

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – JULY 17, 2013

The Regular Meeting of the Bal Harbour Village Council was held on Wednesday, July 17, 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 7:02 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield¹
Assistant Mayor Joni D. Blachar
Councilwoman Patricia Cohen
Councilman Martin Packer
Councilman Jaime M. Sanz

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 Village resident Susan Packer (Councilman Packer's wife).

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

It was the consensus of the Council to discuss Tab M and Tab P out of order.

(Tab M) Request for Funds for the Prestige Cultural Series Benefitting FIU's Eco Academy – Mayor Rosenfield: Dr. Jan Solomon (Florida International University) requested \$3,000.00, for the Florida International University EcoAcademy.

A motion was offered by Mayor Rosenfield and seconded by Councilman Packer to approve the request. The motion carried (5-0).

It was the consensus of the Council to discuss Tab N and Discussion of Length of Meetings out of order.

(Tab P) Discussion of Funding Request for the Surf Bal Bay PAL – Councilwoman Cohen: Bay Harbor Police Chief Sean Hemmingway requested \$30,000.00, to match the amount given by the Town of Bay Harbor Islands.

A motion was offered by Councilwoman Cohen and seconded by Assistant Mayor Blachar to approve.

¹ Mayor Rosenfield left the meeting during review of the Quarterly Financial Update.
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Neil Alter - 9801 Collins Avenue #11U, requested information on the program.

Mayor Rosenfield questioned if the Town of Surfside was involved in the program.

Jose Andrade - PAL Director, reported that Surfside had not been involved for the last four years. He discussed changing the name of the program to Bal Bay PAL. He distributed information on the program, with approximately 19 children from Bal Harbour (out of 221 in the program).

Chief Hemingway noted that the number of the participants from the Village varied between 20 and 40. He discussed the need to keep the kids off the streets.

Richard Alman - 44 Bal Bay Drive, discussed the prior use of forfeiture funds for the program, but suggested that the taxpayers be made aware of the use of taxpayer dollars for this item, as well as for the FIU donation. He suggested a system, for review of allocating/approving taxpayer dollars, for donations.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of the expenditure and noted that prior to the contribution by the forfeiture fund, the Village supported the aftercare school program, which this PAL program replaced.

Assistant Mayor Blachar discussed the low number of participants from the Village and voiced concern with Surfside not contributing, since they had a large number of participants. Chief Hemingway noted that Surfside would be approached again about participating. Assistant Mayor Blachar would prefer it if Surfside contributed as well, since they had the majority of students that attended. Chief Hemingway noted that the Town of Surfside was running their own program now. He explained that the donation would be for 2013/2104 budget.

Councilwoman Cohen spoke in favor of approval.

Councilman Sanz spoke in favor of holding off on participating, until the upcoming budget was reviewed.

Mayor Rosenfield spoke in favor of a tutoring component for the program. Mr. Andrade noted that was offered, but parents didn't sign up for it. He explained the scholarships given and the recruitment process. Mayor Rosenfield would like to see Surfside's contribution.

Councilman Packer suggested that the item be re-visited, at the next meeting.

Mr. Andrade didn't anticipate that Surfside would participate, but noted that if they did, then each of the tree towns would contribute \$20,000.00, instead of \$30,000.00.

Assistant Mayor Blachar spoke in favor of waiting until the next meeting, to make a decision.

Councilwoman Cohen withdrew her motion. Assistant Mayor Blachar withdrew her second to the motion.

A motion was offered by Councilman Sanz and seconded by Councilman Packer to defer the item to the September meeting. The motion carried (5-0).

Discussion of Length of Meetings – Assistant Mayor Blachar and (Tab N) Discussion of Meeting Style, Structure, and Overall Philosophy – Councilwoman Cohen:

Assistant Mayor Blachar suggested that the meetings be limited to a maximum time period of three hours. In order to increase efficiency, she requested that more information be provided ahead of time, instead of passed out at the meeting.

Councilwoman Cohen discussed Resolution No. 700 and the ability for the majority of the Council to waive/change the order of the meeting. She discussed the need for the length of the meetings, due to the numerous items that needed to be covered. She noted that if the meetings were shortened, then there may be a need to have additional meetings. She urged the Council to speak more freely with each other, during the meetings. She discussed the need to allow some speakers more time than three minutes. Councilwoman Cohen also spoke in favor of allowing any member of the Council, not just the Mayor, to bring back motions that had already been voted on or to consider other items. She requested that Resolution No. 700 be reviewed and tailored more to the needs of the current Council.

Councilman Packer agreed that he would allow a speaker more time, if deemed necessary.

Councilwoman Cohen suggested that Resolution No. 700 be amended, to enable any member of the Council, not just the Mayor, to allow additional information and extend the three minutes for a speaker.

Assistant Mayor Blachar spoke against doing so and spoke in favor of adhering to the three-minute rule.

Councilman Packer discussed the concept of people signing up ahead of time, to speak at the meeting. He agreed that the Mayor would allow more than three minutes, if necessary.

Councilman Sanz spoke in favor of change. He thought that three minutes was good, but would like to be able to ask more questions, if necessary. He would like time to review the information and suggestions that Councilwoman Cohen had.

Councilwoman Cohen will provide the Council with her suggested changes and information she had regarding meeting regulations in other municipalities.

Neil Alter - 9801 Collins Avenue #11U, spoke against limiting the meeting time and against the limitation of three minutes for speakers. He spoke in favor of video-taping the meetings and in favor of liberal meeting rules.

Councilman Sanz left the meeting.

Anamarie Kelly Stoppa - 77 Camden Drive, suggested a workshop meeting, to discuss the meeting format, etc. She wanted the right to rebuttal, after a speaker had spoken.

Dr. Jeffrey Galitz - 101 Bal Bay Drive, spoke in favor of ending the meetings at 9:30 p.m.

Doug Rudolph - 212 Bal Bay Drive, discussed people not attending the meetings, due to their length.

Councilman Sanz returned to the meeting.

Mr. Rudolph spoke in favor of the Council receiving input and making the decisions. He suggested that information be received, before it was placed on the agenda. He also suggested that items be placed on the agenda, in the order of what people attended the meetings for. He added that rebuttals should be from expert witnesses.

Councilwoman Cohen noted that people didn't attend the meetings, because they didn't feel that their input made a difference.

David Kwiat - 10185 Collins Avenue, suggested that the Mayor ask for a raise of hands from those with the same comments. He agreed that all information should be provided ahead of time in the agenda, not passed out at the meeting. He suggested the possibility of two meetings a month, for awhile. He thought that some speakers needed to be more to the point.

Mr. Weiss clarified that Councilmembers could distribute information, but other Council members could not respond to that information.

David Levin - 121 Camden Drive, suggested that a certain amount of time be allocated for each issue on the agenda (10 for argument and 5 for rebuttal) and if that time was exceeded, it would then go to the end of the meeting.

Nina Rudolph - 212 Bal Bay Drive, discussed the need for the experts to provide information, not for a person to give their personal opinion. She spoke in favor of the three-minute time limit.

Dina Cellini - 211 Bal Cross Drive, didn't think that time was an issue, except for the last couple of meetings, due to the important issues. She spoke in favor of new rules and enabling any Councilmember to allow a speaker to go beyond the allotted three minutes. She suggested a workshop meeting for the topic.

Assistant Mayor Blachar spoke in favor of a workshop meeting, after a new Village Manager was hired. Mayor Rosenfield discussed Resolution No. 700 and also spoke in favor of a workshop meeting, after a new Village Manager was hired, if changes needed to be made. Councilman Sanz spoke in favor of a workshop meeting, shorter meetings, and the three-minute rule. He requested that the agendas be sent out earlier (Wednesday not Friday) to the Council.

A motion was offered by Councilwoman Cohen and seconded by Assistant Mayor Blachar, to schedule a workshop meeting and not to wait for a new manager to do so.

Mr. Weiss suggested that an outside facilitator be used, for the workshop meeting.

Councilwoman Cohen withdrew her motion. Assistant Mayor Blachar withdrew her second to the motion.

A motion was offered by Councilwoman Cohen and seconded by Assistant Mayor Blachar, to schedule a workshop meeting to discuss meeting procedures, with a facilitator, as soon as possible after a new Village Manager was hired.

Richard Alman - 44 Bal Bay Drive, suggested that the facilitator be someone from the audit or accounting firm. Mr. Weiss spoke against the auditors being able to do that.

Assistant Mayor Blachar will contact Katie Sorenson (President and CEO of The Good Government Initiative at the University of Miami).

The motion carried (5-0).

4. SPECIAL PRESENTATIONS: None.

5. CONSENT AGENDA: Approval was requested for the following item:

Tab A: July 2, 2013 Special Council Meeting Minutes

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tab A, on the Consent Agenda. The motion carried (5-0).

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 5.5 "APPEARANCE CODE," ARTICLE III "ARCHITECTURAL REVIEW BOARD," SECTION 5.5-13 "POWERS; DUTIES" OF THE CODE OF ORDINANCES IN ORDER TO AMEND THE DUTIES OF THE ARCHITECTURAL REVIEW BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilwoman Cohen and seconded by Councilman Packer to approve the Ordinance.

Mr. Weiss clarified that the Ordinance would allow an Architect to serve on the Board and submit project plans to the Board, by recusing themselves from speaking or voting on the project.

Councilman Sanz questioned if the Board members visited the application sites, prior to the meetings. Mr. Weiss advised that there wasn't a requirement for them to do so. Councilwoman Cohen spoke in favor of a requirement for the Board members to visit the hearing application sites.

Mayor Rosenfield requested public input.

Joe Imbesi - Bal Harbour Yacht Club, spoke against approval, because he thought it was a conflict for a Board member to have a project in the area that they were serving. He questioned putting someone on the Board that wasn't an Architect. He noted that Councilwoman Cohen had herself put on the Board and then stepped down and was now having the rules change so she could go back on the Board.

Councilwoman Cohen explained that she didn't resign from the Board because she had a conflict of interest. Mr. Imbesi thought she did have a conflict. Mr. Weiss clarified that the proposed amendment didn't have anything to do with Councilwoman Cohen or her resignation from the Board.

Nina Rudolph - 212 Bal Bay Drive, spoke in favor of the requirement for Board members to visit the sites and in favor of the Ordinance.

Mr. Weiss noted that the wording could be changed for second reading, to require that Board members visit the properties.

Raj Singh - 53 Camden Drive, thought the purpose of the change in the County's Code was to allow qualified Architects to have projects, as well as give input, in neighborhoods, such as Bal Harbour. He clarified that the purpose wasn't to allow for conflicts of interest.

A motion was offered by Councilman Sanz and seconded by Councilman Packer to amend the Ordinance, to provide that each Board member physically visit the site, prior to each item being heard.

Dan Holder - 24 Bal Bay Drive, suggested input from the Board members first and suggested that smaller items (shutters, etc.) be exempt from the requirement of visiting the site.

It was the consensus of the Council for the requirement to be to visit the site, for all items.

The motion to approve the amendment to the Ordinance carried (5-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes.

The motion to approve the Ordinance, as amended, carried (5-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes.

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

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL;

AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve the Resolution.

Mr. Wallace explained that the assessment would be for the same amount and a final public hearing would be held in September.

No comments were provided by the public.

The motion carried (5-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes; thus becoming Resolution No. 2013-774.

9. REPORTS:

A. VILLAGE MANAGER:

Presentation of Comprehensive Annual Financial Report – Christopher Wallace, Finance Director, and Michael Futterman, Marcum LLP:

Mr. Wallace reviewed the Financial Report, for the Fiscal Year ending September 30, 2012. He reviewed the Letter of Transmittal and pointed out that the Police task force, which the Village had been a part of, was not included in this financial document or review. He reviewed the Management Discussion and Analysis section.

It was the consensus of the Council to continue discussion of this item, at end of the meeting.

Mr. Wallace also offered to meet with the Councilmembers individually, if they had any questions.

Discussion and Approval of Proposed Millage Rate: This item was discussed later in the meeting, by consensus of the Council.

Quarterly Financial Update for Third Quarter (2012/2013) Provided by Finance Director Christopher Wallace: This item was discussed later in the meeting, by consensus of the Council.

Selection of Members of the Gated Residential Section Advisory Committee (RAC): Mr. Smith reported that the following five names were received for consideration: Jose Biton, Daniel S. Holder, Ira S. Lechuk, David Levin, and Stuart Sobel.

Assistant Mayor Blachar suggested that David Levin serve on the Police Retirement Board, since that was his forte.

David Levin – 121 Camden Drive, reviewed his resume and noted his preference to serve on the Police Board.

The Council was provided with ballots, which were completed as follows:

Assistant Mayor Blachar: Jose Biton, Daniel Holder, Ira Lelchuk, and Stuart Sobel
Councilwoman Cohen: Jose Biton, Daniel Holder, Ira Lelchuk, and Stuart Sobel
Councilman Packer: Jose Biton, Daniel Holder, Ira Lelchuk, and Stuart Sobel
Councilman Sanz: Jose Biton, Daniel Holder, Ira Lelchuk, and Stuart Sobel
Mayor Rosenfield: Jose Biton, Daniel Holder, Ira Lelchuk, and Stuart Sobel

Per the ballots that were tallied, the Council appointed the following members to the Gated Residential Section Advisory Committee: Jose Biton, Daniel Holder, Ira Lelchuk, and Stuart Sobel (Assistant Mayor Blachar serves as the fifth member and Chair of the Committee).

Appointment of Member to the Police Officers' Retirement Board: Mr. Smith reported that the following names were received for consideration: David A. Guela, David Levin, and Jeffrey P. Freimark (received late).

It was the consensus of the Council to consider Jeffrey Freimark, even though his resume was received late.

David Guela - 10175 Collins Avenue, reviewed his resume.

Dina Cellini - 211 Bal Cross Drive, questioned if another position was available on the Board, due to Lois Evans' resignation from the Police Board. Mr. Smith confirmed that Ms. Evans had resigned, but that she had served as the fifth member, which was selected by the Board and ratified by the Council.

Per their vote provided in writing, Mayor Rosenfield, Assistant Mayor Blachar, Councilwoman Cohen, and Councilman Sanz voted in favor of appointing David Levin. Councilman Packer voted in favor of appointing David A. Guela. David Levin was appointed by the Council (4-1), to the Police Officers' Retirement Board.

Councilwoman Cohen left the meeting.

Discussion and Approval of Proposed Millage Rate: Mr. Wallace recommended a millage rate of 2.2678 mills (the same millage rate as the current year), which could be lowered.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve a proposed millage rate of 2.2678 mills. The motion carried (4-0), with Councilwoman Cohen absent.

Councilman Sanz spoke in favor of lowering the millage rate.

Discussion of Committee Review: Mr. Smith requested direction on whether or not the Budget Committee should review the Tourism budget and the Security/Landscaping budget.

Assistant Mayor Blachar spoke against the Budget Committee reviewing those two budgets, since they were already reviewed by other committees.

Councilman Sanz spoke in favor of the Budget Committee reviewing the Resort Tax

Committee budget (Tourism), but not the RAC (Gated Residential Section Advisory Committee) budget.

Councilwoman Cohen returned.

Mayor Rosenfield spoke against the Budget Committee reviewing those two budgets.

Councilman Packer spoke in favor of the Budget Committee reviewing the Resort Tax Committee budget and possibly the RAC budget.

Neil Alter - 9801 Collins Avenue, spoke in favor of the Budget Committee reviewing the Resort Tax Committee budget.

Dan Holder - 24 Bal Bay Drive and RAC member, spoke against the Budget Committee reviewing the RAC budget.

Isaac Salver - 10155 Collins Avenue #204, spoke in favor of the Budget Committee reviewing both Committee budgets. He also suggested a charter and ordinance review committee, after the budget season was over. He noted that Bay Harbor had a 10:00 p.m. meeting end time, which could be extended.

Raj Singh - 53 Camden Drive and Budget Committee member, spoke in favor of the Budget Committee reviewing both budgets (Resort Tax Committee and RAC).

Doug Rudolph - 212 Bal Bay Drive, didn't see the need for the Budget Committee to review the RAC budget, but was okay with the Committee reviewing the Village's administrative fees that were charged to the RAC budget.

Assistant Mayor Blachar suggested that the Budget Committee attend the next RAC meeting.

Ira Lelchuk - 169 Camden Drive and RAC member, spoke in favor of the Budget Committee only reviewing the Village's administrative fee (\$30,000.00) charged to the RAC budget and not the entire RAC budget.

Councilman Packer spoke in favor of the Gated Area having its own manager and not using the Village, its Manager, or staff. Dr. Lelchuk noted that the Village created the RAC, to provide a process, and the Village was paid for administrative services. Councilwoman Cohen noted that she had been against forming the RAC, so that the Gated Area could have its own manager, but the Village Attorney had advised that there was no other alternative. She noted that if the Council needed to approve the items, then they should understand what was being spent.

Anamarie Kelly Stoppa - 77 Camden Drive, didn't think that a \$30,000.00 Village administrative fee was enough and spoke in favor of looking into the entire Gated Area issue.

Mr. Weiss clarified that the amount paid to the Village, for an administrative fee, was being reviewed by Mr. Smith. Mr. Smith will provide that amount, for the Budget Committee to review. He clarified that the issue was if the Budget Committee should look at the landscaping/contract and security/contract items that were part of the RAC budget.

It was the consensus of the Council for the Budget Committee to review the Village's administrative fee.

It was the consensus of the Council not to have the Budget Committee review the landscaping/contract issue.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen for the Budget Committee to review the agreement with Kent Security.

Ms. Stoppa questioned why the Council appointed a RAC to legislate for the residents, when the residents didn't elect the RAC members and that area was private. She spoke in favor of the residential section governing itself.

Raj Singh - 53 Camden Drive, noted that the Budget Committee just wanted to review the administrative fees paid to the Village and not have the RAC appear before them. He discussed the Village's liability in signing the contract for the Gated Area, etc. and the Village's procedures that also needed to be followed for the RAC items.

Dan Holder - 24 Bal Bay Drive, spoke against the need for the motion, because the administrative fee was already being reviewed, as part of the general fund budget. He also spoke against the Budget Committee reviewing the other RAC items.

The motion failed (2-3), with the vote as follows: Assistant Mayor Blachar no; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz no; and Mayor Rosenfield no.

Mr. Weiss clarified that Mr. Smith will provide a report on the administrative fee to the Budget Committee, for their review. Assistant Mayor Blachar will review the report, prior to it being presented to the Budget Committee.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer for the Budget Committee to review the Resort Tax Committee budget.

Mr. Wallace will provide a list of the employees, with Village credit cards, for the Council to decide how to proceed with that program.

Richard Alman - 44 Bal Bay Drive, clarified that his earlier comment was that the accounting firm (Marcum) should review the purchasing cards, etc. Councilwoman Cohen requested Mr. Alman to attend the Budget Committee meetings.

The motion carried (5-0).

B. VILLAGE CLERK:

Lobbyist Registration Report: As of July 17, 2013: Mrs. Horvath provided an updated list.

Request to Direct Village Attorney to Provide Amendments to the Village Lobbyist Ordinance to Comply with New County Expenditure Report Requirements: Mrs. Horvath requested that the Council direct the Village Attorney to draft an Ordinance, amending the Village Lobbyist Ordinance to comply with new County expenditure Report requirements. She reported that the County amended

their Ordinance, to waive the requirement of a report, if no expenditures were made during the reporting period.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to direct the Village Attorney to draft the Ordinance. The motion carried (5-0).

Discussion of Presentation for Video Technology – Councilwoman Cohen: Jordan Dozier, BIS (Business Information System) Digital, offered to provide a presentation for the system proposal.

Mayor Rosenfield and Assistant Mayor Blachar noted that, per Council direction, the item was not supposed to be considered, until the October meeting.

This item was discussed again later in the meeting.

C. VILLAGE ATTORNEY:

Presentation of Public Notice Signs for Architectural Review Board Applications: It was the consensus of the Council to review this item, at the next Council meeting.

Discussion of Proposed Ordinance Establishing Regulations and Permit Requirements for Commercial Film Productions, Pursuant to the Request of the Gated Residential Section Advisory Committee: Mr. Weiss explained that the item was provided for the Council's review and would be brought back at a future Council meeting. Assistant Mayor Blachar will review the item at the Gated Residential Section Advisory Committee meeting.

D. MAYOR AND COUNCIL:

Request for Funds for the Prestige Cultural Series Benefitting FIU's Eco Academy – Mayor Rosenfield: This item was discussed earlier in the meeting.

Discussion of Presentation for Video Technology – Councilwoman Cohen: Jordan Dozier, BIS Digital, provided an overview of the proposal, to upgrade the current system ((\$11,679.00), to provide video/audio of the meetings online. Councilman Sanz suggested that the presentation be done at the beginning of the meeting, in October.

Discussion of Redistricting – Assistant Mayor Blachar: Assistant Mayor Blachar suggested that the item be discussed at the next Council meeting. Mr. Smith will provide Dr. Schultz's report, on redistricting. Assistant Mayor Blachar noted that the Council could review that report or come up with something else. Councilman Packer suggested a workshop meeting on the item. Mayor Rosenfield suggested that the Council review Dr. Schultz's report first. Mr. Smith will email the report prepared by Dr. Schultz, on redistricting, to the Council.

Discussion of Length of Meetings – Assistant Mayor

Blachar: This item was discussed earlier in the meeting.

Discussion of Meeting Style, Structure, and Overall Philosophy – Councilwoman Cohen: This item was discussed earlier in the meeting.

Discussion of Attending the Florida League of Cities Conference – Councilwoman Cohen: Councilwoman Cohen requested approval to attend the conference.

Isaac Salver – 10155 Collins Avenue #204, noted that he attended the conference as a Bay Harbor Councilman, which was paid by the Town of Bay Harbor Islands. He spoke in favor of approval.

Councilman Packer also requested approval to attend the conference.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve Councilwoman Cohen and Councilman Packer to attend the Florida League of Cities Conference. The motion carried (5-0).

Discussion of Funding Request for the Surf Bal Bay

PAL – Councilwoman Cohen: This item was discussed earlier in the meeting.

Discussion of Presentation for Video Technology – Councilwoman Cohen: This item was discussed earlier in the meeting.

Discussion of Current Beach Conditions and Future Planning Efforts – Councilwoman Cohen: Councilwoman Cohen requested to review the item at another time.

Presentation of Comprehensive Annual Financial Report – Christopher Wallace, Finance Director, and Michael Futterman, Marcum LLP:

Michael Futterman reviewed page 1. He reviewed page 88 and noted that they didn't have any finding in that report. He reviewed page 90, which showed a finding of a partial repeat finding from the prior year (2011 audit) for compliance over the tracking of capital assets that were acquired with federal grant money and the identification of those assets in the system. He noted that some of the findings had been addressed by the Department of Justice in their findings.

Councilman Packer requested clarification on pages 98 and 99, which noted that corrective actions had not been taken to address the findings and recommendations. Mr. Futterman explained that was a repeat finding, from the prior year. Councilman Packer asked if that had been corrected.

Mr. Wallace noted that it was in the process of being corrected, by bringing the items over to the fixed asset items (such as iPads, etc.). Mr. Smith clarified that once the process was done, then that comment would be alleviated. Mr. Futterman agreed.

Councilwoman Cohen suggested that the pages be highlighted, on the first page, which the

Council needed to be aware of. Mr. Futterman agreed to do so.

Mr. Weiss asked what the Council should be concerned about in the report. Mr. Futterman reviewed the one finding on page 96 of material noncompliance/material weakness (Equipment and Real Property Management), regarding the Federal Equitable Sharing Program. Mr. Wallace will identify and include the assets in the Village's fixed assets, to address the issue. He expected for that to be done by September 30th, so that it wouldn't be a repeat comment. Mr. Weiss suggested an update at the September meeting, to find out where the process for this item is.

Assistant Mayor Blachar voiced concern that the Town of Surfside owed the Village alot of money (\$1.9 million), for the sewer line. Mr. Smith reported that Surfside advised that they would be sending \$1.6 million and would be reviewing the remaining engineering fees. Mr. Wallace explained.

Seth Salver - 10155 Collins Avenue, discussed the need for internal controls, for the purchasing cards. Mr. Futterman noted that they didn't audit every transaction, but could. Councilman Packer noted that the Budget Committee may recommend some oversight.

Raj Singh - 53 Camden Drive, questioned when the audit was done. Mr. Futterman explained that it was started in December, but was delayed with all the other audits going on. He noted that the report was given in May last year. Mr. Singh questioned the assets that hadn't been recorded. Mr. Futterman clarified the process of the asset tracking. Mr. Singh questioned the amount that had to be identified and the testing threshold. Mr. Futterman explained that there were different thresholds. He will provide that information.

Anamarie Kelly Stoppa - 77 Camden Drive, questioned the ramifications for the Finance Director or auditor in not finding what Marcum found again. She also questioned if anything had been resolved by the Department of Justice (DOJ) and if the Village owed any more money. Mr. Weiss noted that Mr. Gelber needed to discuss the status of that. Ms. Stoppa wanted to know what was owed to the DOJ or owed to the village.

Mr. Wallace discussed the disclosure in the financial statements, on the potential liability of that (page 56).

Councilwoman Cohen requested that the audits be provided sooner.

Mr. Weiss estimated the liability to be in the \$800,000.00 range. Mr. Futterman confirmed that Attorney Dan Gelber had provided a range from zero to \$800,000.00.

Quarterly Financial Update for Third Quarter (2012/2013) Provided by Finance Director Christopher Wallace: Mr. Wallace reviewed a summary of his report, provided in the agenda.

Dina Cellini - 211 Bal Cross Drive, requested that the report be reviewed and not just a summary of it.

Mayor Rosenfield left the meeting.

Assistant Mayor Blachar chaired the meeting.

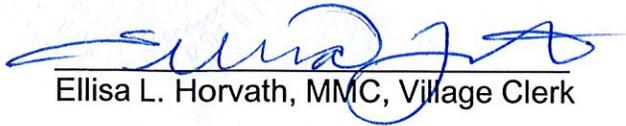
Mr. Wallace continued to review his report.

10. OTHER BUSINESS:

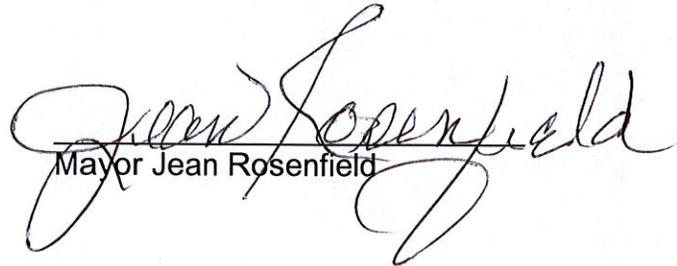
Public Comment: None.

11. ADJOURN: There being no further business, a motion was offered by Councilman Packer and seconded by Councilwoman Cohen to adjourn. The motion carried (4-0) and the meeting was adjourned at 11:49 p.m.

Attest:



Ellisa L. Horvath, MMC, Village Clerk



Mayor Jean Rosenfield