

BAL HARBOUR VILLAGE

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



Village Manager Alfred J. Treppeda
Village Clerk Ellisa L. Horvath, CMC
Village Attorneys Weiss Serota Helfman
Pastoriza Cole & Boniske

Local Planning Agency

Regular Meeting Agenda

January 19, 2010

Following the General Employees Retirement Board Meeting at
7:00 p.m.

Bal Harbour Village Hall
655 – 96th Street
Bal Harbour, Florida 33154

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: November 17, 2009 Regular Meeting
4. Adjourn.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall.

If a person decides to appeal any decision made by the Local Planning Agency with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

All Local Planning Agency meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.

BAL HARBOUR VILLAGE
LOCAL PLANNING AGENCY MEETING MINUTES
NOVEMBER 17, 2009

A Local Planning Agency Meeting was held on Tuesday, November 17, 2009, 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 7:00 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

Alfred J. Treppeda, Village Manager
Ellisa Horvath, CMC, Village Clerk
Andrea Greenblatt, Administrative Assistant
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 Mrs. Schertzer, Assistant Mayor Blachar's Mother.

3. APPROVAL OF MINUTES: *A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve the minutes of the October 20, 2009 Regular Local Planning Agency meeting. The motion carried (5-0).*

4. CONSIDERATION OF ADOPTION OF MOTION RECOMMENDING TO THE VILLAGE COUNCIL TRANSMITTAL OF THE BAL HARBOUR VILLAGE DRAFT EVALUATION AND APPRAISAL REPORT TO THE STATE FOR PRELIMINARY REVIEW: *Michael Miller, Village Planner*, explained the review process of the EAR for the Comprehensive Plan. He explained that the item was tabled last month to solicit additional public input, a second workshop meeting was held on November 5, and some changes were made to the DRAFT document as a result of the workshop meeting. He recommended that the Agency move forward with it for submittal to the State agencies. Mr. Miller reported that the document will come back to the Village in approximately three months, after State review, for additional discussion.

Mayor Rosenfield opened the public hearing.

Dina Cellini, 211 Bal Cross Drive, questioned whether or not any of the recommendations in the current EAR will be binding on the Council to implement into an Ordinance. She reviewed an email from Village Attorney Ms. Trevarthen. She reported on her discussion with Mr. Weiss. Ms. Cellini is concerned that the recommendations in the

EAR will trap the Council into a certain course of action. She requested additional information from Mr. Weiss on the issue. She doesn't want the Council to approve the EAR knowing that there was a point of no return. Mayor Rosenfield reported that they are stated as recommendations. Ms. Cellini reviewed State Statute (Chapter 163.3191(10)) stating that the governing body shall amend its comprehensive plan based on the recommendations in the report.

Mr. Weiss explained that the actual recommendations on the open space issue are contained on pages 72 and 73. He clarified that the recommendations are that the Plan needs to be updated and the Village needs to consider options, which doesn't bind the Village to any particular change or option. Mr. Weiss reviewed page 73, which indicates that no changes are needed, because the Village complies with the open space requirements. Mr. Weiss explained that the Village is not obligated to make changes to the Comprehensive Plan, in order to accommodate impacts from a new residential development. Ms. Cellini objected to the recommendation on page 72 that the Village needs to consider options and alternatives, because it presupposes that the Village must change the status quo, which the Village Attorney has said that the Village is not obligated to do.

Ms. Cellini noted that at the Workshop Meeting (November 5, 2009) she objected to the beach access, negotiated with the Bal Harbour Club, being referred to as public access, since that isn't accurate. Ms. Cellini doesn't think that the changes made by Mr. Miller (on pages 11 and 67) accurately explain the status of that property and disagreed that it is public access, since it's not open to the general public. She suggested that it be clarified to show that it's a private access open only to Bal Harbour Village residents, with a fee of \$50, and requiring residents to sign a waiver of liability. She objected to the way the access is characterized in the EAR. Ms. Cellini requested that wording be changed now, or that there be an understanding that the wording will be changed after the State's comments are received.

Mr. Miller will delete the word "public" before access and clarify the language addressing the fee and access for Village residents only.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to amend the documentation as discussed. The motion carried (5-0).

Carter McDowell, Bilzin Sumberg Baena Price & Axelrod LLP - Attorney for the Bal Harbour Club, discussed including the beach in the recreational count. He recommended that the beach scenic path be included in the count, when the document comes back and the Village looks at the recreational inventory. He requested that his comments be included into any transmittal from the Village to the State.

Brian Mulheren, 10245 Collins Avenue, objected to counting the beach, since nobody else in the County does. He thinks that the Village needs more parks and recreation, not less.

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

Councilman Packer questioned a County directive regarding park land. Mr. Miller reported that the current more definite land development regulations quantify what can be counted, which the Village has not adopted. He clarified that those are the provisions that stipulate

that beaches cannot be counted. Councilman Packer questioned linear parks. Mr. Miller reported that the Village counts the linear park in the Security District at 50%.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to recommend that the Village Council transmit the Bal Harbour Village DRAFT Evaluation and Appraisal Report to the State for preliminary review. The motion carried (5-0).

5. ADJOURN: There being no further business to come before the Local Planning Agency, *a motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to adjourn. The motion carried (5-0), and the meeting adjourned at 7:17 p.m.*

Mayor Jean Rosenfield

Attest:

Ellisa Horvath, CMC, Village Clerk