

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

A Regular Meeting of the Town Council was held on Tuesday, February 18, 2020 at 7:00 p.m. in the Council Chambers. Upon roll call the following members responded:

Vice Mayor Joshua Fuller
Council Member Kelly Reid Council Member Isaac Salver
Council Member Elizabeth Tricoche Council Member Robert Yaffe

SPECIAL PRESENTATION:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Council Member Tricoche would like a discussion item on the selection of the Police Chief.

Council Member Yaffe requested that for Item # 5 of the consent agenda be deferred until the next meeting.

~~**Item 5. Consideration and Approval of a resolution to appoint John Cunill as Assistant Town Attorney. Enclosed is a copy of the proposed resolution.**~~

Salver to take #11 out of order.

Council Member Reid requested a future agenda item on requiring a security fence for the vacant waterfront lots.

TOWN MANAGER'S REPORT:

Item 1. Report of the Town investment performance for quarter ended December 31, 2019. Presentation will be provided by Gerardo Rodriguez of BNY Mellon.

Gerardo Rodriguez of BNY Mellon came forward to report on the Town Investments. He presented a full report in writing and briefly explained that the overall fourth quarter return of 2%; the water fund was also up by 2% and also had a positive return of 5.8% for the year to date.

Council Member Salver requested that the firm provide a report of the cash assets.

Town Manager Jimenez provided his monthly report on the following:

- The Causeway Corridor Project will be starting soon, there will be doing the asphalt and railings.
- The demolition of the Ocean Cadillac building was scheduled to start tomorrow.
- Tennis Court are back open.
- On Feb 14, the Department of Motor Vehicles (DMV) had a mobile office at the Community Center but experience a few technical issues and will be re-scheduled.

Town Attorney Simone introduced Mr. John Cunill as the assistant Town Attorney. He provided the Town Council with a copy of his resume which outlined his experience in the military, the State Attorney Office and work in municipal matters.

Council Member Tricoche asked for the Council to have a discussion on how the Town Manager selects the Police Chief.

Council Members Salver felt that the Town Council has always follow the Town Charter and have to allow for the Town Manager to do this administratively.

Council Member Reid agreed with Council Member Salver comments and added the Council can always provide feedback but anything further the Council should not interfere with the Manager Selection as Chief of Police.

There was a brief discussion on what the Town Manager will implement for the search, candidates' qualifications and panel comments.

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

Council Member Tricoche reported that an information email was sent to the parents of students attending the Ruth K. Broad with regards to the Ocean Cadillac Building demolition. She also added that the 92 Street bench and covers are pending delivery.

Council Member Reid reported she attended the Police Chief Retirement Party and also had a tour of the new building at the school.

Council Member Salver reported he attended the Chief Party and was provided with a tour of the new building of the school. He also attended the Florida League of Cities Legislative Action Days to lobby for the Town. He mentioned the recent bills proposed by the state legislators on local Business Tax Receipt, Public Notices and Vacation Rentals.

Council Member Yaffe urged the residents to contact the state legislature to discuss the proposed bills for the Homeowners Associations; vacation rentals; business tax receipt; and added that a condominium reform bill was being proposed by Senator Pizzo. He reported he attended Miami Dade County Dade Days in Tallahassee to lobby for Town Hall renovations an also tour the new building at the Ruth K. Broad.

Vice Mayor Fuller attended the tour for the new building at the school; Chief Hemingway Retirement Party; Pizza with the Cops and reminded the residents of the concert series on the 29th of February.

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

Residents Thomas Rego of 1150 102 Street; Christine Justice of 9655 E. Bay Harbor Drive; Rudy Kellerman of 9655 E. Bay Harbor Drive and Kathleen Kennedy of 9180 W. Bay Harbor Drive came forward and expressed support for Captain Lindsley Noel to be appointed as the Next Police Chief.

Frances Neuhut, 1060 Kane Concourse, came forward and urged any resident that would like to get involve in government to consider running for Town Council. She was also concerned with the ongoing demolition of the Ocean Cadillac Building.

COMMITTEE REPORTS:

Item 2. Consideration of a request from the Parks and Recreation Committee to use the services of a professional architect/designer to work with the committee to assist in re-designed the 92nd Street Park.

Parks and Recreation Committee Chair Kathleen Kennedy reported on the Committee recommendation to assist in the re-designed of the 92nd Street Park.

Council Member Tricoche suggested for the Committee to look at all the Town parks that include the Tot Lot on 96 Street; the 98 Street Scott Winter Park and the 92 Street park.

Consensus was for staff to budget for the professional architect / design services.

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 3. Approval of the following Meeting Minutes:

- a. July 31, 2019 - Budget Workshop
- b. August 13, 2019 - Regular Council Meeting
- c. September 9, 2019 - 1st Budget Public Hearing
- d. September 9, 2019 - Regular Council Meeting

Item 4. Consideration and Approval of a resolution authorizing the Town Manager to enter into an agreement between the Town and the City of North Miami to dispense diesel and unleaded fuel for the operation of Bay Harbor Island service vehicles. Enclosed is a copy of the proposed resolution and agreement.

Item 6. Consideration and approval of a renewal of a Mutual Aid Agreement with the Town of Medley 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.

ORDINANCES ON SECOND READING:

Item 7. Consideration and Approval of an ordinance on second 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 was concerned that the 1177 Kane Concourse Project did not have to comply with the new code amendment.

CLOSED PUBLIC COMMENT

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

Item 8. Consideration and Approval of an ordinance on second 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.

PUBLIC COMMENT

Kathleen Kennedy, 9180 W. Bay Harbor Drive, came forward and stated she though the Town Pension was only open for former military and police. Staff responded that the Town pension was open to all Town employees.

CLOSED PUBLIC COMMENT

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

Item 9. Consideration and Approval of an ordinance on second 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.

PUBLIC COMMENT

Vincent Martino, 1050 93 Street, came forward and asked why the Town was allowing employees to purchase time if they worked at another local municipality.

Town Manager Jimenez responded that this was added benefit and could also be as a recruiting tool for potential employees.

Council Member Salver clarified that any employees purchasing time will have to pay into the Pension that time they work at other municipality. Those calculation are performed by the actuarial.

CLOSED PUBLIC COMMENT

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

ORDINANCES ON FIRST READING:

Item 10. Consideration and Approval of an ordinance on first reading amending Section 15, Rule 22 of the Town Code regarding the hours of operation for the Town Parks. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 15 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED PARKS AND RECREATION, BY AMENDING RULE 22 HOURS OF OPERATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Tricoche asked for staff to bring back estimates for the lighting of the Town parks. She also requested for the language to be revise to sunset or 8:00 p.m. whichever is later.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated the ordinance did not mention which parks. She urged for the language to clarify which Town parks the code amendment would impact.

CLOSED PUBLIC COMMENT

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

TOWN MANAGER ITEMS:

Item 11. Approval of a five-year maintenance agreement with TransCore, LP in the amount of \$366,934.45 to perform daily monitoring of all operational systems. Enclosed is a copy of the proposed agreement.

ACTION: Council Member Tricoche made a motion to approve the proposed agreement with TransCore, LP. Council Member Reid seconded the motion and it passed by unanimous poll vote.

DISCUSSION ITEMS:

Item 12. Discussion and possible action requested by Council Member Leonard to join COMPASS, Congress of Motion Picture Associations, in the amount of \$1,750. COMPASS is an organization working to bring back filming to Florida. Attached is additional information.

Town Manager Jimenez briefly explained that the State of Florida has taken many incentives on filming. The Town has not had any request for films the permit request lately were mainly for photo shoots.

Chair of COMPASS Chris Ronald, came forward and explained that we have lost the activity in the filming industry and the association is seeking to gather local business leaders to bring back the industry. He offered the Town Council a membership with the association.

Council Member Reid asked what the membership offered? Mr. Ronald responded that it would offer a platform for leaders to communicate and worked together to get more business for the industry at a local level.

Council Member Salver did not see the budget impact and fiscal analysis for this item. He asked on how the company determine the membership fee considering the other cities pay more or less

ACTION: Council Member Salver made a motion to approve a \$500 membership contribution for one year. Council Member Reid seconded the motion and it passed unanimously.

Council Member Salver requested for a report on work done in one year and the Town Council will re-consider the membership fee.

There being no further business to discuss meeting was adjourned at 9:00 P.M.

MAYOR

ATTEST

DEPUTY TOWN CLERK