

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
SPECIAL MEETING – MAY 6, 2013

A Special Meeting of the Bal Harbour Village Council was held on Monday, May 6, 2013, at the Bal Harbour Village Hall Council Chambers (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 7:01 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
Assistant Mayor Joni D. Blachar
Councilwoman Patricia Cohen
Councilman Martin Packer
Councilman Jaime M. Sanz

Others Present: Jay R. Smith, Interim Village Manager
 Ellisa L. Horvath, MMC, Village Clerk
 Richard J. Weiss, Village Attorney

As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Mayor Rosenfield.

3. DISCUSSION OF VILLAGE MANAGER SELECTION PROCESS:

Mayor Rosenfield explained the purpose of the meeting to gain consensus from the Council on how to proceed with the Village Manager selection process.

Councilman Packer discussed options in the letter received from Mr. Stierheim, dated May 5, 2013. He suggested a meet and greet for the top four people, followed by a Council meeting a couple of days later to make a decision.

Mayor Rosenfield opened to meeting for public input.

Dina Cellini - 211 Bal Cross Drive, requested information on the letter. Ms. Cellini was provided with a copy of Mr. Stierheim's letter.

Brian Mulheren - 10245 Collins Avenue, requested that the process be started over, since enough resumes were received. He wasn't happy with Mr. Stierheim's search and he thought that a more thorough background search on the candidates and a meet and greet with the public were needed. He spoke against the process being rushed, since the Interim Manager was working well. He suggested that another firm be hired, for the search.

Dina Cellini - 211 Bal Cross Drive, recommended option two on Mr. Stierheim's letter, but spoke against Mr. Alexander being considered, due to his negotiation with the City of South Miami at the same time. She felt that Mr. Alexander had refused the Village's offer, by offering a contract with South Miami. She suggested that the other top five candidates be brought in for the meet and greet.

Mr. Weiss clarified that the Village's negotiations with Mr. Alexander hadn't been completed, since the Council needed to address some questions. He explained that the Council had the ability to exclude Mr. Alexander, but clarified that Mr. Alexander had never refused a contract with the Village, since one was not fully offered.

Councilwoman Cohen questioned if it was ethical for Mr. Alexander to negotiate a contract with South Miami, at the same time as the Village. Mr. Weiss didn't see anything wrong with Mr. Alexander negotiating with both municipalities. Assistant Mayor Blachar reported that South Miami had been negotiating with Mr. Alexander for some time, which she didn't have a problem with, but she didn't know if Mr. Alexander was the right person for the Village. Councilwoman Cohen agreed that it was fair for someone to apply for more than one job.

Lynne Bloch Mullen - 10150 Collins Avenue, didn't think that the display on television of Mr. Alexander was good and showed that he was looking out for himself. She spoke in favor of taking the time to find the right man for the position.

Anamarie Kelly Stoppa - 77 Camden Drive, didn't fault Mr. Alexander for applying for more than one job, but faulted him for not providing full disclosure regarding it. She didn't think that Mr. Stierheim did the best job, to his ability. She didn't think that it was necessary to have a meet and greet, since it was the Council's responsibility to select the Manager. She spoke in favor of eliminating Mr. Alexander, from the top candidate list.

Neil Alter - 9801 Collins Avenue, voiced surprise that more resumes weren't received. He discussed the items that Mr. Alexander had requested in his contract, with South Miami. He suggested that the Village televise its meetings. Mr. Alter spoke against haste, since the Council had voiced their confidence with Mr. Smith as Interim Manager.

Mayor Rosenfield explained that the Council had requested that Mr. Stierheim look at those applicants, with knowledge of Florida and Florida statutes.

Mayor Rosenfield suggested that the Council take a hiatus from the search and for Mr. Smith to continue as Interim Manager, at an increased salary. She explained that would allow time to review the process and for the Council to decide on how to proceed, to make the final decision. She agreed that Mr. Alexander hadn't done anything wrong by negotiating with South Miami.

Councilwoman Cohen spoke against a hiatus and suggested taking the next step forward. She spoke in favor of Mr. Smith continuing, but felt that the Village needed to accomplish the task of finding a manager.

Assistant Mayor Blachar suggested that the search be opened up again, in lieu of a hiatus. She agreed that Mr. Smith had done a great job, but pointed out that he was in the DROP and was anticipated to retire in November 2014. She clarified that if the Council wasn't satisfied with the current results, then the search should be started again.

Anamarie Kelly Stoppa - 77 Camden Drive, spoke in favor of stepping back, but moving forward, without a hiatus. She questioned who would hire the Police Chief, etc.

Councilman Sanz suggested that more applicants be interviewed, but clarified that he was not saying that the current top candidates would not still be considered. He requested that the background checks be done on the applicants, prior to their interviews with the Council.

He requested more meetings, for the Council to discuss the issue.

Assistant Mayor Blachar suggested that the Council's second choice be considered, since everyone was not in favor of hiring Mr. Alexander. Councilman Packer felt that there had been too much controversy regarding the search and the process. He spoke in favor of the Council re-opening the process.

Merrett Stierheim, Village Consultant – Cannon Stierheim Productivity Management Teamwork, discussed the memos provided to the Council, during the search process. He clarified that the original Council direction was not to advertise nationally and to find someone with experience in Florida as a manager and other criteria. He reported that 55 applications were received, in response to the ads placed (with the Florida City and County Manager Association, the League of Cities, the Miami-Dade County Managers Association, and the Broward County Managers Association) and seven to eight applicants from the Town of Surfside short list. He noted that the applicants from around the Country were not considered, if they didn't have knowledge about Florida. He agreed that it was logical to have someone who was knowledgeable about Florida.

Penny Sepler - 10275 Collins Avenue, spoke in favor of a nationwide search.

Councilwoman Cohen requested input from Village resident Darcee Siegel, since she was in city government.

Darcee Siegel - 169 Camden Drive, spoke in favor of hiring someone from the South Florida area. She explained the importance of the relationship that was made within the local government network and that affect on the ability to get things done. She noted that the City of North Miami Beach had hired outside of South Florida and it didn't work.

Mayor Rosenfield reported that Darcee Siegel is the Attorney for the City of North Miami Beach.

Brian Mulheren – 10245 Collins Avenue, discussed the accomplishments of Bay Harbor's Manager, who was from New York, but knew government. He noted that the Village needed someone from the outside, who was not involved in Florida politics. He spoke in favor of a national search. He pointed out that Mr. Alexander had been terminated from Cutler Bay.

Mr. Stierheim discussed Mr. Alexander's professionalism. Mayor Rosenfield explained that it was a mutual agreement for Mr. Alexander to part ways with Cutler Bay. Mr. Weiss clarified that Mr. Alexander had a contract with Cutler Bay and, in order for him to receive his severance, it was agreed that he would be "terminated," but it was part of a friendly separation and was a negotiated transaction.

Michael Krop - 9601 Collins Avenue, spoke in favor of a national search. He didn't think that Florida experience was needed. He spoke against any of the applicants negotiating for another job, at the same time they applied to the Village.

Steve Greenberg - 9800 Collins Avenue, questioned if Mr. Stierheim would conduct the national search, under his current contract. If not, he suggested that another company be hired to do the job. He noted that there was no need to rush, since Mr. Smith would be with the Village, until November 2014.

Assistant Mayor Blachar discussed Mr. Stierheim's work on the search. She reported that after the Council voted, she had received a lot of phone calls from local people, regarding the Council's top selection. She clarified that based on the things that had been heard, the Council had thought that it might want to change its direction. Assistant Mayor Blachar pointed out that the Council would not be privy to that feedback with a national search, until after that person was at the Village. She discussed Mrs. Siegel's opinion. She spoke in favor of hiring someone locally and maybe doing the search again.

Mayor Rosenfield agreed with Assistant Mayor Blachar and spoke in favor of a local (Florida) person.

Councilman Packer spoke against a local Florida person, due to politics, and spoke in favor of a national search and someone with experience. He agreed that Mr. Smith was doing a fantastic job and the Council didn't need to rush. He didn't know if Mr. Stierheim would be willing to open up the search, under his current contract.

Councilwoman Cohen clarified that she, Councilman Packer, and Councilman Sanz would like to expand the search nationally. She suggested seeing if Mr. Stierheim would do the search, under his existing contract, or maybe hiring another firm. She suggested a community meeting, after the search was narrowed down.

Councilman Packer questioned Mr. Stierheim if he would continue the search.

Mr. Stierheim noted that he had a professional obligation to the community, but pointed out that among the 55 applicants received, there were several from around the Country. He explained that he didn't include some qualified people, since they didn't have the Florida experience criteria. He noted that those applicants could be looked at again. Mr. Stierheim discussed the memos that were sent to the Council regarding the process. He pointed out that a national search would entail receiving 900 resumes and would be a tremendous undertaking. He recommended that the qualified applicants that had already been submitted, without Florida experience, be looked at next, before a national search was done.

Councilwoman Cohen suggested that the resumes should have been provided to the public. Assistant Mayor Blachar noted that the issue with the resumes was that some of the applicants didn't want their employers to know that they were looking. Mr. Stierheim agreed that was a problem. He noted that once a short list was produced then those applicants would know their resume would be public record. Mr. Weiss clarified that the resumes would be public record, once the applicant applied for the job.

Assistant Mayor Blachar discussed how lucky the Village had been to have Alfred Treppeda.

Doug Rudolph - 212 Bal Bay Drive, spoke in favor of the Council deciding on how the process should proceed and for Mr. Smith to continue as Interim Manager, in the meantime.

Lori Mobley, Village Code Enforcement Officer, commended Mr. Smith, Mrs. Horvath, Mrs. Greenblatt, and Mr. Treppeda. She spoke in favor of Mr. Smith continuing as Manager. She discussed the need for the employees to heal also. She spoke in favor of hiring the right person for the job.

Councilwoman Cohen commended Ms. Mobley for attending the meeting on her own time and thanked her for her comments.

Ralph Herz - 10185 Collins Avenue, requested that the citizens be kept involved in the process, before a decision was made, such as a public meet and greet.

Dina Cellini – 211 Bal Cross Drive, noted that the residents didn't know about the direction to restrict the search to Florida applicants. She pointed out that the search contract was a set fee, whether it was a national or local search. She didn't see that it would be more, for the Council to expand it now to a national search. She spoke in favor of a national search. Ms. Cellini requested that the residents be kept more updated and informed. She spoke in favor of placing the short list and resumes on the web site, etc. She discussed her dismay in the lack of public participation at the April meeting. The Council discussed the April 16th meeting and Mr. Stierheim's letter and recommendation. Councilwoman Cohen pointed out that the Council did not consider the second option, in the letter, for a meet and greet. Mayor Rosenfield clarified that any Councilmember had the ability to make a motion approving the second option. She noted that Mr. Stierheim had recommended that the Council approve the first option.

Councilman Sanz requested that all of the resumes be available to the public. He spoke in favor of a national search and a more extensive background search.

A motion was offered by Councilman Sanz to conduct a national search and for the Council and residents to be able to see all of the resumes. The motion died, due to the lack of a second.

Mr. Weiss questioned if the Council wanted to re-advertise or review the existing 55 applications.

Councilman Packer questioned if Mr. Stierheim wanted to continue with the contract.

Mr. Stierheim clarified that he had fulfilled his obligation, but would proceed. He recommended that the 55 existing applicants be reviewed again, as well as some of the candidates on the short list. He suggested that he select the top 10 and give those to the Council, to decide if there were enough candidates and if the Council wanted to interview any of them.

The Council discussed the process.

Mr. Smith reported that the Town of Surfside had narrowed down their resumes from 800 to 100, which they sent applications to.

Assistant Mayor Blachar thought it would be crazy to open it up to 800 resumes. She spoke in favor of reviewing the 55 applications that the Village already had.

A motion was offered by Assistant Mayor Blachar and seconded by Mayor Rosenfield not to re-advertise.

Brian Mulheren – 10245 Collins Avenue, spoke in favor of a national search, either through Mr. Stierheim or another firm.

Assistant Mayor Blachar withdrew her motion. Mayor Rosenfield withdrew her second.

Assistant Mayor Blachar spoke in favor of David Hebert, who was selected as the Council's second choice and was local. The Council did not speak in favor of doing so.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to re-advertise for a national search.

Anamarie Kelly Stoppa – 77 Camden Drive, spoke in favor of listening to Mr. Stierheim and questioned if he advertised nationally. Mr. Stierheim advised that he didn't, but the ad was picked up nationally by one firm. Ms. Stoppa thought there was a great start, with the 55 existing candidates from around the Country.

The motion carried (5-0).

After public input, Mr. Weiss suggested the following schedule:

- 1.) Provide the proposed ad (note in the ad that all resumes received are public record) in the May Council Agenda, for approval;
- 2.) Mr. Stierheim will accept the resumes for 45 days after publication of the ad;
- 3.) Provide all resumes to the Council and make available to the public;
- 4.) Mr. Stierheim will narrow the list down to at least 15 candidates;
- 5.) Discuss the 15 top candidates at a Council Meeting and allow the Council and public to add names to that top candidate list. Narrow down the top candidate list to the top six, with public participation;
- 6.) Bring in the top six candidates for interviews with the Council, a public meet and greet, and a Council meeting; and
- 7.) Select the Village Manager.

Mr. Stierheim noted that he had fulfilled his professional obligation. He discussed the additional work involved with the expanded search. He noted that there were 12 to 15 qualified candidates, in the 55 existing applicants.

The Council discussed the process running into the summer.

Brian Mulheren – 10245 Collins Avenue, requested that the final process be in September/October.

Penny Sepler – 10275 Collins Avenue, spoke in favor of proceeding, whether it was during the summer or not.

Joe Imbesi – 175 Camden Drive, did not provide any comment.

Anamarie Kelly Stoppa – 77 Camden Drive, spoke in favor of moving forward, since the Village operated year round.

Judy Cannon, Village Consultant - Cannon Stierheim Productivity Management Teamwork, requested that the Council review and provide any changes to the basic Village Manager requirements, as outlined in the February 8, 2013 memo (document submitted to the Village Clerk). Mr. Weiss reported that will be discussed at the May Regular Council Meeting.

It was the consensus of the Council to have the following process for the top six candidates:

Council interviews on Sunday/Monday, Meet and Greet on Monday night or Tuesday afternoon before the Council meeting, and a Council meeting Tuesday night. The selection of the Manager would be at the Council meeting, after public discussion and input.

A proposed schedule will be presented at the May meeting.

Assistant Mayor Blachar requested that a letter be sent out to residents, regarding the process, once the dates were established.

Merrett Stierheim, Village Consultant - Cannon Stierheim Productivity Management Teamwork, discussed the amount of work that would be required, due to the additional search. He requested that the Council think about that and it be discussed.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of additional money for Mr. Stierheim, for the additional work. She noted that if Mr. Stierheim wasn't told to limit it to a Florida search the first time, then he wouldn't have done so. She didn't think that the profile needed to be changed. She also had no problem with Mr. Stierheim's selection of the top candidates and had faith in his ability. She had a problem that the search wasn't broad enough and the lack of public participation, after the finalists were determined.

Mr. Smith will provide an addendum to the Cannon Stierheim Productivity Management Teamwork contract, at the May meeting.

DISCUSSION OF SALARY INCREASE FOR INTERIM VILLAGE

MANAGER: Per direction of the Village Council, Mr. Weiss will provide a suggested salary increase for Mr. Smith, retroactive to January 2013, at the May meeting.

REQUEST TO CHANGE MAY REGULAR COUNCIL MEETING

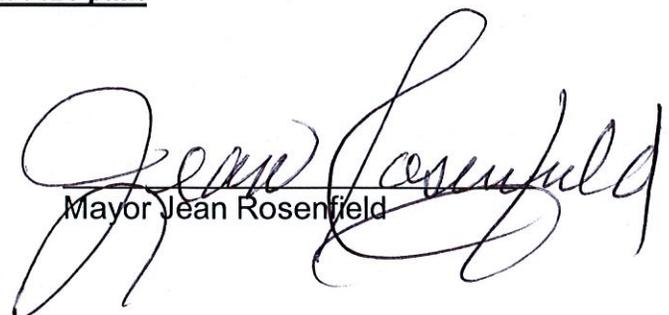
DATE: Mr. Smith requested that the regular May Council Meeting date be changed to May 28th.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to move the May Regular Council Meeting from May 21st, to May 28th, at 7:00 p.m. The motion carried (5-0).

4. ADJOURN: There being no further business, a motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to adjourn the meeting. The motion carried (5-0) and the meeting was adjourned at 9:18 p.m.

Attest:


Ellisa L. Horvath, MMC, Village Clerk


Mayor Jean Rosenfield