

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 074-2016

To: Mayor Martin Packer and Members of the Village Council
From: Jorge M. Gonzalez, Village Manager 
Date: April 8, 2016
Subject: Weiss Serota Response to Whitman Letter

The purpose of this Letter to Council (LTC) is to transmit the written response by the Village Attorneys, Weiss Serota Helfman Cole and Bierman, to Stanley Whitman's letter regarding the Bal Harbour Shops expansion.

This letter was written following a direct request by the Village Council at the Regular Council Meeting held on March 22, 2016. The letter was mailed earlier this week and has been received by residents.

If you have any questions or need any additional information, please feel free to contact me or Village Attorney, Richard Weiss.

JMG/RJW/AC



WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

March 29, 2016

Dear Residents,

We are writing to you at the direction of the Village Council. We have been asked to respond to a widely circulated letter from Bal Harbour Shops founder Stanley Whitman regarding the proposed Shops expansion and the transfer of Village Hall to the Shops.

Mr. Whitman's letter contains opinions about the role and motives of certain Village Council members in their consideration of whether the Village Hall transfer should be approved. The Village Council has asked us to outline the mandated process that will be undertaken in considering the proposed Village Hall transfer, and to clarify any misconceptions that may have been created by Mr. Whitman's letter.

As many of you are aware, on October 28th, 2015, an application was filed by Bal Harbour Shops seeking to expand the Shops. The proposed transfer of Village Hall to the Shops is included in the Shops' application.

Section 81 of the Village Charter contemplates a *two-step* process for the transfer of any Village property, including Village Hall. The *first* step obligates the Village Council to consider whether any proposed transfer "is in the best interest of the Village." If, and only if, this determination is made, step *two* is mandated. Step two requires the Council to place the issue of the proposed transfer on a ballot for Village voters to approve or disapprove.

A special meeting of the Village Council has been scheduled for April 13, 2016 to consider a number of items relating to the Shops expansion, including the proposed transfer of Village Hall. The agenda for this special meeting is posted on the Village's website and has been prepared in a manner consistent with the Charter's two-step process as outlined above. <http://www.balharbourgov.com>.

The first action item listed on the April 13th agenda is Council discussion and consideration of a resolution finding that the proposed transfer of Village Hall is "in the best interest of the Village." If the Council does not approve this resolution, the proposed transfer will not be authorized and no further action will be necessary.

Should the Council approve the resolution deeming the transfer of Village Hall to be “in the best interest of the Village,” the next item on the agenda is a resolution placing the question of the proposed transfer on a ballot for consideration by the Village voters.

Both the Council’s actions to date and the preparation of the April 13th agenda have been in strict compliance with the process contemplated by the Village Charter.

We hope that this letter helps you to understand the process that the Village must undergo in considering the potential transfer of Village Hall.

Sincerely,

Weiss Serota Helfman Cole & Bierman

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorneys