

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

A Regular Meeting of the Town Council was held on Monday, March 9<sup>th</sup>, 2020 at 7:00 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. Presentation to the Rotary Club of Bal Harbour of the proceeds of the 5K/10K Annual race for the Chief Mark N. Overton, Chief Miguel De La Rosa Legacy Memorial Scholarship Fund.**

Mayor Bruder presented the Rotary Club of Bal Harbour the proceeds of the Towns' Annual 5K/10K race.

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

Council Member Reid requested an update on the recovery of monies from the previous in-house counsel, Sherman & Sherman, PA.

Town Attorney Simone reported on the ongoing litigation matters regarding the Cone & Graham case and the Sherman & Sherman, PA that could be discuss by the Town Council at a Closed Session Meeting.

He will also be responding via a 57105-response letter to Barry Smith as he claims that the Town owns him money as it relates to the ongoing litigation against Craig Sherman.

Vice Mayor Fuller requested an update once the letter was filed.

Council Member Salver want to enforce the vehicles that parked on the valley cutter or green way. He would also like legislation to address tenants that are sub-leasing the homes to multiple parties.

Council Member Yaffe received complaint about the speeders on 96<sup>th</sup> Street and requested additional enforcement.

Vice Mayor Fuller requested for item #4 to be defer to the next meeting.

**~~Item 4. Consideration and Approval of a resolution to update the Town's Travel Policy. Enclosed is a copy of the proposed resolution.~~**

Council Member Reid requested for Item #5 to be defer to the the next meeting.

**~~Item 5. Approval of the May 13, 2019 Regular Council Meeting Minutes. Enclosed is a copy of the revised Minutes.~~**

Mayor Bruder requested an update on the address verification. She would like to know how many kids have left the school and if the school board has hired the extra help.

**TOWN MANAGER REPORT**

- Broad Causeway Enhancement Project will start soon the Town was waiting for FDOT to approve the final plans.
- The Mobile office of the Department of Motor Vehicles was cancelled for this week.
- He respectfully submitted his letter of resignation with 60 days anticipation and thanked the Town Council for allowing him to serve the community for the last 18 years.

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

Council Member Tricoche reported she attended the Towns' Concert Series at the Park, the Chief Dinner at Indian Creek Village. She also reminded the residents that spring break camp will be available at the Community Center and the Spring Egg Event.

Council Member Reid was deeply sad to hear of Town Manager departure and asked for him to reconsider.

Council Member Salver echoed Council Member Reid comments on Town Manager departure. He reported attending the Broward County League of Cities and the Palo Concert Series at Town.

Council Member Leonard felt that Town Manager Jimenez work in Town has had a positive impact on the Town. He thanked him for all his efforts.

Council Member Yaffe thanked Town Manager Jimenez for all his work during the last 18 years. He wished him well in his future endeavors.

Vice Mayor Fuller appreciated Town Manager Jimenez for all his years of service with the Town. He reported attending the concert series; local meeting with Miami Dade County Mayor on the preventative measures as it relates to the Corona Virus. He also reported great news from the Federal Aviation Administration (FAA) as some may know the FAA proposed a change of flight pattern over Bay Harbor Islands for 50 years, the changed would have dropped the height of the flights by at least 40 feet. It was great to announced that the Town was successful in their efforts and the FAA will not be changing the patterns for over 50 years. There will be no impact to the Town.

**Item 2. Consideration and Approval of a request by Miami-Dade County League of Cities to designate a Director and Alternate Director to serve on the Board of Directors for a period of one year.**

**ACTION:** Consensus was to designate Council Member Yaffe as a Director and Council Member Tricoche as an Alternate Director.

**PUBLIC COMMENT:** Set for approximately 7:55 p.m. 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.

Ilene Wallace, 10301 W. Bay Harbor Drive, came forward and thanked the Town Manager for all his years of service and stated that he has impacted many people.

Linda Zilber, 1235 95 Street, came forward and thanked the Town Manager for his years of service.

Frances Neuhut, 1060 Kane Concourse, came forward and remind the Town residents that the Town will be having a Town election.

Kathleen Kennedy, 9180 W. By Harbor Drive, came forward and wished the Town Manager well. She was concerned with the upcoming Town events with the recent news of the Corona Virus.

Johnathan Myerberg, 9300 E Bay Harbor Drive, came forward and stated that the internet at the Community Center Library was not operational. She asked for the Town to get involved. Town Manager Jimenez responded that he would set up a temporary area for computer to provide internet access to residents.

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

**Item 4.5 Consideration and Approval of a resolution requested by Council Member Reid and co-sponsored by Council Member Yaffe expressing support for Florida Senate Bill 1752 and Florida House Bill 1317 which would revise and strengthen criminal penalties relating to violations for condominium associations. Enclosed is a copy of the proposed resolution and other supporting documents.**

**Item 6. Consideration and Approval regarding the attendance to the 66th Annual Miami-Dade County League of Cities Gala to be held May 9th, 2020. The Bronze Sponsorship Package in the amount \$3,000 includes a table seating for 10 and recognition the night of the event. Enclosed are the sponsorship packages details.**

**Item 7. Consideration and Approval of Conduit Access and Sharing Agreement between the Town and Comcast of California/ Colorado / Florida / Oregon, Inc for the shared use of the 10-inch Town owned conduit located on 96th Street between East Bay Harbor Drive and Bay Drive. Enclosed is a copy of the proposed agreement.**

**Item 8. Consideration and Approval of a Conduit Access and Sharing Agreement between the Town and Hotwire Communications, LTD for the shared use of a 10-inch Town owned conduit located on 96th Street between East Bay Harbor Drive and Bay Drive. Enclosed is a copy of the proposed agreement.**

**ACTION:** Mayor Bruder made a motion to approve the consent agenda. Council Member Yaffe seconded the and it passed unanimously.

**ORDINANCES ON SECOND READING:**

**Item 9. Consideration and Approval of an ordinance on second reading requested by Council Member Tricoche 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.**

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

**DISCUSSION ITEMS:**

**Item 10. Discussion requested by Council Member Tricoche on the Selection Process for the Chief of Police. Enclosed is a Memorandum from Town Attorney Frank Simone, Esq. and other supporting documents.**

Council Member Tricoche stated that this was the first time how she oversees the process of the selection of the Police Chief position. She felt that the position was a very critical position in our community. She requested for staff to research other cities process on the selection process but would have liked to have seem more options. She requested to see a public forum for the selection and would like to see a charter amendment on how the police chief was selected.

Council Member Yaffe felt that this process has been politized and lobbied. He was opposed to changing the current process on how the Chief of Police was hired.

Council Member Salver reminded the Council that the Town was a council-manager form of government. The Town Council impowers the Town Manager to hire the Chief of Police. He was opposed to changing the selection process.

Mayor Bruder understood Council Member Tricoche points and only wants to be part of the process of the selection of candidates and not the hiring decision.

Vice Mayor Fuller agreed that it should be the Town Manager decision on the selection of the chief. He questioned if the Chief of Police should have a contract.

Council Member Leonard felt that he has worked for local government and felt that the selection process and final hiring decision should be at the Town Manager discretion. He felt that the Chief position should not have been politized.

Council Member Reid spoke as a former law enforcement and a retired captain she has sat on many interview panels and was a certified assessor. She felt that the Human Resources and Town Manager had a great process for the Town. She added that having a Town Manager with the institutional knowledge was great and would know what the Town needs. The Town Council should not interfere with the Town Manager selection process.

**PUBLIC COMMENT**

Kathleen Kennedy, 9180 E. Bay Harbor Drive, came forward and did not like the current process for the selection of Police Chief Position.

At this time Council Member Salver left the meeting.

Captain Linsdley Noel came forward and stated that everyone in the police department was protected by the Collective Bargaining Agreement. He has presented staff with a copy of a contract from a former captain and would like something similar or a policy where an officer can revert to the previous rank.

Town Attorney Simone stated that so long they are not terminated for cause, that could be a clause that could be added to the next collective bargaining agreement.

**Item 11. Discussion requested by Council Member Reid regarding the possibility of creating an ordinance to regulate the placement of fencing on waterfront lots. Enclosed is a memorandum provided by the Town Attorney.**

Town Attorney Simone provided a memo on the discussion item and explained that there was case law from a few years ago of a grandmother and granddaughter that were drowned in a lake and in turn the family sued the property management company. The case shouldn't have gone to trial and they settle for certain amount of money.

He felt that the legislation could be drafted but could create a liability to the property owners.

Council Member Reid was concerned with the waterfront lots with docks that could possible be a nuisance.

Town Attorney Simone clarified that if there was a dock or seawall in despair, the Town will mandate the property owners to fix so the public is protected.

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward and asked why there are only 11 items on the agenda. She felt that residents did have much time to speak on the items.

**CLOSED PUBLIC COMMENT**

There being no further business to discuss meeting was adjourned at 9:10 p.m.

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**MAYOR**

**ATTEST**

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**DEPUTY TOWN CLERK**