

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES **REGULAR MEETING – SEPTEMBER 23, 2013**

The Regular Meeting of the Bal Harbour Village Council was held on Monday, September 23, 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 5:35 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
Assistant Mayor Joni D. Blachar
Councilwoman Patricia Cohen¹
Councilman Martin Packer²
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 previously done, at the Second Budget Hearing.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Mr. Smith requested that Tab J (Motion Authorizing Execution of a Maintenance Memorandum of Understanding with Florida Department of Transportation for Bridge Painting) be removed from the agenda, since the agreement had not been received.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to remove Tab J, from the agenda. The motion carried (4-0).

4. SPECIAL PRESENTATIONS:

Recognition: A Certificate was presented to Councilwoman Cohen later in the meeting.

Update on Beach Renourishment – Brian Flynn, Miami Dade County: Mr. Flynn reported that the Army Corps of Engineers full beach renourishment project was expected to begin, with equipment placement mid-October and work starting in early November. He will provide an exact date when the construction schedule was received. Mr. Smith will provide a list of properties, for Mr. Flynn to provide a calendar and weekly notices of the project to. Mr. Flynn reported that the renourishment would extend the beach 50 to 75 feet, from the existing shoreline. He added that another project would dredge the intercoastal waterway, inside of Haulover Inlet, to place sand on the Village's

¹ Councilwoman Cohen arrived during discussion of Tab B.

² Councilman Packer attended via iPad Face Time video call.

beach, in early December. He anticipated a total of 270,000 cubic yards of sand, from both projects. He anticipated a kick-off meeting in early October.

Neil Alter - 9801 Collins Avenue, questioned how much more sand the second project would provide. Mr. Flynn estimated another ten to fifteen feet, or a total of 85 to 100 feet, with an estimated completion date of January 2014. He noted that work would start at the jetty and move south.

Assistant Mayor Blachar questioned if the groins would be replaced, which were rusty and dangerous. Mr. Flynn noted that the groins would not be addressed during this project, but would probably be buried as a result of it. He discussed plans for the groins in the future, but noted that the funding was not available to do it as part of this project.

Mr. Flynn discussed the process, using a sixteen-inch pipe, which would not impede the usage of the beach.

It was the consensus of the Council to take the following item out of order:

Authorization to Execute an Interlocal Agreement with Miami-Dade County for Sand Transfer: Mayor Rosenfield discussed the Council's approval of creating a sand transfer station and Coastal Systems International continuing the engineering work for that. She explained that the agreement with the County identified the responsibilities of the project. She reviewed the Village's responsibilities in the agreement, which were provided in the agenda.

Penny Cutt, Ecologist - Coastal Systems International (Regional Manager in the Environmental Permitting Department), reviewed that the project design was completed, as well as the initial draft applications to the County, State and Corps of Engineers, to secure authorization for the project. She explained that since the County was responsible for the beach project in this area, the County needed to be a co-applicant on the application. She added that in order for the County to sign the application, the County needed an Interlocal Agreement with the Village. Ms. Cutt clarified that the agreement didn't obligate the Village to construct anything or spend any money. She reported that the project would provide a more regular sand bypass operation, to sustain the Village's beaches.

Assistant Mayor Blachar clarified that the sand transfer operation would be for sand, after the current renourishment projects. Ms. Cutt agreed and explained that it would be for bypassing across the Inlet and reconfiguration of the jetty, which would take two years to receive the permits for.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to authorize execution of the Interlocal Agreement. The motion carried (4-0).

5. CONSENT AGENDA:

Mayor Rosenfield requested that Tab A be removed.

Beth Berkowitz - 10160 Collins Avenue, requested that Tabs B, D, and F be removed.

Approval was requested for the following remaining items:

- Tab C: Resort Tax Committee Recommendations:
Brazil Secondary Market Mission \$23,500.00
Russia/Kiev Sales Mission \$17,200.00
Renewal of Virtuoso Travel Network Membership \$65,000.00;
- Tab E: Ratification of the reappointment of Rafael Rivas-Suarez PA, to another one-year term as Special Master;
- Tab G: Allow the ONE Bal Harbour to construct a tent on the beach for a special event at the hotel;
- Tab H: \$7,823.89 (Water and Sewer Fund) for Kailas Corporation to replace the fire hydrant, damaged during a motor vehicle crash, in front of the Majestic Condominium (cost to be reimbursed through an insurance claim);
- Tab I: \$47,278.88 (Water and Sewer Fund) for Hydra Service to overhaul two pumps from Sewer Pump Station #2;
- Tab K: Health, liability, and workers compensation insurance packages for Fiscal Year 2013/2014;

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tabs C, E, G, H, I, and K on the Consent Agenda. The motion carried (4-0).

Tab C was discussed later in the meeting.

Tab A – Motion Approving Minutes (Regular Council Meeting – 07/17/2013, Meet and Greet Village Manager Semi-Finalists – 08/29/2013, Meet and Greet Village Manager Semi-Finalists – 09/03/2013, and First Budget Hearing – 09/12/2013): Mayor Rosenfield reviewed the July 17, 2013 minutes (page 3) and clarified for the record that Resolution No. 700 did not specify that the Mayor was the only one that could bring back motions that were already voted on.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tab A. The motion carried (4-0).

Tab B – Motion Approving Gated Residential Section Advisory Committee (RAC) Recommendations: Mr. Smith explained that the RAC recommended an addendum to the agreement with Kent Security addressing security enhancements and guard salaries.

Councilwoman Cohen arrived.

Beth Berkowitz - 10160 Collins Avenue, spoke in favor of the item being deferred and a new contract being provided, with the correct information regarding the Village's involvement in that area, in lieu of an addendum to a contract from 2004. Mr. Weiss agreed that a new contract should be provided. He suggested that authorization be given to draft an updated agreement that would be consistent with the current legal interpretations and the Village's new status, with the amendments, to be brought back at the next Council

meeting.

Assistant Mayor Blachar requested that the addendum include that Kent would handle issuing the eGO passes.

Dina Cellini - 211 Bal Cross Drive, noted that the addendum should also provide for Kent to handle issuing the gate keys. Assistant Mayor Blachar agreed. Mr. Smith suggested that it include Kent to administer the access system to the Gated Area, which would cover eGO passes, keys, and anything else.

Councilman Packer suggested that the item be deferred, since there were too many things that needed to be reviewed. He suggested that the Attorney be requested to provide a new agreement. Councilwoman Cohen agreed and suggested that the item wait until the new Manager started.

A motion was offered by Councilwoman Cohen and seconded by Councilman Packer to defer Tab B, until the new Manager placed the item back on the agenda.

Mr. Weiss anticipated that the contract for the new Manager would be on the next Council agenda.

Assistant Mayor Blachar spoke in favor of Mr. Weiss drafting a new agreement, but against delaying the item again. She noted that the RAC had already reviewed the item twice and were trying to take more control over the Gated Area (security, etc.).

The motion carried (3-2), with Mayor Rosenfield and Assistant Mayor Blachar voting no.

Tab D – Motion Approving Ratification of Police Pension Board

Appointment: Mr. Smith reported that Daniel Gold had been selected by the Police Pension Board to serve as the “Board Selected” trustee, to replace Lois Evans who had resigned. He noted that Mr. Gold was not a resident, but clarified that per the Village Code, residency was not a requirement for the “Board Selected” trustee.

Beth Berkowitz - 10160 Collins Avenue, spoke against the non-residency requirement. Mr. Weiss explained that, per Village Code, it was a ministerial act of the Council to appoint the fifth member. Ms. Berkowitz spoke in favor of changing the Code back, to require the fifth member to have residency. Mr. Weiss will check with the Police Pension Board Attorney, to see if that provision was a State statute, or if the Council had the discretion to change the Village Code. He suggested that the item be deferred and, if possible, would be brought back as an Ordinance first reading (with the residency requirement for the fifth member). If the change was not possible, then the item would be listed again, to ratify the Board’s selection of Mr. Gold as a trustee.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to defer the item, to the October meeting. The motion carried (4-1), with Assistant Mayor Blachar opposed.

This item was discussed again later in the meeting.

Tab F – Motion Approving Re-Appointment of Architectural Review

Board Members: Mr. Smith explained that the terms of the current Board members were expiring and all of the members had expressed interest in serving another two-year term.

The current Board members are: Paul Buzinec, Christopher Cawley, Jorge Mantilla, and James Silvers.

Beth Berkowitz - 10160 Collins Avenue, questioned if the Village had solicited resumes from other architects, for the positions, and if the Code still prohibited architects doing business in the Village, from serving on the Board.

Mr. Weiss reported that the proposed Ordinance (passed on first reading to allow Board members to work in the Village) would be reviewed by the Architectural Review Board, and then be on the October Council Agenda, for second reading.

Councilwoman Cohen clarified that if the Ordinance was passed on second reading, it would allow architects to serve on the Board that worked in the Village. She spoke in favor of deferring the item, until the Ordinance was considered on second reading. She added that, if the Ordinance was approved, then the Village could request resumes and select the members. Mr. Weiss clarified that the current Board members would serve, until their successors were appointed.

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

It was the consensus of the Council to start soliciting resumes, for the positions on the Board.

It was the consensus of the Council that the current Board members would need to apply, if they were interested in serving again.

Assistant Mayor Blachar requested that the architects interested in serving be told of the proposed requirement for them to visit the properties, before the hearings.

Dina Cellini - 211 Bal Cross Drive, suggested that the Village wait to solicit resumes, until after the Ordinance was changed. Mr. Weiss noted that the resumes could be accepted now and the applicants would be told about the anticipated change in the Ordinance. Mr. Smith assured Ms. Cellini that he would inform the applicants that the Ordinance was anticipated to be changed.

Tab D – Motion Approving Ratification of Police Pension Board

Appointment: Mr. Sanz requested clarification on the item. Mr. Weiss explained that he would consult with the Police Pension Board Attorney and, if State statute allowed, he would bring an Ordinance back for consideration, to make residency a requirement. If not, then the item would come back to ratify the Board's selection of Mr. Gold as a trustee. Mr. Weiss clarified that the Council didn't have discretion on the item, because it was done as a ministerial act.

Tab C – Motion Approving Resort Tax Committee

Recommendations: Councilwoman Cohen questioned what action was taken on the item, since she was not in attendance at the time. Mayor Rosenfield reported that the item was not pulled off the agenda for discussion and was approved.

6. PUBLIC HEARINGS:

Quasi-Judicial Public Hearings: None.

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: The following Ordinance was read by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10 "MARINE STRUCTURES, ACTIVITIES AND WAYS," AMENDING ARTICLE II "USE OF PUBLIC BEACHES" TO AMEND SECTION 10-26 "DEFINITIONS" AND TO CREATE SECTION 10-34 "BEACH STORAGE" REGARDING STORAGE WITHIN THE PUBLIC BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Rosenfield opened the public hearing.

Carter McDowell, Attorney (Bilzin Sumberg Baena Price & Axelrod LLP - 200 South Biscayne Boulevard, #2500, Miami, FL 33131) - representing St. Regis and some of his other clients that were oceanfront property owners, spoke against approval and against a non-oceanfront property being allowed to place a storage box behind an oceanfront property. He also noted that there were technical issues with the Ordinance, which he would discuss, if the Council moved forward.

Cori (Coral) Lopez-Castro, Attorney (Kozyak Tropin & Throckmorton, PA – 2525 Ponce de Leon Blvd. #900, Coral Gables, FL 33134) – representing Elcom Hotel & Spa (ONE Bal Harbour - 10295 Collins Avenue), spoke against approval and noted that her client had the same concerns as the St. Regis.

Juan Arcila, Managing Partner - Bal Harbour Quarzo (290 Bal Bay Drive), spoke in favor of approval, which would allow the Quarzo to provide the same beach amenities (beach chair and umbrella) to its guests, as the other hotel properties in the Village. He noted that there weren't any other non-oceanfront hotels in the Village. He added that the location of the box would be reviewed by the Village Manager, for placement on the public beach.

Raj Singh, Manager - Sea View Hotel (9909 Collins Avenue), spoke against approval and noted that the storage boxes should be restricted to oceanfront properties only. He clarified that the Sea View did not have a storage box on the beach and removed the chairs/umbrellas daily. He voiced concern regarding the lack of control, for renting the chairs out to non-hotel guests. He thought there was also a technical issue, because everything east of the coastal construction line needed County and State approval. Mr. Singh pointed out that no non-oceanfront property in Miami Beach had a box on the beach.

Mr. Smith reported that Brian Flynn (Miami-Dade County) had advised that since the Village managed the beach, he believed it would be okay and the Village would just have to coordinate it with the people who cleaned the beach.

Beth Berkowitz – 10160 Collins Avenue, did not speak in favor of or against the item. She pointed out that residents could request storage to put their chairs on the beach, since

the center beach access path was closed, due to the Consultatio project. She added that the storage unit would be on State land, since the State owned up to the erosion control line.

Dina Cellini - 211 Bal Cross Drive, spoke against approval and suggested that the Quarzo invest in folded chairs/umbrellas, as an amenity to their guests.

There being no additional comments, Mayor Rosenfield closed the public hearing.

Councilwoman Cohen spoke against approval and suggested that the Quarzo have a rolling cart, to bring their items to and from the beach daily. She discussed some west-side residents that also would like a storage box, if the Quarzo was allowed one. She discussed the deterioration of the current boxes on the beach and suggested that everything be reviewed by the new Manager. Councilwoman Cohen suggested that the Quarzo have an agreement with another hotel on the oceanfront, to use their beach amenities.

Mr. Arcila noted that the Quarzo had an agreement with the ONE, for use of their beach amenities, but didn't know if that would change in the future.

Councilman Packer spoke against approval and noted that if there wasn't an agreement with the ONE, then the Quarzo could provide a rolling cart with chairs/umbrellas. He spoke in favor of the new Manager reviewing the item.

Assistant Mayor Blachar questioned why the ONE was opposed to the Quarzo's request for a storage box, if they were already using the ONE's facilities.

Ms. Lopez-Castro explained that the ONE didn't want another storage box behind their property and was concerned with entitling other non-oceanfront properties to the same amenities.

Assistant Mayor Blachar summarized that the consensus was for the Quarzo to have a rolling cart, with an attendant during the day, to be removed at the end of the day. She discussed the Quarzo being part of the Village, but understood the concern about a box on the beach and it opening up other issues.

Councilman Sanz spoke against any boxes on the beach, which he thought should be stored on the oceanfront properties, not the beach. He spoke in favor of the items being removed from the beach daily, to keep the beach clean.

The motion failed (0-5), with the roll call vote as follows: Assistant Mayor Blachar no; Councilwoman Cohen no; Councilman Packer no; Councilman Sanz no; Mayor Rosenfield no.

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 THE VILLAGE CODE BY AMENDING CHAPTER 13 "PENSIONS AND RETIREMENT

BENEFITS," BY AMENDING THE POLICE OFFICERS' PENSION PLAN AT SECTION 13-40 "DEFINITIONS," SECTION 13-41 "ELIGIBILITY," SECTION 13-48 "RETIREMENT BOARD," SECTION 13-49 "AMENDMENT, TERMINATION AND DISCONTINUANCE OF PLAN" AND SECTION 13-52 "MISCELLANEOUS PROVISIONS," TO COMPLY WITH FLORIDA LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the Ordinance.

Mr. Smith explained that the Ordinance ratified the changes to the Police Officer's Pension Plan, as required by the Collective Bargaining Agreement.

Mayor Rosenfield requested public input.

Dina Cellini - 211 Bal Cross Drive, voiced concerned about the addition of the word "all" in 13-40 Definitions and it preventing the Village from disputing or challenging illegally charged overtime (as a result of the Department of Justice investigation). Mr. Weiss clarified that if it was determined that some of the overtime was illegally charged, then that language would not prohibit the Village from recalculating the pension, etc. Ms. Cellini was okay with the language, since she was told that it would not tie the Village's hands.

Neil Alter – 9801 Collins Avenue, also objected to the word "all" and preferred that it be changed.

Mr. Weiss explained that the word "all" would not affect the issue of illegal overtime. He clarified that the March 21, 2013 date was the date that the contract was ratified by the Council.

Councilwoman Cohen requested the time frame for the Ordinance to be decided on. Mr. Weiss explained that the Ordinance would implement the changes agreed to in the Police Collective Bargaining Agreement, but could be delayed a month. Councilwoman Cohen suggested that the new Manager review the item. Mr. Weiss suggested that the Ordinance be approved on first reading and the second reading be postponed, until November.

Beth Berkowitz – 10160 Collins Avenue, reviewed the March 21, 2013 date. Mr. Weiss clarified that was the date that the agreement was ratified by the Council.

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.

It was the consensus of the Council that the second reading of the Ordinance would not be on the agenda, until November.

Councilwoman Cohen left the meeting.

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 2-301 "LOBBYISTS" OF ARTICLE VII "LOBBYING" TO BE CONSISTENT WITH THE MIAMI DADE COUNTY ETHICS

CODE BY ELIMINATING THE LOBBYIST EXPENDITURE STATEMENT FILING REQUIREMENT FOR LOBBYISTS THAT HAVE MADE NO LOBBYING EXPENDITURE DURING A GIVEN REPORTING PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to approve the Ordinance.

Mr. Weiss explained that, per the proposed Ordinance, if a Lobbyist did not have any expenditures during the reporting period, then an expenditure report did not need to be filed.

Mayor Rosenfield requested public input. No comments were provided.

The motion carried (4-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen absent; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Authorization to Execute an Interlocal Agreement with Miami-Dade County for Sand Transfer: This item was discussed earlier in the meeting.

Councilwoman Cohen returned to the meeting.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of September 23, 2013:

Mrs. Horvath reported that Corali Lopez-Castro (Kozyak Tropin & Throckmorton, PA) had registered at the meeting, as a lobbyist for Elcom Hotel & Spa, LLC (10295 Collins Avenue).

C. VILLAGE ATTORNEY: Mr. Weiss suggested Council discussion on items, before an ordinance was drafted, to save the Village time and money.

Presentation of Public Notice Signs for Architectural Review Board Applications: *Johanna Lundgren - Village Attorney*, reviewed a Powerpoint presentation, regarding public notice signs that were used in other municipalities. She clarified that the cost of the sign was normally borne by the applicant. She requested input on size/color requirement and noted that most signs were either a three-foot or four-foot square.

Councilman Packer spoke in favor of a three-foot square sign.

Doug Rudolph - 212 Bal Bay Drive, spoke in favor of a more professional sign, but requested that different signs be provided that would be appropriate for residential properties, business properties, and construction sites.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of a three-foot sign, with a more appropriate material (to withstand the elements) and color scheme (red or white).

Mr. Smith suggested a more generic sign that would note that the posted property would be appearing before the Architectural Review Board, with additional information available at the Village's web site.

Councilwoman Cohen suggested waiting, for input from the new Village Manager (Mr. Gonzalez). She agreed that it wasn't necessary to have the same sized signs for homes, as for larger buildings.

Ms. Lundgren noted that the ordinance could provide different sizes for different types of properties (residential versus commercial).

Councilman Packer spoke in favor of waiting for the new Manager. Mayor Rosenfield spoke against delaying the item, since Mr. Smith was capable of bringing some suggestions back. Councilman Sanz agreed.

Raj Singh - 53 Camden Drive, suggested that staff be directed to come back with a recommendation in October.

Councilman Sanz spoke in favor of the white with orange sign that was displayed in the presentation.

Steve Greenberg – 9800 Collins Avenue, recommended receiving input from three sign companies, for a customized Bal Harbour sign.

Ms. Lundgren requested direction on requirements for timing of posting and size. She noted that the material and other appearance items could be done administratively and brought back to the Council.

The current posting requirement was seven days. Assistant Mayor Blachar suggested that the property be posted two weeks before the meeting. Mayor Rosenfield disagreed.

Councilwoman Cohen would like more time to research what other municipalities did.

Councilman Packer discussed the need to decide on material, size, color, size of print, and amount of time for posting.

Mayor Rosenfield noted that this item should have been directed to the Village Manager and not the Village Attorney.

It was the consensus of the Council for Mr. Smith to provide information in October, with different options for residential and business properties.

D. MAYOR AND COUNCIL:

Discussion of Redistricting – Assistant Mayor Blachar:

Assistant Mayor Blachar discussed concerns from residents about how they were being represented on the Council. She noted that any changes to the districts would have to be done at least six months prior to the next election.

Ruth Karp - 74 Bal Bay Drive, spoke against districts and in favor of at-large candidates (any resident being able to run from any area).

Dina Cellini - 211 Bal Cross Drive, spoke in favor of keeping five districts (based on the number provided in the Charter) and against at-large candidates. She suggested that the numbers be updated in the existing report, using the 2010 census and including the St. Regis and the anticipated Consultatio project units.

Mayor Rosenfield clarified that Dr. Schultz' report noted that someone on the Council could not be removed from the Council, by changing their district. Ms. Cellini and Assistant Mayor Blachar disagreed that the report indicated that.

Mr. Weiss noted that the Charter provided that the Council may (not shall) be divided into five districts. He didn't know if that number could be changed. Ms. Cellini read the minutes from March 2010, regarding Mr. Weiss' comments that there wasn't a requirement to have any districts, but if there were districts the Charter required there to be five. Mr. Weiss noted that he would need to review that again, to see if he had the same opinion.

Councilwoman Cohen spoke in favor of balancing the districts. Councilman Sanz questioned changing the current districts, which worked well.

Neil Alter – 9801 Collins Avenue, spoke in favor of the current five districts. He added that an odd number of Councilmembers should be provided, if the number of districts was changed.

Mr. Weiss reviewed the Charter.

Councilwoman Cohen spoke in favor of a review, based on the census, to make it fair.

Mayor Rosenfield clarified that voting was done at large, so residents voted for all of the members on the Council, not just for the district they lived in.

Doug Rudolph - 212 Bal Bay Drive, spoke against districts and in favor of the five best qualified residents being able to serve.

Joe Imbesi - Operates the Bal Harbour Yacht Club (200 Bal Bay Drive), spoke against districts, to get the best candidates.

Beth Berkowitz - 10160 Collins Avenue, spoke in favor of districts and agreed that the current districts had worked and would continue to work.

Raj Singh - 53 Camden Drive, spoke in favor of districts.

Mayor Rosenfield reported that Sunny Isles Beach had districts, but she would find out if Sunny Isles Beach voted city wide.

Assistant Mayor Blachar spoke in favor of putting the numbers in, for the east side of Collins Avenue, since it didn't seem to be divided fairly. Councilwoman Cohen noted that the Charter already directed that should be done. Mr. Weiss clarified that the Charter required that the districts to be done by area and population.

Councilman Packer discussed term limits, to open the process up more.

It was the consensus of the Council for Mr. Smith to request Dr. Schultz to update the information in his report on redistricting, if the amount to do so was under \$2,500.00.

Discussion of Video Technology – Assistant Mayor

Blachar: The Council considered if the meetings should be available visually online and if there should be video conference capability.

Mr. Smith reviewed the proposals provided in the agenda.

It was the consensus of the Council to start with the proposal from BIS for video streaming of the meetings online, to see how that worked.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the proposal from BIS Digital (\$11,679.50). The motion carried (5-0).

Discussion of Funding Request for the Surf Bal Bay PAL

– Councilwoman Cohen: The Council considered a contribution of \$30,000.00 to the Surf Bal Bay PAL program.

Chief Daddario reported that Surfside was using its money for its own program and would not be participating in the PAL.

Mayor Rosenfield spoke against approval, but would be in favor of allocating money for each child from the Village that participated in the program.

Councilwoman Cohen spoke in favor of approval and explained that without the Village's money, the program wouldn't be able to provide the service.

Mayor Rosenfield would rather give the school the money.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of approval. She noted that Bay Harbor didn't have an aftercare program and if the Village didn't participate, then the program would have to close. She suggested that the program at least be put on notice that this would be the last year.

Mayor Rosenfield suggested that other options be explored of what the school needed for those children.

Councilman Sanz spoke against approval and discussed the recent \$100,000.00 donation given to Bay Harbor K-8 (through the Consultatio Development Agreement). He added that the name of the program needed to be changed, based on the municipalities that provided funds.

A motion was offered by Councilwoman Cohen to contribute \$30,000.00, to the PAL program. The motion died, due to the lack of a second.

This item was discussed again later in the meeting.

10. OTHER BUSINESS:

Public Comment:

Neil Alter - 9801 Collins Avenue, suggested that the motorcycle units be recognized, for their contribution to the Village.

Raj Singh - 53 Camden Drive, discussed Tab H (Motion Authorizing Funds for Fire Hydrant Repairs) and requested that the contract for the fire hydrants be reviewed, since they had to be repaired again. Mr. Smith explained that the hydrant was damaged from a car accident and the cost would be reimbursed by the driver's insurance company.

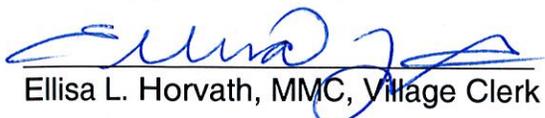
Dina Cellini - 211 Bal Cross Drive, spoke against the Village Manager being authorized to direct the Village Attorney to draft an ordinance, without being directed by the Village Council to do so. Mr. Weiss reported that in most municipalities, the Village Attorney provided an Ordinance per the direction of either the Village Manager or Village Council. He spoke in favor of Council discussion, before an ordinance was drafted by his office.

SPECIAL PRESENTATION: Mayor Rosenfield presented Councilwoman Cohen with a Certificate of Completion, for the 2013 Florida League of Cities Institute for Elected Municipal Officials.

Councilman Packer will speak to the Surfside Mayor, regarding Surfside's contribution to the PAL. If Surfside will provide a contribution, then Councilman Packer will bring the item back at the October meeting. Assistant Mayor Blachar preferred to use the money on a possible Bal Harbour aftercare program instead. Councilwoman Cohen thought that any Bal Harbour program wouldn't be available until the future and the participants needed the program now.

11. ADJOURN: There being no further business, a motion was offered by Councilman Sanz and seconded by Councilman Packer to adjourn. The motion carried (5-0) and the meeting was adjourned at 8:32 p.m.

Attest:


Ellisa L. Horvath, MMC, Village Clerk


Mayor Jean Rosenfield