

**TOWN OF BAY HARBOR ISLANDS  
MINUTES OF A REGULAR MEETING**

A Regular Meeting of the Town Council was held on Monday, January 13, 2020 at 8:10 p.m. in the Council Chambers. Upon roll call the following members responded:

Mayor Stephanie Bruder	
Vice Mayor Joshua Fuller	Council Member Jordan Leonard
Council Member Kelly Reid	Council Member Isaac Salver
Council Member Elizabeth Tricoche	Council Member Robert Yaffe

**SPECIAL PRESENTATION:**

~~Item 1. Report by Miami-Dade County Commissioner Esteban Bove on the 2020 Census.~~

**Item 2. Certificate of Achievement for Excellence in Financial Reporting - Melissa Cruz, Assistant Town Manager/Finance Director**

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

Council Member Leonard requested a future agenda item to discuss a possible membership to attract more films in Town.

Council Member Tricoche would like for the Parks and Recreation Committee to discuss the possibility of artificial turf for the dog parks.

**TOWN MANAGER'S REPORT:**

- Town new website will go live on Friday.
- Next week will be setting meetings to discuss the re-branding process.
- Feb 14<sup>th</sup>, 2020 the Department of Motor Vehicle (DMV) will host a mobile office at the Town's Community Center. This will be done the second Friday of every month.
- Notify Me feature on the website will be implemented, for traffic alerts and other emergency notifications.
- Tennis courts are schedule to be re-surfaced.
- The School board will schedule a date for the Town Council to tour the new facility.
- Next Saturday the Town will host its first Concert Series of the year.

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

Council Member Tricoche congratulated the After-School Program Soccer Teams and was excited of a successful Teen Night Event.

Council Member Reid wished everyone a great new year.

Council Member Salver reported attending the Cape Coral Youth Council Meeting.

Council Member Leonard reminded the Council that today was the first day of the State Legislative Session.

Council Member Yaffe asked for residents to watch for the new bills proposed by the state legislators. He also asked for staff to provide a link to the Florida League of Cities on the new website.

Vice Mayor Fuller stated that there was a miscommunication with the event start time and asked for the Town Council to agreed on a start time for events.

**PUBLIC COMMENT**

Kathleen Kennedy, 9180 W. Bay Harbor Drive, thanked Code Director P. Prendergast for his efforts at the hospital. She also asked why the Police Marine boat isn't being utilized.

Frances Neuhut, 1060 Kane Concourse, came forward and thanked the Town Council for the business district variance for 1048 Kane Concourse.

Marianne Basabe, 10120 W. Bay Harbor Drive, came forward and was concerned with the school overcrowding and traffic.

**COMMITTEE REPORTS:**

**Item 3. Report from the Parks and Recreation Committee. Kathleen Kennedy, Chair**

Parks and Recreation Committee Chair Kathleen Kennedy came forward and thanked Director of Community Service Regine Choute for a great and successful Teen Night Event.

Town Council consensus was to host Teen Night once a month during the school year.

She also reported that the air hockey table was schedule to be deliver by the end of the month.

Items 4a, 5, 6, and 10 were pulled from consent agenda for discussion.

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

**Item 4. Approval of the following Meeting Minutes:**

**b. June 10, 2019 - Regular Council Meeting**

**Item 7. Approval of an agreement between the Town and David Caserta Government Relations, Inc for consulting services at the state level. Enclosed is a copy of the proposed agreement.**

**Item 8. Consideration and approval of a renewal of a Mutual Aid Agreement with the Village of Miami Shores Police Department and the Town of Bay Harbor Islands Police Department. Enclosed is a copy of the proposed agreement.**

**Item 9. Consideration and approval of a renewal of a Mutual Aid Agreement with the City of Sunny Isles Police Department and the Town of Bay Harbor Islands Police Department. Enclosed is a copy of the proposed agreement.**

**ACTION:** Council Member Yaffe made a motion to approve the consent Agenda. Council Member Tricoche seconded the motion and it passed unanimously.

**Item 4. Approval of the following Meeting Minutes:**

**a. May 13, 2019 - Regular Council Meeting**

Council Member Reid requested the meeting minutes for May 13<sup>th</sup>, 2019 provide more details for Item #4.

**Item 5. Consideration and Approval of a resolution to appoint Frank C. Simone as the Town Attorney.**

Council Member Reid asked which invoices were currently outstanding and requested a future agenda item to pursue a legal demand for the over payment to Attorney Craig Sherman.

Assistant Town Attorney Simone clarified that he has been separated from the Sherman & Sherman Law Firm since 2011.

There was a brief discussion to appoint a Town Attorney; the fraud allegation against Former Town Attorney Craig Sherman the possibility to add Joseph Geller as an Assistant Town Attorney; a request to advertised a Request for Qualification for the legal services; and the proposed rates from Attorney Simone.

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she was not aware that Assistant Town Attorney Simone was being paid separately.

Kathleen Kennedy, 9180 W. Bay Harbor Drive, felt that the Assistant Town Attorney Simone has been very hard on the residents.

Harry Bruder, 1280 93 Street, came forward and was in favor of Frank Simone appointment as the Town Attorney.

**CLOSED PUBLIC COMMENT**

**ACTION:** Mayor Bruder made a motion to appoint Frank Simone as the Town Attorney. Council Member Tricoche seconded the motion and it passed unanimously.

Consensus was for staff to move forward and advertised a Request for Proposals for legal services.

Vice Mayor Fuller requested notification of selection for Assistant Town Attorney.

**Item 6. Consideration and Approval of a resolution requested by Council Member Leonard and Co-Sponsored by Vice Mayor Fuller to join the Florida Hate Crimes Coalition.**

Eric Ross on behalf of the Anti-defamation League urged the Town Council to consider joining the Florida Hate Crimes Coalition. The coalition currently had 282 members.

**ACTION:** Council Member Salver made a motion to approve the proposed resolution as presented. Council Member Tricoche seconded the motion and it passed unanimously.

**Item 10. Consideration and Approval of the Council meeting dates for the 2020 calendar year. Enclosed is a copy of the proposed dates.**

Council Member Yaffe stated the proposed meeting date for February conflict with the Legislative Action days. He proposed the February regular council meeting be changed to February 18<sup>th</sup>, 2020.

Consensus was to change the February Regular Council Meeting to Tuesday, February 18<sup>th</sup>, 2020.

**ORDINANCES ON SECOND READING:**

**Item 11. Consideration and Approval of an ordinance on second reading requested by Council Member Reid amending Section 23-9 of the Town Code to revise the size of living units in the B-1 Business District. Enclosed is a copy of the proposed ordinance.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE MINIMUM SIZE OF LIVING UNITS IN ALL USE DISTRICTS; AMENDING SECTION 23-9 OF THE ZONING AND PLANNING CODE TO MODIFY REGULATIONS FOR THE SIZE OF LIVING UNITS IN THE B-1 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

At this time Mayor Bruder stepped out of the dias.

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward and was concerned with the recent project approval of 1177 Kane Concourse. She stated that the project did not have a the unity of title.

**ACTION:** Council Member Yaffe made a motion to approve the proposed ordinance on second reading. Council Member Tricoche seconded the motion and it passed 6-1, with Council Member Leonard opposed.

**Item 12. Consideration and Approval of an ordinance on second reading amending Chapter 20 of the Town Code providing for water meters and sub-meters for potable water that do not utilize the Town sanitary sewage system. Enclosed is a copy of the proposed ordinance.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 20 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED UTILITIES, BY AMENDING SECTIONS 20-3, AND 20-9 TO PROVIDE FOR THE INSTALLATION, INSPECTION, AND COST OF WATER METERS, WATER SUB-METERS, WATERBOXES, DEPOSITS, AND TAPPING CHARGES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**ACTION:** Council Member Leonard made a motion to approve the proposed ordinance on second reading. Council Member Tricoche seconded the motion and it passed by unanimous poll vote.

**ORDINANCES ON FIRST READING:**

**Item 13. Consideration and Approval of an ordinance on first reading amending Sections 23-11(B2)(9) and 23-11(C)(8) of the Town Code to modify the interior floor to ceiling height requirements. Enclosed is a copy of the proposed ordinance.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE MINIMUM FLOOR TO CEILING INSIDE HEIGHT REQUIREMENTS FOR RESIDENTIAL USES IN THE RM-2 MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT (NON-WATERFRONT) AND THE B-1 BUSINESS DISTRICT; AMENDING CODE SECTIONS 23-11(B2)(9) AND 23-11(C)(8) OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR MODIFIED INTERIOR FLOOR TO CEILING HEIGHT REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward and requested for the 1177 Project to abide the new code amendment.

**CLOSED PUBLIC COMMENT**

**ACTION:** Council Member Leonard made a motion to approve the proposed ordinance on first reading. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

At this time Council Member Yaffe stepped out of the dias.

**Item 14. Consideration and Approval of an ordinance on first reading allowing general employees to participate in the Town’s Deferred Retirement Option Plan (DROP). A copy of the proposed ordinance is attached and an impact statement from the Town’s actuary, Chuck Carr.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 16, THE TOWN OF BAY HARBOR ISLANDS EMPLOYEES RETIREMENT SYSTEM, OF THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES, PROVIDING FOR AN AMENDMENT TO SECTION 16-83, TO PROVIDE FOR PARTICIPATION OF GENERAL EMPLOYEES IN THE DEFERRED RETIREMENT OPTION PLAN (DROP); PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**ACTION:** Council Member Salver made a motion to approve the proposed ordinance on first reading. Vice Mayor Fuller seconded the motion and it passed by unanimous poll vote.

**Item 15. Consideration and Approval of an ordinance on first reading allowing general employees to purchase service time for previous employment with a governmental entity. Enclosed is a copy of the proposed ordinance, service purchase analysis and impact statement from the Town’s pension actuary, Chuck Carr.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 16, THE TOWN OF BAY HARBOR ISLANDS EMPLOYEES RETIREMENT SYSTEM, OF THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES, TO PERMIT GENERAL EMPLOYEES TO PURCHASE CREDITED SERVICE FOR PRIOR EMPLOYMENT WITH A DIFFERENT PUBLIC EMPLOYER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**ACTION:** Council Member Reid made a motion to approve the proposed ordinance on first reading. Council Member Salver seconded the motion and it passed by unanimous poll vote.

**DEFERRED ITEMS:**

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

At this time item # 17 was taken out of order.

**Item 17. Approval of a contract award to JVA Engineering Contractor, Inc. in the amount of \$1,088,394.75 for project number BC-150 - Broad Causeway Corridor Enhancements. This amount includes a \$100,000 contingency.**

**ACTION:** Council Member Salver made a motion to award contract to JVA Engineering Contractor, Inc. Council Member Leonard seconded the motion and it passed by unanimous poll vote.

**Item 16. Discussion and direction requested by Town Manager Jimenez regarding the Memorandum of Understanding between the Town and the Town of Surfside to share the cost for a new Part Time Employee to administer the Address Verification Plan at the Ruth K. Broad K-8 Center. The original MOU included the Bal Harbour Village but they declined to participate.**

At this time Council Member Yaffe and Mayor Bruder returned to the meeting.

**ACTION:** Council Member Yaffe made a motion to cover 2/3 of the cost for a new PT employee to administer the Address Verification Plan, if the Village of Bal Harbour does not want to participate and pay the \$3,333 portion. Council Member Tricoche seconded the motion and it passed unanimously.

At this time Mayor Bruder left the meeting - 10:07 p.m.

**Item 18. Consideration and Approval of a private Transfer of Development Rights (TDR) transaction of one (1) dwelling unit from Rover Real Estate Investments, Inc. (1080 99 Street) to Millenium Ambianta Corporation (9901 W. Bay Harbor Drive). Enclosed is a copy of the application, contract, site plans and other supporting documents.**

**ACTION:** Council Member Leonard made a motion to approve the private Transfer of Development Rights transaction. Council Member Tricoche seconded the motion and it passed unanimously.

**DISCUSSION ITEMS:**

**Item 19. Discussion requested by Council Member Reid to limit the metered parking on Kane Concourse. Enclosed is a copy of the Town Code as it relates to Parking Meters.**

Council Member Reid would like to alleviate some of the traffic congestion, so visitors and residents don't park in the Business District indefinitely. Would like for staff to provide an analysis on parking feasibility for all of Kane Concourse.

Town Manager Jimenez will report back with an analysis on how to alleviate the parking on Kane Concourse.

Council Member Leonard also requested a future agenda item loading space possibility.

**Item 20. Discussion requested by Council Member Elizabeth Tricoche regarding possibly installing lights in the parks to extend their opening until 8 PM.**

Council Member Tricoche requested for the Town Council discussion to extend the park hours to 8:00 p.m. only for the East Island. She also requested for staff to provide suggestions and price estimated for the lighting.

Consensus was to bring an ordinance on first reading amending the park hours to 8:00 p.m. for the East Island only. Any park reservation for parties at the Town parks will cease at 6:00 p.m.

There being no further business to discuss meeting was adjourned at 10:18 p.m.

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**MAYOR**

**ATTEST**

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**DEPUTY TOWN CLERK**