMAGES

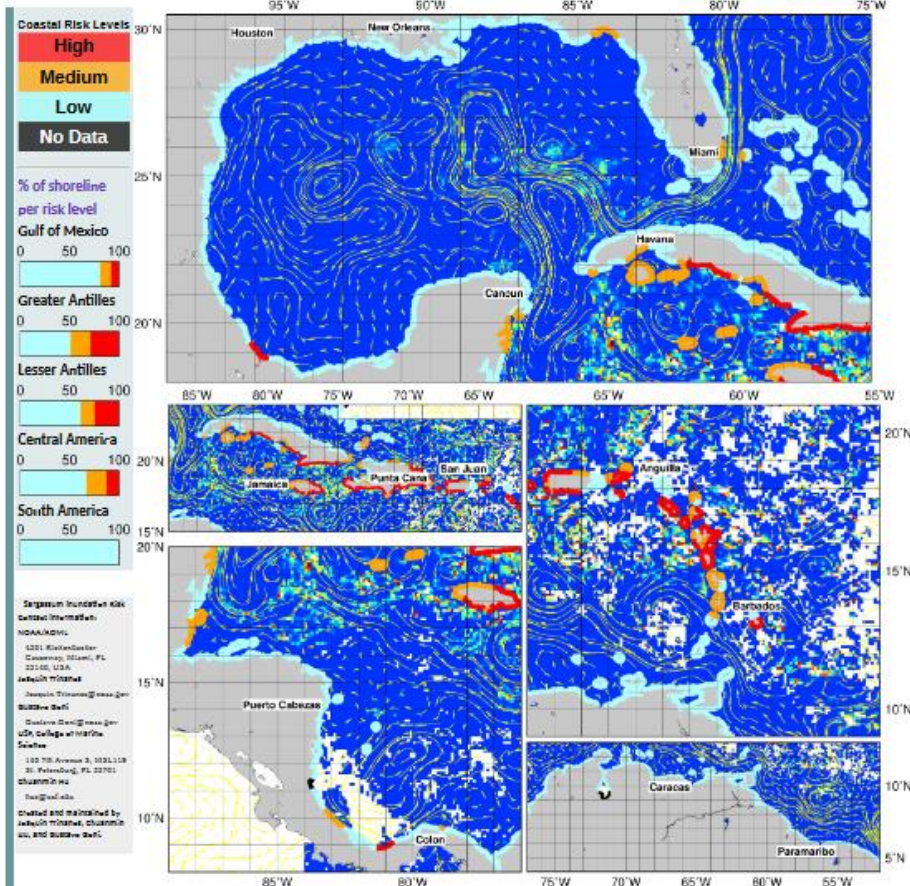
# NOAA/NASA/USF Sargassum Weekly Reports

## Experimental Weekly Sargassum Inundation Risk (SIR v1.3)

By the National Oceanic and Atmospheric Administration (NOAA), and the University of South Florida (USF)

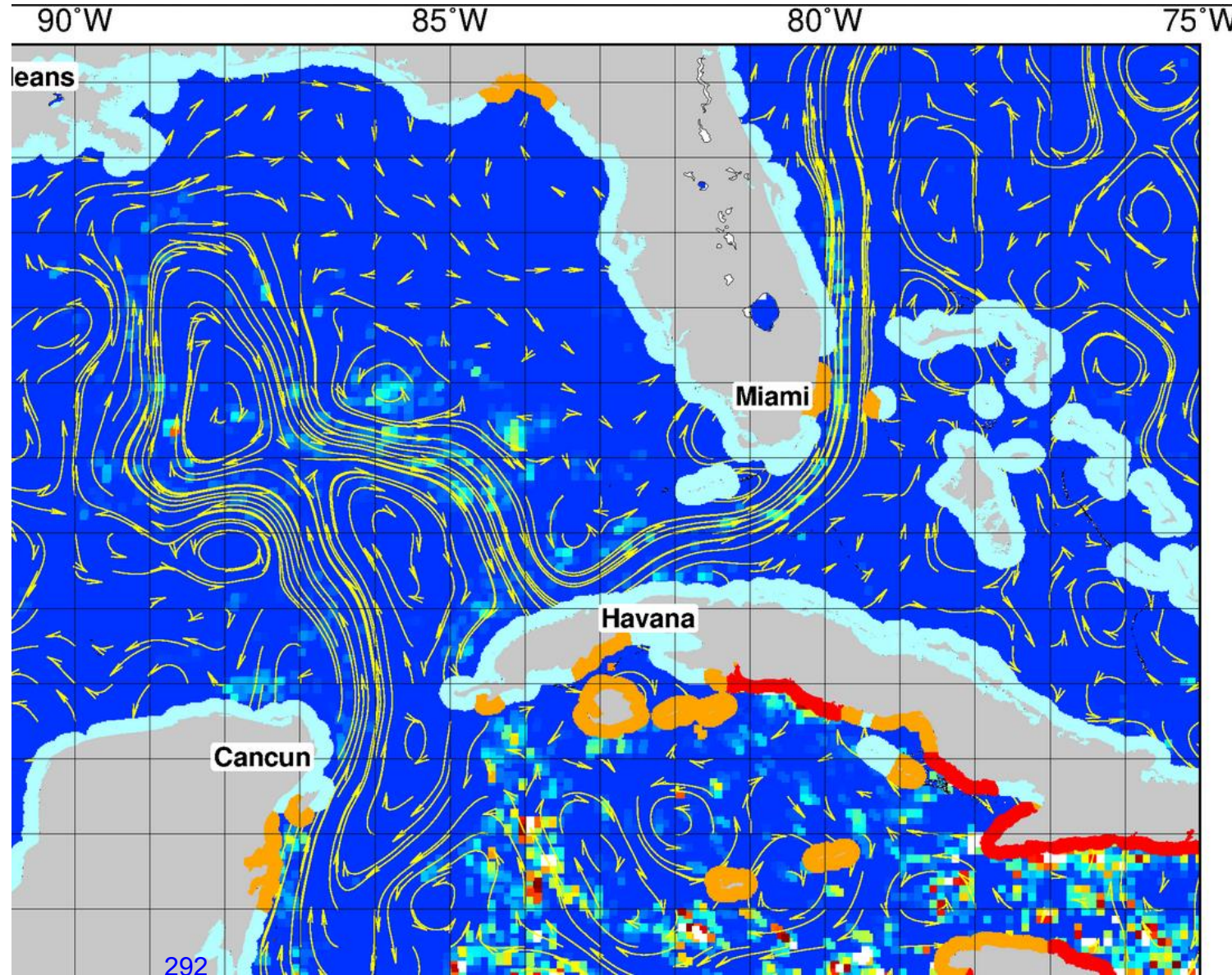
Status: Jun 27-Jul 3, 2023

Since 2011, large amounts of Sargassum is a recurrent problem in the Caribbean Sea, in the Gulf of Mexico and tropical Atlantic. These events can cause significant economic, environmental and public health harm. These Sargassum inundation Risk (SIR) fields provide an overview of the risk of sargassum coastal inundation in the Caribbean and Gulf of Mexico regions. Using as core inputs the AFAI (Alternative Floating Algae Index) fields generated by the University of South Florida (USF), the algorithm analyses the AFAI values in the neighborhood (50 km) of each coastal pixel and, computing the difference between those values and a multiday baseline, classifies the risk into three categories: low (blue), medium (orange) and high (red). In black are areas with not enough data. The vectors in the images represent the geostrophic currents. SIR is the result of the collaboration between the Atlantic Oceanographic and Meteorological Laboratory (NOAA/AOML), NOAA/CoastWatch/OceanWatch, and USF. The methodology to compute these fields is under development and, therefore, these fields are experimental and to be used as a reference and for research purposes only.

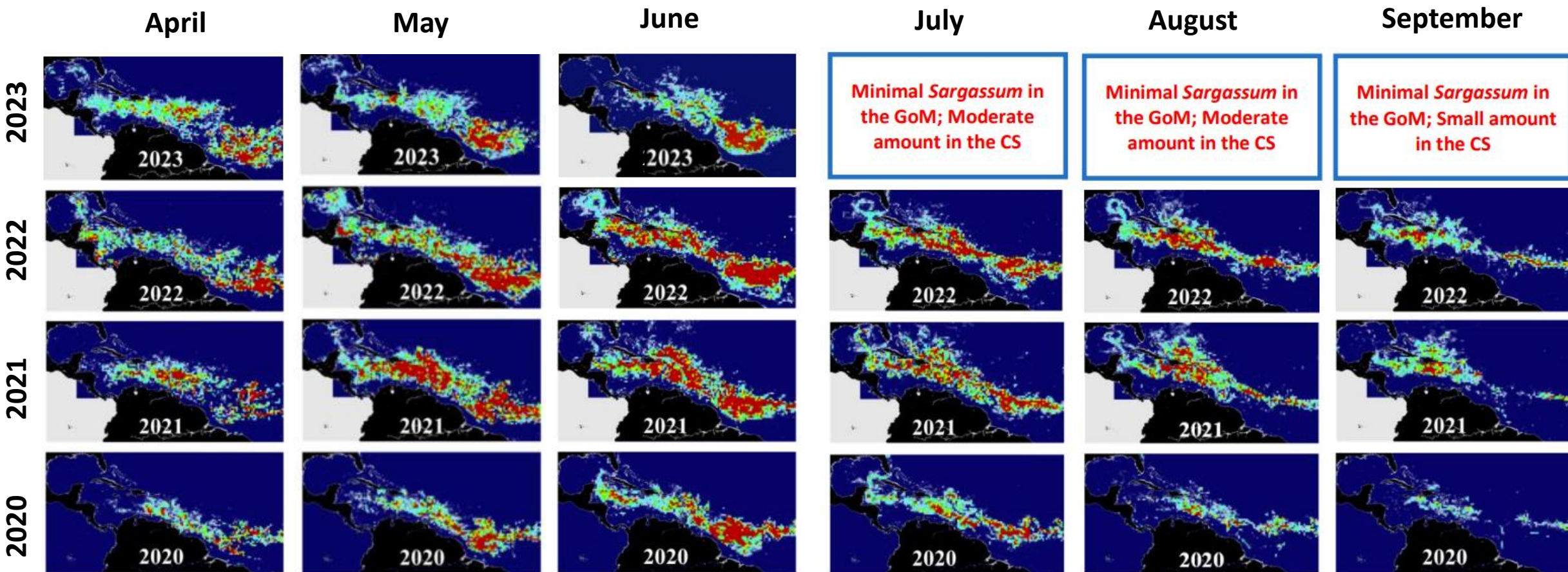


References: [USF Sargassum Watch System](#) [Atlantic Ocean Watch](#)

Disclaimer: This is an experimental product and still subject to validation by NOAA/AOML, NOAA/CoastWatch/OceanWatch, and USF.



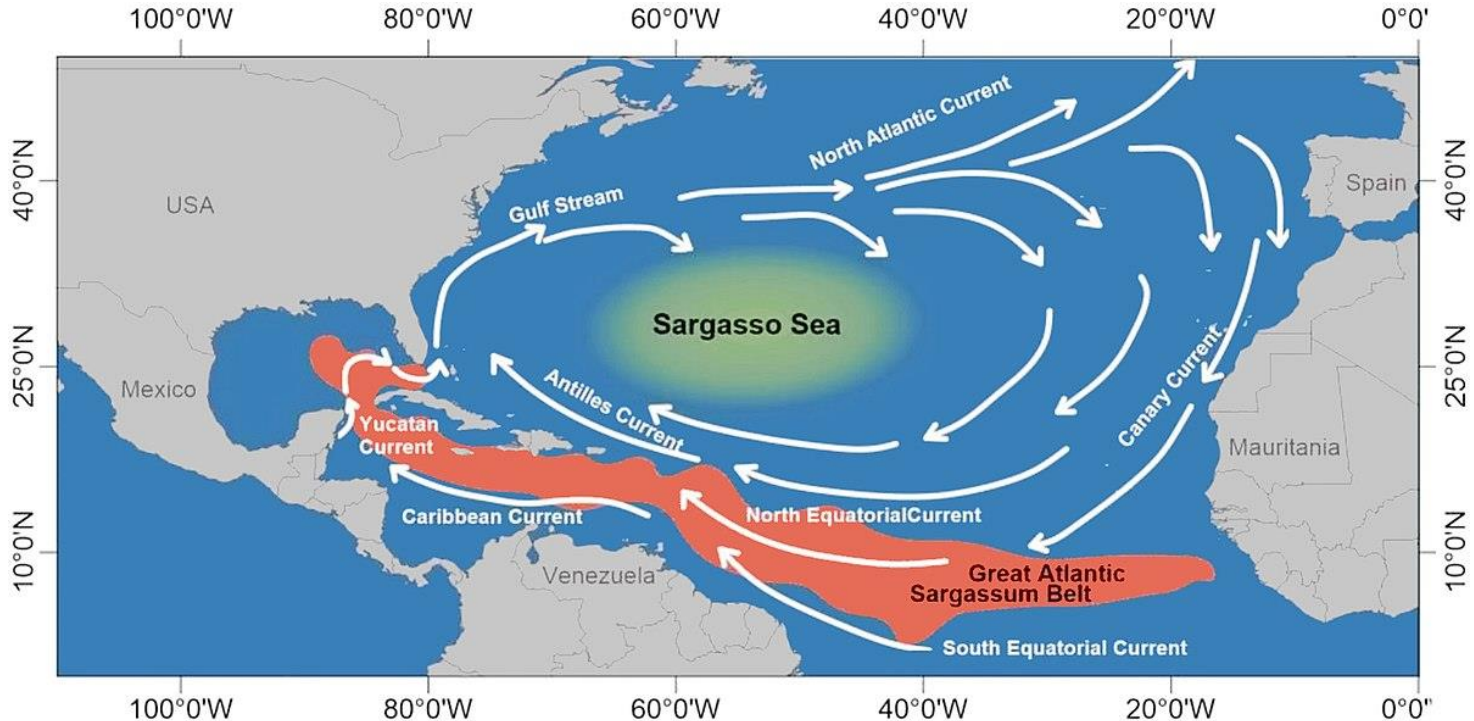
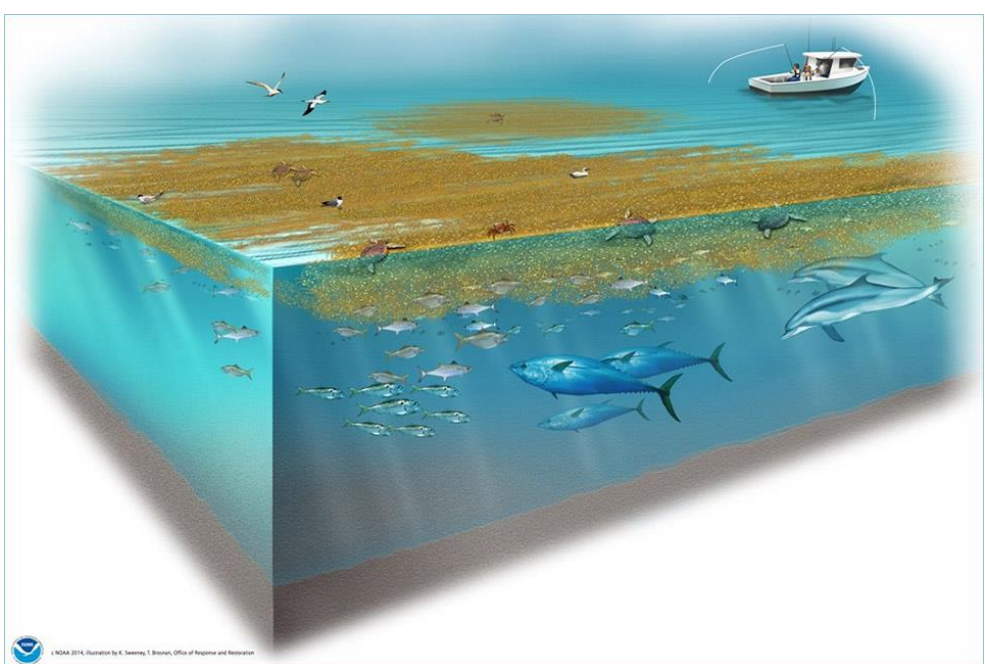
# USF 2023 Sargassum Outlook



Key:  
Dark Blue – ocean, no sargassum  
Warm colors – ocean with increasing sargassum abundance

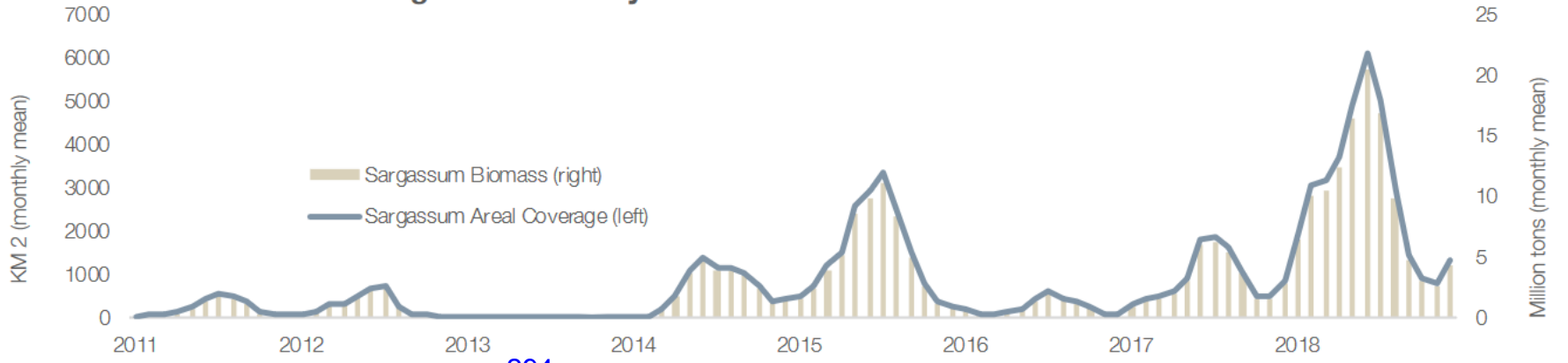
“The *Sargassum* quantity in the Great Atlantic *Sargassum* Belt (extending from west Africa to the Gulf of Mexico) continued the overall increasing trend, again setting a record abundance (~13 million tons) for this time of year.” USF <sup>293</sup>Sargassum Outlook Bulletin, April 2023

# Sargassum is a large brown macroalgae, floats in island-like masses, is Essential Fish Habitat. Volumes Increasing.



Miami Beach is struggling to contain an influx of sargassum seaweed. John Peabody / Getty Images

## Sargassum Activity in the Caribbean Basin: 2011-2018



- Public Health
  - Hydrogen sulfide off-gassing during decomposition can irritate eyes, throat, nose
  - Associated organisms can irritate skin
- Ecology
  - Interferes with marine turtle nesting, hatchling survivorship
  - Can shade/smother seagrass or coral hard bottom habitat
- Economic
  - Beach tourism, boating/fishing industries affected
  - Effect on property values
  - Media hype worsens effect

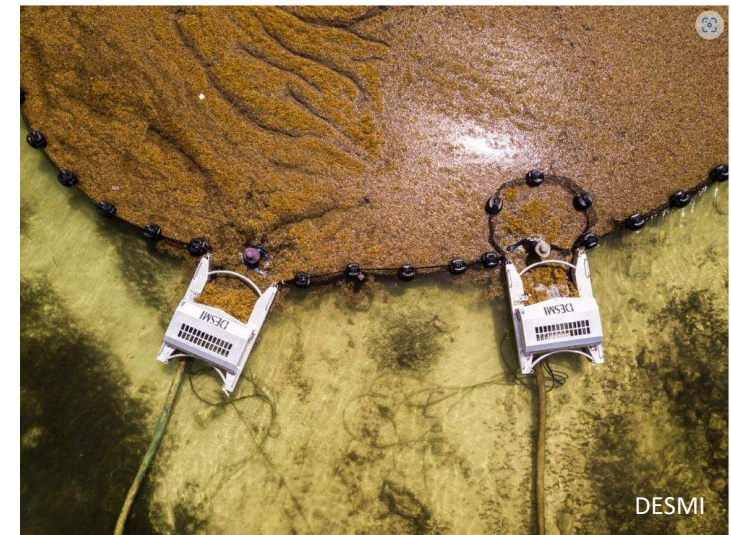


Photo by WaterFrame/Alamy Stock Photo



Sargassum washed up on South Beach on June 21, 2018. Photo: Mike Montero/University of Miami

- Allow it to accumulate on beach
  - State parks
- Collect by beach raking – **Miami-Dade**
  - Upland disposal in landfill
  - Mix/bury into the beach/dune
  - Composting, limited
- Deflect in water
  - Barriers/booms limited to small projects,
  - Calm water/canals, Keys
- Collect in water
  - Repurpose it in the upland – compost, bricks, biofuel
  - Sink it offshore for C sequestration
  - Offshore barriers in Dominican Republic, Belize, Cancun, Mexico



Offshore cleaning devices developed to deal with the onslaught of sargassum. Image courtesy of Rosa Elisa Rodriguez Martinez.



## BILL BAGGS CAPE FLORIDA STATE PARK

MINUTES FROM MIAMI WITH STUNNING VIEWS FROM ATOP A HISTORIC LIGHTHOUSE

### Sargassum knocks Bill Baggs and other Florida spots from 'best beach' list



By John Pacenti May 18, 2023



The beach at Bill Baggs Cape Florida state park in Key Biscayne, Fla., Feb. 20, 2021. The beach was often ranked as one of the nation's top beaches, but is no longer considered because of sargassum. Park managers do not remove the seaweed as is done in other parks.

## BAHIA HONDA STATE PARK

EXPERIENCE THE BREATHTAKING VIEWS OF THE FLORIDA KEYS



Cahouette212

Dijon

76 41

### Full of sargassum algae

Review of Bahia Honda State Park

Reviewed February 29, 2020



terribly disappointed!

this magnificent site is literally overrun with Sargassum algae and park officials do absolutely nothing to clean up the beach. knowing that to have access you will have to pay at the entrance \$ 10 for 4 people. So what is this money for if it is not used to maintain this nature reserve? do not hope to bathe, it is impracticable so there are decaying algae ...

Date of experience: February 2020



Ask Cahouette212 about Bahia Honda State Park

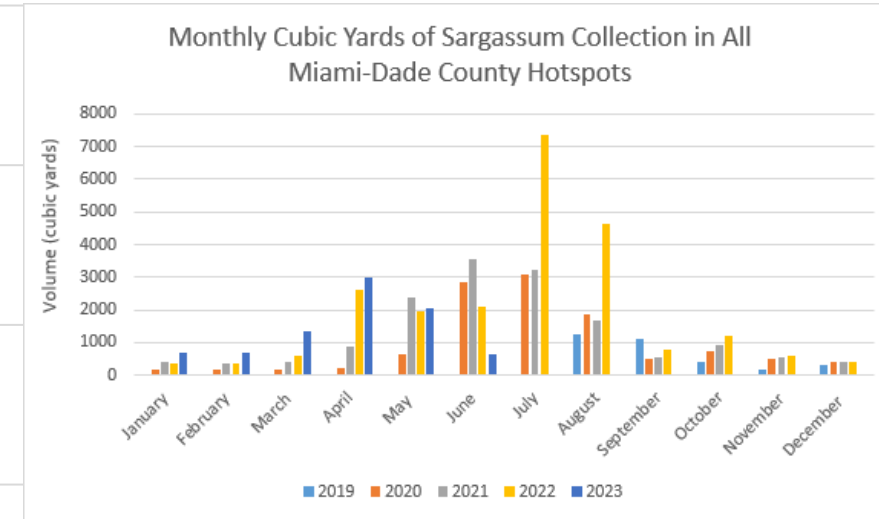
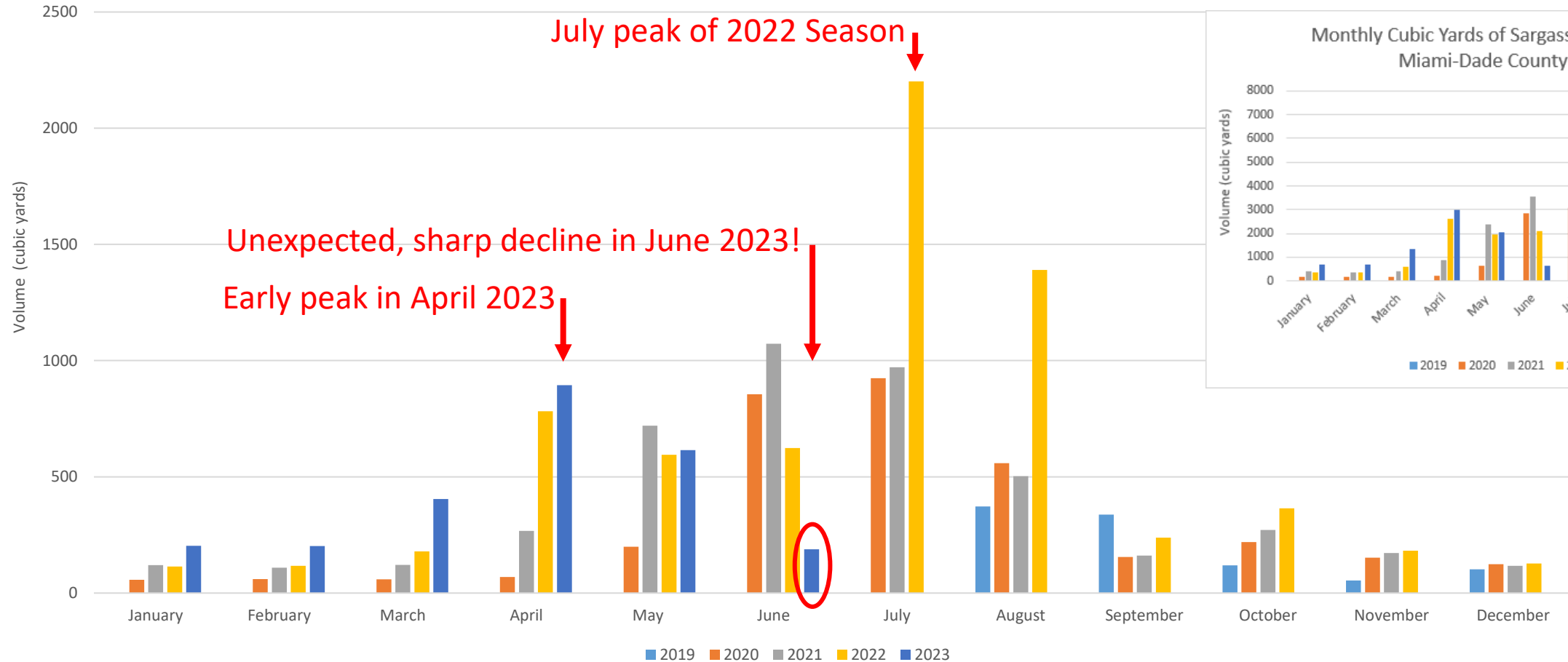
1 Thank Cahouette212

This review is the subjective opinion of a Tripadvisor member and not of Tripadvisor LLC. Tripadvisor performs checks on reviews. Tripadvisor performs checks on reviews as part of our industry-leading trust & safety standards. Read our transparency report to learn more.

See all 4,123 reviews

# Bal Harbour Sargassum Collection Estimates

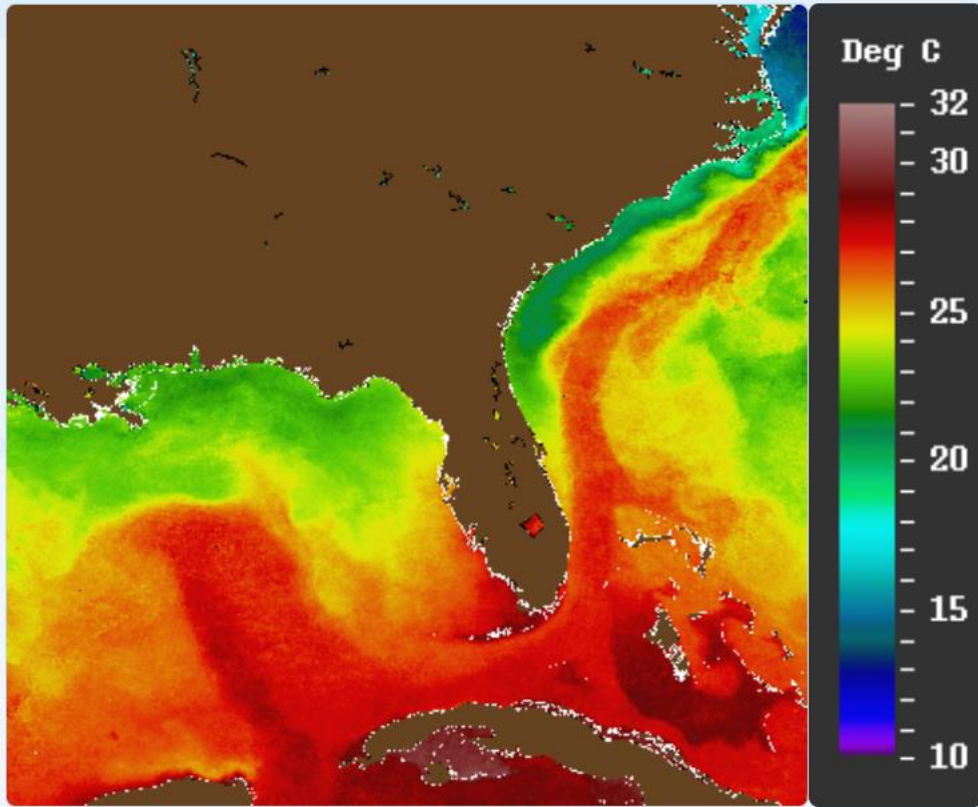
Monthly Cubic Yards of Sargassum Collection in Bal Harbour Hotspot  
(Estimated as 30% of Total Volume Collected by Miami-Dade County)



# April vs. July 2023 Mean Sea Surface Temps

April 2023

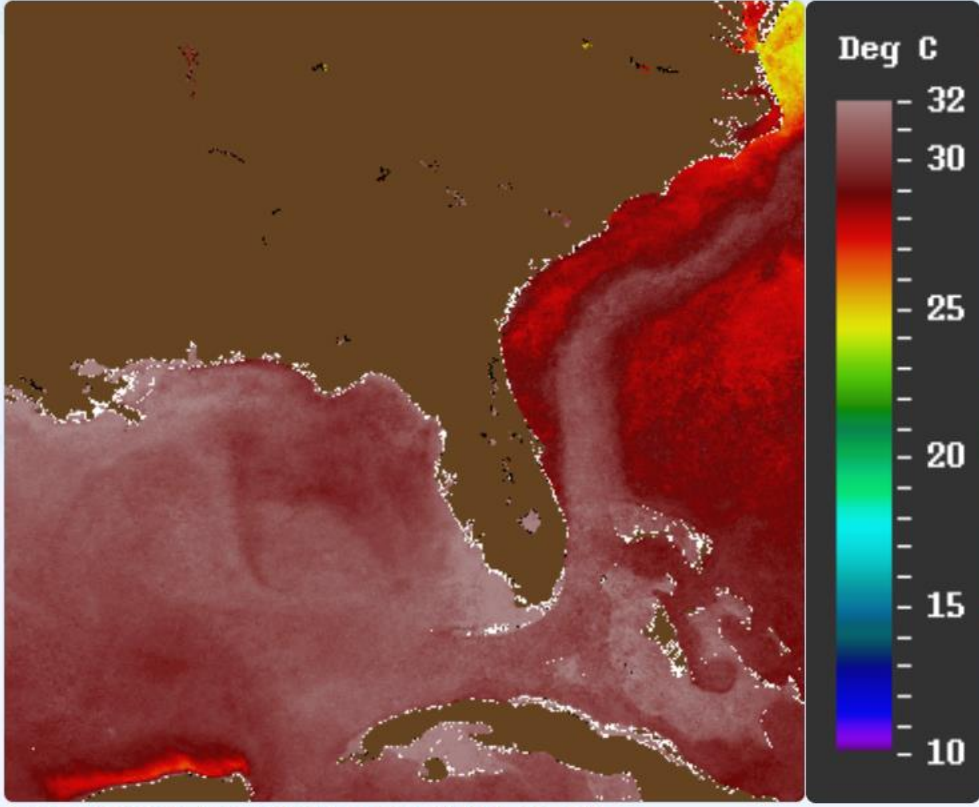
Peak of sargassum volumes in Miami-Dade



C20231132023119.1KM.SECOORA.7DAY.L3D.SST.png  
4/23/2023 DOY 113 – 4/29/2023 DOY 119

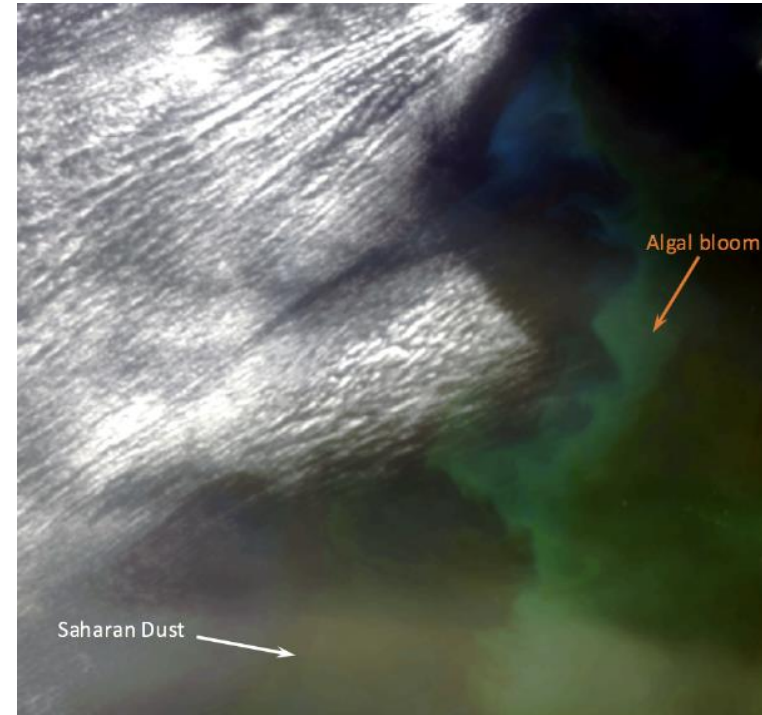
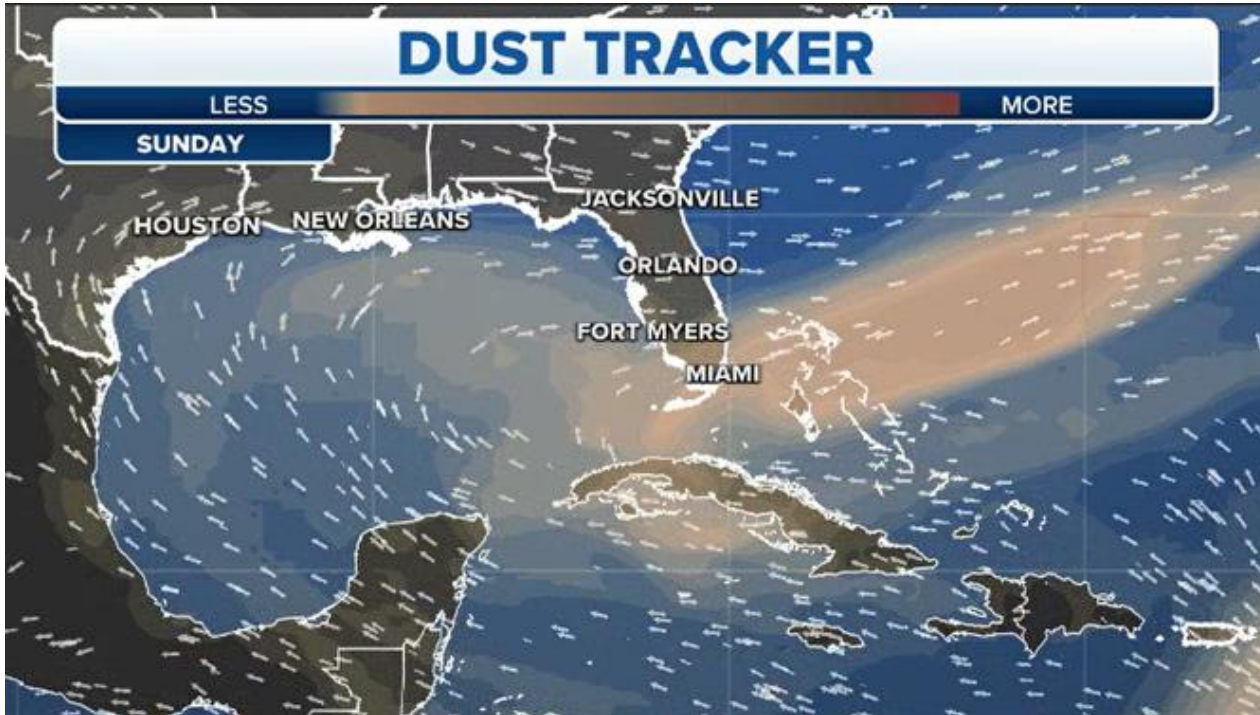
July 2023

FL sargassum season predicted to be over.



C20231822023188.1KM.SECOORA.7DAY.L3D.SST.png  
7/1/2023 DOY 182 – 7/7/2023 DOY 188

← Hot Water!  
89.6°F

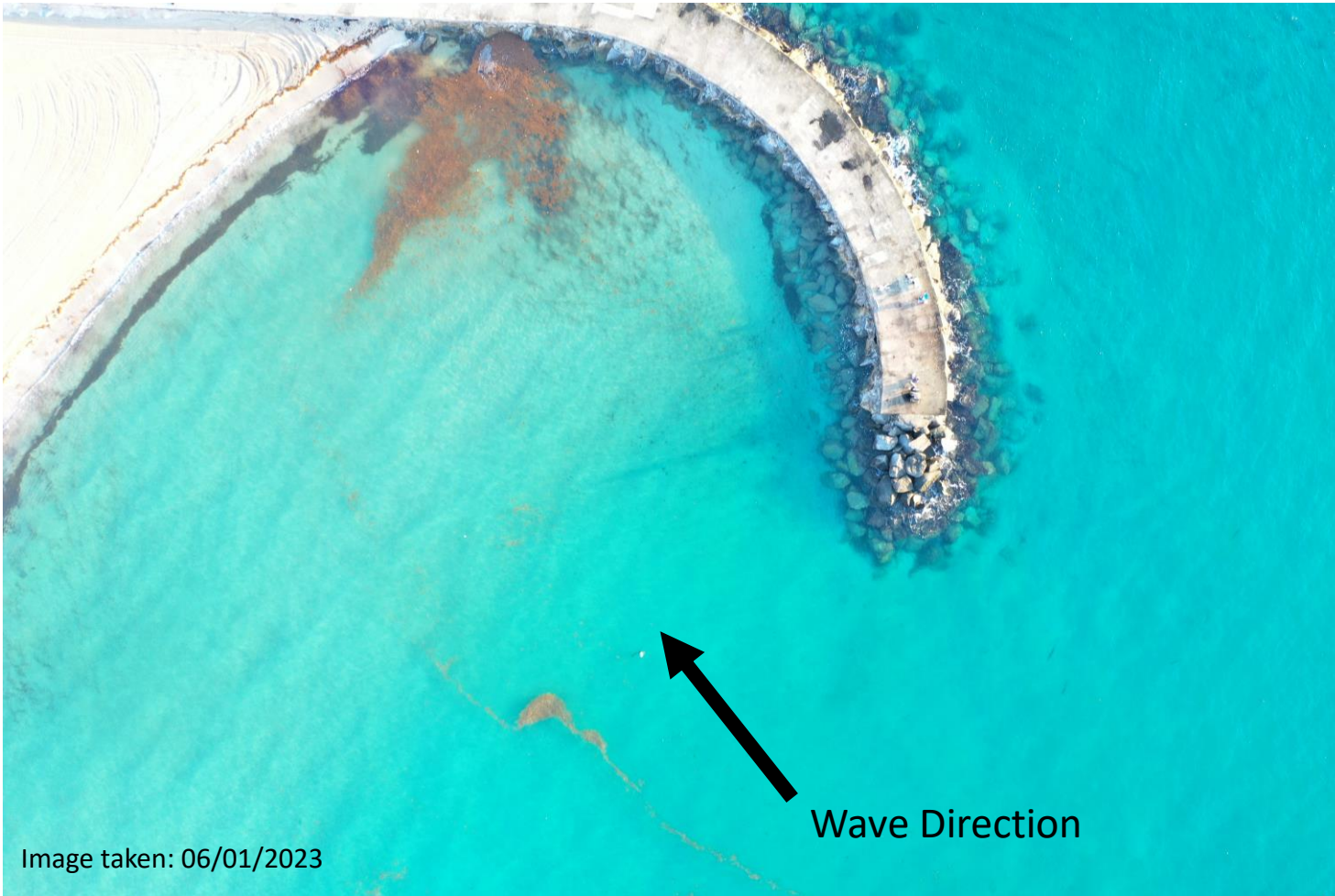


NOAA Image  
from 2018  
dust storm.

- Saharan Air Layer (SAL) plume arriving in FL from Africa
- Dust storms contain pulses of nutrients: iron, nitrogen, & phosphorus
- Can lead to toxic algae blooms in FL – fertilizes plankton, seaweed blooms

# Coastal Conditions in the Project Area

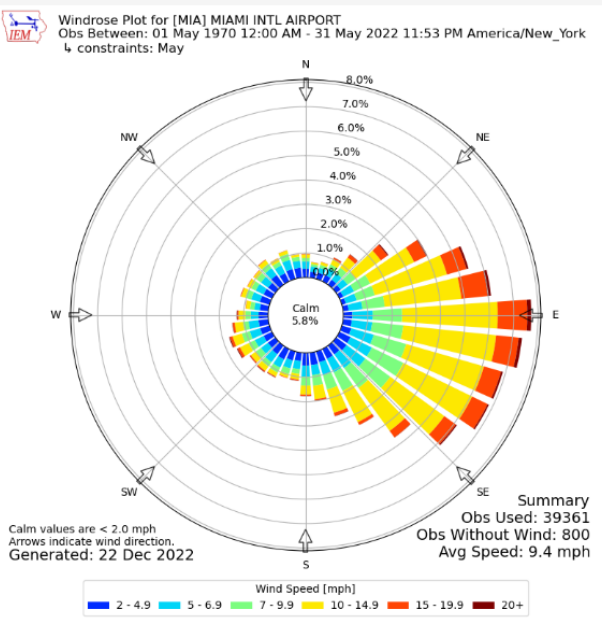
- E/SE Winds / Waves lead to accumulation in Jetty Hook
- Floats on the water surface, moves in nearshore with the littoral drift
  - North in the summer (yellow arrows)
  - South in the winter (red arrows)



# Dominant Wind Direction from E and SE During Peak Sargassum Season

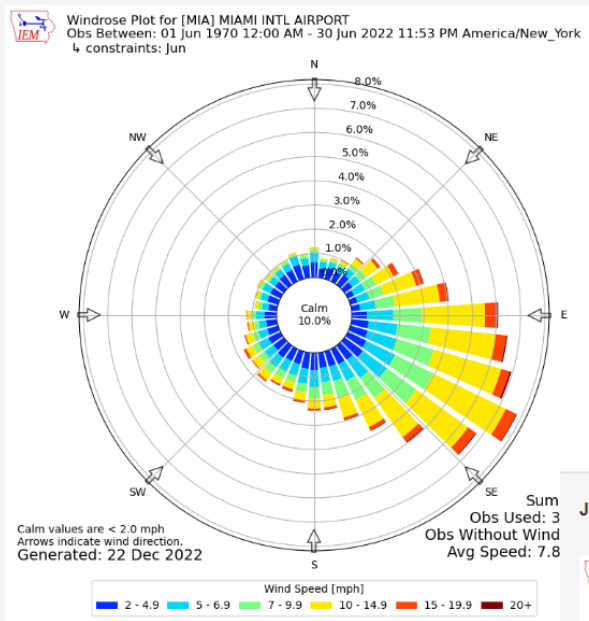
May [View raw data](#)

## May



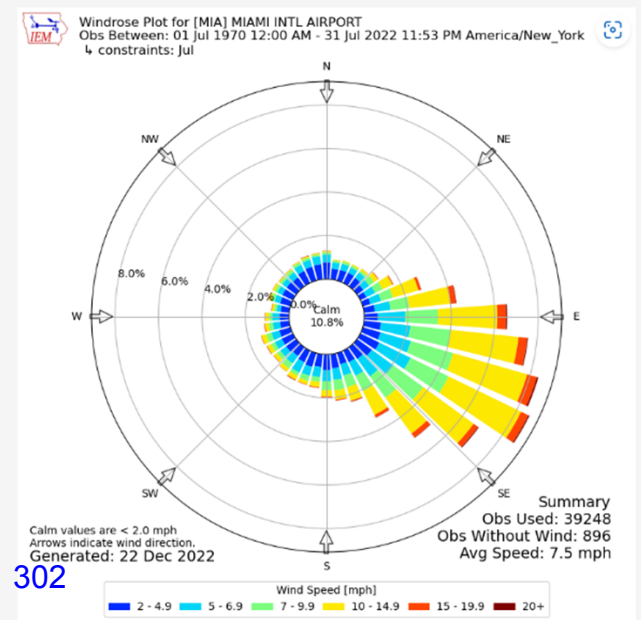
June [View raw data](#)

## June



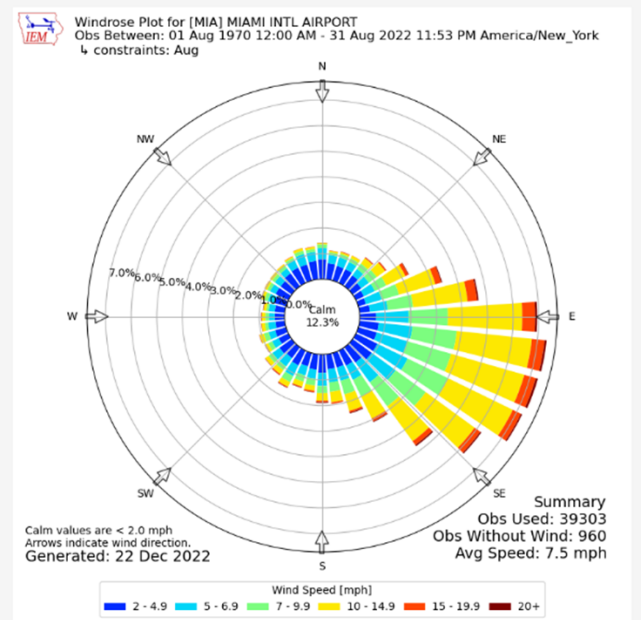
July [View raw data](#)

## July

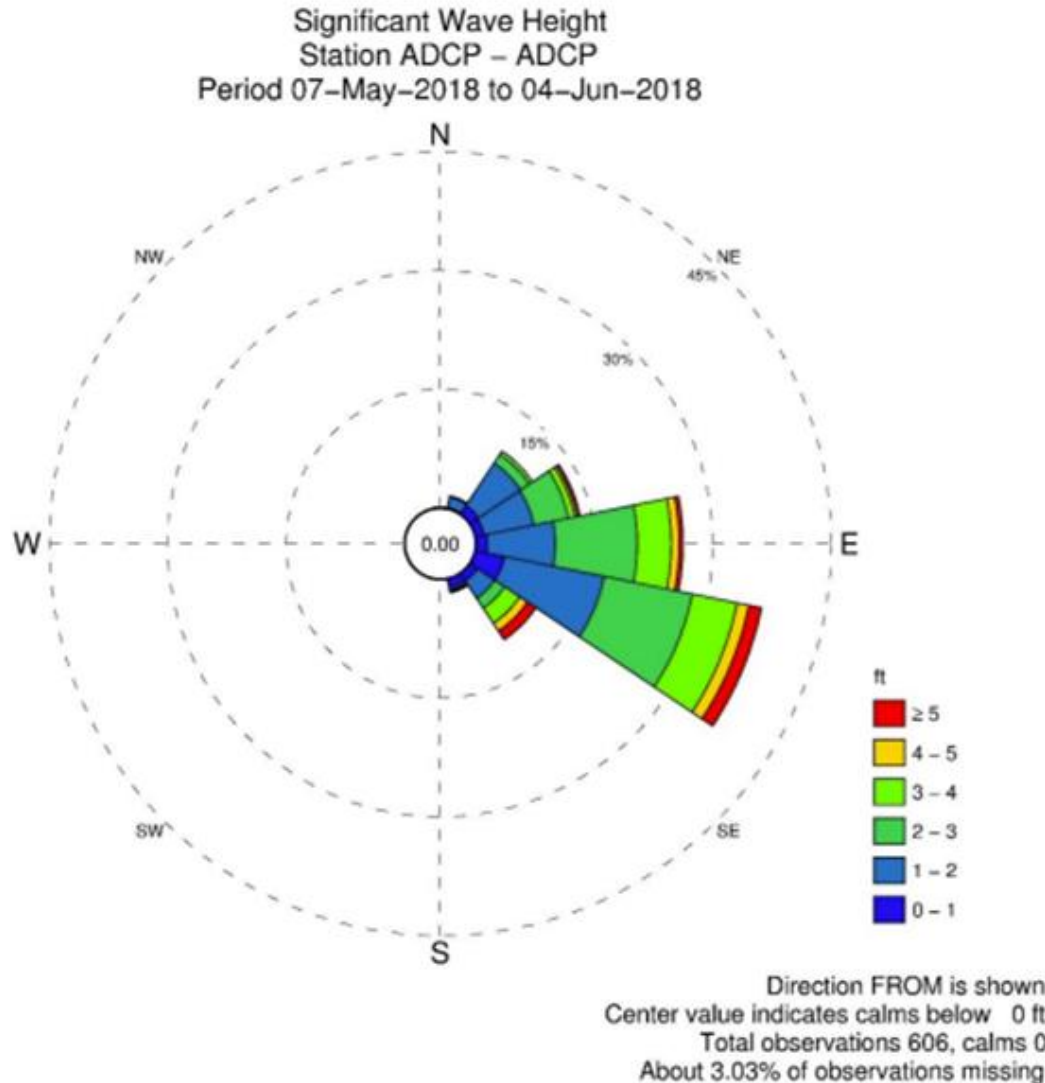


August [View raw data](#)

## August



# Barrier deployment minimum 10' water depth recommended.



Percentage of Occurrence

| Significant Wave Height, ft | N    | NNE  | NE   | ENE   | E     | ESE   | SE    | SSE  | S | SSW | SW | WSW | W | WNW | NW | NNW | Total  |
|-----------------------------|------|------|------|-------|-------|-------|-------|------|---|-----|----|-----|---|-----|----|-----|--------|
| Total                       | 0.17 | 1.65 | 9.57 | 13.53 | 26.24 | 36.98 | 10.07 | 1.82 |   |     |    |     |   |     |    |     | 100.00 |
| 5                           |      |      |      | 0.33  | 0.50  | 1.65  | 1.32  |      |   |     |    |     |   |     |    |     | 3.80   |
| 4                           |      |      |      | 0.33  | 0.99  | 1.49  | 1.16  | 0.17 |   |     |    |     |   |     |    |     | 4.13   |
| 3                           |      |      | 0.50 | 0.83  | 4.29  | 5.78  | 2.31  |      |   |     |    |     |   |     |    |     | 13.70  |
| 2                           |      | 0.17 | 1.32 | 4.46  | 10.40 | 11.39 | 1.49  | 0.17 |   |     |    |     |   |     |    |     | 29.37  |
| 1                           | 0.17 | 1.32 | 6.44 | 6.44  | 8.58  | 12.67 | 2.64  | 0.33 |   |     |    |     |   |     |    |     | 38.78  |
| 0                           | 0.17 | 1.32 | 1.16 | 1.49  | 3.80  | 1.16  | 1.16  |      |   |     |    |     |   |     |    |     | 10.23  |

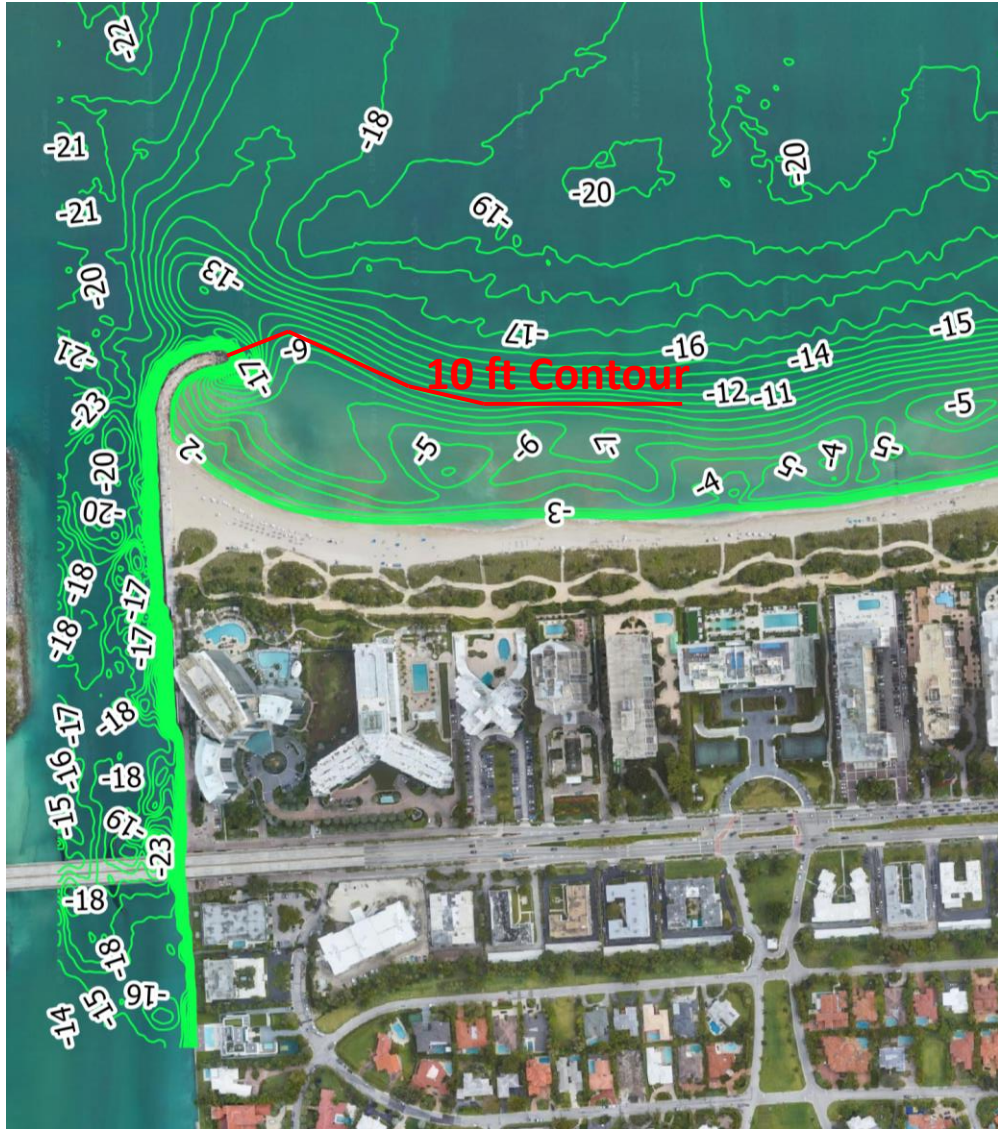
Figure 3-7: ADCP Wave Rose

Warmer color show more frequent wave height, direction.

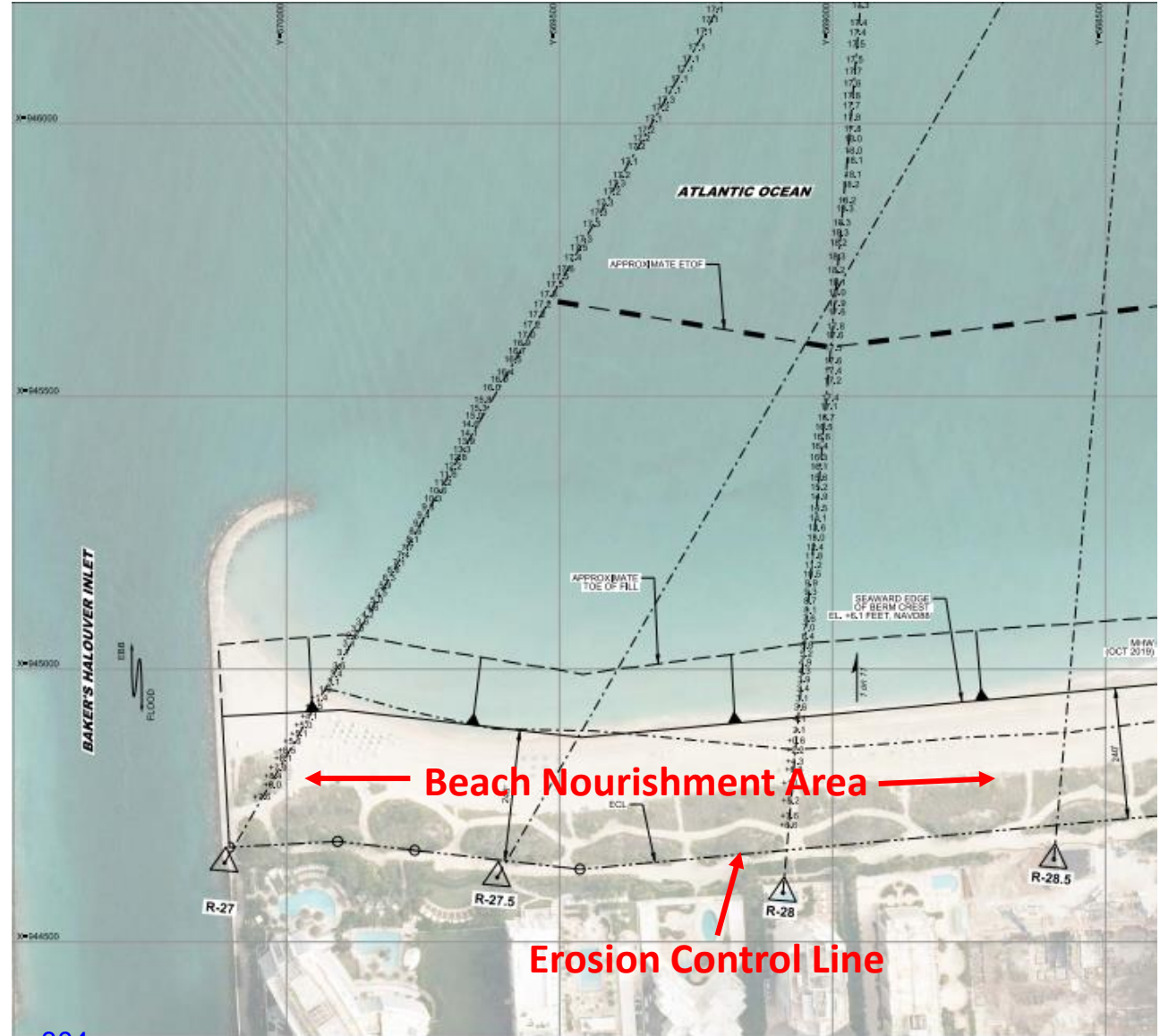
| Wave height (ft) | Water depth at breaking (ft) |
|------------------|------------------------------|
| 1                | 1.28                         |
| 1.5              | 1.92                         |
| 2                | 2.56                         |
| 2.5              | 3.21                         |
| 3                | 3.85                         |
| 3.5              | 4.49                         |
| 4                | 5.13                         |
| 4.5              | 5.78                         |
| 5                | 6.43                         |
| 5.5              | 7.08                         |
| 6                | 7.73                         |
| 6.5              | 8.38                         |

Max wave ht of 6.5' breaks in 8.3' of water

# Federal beach project, no benthic resources in Project Vicinity



\*10 ft contour – approximately 500-600 ft offshore





# Who owns the beach? Who has mgmt. responsibility?

- State of Florida
  - Seaward of Erosion Control Line, 1972
- Federal Government/County
  - USACE Beach Erosion Control /Hurricane Protection Project
  - Periodic beach nourishment, groin field
  - Extends to beach / nearshore
  - County is non-federal sponsor
- Village of Bal Harbour
  - 50-yr BTIITF easement, jogging path/dune restoration, 2001
  - 50-yr BTIITF easement, groin field, 2010
  - 30-yr BRIITF easement, jetty, 1987



# Project Location Likely Touches Easements for Groin, Jetty.



## Jetty BTIITF Easement Area

- North limit of barrier
- Connection point

## General Area of Floating Barrier

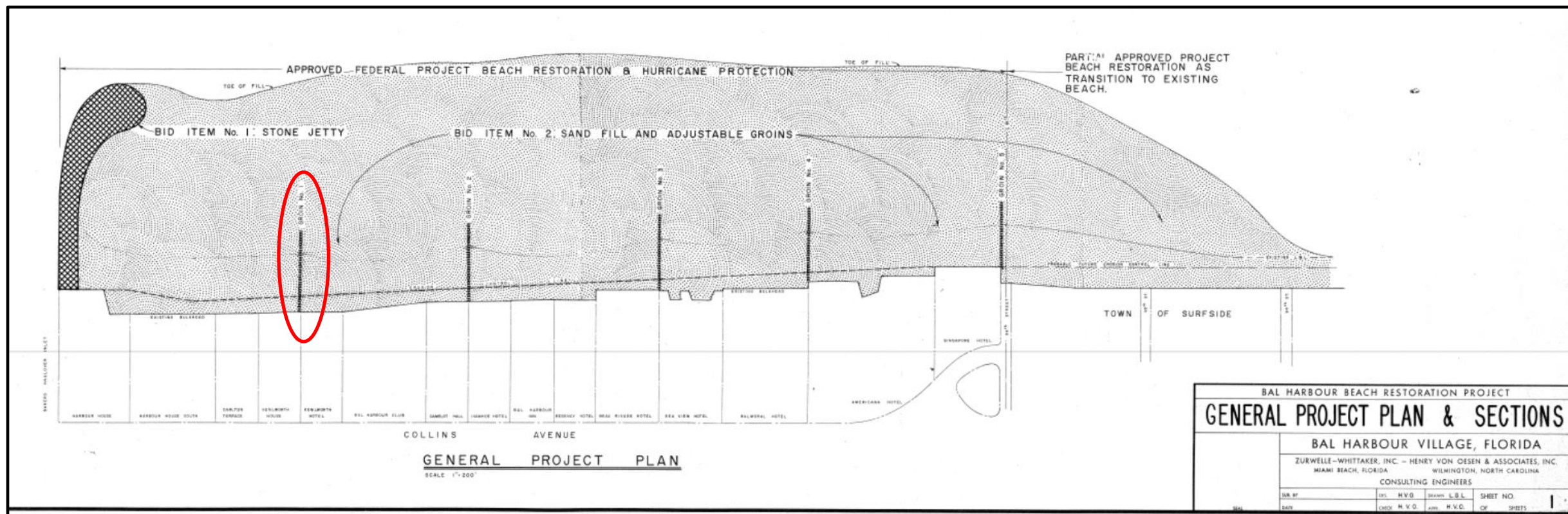
- Distance offshore TBD
- Opening for navigation thru gates, breaks in barrier segments
- Sargassum accumulation east of barrier likely

## Groin BTIITF Easement Area

- South limit of barrier
- Connection point to groin
- Sargassum accumulation south of groin likely

# 1972 USACE Plans Depict Historical Groins

- Possibly connect southern end of barriers to relic groin structure closest to jetty, near R-28
- Groins currently under study to rehabilitate them (USACE/MDC Study)



# Northern-most Relict Groin Near R-28

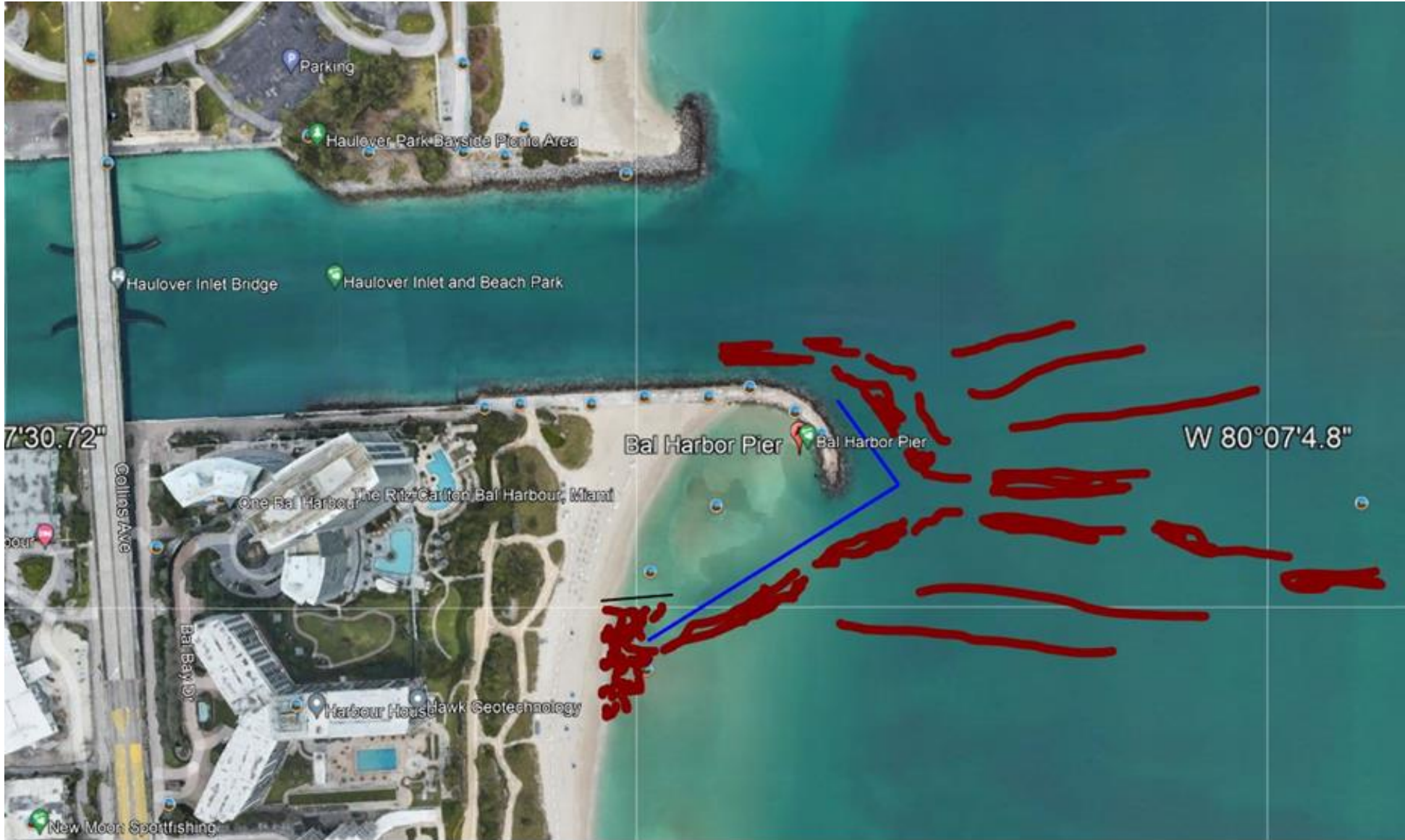


# One Bal Harbour Corporation Concept

- FL Keys Aeration
- Temporary deployment
- 680-ft Floating curtain
- Anchored with helical or weights
- Would be monitored for sea turtles – beach & in-water
- Shore perpendicular segment – barrier or rock groin?



# Elastec Beach Bouncer Concept



- 750' segment (blue), 3' deep
- Shorter section of either staked mesh fence or rock wall to create collection / removal area (black)
- Will not survive breaking waves
- Red represents sargassum

# Overlapping Segments Concept

- Overlapping segments
  - +/-1700' along-shore barrier
  - Weighted anchors for pilot
  - Helical for long-term
- Connect at jetty end
  - on jetty or on new piling near jetty?
  - Jetty end is owned by VBH, not USACE
- Connect to remnant groin S of R-28
  - +/-130' shore-perpendicular
  - Remnant groin pilings used as anchor points
  - Groin owned by USACE/Miami-Dade County



# DESMI Concept

- One continuous segment
  - +/-1700' along-shore barrier
  - Gates for vessel traffic
- Harvesting highly recommended
- Distance offshore TBD



GRAND PALLADIUM 700m - MEXICO

312





# Other Sargassum Barrier Manufacturers

|                      | ABASCO            |                   |                   | Elastec                            | GEI Works              |                            |
|----------------------|-------------------|-------------------|-------------------|------------------------------------|------------------------|----------------------------|
| Product Model        | AB-48             | AB-61             | AB-70             | Beach Bouncer Type III             | 30"                    | 36"                        |
| Skirt Depth (inches) | 38                | 48                | 56                | 32                                 | 19                     | 25                         |
| Freeboard (inches)   | 10                | 12                | 14                | 12                                 | 11                     | 11                         |
| Skirt Mesh Type      | 35 oz. PVC coated | 35 oz. PVC coated | 35 oz. PVC coated | 22 oz. PVC mesh with 30% open area | 22 oz. impermeable PVC | 10% permeable monofilament |

**ABASCO**



**GEI Works**



**ELASTEC**



# Anchoring Options – Helical and Concrete Block



Helical anchors



Concrete block anchors

# In-Water Concept Development Meetings



**US Army Corps  
of Engineers**®  
Jacksonville District



**NOAA  
FISHERIES**



| Meeting Date     | External Attendees  | Discussion Topic                             |
|------------------|---|--|
| 5/2/2023         | FDEP – Greg Garis   | State permitting pathways                    |
| 5/5/2023         | Miami-Dade County Parks & Recreation – Tom Morgan                                       | Sargassum collection data                    |
| 5/10/2023        | Beach Protector Manufacturer – ABASCO   | Product information                          |
| 5/10/2023        | Beach Bouncer Manufacturer – ELASTEC  | Product information                          |
| 5/15/2023        | Floating Aquatic Plant Barrier Manufacturer – GEI Works                                 | Product information                          |
| 5/15/2023        | One Bal Harbour Corporation – Russell Smith, and Florida Keys Aeration – Scott Gardner  | Previous sargassum barrier concepts          |
| 5/31/2023        | Miami-Dade County DERM – Rockell Alhale   | Local permitting pathways                    |
| 6/1/2023         | FAU – Dr. Brian Lapointe  | International sargassum projects             |
| 6/5/2023         | Miami-Dade County Parks & Recreation – Tom Morgan                                       | Sargassum collection data                    |
| 6/7/2023         | Miami-Dade County Innovation & Economic Development – Galen Treuer                      | Sargassum impacts on tourism                 |
| 6/7/2023         | USACE Regulatory – Albert Gonzales, USACE Civil Works – Chris McNees, with NMFS and FWS | Federal permitting pathways                  |
| 6/22/2023        | Mesh Boom Manufacturer – DESMI  | Product information                          |
| 7/6/2023         | Miami-Dade County Parks & Recreation – Tom Morgan                                       | Sargassum collection data                    |
| 7/2023 (Pending) | Miami-Dade County Beaches – Alberto Pisani  | Proximate federal projects (beach and groin) |
| 7/2023 (Pending) | Surfrider – Mike Gibaldi  | In-water sargassum barrier                   |



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of Engineers**®  
Jacksonville District

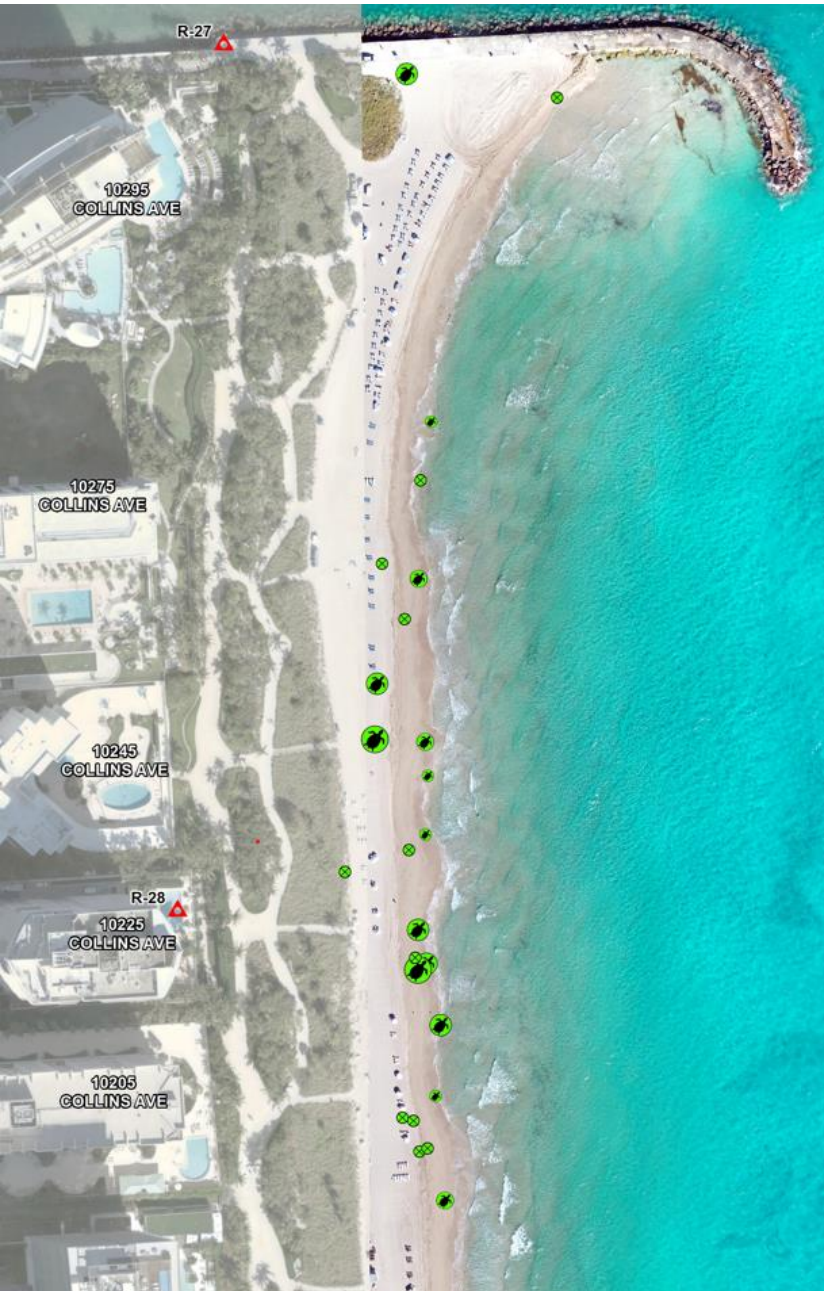


- FDEP – two options
  - De Minimus Exemption – No FFWCC consultation, no modeling, monitoring
  - Joint Coastal Permit (more likely) – FFWCC Consultation re turtles, modeling & monitoring (beach-side and in-water)
  - FDEP Division of State Lands – Letter of Consent for use of Sovereignty Submerged Lands
- USACE Individual Permit
  - Minimize / mitigate physical beach impacts, secondary impacts
  - FWS Consultation – Biological Opinion for Swimming Sea Turtle
  - NMFS Consultation – Biological Opinion for Nesting Sea Turtle, Essential Fish Habitat
- Miami-Dade County DERM Class I
  - Similar to FDEP/USACE approach
  - Likely requires County Commission approval

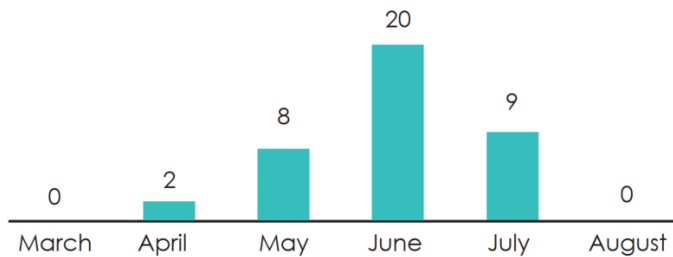


- Maintenance of barrier components
  - Float integrity
  - Anchoring components
- Storm Removal Plan
  - Tropical storm activity will need to be monitored for potential temporary removal of the sargassum barrier
- Monitoring for physical impacts
  - Beach erosion/accretion
- Monitoring for biological/ecological impacts
  - Beachside monitoring of turtle nests
  - In-water monitoring of turtles
  - Sargassum accumulation

# Village Marine Turtle Nesting Data 2022 – 39 nests.



## BAL HARBOUR VILLAGE NESTS IN 2022



A loggerhead hatchling at Bill Baggs Cape Florida State Park last September. (KBI Photo- Rumya Sundaram)

### Legend

- Coastal Range Monument
- False Crawl (Loggerhead)
- Loggerhead Sea Turtle Nest**
- Emergence Rate**
- <50%
- 50-75%
- 75-90%
- 90-100%

318



## ABOUT LOGGERHEAD SEA TURTLES (*Caretta caretta*)

- Most abundant species in Florida
- Named for their exceptionally large head with strong jaws, used to crush shellfish
- Threatened due to habitat loss
- Loggerhead nests have accounted for over 95% of all nests in Miami-Dade County since 2010
- Nesting season occurs every year in Miami between May 1st - October 31st

# ROM Costs - \$6.24M over 5 years

- 3-month annual deployment
  - Maintenance – monthly, annually
  - Monitoring – physical, biological, reporting
  - 3-year product life
- 2 storm-related retrieval, redeployments
- Assume 10% inflation annually
- 5-year estimate = \$6.24M

| Rough Order of Magnitude Cost Estimate                                   |   |      |               |            |             |           |           |             |             |
|--|---|------|---------------|------------|-------------|-----------|-----------|-------------|-------------|
| In-Water Floating Sargassum Barrier, 3-month Deployment Annually         |   |      |               |            |             |           |           |             |             |
| Item No.   | Description   | Unit | Est. Quantity | Unit Price | Yr 1 Cost   | Yr 2 Cost | Yr 3 Cost | Yr 4 Cost   | Yr 5 Cost   |
| <b>1. General</b>  |   |      |               |            |             |           |           |             |             |
| 1.1  | Mobilization - anchor deployment  | LS   | 1             | \$30,000   | \$30,000    |           |           | \$40,000    |             |
| 1.2  | Local Building Permit   | LS   | 1             | \$5,000    | \$5,000     |           |           |             |             |
| 1.3  | Environmental Permit Fees (To Regulatory Agencies)  | LS   | 1             | \$20,000   | \$20,000    |           |           |             |             |
| 1.4  | Layout/As-Built Surveys   | LS   | 1             | \$30,000   | \$30,000    |           |           |             |             |
| 1.5  | Bonds and Insurance (3% total cost)   | LS   | 1             | \$12,000   | \$12,000    |           |           |             |             |
| <b>Subtotal - General</b>  |   |      |               |            | \$97,000    | \$0       | \$0       | \$40,000    | \$0         |
| <b>2. Barrier Components</b>   |   |      |               |            |             |           |           |             |             |
| 2.1  | Barrier (3-year warranty)   | LF   | 1500          | \$100      | \$150,000   |           |           | \$200,000   |             |
| 2.2  | Weighted Anchors  | EA   | 60            | \$1,000    | \$60,000    |           |           | \$80,000    |             |
| 2.3  | Solar Lights/markers  | EA   | 30            | \$1,000    | \$30,000    |           |           |             |             |
| 2.4  | Shore Connection (Assuming Existing Groin)  | LS   | 1             | \$25,000   | \$25,000    |           |           |             |             |
| 2.5  | Jetty Connection  | LS   | 1             | \$25,000   | \$25,000    |           |           |             |             |
| <b>Subtotal - Materials</b>  |   |      |               |            | \$290,000   | \$0       | \$0       | \$280,000   | \$0         |
| <b>3. Recurring Cost - Maintenance</b>                                   |   |      |               |            |             |           |           |             |             |
| 3.1  | Monthly Divers to scrub growth off skirt  | EA   | 3             | \$5,000    | \$15,000    | \$17,000  | \$19,000  | \$21,000    | \$23,000    |
| 3.2  | Annual Liquid PVC Treatment/Cleaning  | EA   | 1             | \$7,000    | \$7,000     | \$8,000   | \$9,000   | \$10,000    | \$11,000    |
| 3.3  | Barrier Deploy/Retrieval - Boat & Diver-assisted  | EA   | 1             | \$50,000   | \$50,000    | \$55,000  | \$61,000  | \$67,000    | \$74,000    |
| 3.4  | Storage (annual fee)  | EA   | 1             | \$5,000    | \$5,000     | \$6,000   | \$7,000   | \$8,000     | \$9,000     |
| <b>Subtotal - Maintenance</b>  |   |      |               |            | \$77,000    | \$86,000  | \$96,000  | \$106,000   | \$117,000   |
| <b>4. Recurring Cost - Monitoring</b>                                    |   |      |               |            |             |           |           |             |             |
| 4.1  | Monthly Beach Profiling, Elevations to Wading Depth                                       | -    | 4             | \$10,000   | \$40,000    | \$44,000  | \$48,000  | \$53,000    | \$58,000    |
| 4.2  | Turtle Nest Relocations (as needed, 6 estimated)  | EA   | 6             | \$1,500    | \$9,000     | \$10,000  | \$11,000  | \$12,000    | \$13,000    |
| 4.3  | Daily In-water Offshore Biological Monitoring   | EA   | 90            | \$5,000    | \$450,000   | \$495,000 | \$545,000 | \$600,000   | \$660,000   |
| 4.4  | Monthly Monitoring Reports  | EA   | 4             | \$9,000    | \$36,000    | \$40,000  | \$44,000  | \$48,000    | \$53,000    |
| <b>Subtotal - Monitoring</b>   |   |      |               |            | \$535,000   | \$589,000 | \$648,000 | \$713,000   | \$784,000   |
| <b>5. Soft Costs</b>   |   |      |               |            |             |           |           |             |             |
| 5.1  | Engineering Design  | LS   | 1             | \$100,000  | \$100,000   |           |           |             |             |
| 5.2  | Field Data - (Beach Profiles, Multibeam Survey, Sidescan Sonar, Jet Probes, Current/Wave) | LS   | 1             | \$125,000  | \$125,000   |           |           |             |             |
| 5.3  | Modeling - (Sargassum Fate, Currents, Wave, Sediment)                                     | LS   | 1             | \$150,000  | \$150,000   |           |           |             |             |
| 5.4  | Environmental Permitting - USACE, FDEP, DERM, USCG  | LS   | 1             | \$200,000  | \$200,000   | \$25,000  | \$28,000  | \$31,000    | \$34,000    |
| 5.5  | Construction Administration   | LS   | 1             | \$25,000   | \$25,000    | \$17,000  | \$19,000  | \$21,000    | \$23,000    |
| <b>Subtotal - Soft Costs</b>   |   |      |               |            | \$600,000   | \$42,000  | \$47,000  | \$52,000    | \$57,000    |
| <b>Total Cost</b>  |   |      |               |            | \$1,599,000 | \$717,000 | \$791,000 | \$1,191,000 | \$958,000   |
| <b>Storm Contingency - Retrieval/Redeploy x 2 Tropical Storm Warning</b> |   |      |               |            | \$100,000   | \$110,000 | \$120,000 | \$130,000   | \$140,000   |
| <b>Contingency (10% of total cost)</b>                                   |   |      |               |            | \$160,000   | \$72,000  | \$79,000  | \$119,000   | \$96,000    |
| <b>Total Project Cost (10% inflation annually)</b>                       |   |      |               |            | \$1,859,000 | \$827,000 | \$911,000 | \$1,321,000 | \$1,098,000 |

**Assessment of Sargassum Activity in the Florida Keys & the Impact on Monroe County's Economy**  
**Executive Summary**  
 Evaluation of Tourism Disruption, Economic Impact & the Cost-Benefit of Sargassum Mitigation

ROCKPORT ANALYTICS

|                              | Regression Model Severe Scenario | Survey (Visitor Intentions) Severe Scenario* | Severe Scenario (Midpoint of Estimates) |
|------------------------------|----------------------------------|--|---|
| Total Visitor Volume         | -4,648                           | -108,897                                     | -56,773                                 |
| Total Visitor Spending       | -\$2,187,075                     | -\$51,245,547                                | -\$26,716,311                           |
| <b>Economic Impact (GDP)</b> | <b>-\$1,637,988</b>              | <b>-\$38,379,840</b>                         | <b>\$20,008,914</b>                     |
| Wages                        | -\$856,604                       | -\$20,071,173                                | -\$10,463,889                           |
| Jobs                         | -24                              | -563   | -294                                    |
| Tax Receipts Total           | -\$445,835                       | -\$10,446,405                                | -\$5,466,120                            |
| Tax Receipts Federal         | -\$214,714                       | -\$5,030,971                                 | -\$2,622,842                            |
| Tax Receipts State and Local | -\$231,122                       | -\$5,415,434                                 | -\$2,823,278                            |

- Tourism represents 44% of total county employment
- 1/10 visitors feel there's  $\geq 75\%$  chance they'd cancel their trip to Keys due to presence of sargassum
- Regression model estimates for every 1% change in sargassum tonnage, 0.09% decrease in room demand expected
- Economic impact from severe sargassum year estimated at \$20M, \$3M decline in state & local tax collections, 300 lost jobs in the county



JULY 25, 2022

## President Joseph R. Biden, Jr. Approves U.S. Virgin Islands Emergency Declaration

 [BRIEFING ROOM](#) [PRESIDENTIAL ACTIONS](#)

Today, President Joseph R. Biden, Jr. declared that an emergency exists in the territory of the U.S. Virgin Islands and ordered Federal assistance to supplement the territory's response efforts due to the emergency conditions resulting from a water shortage and health impact from unprecedented sargassum seagrass influx beginning on July 15, 2022, and continuing.

### A record amount of seaweed is choking shores in the Caribbean

August 3, 2022 · 11:00 AM ET  
By The Associated Press



Seaweed covers the Atlantic shore in Frigate Bay, St. Kitts and Nevis, on Wednesday. A record amount of seaweed is smothering Caribbean coasts from Puerto Rico to Barbados.



Long Beach is covered with sargassum in Crest Church parish along the south coast of Barbados on July 27.



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News Releases: [Region 02](#)

[CONTACT US](#)

## Biden-Harris Administration Announces \$45 Million for Drinking Water Infrastructure Upgrades in U.S. Virgin Islands

Made possible by President Biden's Investing in America Agenda, new funding will help ensure communities have access to clean and safe drinking water

April 4, 2023

### Contact Information

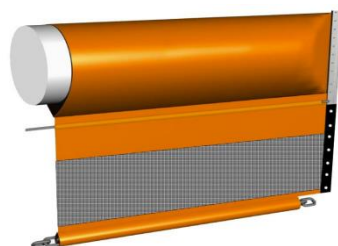
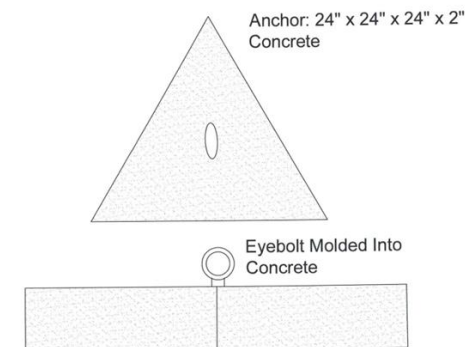
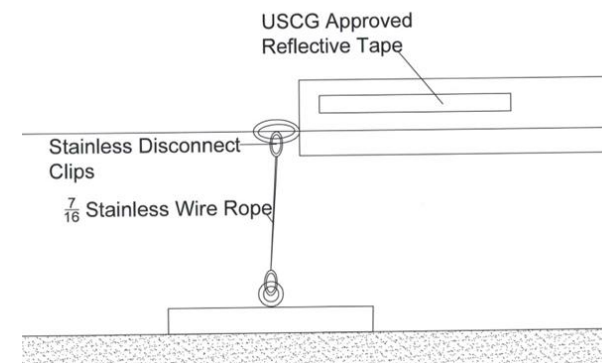
Carlos Vega ([vega.carlos@epa.gov](mailto:vega.carlos@epa.gov))  
(212) 637-3662

**NEW YORK** – (April 4, 2023) Today, the U.S. Environmental Protection Agency (EPA) announced \$45,565,000 for the U.S. Virgin Islands essential drinking water infrastructure upgrades across the nation through the Drinking Water State Revolving Fund (DWSRF). Thanks to a \$6 billion boost from Biden-Harris Administration's Bipartisan Infrastructure Law, EPA is increasing the investments available to rebuild the nation's water infrastructure.

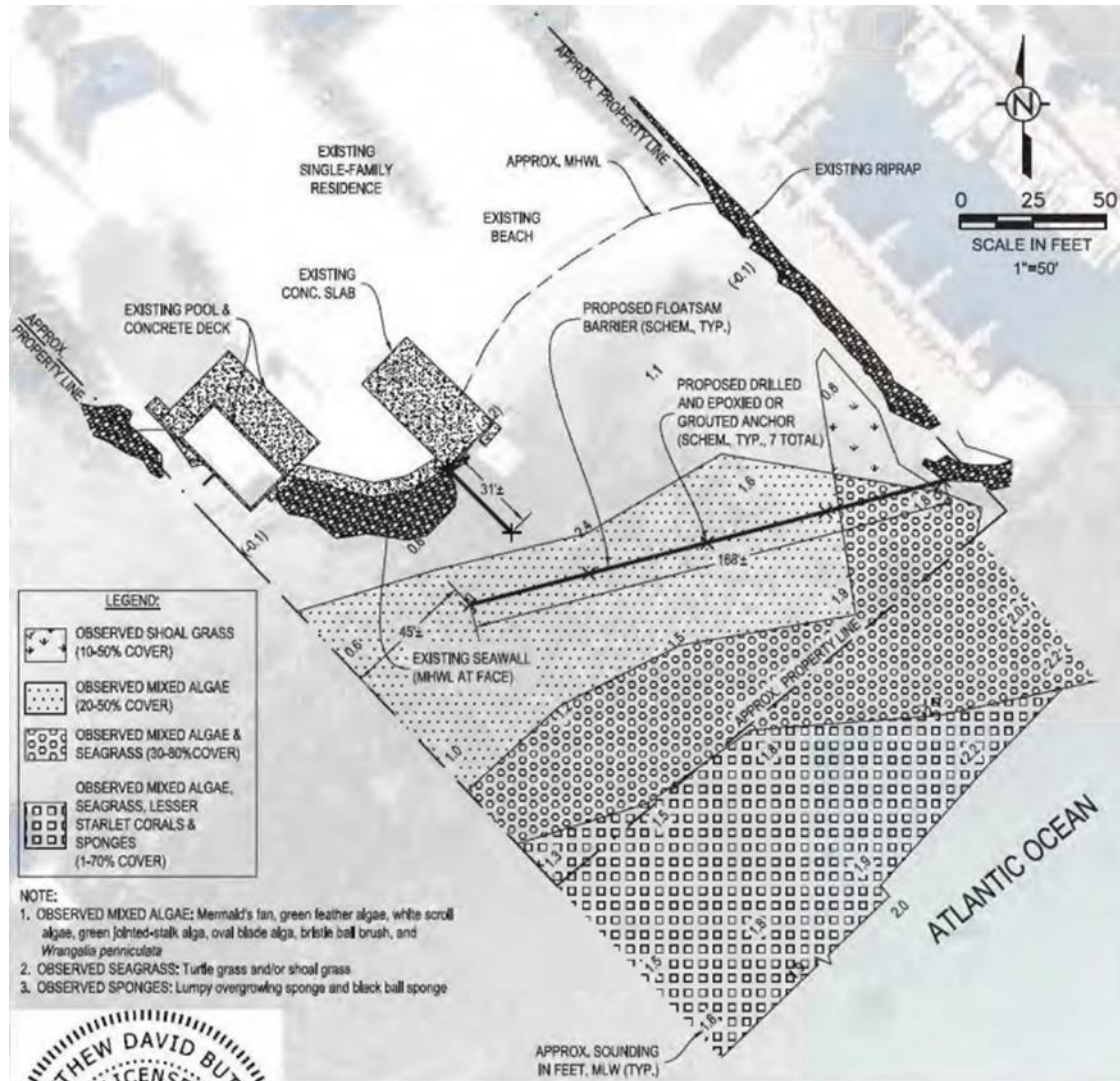
# 2019 FL Keys Floating Boom – 500 LF



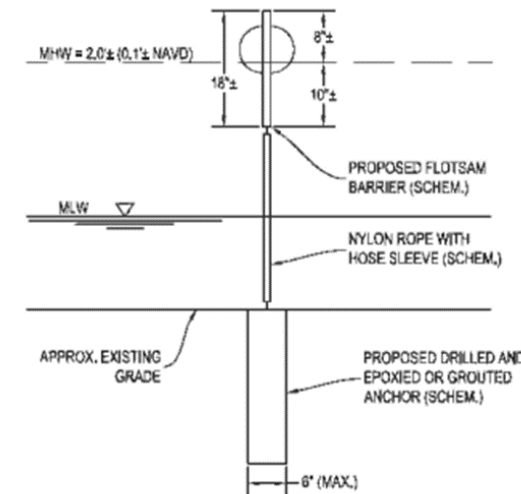
- Permanent canal deployment waterward of existing swimming area
- 4 concrete anchors



# 2023 Islamorada Weed Barrier

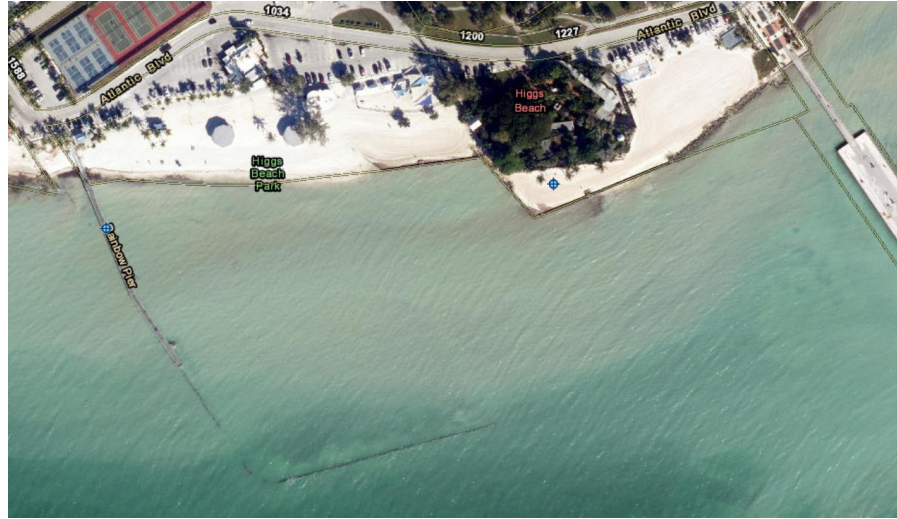


- 2 segments of weighted fabric flotsam barrier (168 LF & 31 LF) to prevent marine debris accumulation
- 7 anchors drilled or grouted to seafloor
- Proposed over marine resources – seagrass and coral present
- Not yet permitted – USACE Public Notice issued April 2023



# City of Key West Marine Park

- Swim area
- SSL Mgmt Agmt
- Not a sargassum exclusion area (technically)





## Mexican Navy Installs Sargassum Barriers In These Mexican Caribbean Hotspots

Published: April 7, 2023 · 1 Comment



- Hotels & processing companies prefer the sargassum be collected while still in sea, out of sight of tourists
- No national sargassum law or strategy, only recommendations by Mexico's Environment Ministry
- Mexican Navy has jurisdiction of the sargassum in the sea – beaches are responsibility of hotel/municipality



325



- Light machinery & manual labor
- Looking into more nature-based solutions – increased infrastructure resilience
- Goal is to protect the hundred-million-dollar tourism industry
- 3 consulting agencies have been providing guidance:
  1. Department of the Environment
  2. Belize Port Authority
  3. Belize Fisheries Department



Location of Temporary Sargassum Barrier between Mayan Princess Hotel and a municipal dock near Central Park

# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Buzzy Sklar, Councilman

DATE: July 18, 2023

SUBJECT: **Discussion Regarding flying a Pride Flag in Bal Harbour Village during "Pride Month"**

Please place an item on the July 18 , 2023 Village Council Meeting Agenda for a discussion regarding flying a Pride Flag in Bal Harbour Village during "Pride Month".

Thank you.





# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Jeffrey P. Freimark, Mayor

DATE: July 18, 2023

SUBJECT: **Discussion Regarding the Carlton Towers Demolition Work**

Please place an item on the July 18, 2023, Village Council Meeting Agenda for a discussion regarding the Carlton Towers Demolition Work.

Thank you.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Buzzy Sklar, Councilman

DATE: July 18, 2023

SUBJECT: **Discussion Regarding Amending the Village Ordinance for Demolition**

Please place an item on the July 18, 2023 Village Council Meeting Agenda for a discussion regarding Amending the Village Ordinance for Demolition.

Thank you.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: Seth E. Salver, Vice Mayor

DATE: July 18, 2023

SUBJECT: **Discussion Regarding an Update on Beach Maintenance**

Please place an item on the July 18, 2023 Village Council Meeting Agenda for a discussion regarding an update on Beach Maintenance.

Thank you.



# BAL HARBOUR

- V I L L A G E -

## DISCUSSION ITEM

TO: Jorge M. Gonzalez, Village Manager

FROM: David Wolf, Councilman

DATE: July 18, 2023

SUBJECT: **Discussion Regarding an Update on Beach Maintenance**

Please place an item on the July 18, 2023 Village Council Meeting Agenda for a discussion regarding an update on Beach maintenance.

Thank you.





# BAL HARBOUR

- VILLAGE -

## MEMORANDUM

TO: Honorable Mayor and Council

FROM: Dwight S. Danie, Village Clerk *OSD*

DATE: July 11, 2023

RE: Lobbyist Registration Report

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| Name of Lobbyist  | Principal Represented           | Date Registered |
|-------------------|---------------------------------|-----------------|
| John Shubin       | Mathew Whitman Lazenby          | 01/11/23        |
| Ian DeMello       | Mathew Whitman Lazenby          | 01/11/23        |
| Carter McDowell   | Carlton Terrace Owner, LLC      | 01/10/23        |
| Keith Poliakoff   | Bellini Condominium Association | 01/17/23        |
| Nicholas Noto     | Carlton Terrace Owner, LLC      | 01/17/23        |
| Richard Dewitt    | Bellini Condominium Association | 01/17/23        |
| Mathew W. Lazenby | Bal Harbour Shops, LLC          | 01/31/23        |
| Caroline Travis   | Bal Harbour Shops, LLC          | 01/31/23        |
| Ivor Nik Massey   | Bal Harbour Shops, LLC          | 01/31/23        |
| Sandy Goldfarb    | Bal Harbour Civic Association   | 03/01/23        |
| Neca Logan        | Bal Harbour Civic Association   | 03/01/23        |



# BAL HARBOUR

- VILLAGE -

## MEMORANDUM

TO: Honorable Mayor and Council  
FROM: Susan L. Trevarthen *SLT*  
DATE: July 18, 2023  
RE: Monthly Report of Village Attorney for June 2023 Activities

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

### **Retainer Services**

Within the fixed fee retainer in June, we reviewed, advised and prepared documents for all agenda items for and attended the June Council meeting. We conferred with staff on various matters, and we attended the weekly staff meetings, and the monthly agenda review and after action meetings. We began preparation for the July Council meeting.

Specific additional matters included:

- We prepared for and attended a conference with Oceana representative and Village staff regarding plans for compliance with development agreement.
- We reviewed a County ordinance regarding the smoking ban and analyzed issues regarding operation on Bal Harbour beaches.
- We reviewed new legislation, including social media communications and corporate activism, and conferred with Village Manager on these matters.
- We conferred with staff and reviewed/analyzed the Zyscovich agreement with a focus on charge-back provisions.
- We reviewed and analyzed correspondence with the State of Florida concerning the cybersecurity grant agreement and public records exemptions for such activities funded by the grant.
- We conferred with staff and strategized concerning photo copyright issues.
- We reviewed correspondence from Police Chief regarding policy on medical marijuana and prepared a response to same. We reviewed an agreement on municipal prosecutions.
- We held a meeting with Village Clerk to discuss the implementation of Form 6 to Councilmembers and candidates and answered related questions. We prepared materials for ethics training of new Budget Advisory Board member.
- We conferred with staff and analyzed the Code regarding the placement of structures in easements. We conducted research regarding easements filed by Carlton Terrace Association.
- We prepared and attended a conference to discuss the Village's formation of a stormwater utility.
- We analyzed an inquiry re interpretation of density requirements and related issues of development approvals for the One BH.

R12A

## **Additional Services**

For the Security/Landscape assessment matter, we reviewed and drafted correspondence regarding the Side Letter with the Civic Association, and developed a strategy concerning the advertisement for the special assessment.

We addressed the draft Memorandum of Understanding concerning the extension of the police sergeants' promotional list, reviewed and analyzed the collective bargaining agreement, and drafted a memorandum.

We reviewed, analyzed and updated the Council concerning the court's Bellini litigation ruling.