

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**REGULAR MEETING – FEBRUARY 19, 2013**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, February 19, 2013, at the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 7:04 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

Jay R. Smith, Acting 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 previously done at the Local Planning Agency Meeting.

**3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS:** None.

**4. SPECIAL PRESENTATIONS:**

**Beach Renourishment Update – Brian Flynn, Miami-Dade**  
**County:** This item was discussed later in the meeting.

**5. CONSENT AGENDA:**

***Anamarie Kelly - 77 Camden Drive***, requested that Tabs D and G be removed.

***Neil Alter - 9801 Collins Avenue***, requested that Tabs C, E, and F be removed.

Approval was requested for the following remaining items:

Tab A: July 10, 2012 Council Workshop Meeting Minutes  
September 13, 2012 Second Budget Hearing Minutes  
October 16, 2012 Regular Council Meeting Minutes  
November 1, 2012 Special Council Meeting Minutes

Tab B: The following Resort Tax Committee recommendations:

1. Appoint Angelica Lenox, St. Regis Director of Sales & Marketing, to the Resort Tax Committee

2. \$50,000.00 Contribution to the Greater Miami Convention and Visitors Bureau (GMCVB)
3. \$4,500.00 for the American Express Publishing Luxury Summit
4. \$10,000.00 for the Arabian Travel Mart (ATM)
5. Donation of Surplus Equipment from the Bal Harbour Kids Club, which was located at the Sea View Hotel

Tab H: Authorize the Village Manager to execute the agreements with Beach Towing and Tremont Towing to provide wrecker services, pending approval of the Towing Rate Resolution (listed later in the agenda)

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve Tabs A, B, and H on the Consent Agenda. The motion carried (5-0).*

**Tab C – Motion Approving Bus Shelter Change Order #1:** Mr. Smith requested authorization to execute Change Order #1 (\$39,450.00) to the Sanchez-Arango Construction Agreement, for the Bus Shelter Installation Project.

***Peter Kunen, Village Engineer - CAS & Associates***, explained that the proposal was for the civil, structural, and electrical engineering for the design.

***Neil Alter - 9801 Collins Avenue***, questioned why the items weren't previously anticipated. Mayor Rosenfield clarified that CAS had just been brought in to oversee the project. Mr. Smith didn't know if the items requested could have been anticipated.

Mr. Kunen explained that the existing shelters were constructed in the 1990s and there had been Code changes for wind load, foundation size, additional utilities, etc.

Councilman Sanz discussed the numerous delays in getting the shelters done and questioned what else needed to be done. Mr. Smith explained that this needed to be done to move forward.

Councilwoman Cohen suggested reducing the size of some of the shelters, since the project was going over budget. Mr. Smith explained that wasn't possible, because the federal documents specified the number of shelters, etc. Councilman Sanz didn't want any more changes that would delay the project or risk the Village losing the federal money.

***Brian Mulheren, 10245 Collins Avenue***, spoke in favor of approval, so the Village didn't lose the grant money.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve Tab C. The motion carried (5-0).*

**Tab D – Motion Approving Agreement with CAP Government to Provide Building Official Services:** Mr. Smith requested authorization to execute the agreement with CAP Government, for Building Official services.

***Anamarie Stoppa - 77 Camden Drive***, questioned what the new company's duties would be and if they would also work for other municipalities. She requested Mr. Nieda's (former Building Official) agreement and thought that he should be investigated. She spoke in favor of hiring someone who could write coherently.

Mayor Rosenfield reviewed the contract with CAP Government and discussed the urgency to fill the Building Official position.

Mr. Smith introduced Raul Rodriguez (CAP Government), who had been in place as Building Official, for several weeks.

**Raul Rodriguez - CAP Government**, reviewed the company's resume.

Mr. Smith reported that CAP Government had been used by the City of Aventura, since their incorporation. He added that the Village would have the same contract that CAP negotiated last month, with the City of Aventura.

**Nina Rudolph - 212 Bal Bay Drive**, spoke in favor of approval and agreed that it was important to move quickly.

Councilwoman Cohen thought that the Council should discuss how to move forward, short term or long term, instead of just approving the contract. Councilman Packer discussed the urgency for a Building Official, spoke in favor of approval, and suggested that the contract for the Building Official be reviewed, once a new Manager was hired. Mr. Smith reported that there was a 10-day cancellation clause. Mr. Weiss agreed. Assistant Mayor Blachar spoke in favor of approval and for the new Manager to review it. Councilman Sanz spoke in favor of approval.

**Paul Yarvis - undisclosed address under State statute exemptions**, thought that the Building Official had to be an employee, not an independent contractor. Mr. Weiss explained that something would have to be worked out with CAP.

**David Kwiat - 10185 Collins Avenue**, would like the same person to review and approve the building items and not to have different people doing the same job.

Mayor Rosenfield questioned if that was a common complaint for Aventura. Mr. Rodriguez explained that CAP was consistent, whether or not different inspectors were used. Mr. Weiss noted that he had known the firm for over 20 years and the arrangement in Aventura had worked well. He agreed that the new Village Manager could decide what to do in the future, but someone needed to be in place in the meantime.

**Neil Alter - 9801 Collins Avenue**, was impressed by the credentials and the firm. He questioned if the compensation was the same as Aventura, since the Village was smaller. Mr. Weiss explained that there was a charge per inspection and task performed. He added that the Village was receiving the benefit of a 20-year relationship (between CAP and Aventura).

**Dan Holder - 24 Bal Bay Drive**, questioned if the contract included time frames for inspections. Mr. Weiss reported that the contract provided for CAP to respond in 24 hours.

Councilwoman Cohen would like the Council to be able to provide input, when the time came, whether or not to continue with CAP. Councilman Packer noted that could be discussed, when the new Manager started. Assistant Mayor Blachar had confidence that Mr. Smith had done a great job in selecting CAP, which Mr. Weiss had confirmed was a great firm. She added that there wasn't a way for Councilwoman Cohen to be there for all the decisions that had to be made. Mayor Rosenfield pointed out that it was the Manager's job to do the research and come back to the Council. Councilwoman Cohen still requested

to be involved in the process.

*A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve Tab D. The motion carried (5-0).*

**Tab E – Motion Approving Costs for Whitefly Injections:** Mr. Smith requested approval of an additional \$30,856.80 (Resort Tax funds) and \$3,456.20 (contingent upon approval from the Gated Residential Section Advisory Committee), for whitefly pesticide injections.

***Neil Alter - 9801 Collins Avenue***, requested information on the areas and the cost. Mr. Smith explained the areas and reported that the cost was \$35.00, per palm tree.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve Tab E. The motion carried (5-0).*

**Tab F – Motion Approving Funds for Renewal of Maintenance Agreements:** Mr. Smith requested authorization to renew maintenance agreements with Simplex Grinnell (fire alarm - \$3,511.00) and ThyssenKrupp Elevator (elevator - \$4,083.84).

***Neil Alter - 9801 Collins Avenue***, noted that his question on the item had already been addressed.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve Tab F. The motion carried (5-0).*

**Tab G – Motion Approving Funds for Marcum LLP to Assist with Audit Responses:** Mr. Smith requested approval of up to \$9,000.00, for Marcum LLP to provide additional services (audit of the forfeiture accounts by the United States Department of Justice and routine review by the Internal Revenue Service for the 2010 payroll records).

***Neil Alter - 9801 Collins Avenue***, questioned if Marcum was the same firm that did the evaluation in 2010 and 2011, of the drug task force. Mr. Weiss noted that Marcum originally raised the question of the expenditure of forfeiture funds. He discussed the implication that the auditors hadn't done their job and explained that it was Marcum's job to point out deficiencies, but it was the administration's job to correct the deficiencies. He added that it would rarely come to the Council level. Mr. Weiss clarified that advice was given to administration regarding salaries being paid from the forfeiture fund.

***Anamarie Stoppa - 77 Camden Drive***, requested an update on the Department of Justice investigation, before anything additional was voted on. She also discussed the additional IRS audit. She requested the amount that was expended for audits, etc. due to the administration not following the advice of counsel. She questioned why Chief Hunker was on paid leave, since he caused this, and the Village Manager was on vacation. Mr. Weiss suggested that Attorney Dan Gelber provide an update, at the next meeting. Mr. Smith will provide the amount of expenses to date.

Mr. Weiss explained that he was trying to resolve the issue with Chief Hunker's Attorney and thought that it was important to resolve the situation in an amicable way. He expected a resolution by the next meeting.

Councilman Packer questioned if a Village agreement with Chief Hunker would affect any federal charges that may come up later. Mr. Weiss explained that any agreement with Chief Hunker would have releases on both sides. He added that any issues with the federal government and Chief Hunker, which he wasn't aware of, would not be affected by the agreement.

**Brian Mulheren – 10245 Collins Avenue**, requested Marcum's scope of work. Mayor Rosenfield, Mr. Weiss, and Mr. Smith explained the scope of work, which was provided in the agenda. Mr. Mulheren suggested that the Village look at using other companies and not always use Marcum. He thought that any settlements with Chief Hunker or Village Manager Alfred Treppeda should come before the Council. Mayor Rosenfield noted that the Village could look at other auditing firms, in the future.

Councilman Sanz requested the findings of the audit. Councilwoman Cohen agreed, but wanted to know during the process, not just at the end.

Mr. Smith will have Mr. Gelber attend the next meeting.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve Tab G. The motion carried (5-0).*

#### **Beach Renourishment Update – Brian Flynn, Miami-Dade**

**County:** Mayor Rosenfield discussed the Village's concern with the federal renourishment project not starting when anticipated, in January. Mr. Flynn discussed the negative effects of Hurricane Sandy, on the beach. He reported that the County planned to re-grade the beach, to temporarily address safety issues, in a couple of weeks. He discussed the changes in the County. He discussed the Army Corps of Engineers project in June (delayed due to State permitting issues), which would increase the width of the beach by 100 feet.

**Brian Mulheren – 10245 Collins Avenue**, discussed the delay in the monitoring permit, which was due to changes in the County government. He didn't think that re-grading the beach would help. Mr. Flynn reported that the monitoring plan had been submitted to the State a month and a half ago, which hadn't been reviewed yet.

Mr. Smith reported that he spoke with Village Lobbyist Ron Book, who verified that everything was set. Mr. Flynn noted that the project was ready to begin, with a couple of details to be worked out, including an easement and the monitoring plan.

Councilman Packer questioned the status of the sand transfer project, which the Village had spent approximately \$100,000.00 on. Mr. Flynn reported that once the Interlocal Agreement, between the Village and the County, was signed then they would submit the permit applications and move forward.

Councilman Packer questioned if the jetty would be extended. Mr. Flynn reported that they were working with the County Parks Department to extend the jetty, to capture more sand. He discussed the County's plan to rebuild the Haulover fishing pier, off the north jetty, and to have a restaurant there, which would fund part of the jetty extension. Mr. Smith reported that Penny Cutt, Coastal Systems International, was working on the Interlocal Agreement, etc.

**Nina Rudolph - 212 Bal Bay Drive**, discussed the pier attracting people fishing to Haulover, from Bal Harbour, which would be safer, etc. Councilwoman Cohen thought that there would be a charge for that pier. Mrs. Rudolph questioned the plans for the beach at 96th Street. Mr. Flynn verified that the Army Corps project would address that.

**David Kwiat - 10185 Collins Avenue**, discussed the lack of beach behind the Plaza and suggested a jetty behind that building, as well as other locations.

**Paul Yarvis - undisclosed address under State statute exemptions**, questioned how no lifeguards on the Village's beach were justified.

**Neil Alter - 9801 Collins Avenue**, discussed the recent loss of sand and voiced concern that the prior report was for an increase of 150 feet, but now it was only for 100 feet. Mr. Flynn discussed the shortage of sand sources and the amount of sand, which varied seasonally. He discussed sand being used from the Haulover Inlet, for the Village's project.

Councilwoman Cohen questioned how the jetty protected the beach. Mr. Flynn explained the process of how the jetty or groin trapped sand, which would normally be lost. He reported that the Army Corps was looking at removing the non-functioning structures on the Village's beach, to replace them with a better system.

**Dan Holder - 24 Bal Bay Drive**, questioned if the Village would approve the re-grading plan. Mr. Flynn can provide Mr. Smith with the plan, to focus on the area south of the jetty, which would address the hazards. He explained that a trucking project would not be done, since the large renourishment project would be done soon.

Mr. Holder requested that the Village keep an eye on if the restaurant at Haulover would have outdoor music, etc. Mr. Flynn explained that the County didn't have funding, so they were putting out an RFP, which would include the tenant funding a portion of the pier extension, etc. He clarified that the restaurant would be situated on the east side of Haulover, near the Haulover jetty.

Mr. Flynn will provide an update at the April meeting. He will also provide an update at the March Resort Tax Committee meeting.

## **6. PUBLIC HEARINGS:**

**Quasi-Judicial Public Hearings:** None.

**Zoning Hearings/Quasi-Judicial Public Hearings:** None.

**Ordinances Second Reading/Public Hearings:** None.

**Ordinances First Reading/Public Hearings:** None.

**Resolutions/Public Hearings:** None.

## **7. ORDINANCES FIRST READING/PUBLIC INPUT:** None.

## **8. RESOLUTIONS:**

The following Resolution was read, by title, by Mrs. Horvath:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JAY R. SMITH AS INTERIM VILLAGE MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve the Resolution.**

The Council commended Mr. Smith on his work and spoke in favor of approval.

**The motion carried (5-0); thus becoming Resolution No. 2013-766.**

The following Resolution was read, by title, by Mrs. Horvath:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER, AS PROVIDED BY PETITION OF ELECTORS, IN ACCORDANCE WITH SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENT CONCERNING REQUIRING VOTER APPROVAL FOR THE SALE, LEASE OR ANY OTHER DISPOSAL OF ANY REAL PROPERTY OWNED BY THE VILLAGE; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, THE 23RD DAY OF APRIL, 2013; AUTHORIZING ALTERNATIVE DATE FOR THE SPECIAL ELECTION IN THE EVENT THAT A COUNTY-WIDE SPECIAL ELECTION IS CALLED; PROVIDING NOTICE OF SPECIAL ELECTION; PROVIDING FOR BALLOTING; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Smith explained the petition that was received.

Assistant Mayor Blachar suggested an Ordinance, to avoid the expense of an election, which would prohibit the sale or lease of any Village owned property, without prior voter approval. Mr. Weiss explained that the required signatures were provided, so an Ordinance could only be done, if the petition was withdrawn by the petitioners. He further clarified that the Charter could only be amended by a vote.

**Neil Alter - 9801 Collins Avenue**, questioned if a majority vote would be needed. Mr. Weiss advised that would be needed.

**A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve the Resolution. The motion carried (5-0); thus becoming Resolution No. 2013-767.**

The following Resolution was read, by title, by Mrs. Horvath:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, ESTABLISHING THE NON-CONSENT TOWING RATES THAT MAY BE CHARGED BY TOWING SERVICE PROVIDERS WITHIN THE VILLAGE IN**

ACCORDANCE WITH CHAPTER 19 OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Smith explained that the revised agreements were approved, on the consent agenda.

*A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve the Resolution. The motion carried (5-0); thus becoming Resolution No. 2013-768.*

**9. REPORTS:**

**A. VILLAGE MANAGER:**

**Discussion of March Council Meeting:** Mr. Smith suggested that the March meeting be moved to the Sea View Hotel, at an earlier time, since the public hearing for the Consultatio Project was anticipated to be on the agenda. The Council requested better lighting, sound, and a stage, if it was held at the Sea View. Mr. Smith reported that the cost to move the meeting would be paid by Consultatio.

***Brian Mulheren – 10245 Collins Avenue***, suggested that a special meeting be scheduled for the Consultatio Project, whether it's in March or later.

***Neil Alter - 9801 Collins Avenue***, questioned if the person hired to survey the green space had started. Mr. Weiss reported that work had been completed. Mr. Alter questioned if that person was affiliated with any of the negotiators. Mr. Weiss reported that the person was with an outside engineering firm (Calvin Giordano & Associates). Mr. Alter questioned if speakers would be limited to three-minutes, for the quasi-judicial process. He spoke against speaker time limitations, given the magnitude of the issue.

Mayor Rosenfield noted that speakers were limited to three minutes, for all meetings. Councilman Packer suggested that a speaker be allowed to speak for longer, for the Consultatio discussion. Councilwoman Cohen agreed and noted that would also allow the Council to ask questions of the speaker. Assistant Mayor Blachar spoke against extending the time. Councilman Sanz would like to hear all the comments, before he voted. Assistant Mayor Blachar agreed that a little more time could be given, but not an unlimited amount. Mayor Rosenfield discussed the importance of time limits, but wasn't against extending the time a couple of minutes.

***Michael Krop - 9601 Collins Avenue***, suggested some leeway, if someone needed to finish speaking.

***Anamarie Stoppa – 77 Camden Drive***, requested clarification on the hearing process. She suggested no time limit, if the public was allowed to cross-examine. Mr. Weiss explained the procedural resolution, which imposed the three minutes for a speaker. He clarified that the members of the public could not cross-examine.

***Carter McDowell, Bilzin Sumberg Baena Price & Axelrod LLP (200 South Biscayne Boulevard, Suite 2500, Miami, FL) - representing Consultatio Bal Harbour LLC***, spoke in favor of a special meeting for the Consultatio project.

*A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to suspend the three-minute speaker limitation, for the Special Meeting, but that speaker would not be*

allowed to speak a second time, also allowing additional dialogue by the Council.

**Dan Holder - 24 Bal Bay Drive**, spoke in favor of the three-minute rule, with the option for the Council to extend that another three minutes.

Assistant Mayor Blachar spoke in favor of setting an amount of time, even if it was more than three minutes.

**Beth Berkowitz - 10160 Collins Avenue**, spoke in favor of a time limit, as long as speakers weren't cut off or limited on the number of times they could speak. She suggested that speakers be allowed three minutes, when speaking for the second time, but if they spoke longer the first time then they would not be allowed to speak a second time.

Councilman Packer spoke against going back and forth.

Councilman Packer withdrew his motion. Councilwoman Cohen withdrew her second to the motion.

**Brian Mulheren - 10245 Collins Avenue**, spoke against time limits

**Nina Rudolph - 212 Bal Bay Drive**, suggested a five-minute time limit, as a compromise.

**Carter McDowell, Bilzin Sumberg Baena Price & Axelrod LLP (200 South Biscayne Boulevard, Suite 2500, Miami, FL) - representing Consultatio Bal Harbour LLC**, suggested that the Special Council Meeting be held on March 19<sup>th</sup>, with the Regular Council Meeting on another day.

**Doug Rudolph - 212 Bal Bay Drive**, suggested a compromise of a certain time limit. He agreed that there should be a separate meeting, on March 19<sup>th</sup>.

Councilman Packer suggested a ten-minute time limit. Councilwoman Cohen spoke in favor of additional time, if the conversation was relevant and the Council wanted to hear more. Assistant Mayor Blachar suggested a five-minute time limit. Councilman Sanz spoke in favor of a five-minute time limit, but allowing people to speak again. Assistant Mayor Blachar spoke in favor of allowing five minutes. Councilman Packer agreed. Mayor Rosenfield was okay with five minutes, with the Council allowing additional comment, but spoke against dialogue going back and forth.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar, to provide a five-minute time limit, for the Special Council Meeting, without dialogue back and forth and allowing the Council to ask the speaker for additional information.

**Abe Gotman - 9601 Collins Avenue**, discussed the importance of the project and hearing from the public, before the Council voted.

**Anamarie Kelly Stoppa - 77 Camden Drive**, didn't disagree with a time limit, but thought that people with documentation (such as her and Ms. Berkowitz) didn't have the opportunity to raise their issues. She thought that if someone raised an additional issue, then they should be able to show their documentation.

Mr. Weiss noted that he had never seen where members of the public were allowed to dialogue back and forth. He suggested five minutes to speak, with a three minute rebuttal,  
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if necessary, but to limit the speaker to speaking twice.

Assistant Mayor Blachar requested that the public email the Council, if they had documents in response to the first hearing. Mr. Weiss noted that the Council would need to disclose that.

***Carter McDowell, Bilzin Sumberg Baena Price & Axelrod LLP (200 South Biscayne Boulevard, Suite 2500, Miami, FL) - representing Consultatio Bal Harbour LLC,*** clarified that, under the quasi-judicial process, the Applicant was allowed to address anything raised by the public.

***A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to amend the motion to allow five minutes for the initial presentation by members of the public, and to allow members of the public three minutes for rebuttal after the Applicant has spoken, with a short rebuttal by the Applicant to those comments, for this meeting only. In addition, the Council can question the speakers freely. The motion carried (5-0).***

***The motion, as amended, carried (5-0).***

***It was the consensus of the Council to schedule a Local Planning Agency and Special Council Meeting for March 19, 2013 at 5:01 p.m. (at the Sea View Hotel) and the Regular Council Meeting on March 21, 2013 at 7:00 p.m. (at Village Hall).***

**B. VILLAGE CLERK:**

**Lobbyist Registration Report: As of February 19, 2013:**

The list of Lobbyists registered with the Village was included in the agenda.

**C. VILLAGE ATTORNEY: Mr. Weiss did not report on any items.**

**D. MAYOR AND COUNCIL:**

**Bus Shelter Update – Councilman Sanz:** Councilman Sanz requested that the date for building the shelters be provided at the March 21<sup>st</sup> Council meeting.

***Peter Kunen, Village Engineer - CAS & Associates,*** anticipated certain items to be in place by March 15<sup>th</sup>. He reported that O'Leary Richards had already developed the paver design. He discussed the need to have the shelter fabrication process started as soon as possible, with construction beginning in May, and an expected completion date by the end of June. He will provide an update, by the next Council meeting. Councilman Sanz requested clarification that the shelter design would be the one that was approved. Mr. Kunen agreed.

Councilman Packer pointed out that the St. Regis was paying for their bus shelter. Mr. Kunen agreed. Mr. Smith reported that the St. Regis had paid \$50,000.00 thus far for it, but would pay more if needed.

**Discussion of Budget Process for FY2013/2014 - Councilman Packer:** Councilman Packer requested that interested residents contact him, to meet informally, for input on the budget and the park/recreation.

### **Discussion of Redistricting – Councilwoman Cohen:**

Councilwoman Cohen discussed either eliminating or changing the districts. Mayor Rosenfield discussed the study that was done in 2010, which the Council had discussed, but not acted on.

***Doug Rudolph – 212 Bal Bay Drive***, spoke in favor of eliminating the districts and having the five most qualified people, to serve on the Council. He discussed an alternate idea to use Collins Avenue as a dividing line, with two from the east side, two from the west side, and one at large.

Mayor Rosenfield suggested that the item be discussed, after the March meeting.

Mr. Weiss discussed the upcoming Village Manager selection process.

Councilman Packer suggested that a workshop meeting be scheduled.

Mayor Rosenfield suggested that the Council wait to hear from Mr. Stierheim, regarding the Village Manager process first.

***Anamarie Stoppa – 77 Camden Drive***, spoke in favor of eliminating the districts.

Assistant Mayor Blachar agreed with Councilwoman Cohen that a change was needed, which could be addressed once a new manager was hired.

## **10. OTHER BUSINESS:**

### **Public Comment:**

***Anamarie Stoppa – 77 Camden Drive***, questioned if any negotiation with Chief Hunker would come to the Council for approval. Mr. Weiss advised that it would.

***Nina Rudolph – 212 Bal Bay Drive***, spoke in favor of hiring Jay Smith as the new Manager. Mayor Rosenfield reported that Mr. Smith had been asked to apply, but he was not interested in the job.

Assistant Mayor Blachar spoke in favor of a workshop meeting, once a new manager was hired, to discuss how the Council would be involved in the decision process, to be more informed and involved. She also suggested that an expert, who knew how to run a meeting, could provide the Council with some guidance. Councilwoman Cohen will be attending other municipality meetings, to see their meeting procedures. Mr. Weiss offered to speak to the Council about meeting procedures. Councilwoman Cohen thought that the goal should be for everyone to feel that they were heard, within parameters.

Mr. Smith was directed to provide a chart to the Council, showing the differences between the OF (Oceanfront) and PD (Planned Development) districts, before the next meeting.

***A motion was offered by Councilman Packer and seconded by Councilman Sanz to adjourn.***

***Abe Gotman – 9601 Collins Avenue***, complained of bikes on the beach speeding and hitting pedestrians, as well as dogs on the beach.

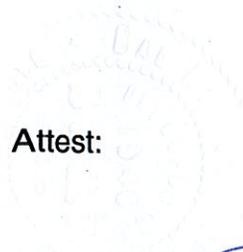
Chief Michael Daddario discussed warnings or violations that could be written.

Assistant Mayor Blachar discussed a problem with a specific loose dog on the beach.

**Lori Mobley - Code Enforcement Officer**, discussed unsuccessful attempts, to catch that dog. Mr. Smith was directed to address the situation with the dog.

**11. ADJOURN:** There being no further business, the motion to adjourn carried (5-0), and the meeting was adjourned at 10:42 p.m.

Attest:

  
  
Ellisa L. Horvath, MMC, Village Clerk  
Mayor Jean Rosenfield