

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – MARCH 21, 2006

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, March 21, 2006, at Bal Harbour Village Hall (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 9:36 a.m. by Mayor Roth. The following were present:

Mayor Seymour "Sy" Roth
 Assistant Mayor Howard J. Berlin
 Councilman Joel S. Jacobi
 Councilman Jean Rosenfield
 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 previously done.

3. APPROVAL OF MINUTES: *A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to approve the minutes of the February 21, 2006, Regular Council Meeting. The motion carried unanimously (5-0).*

4. PRESENTATIONS:

Donation of Painting to the Village – Sheila Elias Taplin: Mrs. Taplin presented the Village with a photograph of the implosion of the Harbor House North building, in memory of her late husband, Councilman Sol Taplin.

5. ORDINANCES SECOND READING/PUBLIC HEARING: Mrs. Horvath read the following ordinance, by title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION" BY CREATING SECTION 2-90 "OPTIONAL GROUP HEALTH INSURANCE PLAN"; PROVIDING COMPENSATION TO EMPLOYEES WHO WITHDRAW FROM PARTICIPATION IN THE VILLAGE GROUP HEALTH INSURANCE PLAN IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE VILLAGE'S THEN PREVAILING COST OF PROVIDING HEALTH INSURANCE COVERAGE TO AN INDIVIDUAL EMPLOYEE; PROVIDING THAT THIS SECTION NOT BE APPLIED IN A MANNER CONTRARY TO CHAPTER 42 OF THE CODE OF FEDERAL REGULATIONS, SECTION 411.103; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

Mr. Treppeda explained the ordinance and recommended approval. Mr. Weiss noted that the provision for elected officials was deleted.

Mayor Roth opened the public hearing. There being no comments, Mayor Roth closed the public hearing.

A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to approve. The motion carried unanimously, with the roll call vote as follows: Mayor Roth yes; Assistant Mayor Berlin yes; Councilman Jacobi yes; Councilman Rosenfield yes; Councilman Sanz yes; thus becoming Ordinance Number 506.

Mrs. Horvath read the following ordinance, by title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 13 "PENSIONS AND RETIREMENT BENEFITS," SECTION 13-28 "RETIREMENT DATES AND RETIREMENT BENEFITS" BY LOWERING THE NORMAL RETIREMENT REQUIREMENTS BY 5 YEARS FOR EACH ELIGIBILITY CRITERION AND PROVIDING CERTAIN RETIRED PARTICIPANTS A 2.5% ANNUAL COST OF LIVING ADJUSTMENT; AND BY AMENDING SECTION 13-32 "CONTRIBUTIONS" TO INCREASE EACH PARTICIPANT'S CONTRIBUTION RATE TO 6% OF HIS/HER COMPENSATION AFTER THE FIRST FULL PAY PERIOD FOLLOWING ADOPTION OF THIS ORDINANCE ON SECOND READING THROUGH SEPTEMBER 30, 2006, TO 7% FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007, AND TO 8% ON OCTOBER 1, 2007 AND THEREAFTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Roth opened the public hearing.

General Stanley and Isaac Gathers, General Employee Representatives on Retirement Board, recommended approval.

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

A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve. The motion carried unanimously, with the roll call vote as follows: Mayor Roth yes; Assistant Mayor Berlin yes; Councilman Jacobi yes; Councilman Rosenfield yes; Councilman Sanz yes; thus becoming Ordinance Number 507.

- 6. ORDINANCES FIRST READING: None.**
- 7. RESOLUTIONS/PUBLIC HEARINGS: None.**
- 8. RESOLUTIONS:**

Mrs. Horvath read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF BAL HARBOUR, FLORIDA OPPOSING HB1199, SB1254, AND SB1984; URGING
Bal Harbour Village Regular Council Meeting Minutes 03/21/2006

MEMBERS OF THE FLORIDA LEGISLATURE AND THE GOVERNOR TO OPPOSE THESE BILLS; SUPPORTING EXISTING LAW UNDER WHICH LOCAL GOVERNMENTS ARE FRANCHISING AUTHORITIES FOR THE PROVISION OF CABLE SERVICES; AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO THE GOVERNOR, MEMBERS OF THE FLORIDA LEGISLATURE, THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION, MIAMI-DADE COUNTY LEAGUE OF CITIES AND THE FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Roth opened the public hearing. There being no comments, Mayor Roth closed the public hearing.

A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to approve. The motion carried unanimously (5-0); thus becoming Resolution Number 681.

Mrs. Horvath read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AUTHORIZING THE VILLAGE MANAGER TO PROVIDE NOTICE OF TERMINATION OF THE VILLAGE'S PARTICIPATION IN THE TRI-COMMUNITY LIBRARY CONTRACT AMONG THE TOWNS OF BAL HARBOUR VILLAGE, BAY HARBOR ISLANDS AND SURFSIDE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

Mayor Roth opened the public hearing. There being no comments, Mayor Roth closed the public hearing.

Mayor Roth noted that this will save the Village money. He explained that the Village's intention is to provide better library facilities, through offering to pay for library cards for Village residents, to any Miami-Dade County library. Mr. Weiss pointed out that the Village will also receive a distribution of assets.

A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to approve. The motion carried unanimously (5-0); thus becoming Resolution Number 682.

The Council directed the Village Attorneys to prepare an ordinance enabling the Village to give money to residents for library cards, between now and the effective termination date of the existing library contract.

Mrs. Horvath read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' LEGISLATIVE INITIATIVE AND REQUESTS PRESENTED TO THE FLORIDA LEGISLATURE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Roth opened the public hearing.

Mrs. Horvath advised that the Village received this request from the Miami-Dade County Public Schools and Mayor Roth approved its placement on the agenda. Mr. Weiss explained the purpose of the Ordinance.

Babak Raheb, resident – 128 Balfour Drive, is in favor of it, if taxes aren't increased.

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

A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve. The motion carried unanimously (5-0); thus becoming Resolution Number 683.

9. LOBBYIST REGISTRATION REPORT – AS OF MARCH 17, 2006: Mrs. Horvath reviewed the lobbyists that are registered with the Village.

10. REPORTS AND RECOMMENDATIONS:

A. MAYOR AND COUNCIL:

Mayor Roth and Chief Hunker discussed the upcoming Black Entertainment Network (BET) event in Haulover. Councilman Rosenfield requested that Mr. Treppeda send a letter to the County requesting that the Village be better informed, regarding future events at Haulover. Chief Hunker explained the cost of \$21,000 for the Village to provide additional police. Councilman Jacobi is concerned with the small size of the Village's holding cell. Chief Hunker doesn't think the Village has the facilities to handle these types of events.

Councilman Jacobi discussed Sally Heyman's Environmental Awareness Meeting, where she commended Chief Hunker and Bal Harbour's hurricane relief efforts. Chief Hunker discussed a program that Sally Heyman is preparing, for the upcoming hurricane season. He also discussed training programs that the Department is offering.

Babak Raheb, resident – 128 Balfour Drive, questioned who will pay the \$21,000, if the Sheraton doesn't. Chief Hunker advised that the Village will.

Brian Mulheren, resident – 10245 Collins Avenue, thinks the County should have to ensure proper police, fire, ems, etc. before approving an event at Haulover. Councilman Jacobi will discuss this issue with Commissioner Sally Heyman.

Bob Fisher, 92nd & Carlyle – Surfside, discussed the location of the new library in Surfside. He thinks that more people will attend the event in Haulover than expected, due to radio advertisements. He advised that the County has been requested to have more police.

B. VILLAGE ATTORNEY: None.

C. VILLAGE MANAGER:

Kiwanis Club Sign Request: Mr. Treppeda reported that the Kiwanis Club is requesting to place a sign on Collins Avenue. Mr. Weiss explained that the Code doesn't provide for this type of sign. He noted that the Council would need to amend the Sign Code, if it wants to allow these types of community signs.

Bob Fisher, Kiwanis Club, displayed samples of an 18" diameter sign and requested that the Council look into this.

Request for Approval of Resort Tax Committee

Recommendation: Mr. Treppeda reported that the Resort Tax Committee has recommended splitting the \$1,681,045.00 money that will be received from Starwood, in half with the Village. They also recommend the Village paying for the operations and maintenance that are currently in the resort tax budget. He explained that the Committee would use the Starwood money, to continue their promotion and marketing efforts.

Mayor Roth thinks the agreement with Starwood would be a wash, if the Village splits 50% with the Resort Tax Committee. Assistant Mayor Berlin discussed the other money that will be received from Starwood. He discussed the purpose of the resort tax funds and what they can be used for. He noted that maintenance is normally under the Village expenses, not the resort tax. Mayor Roth discussed the need for beach renourishment. Assistant Mayor Berlin noted that \$1.2 million is in reserve and explained that the Village doesn't pay for renourishment anyway.

Stanley Whitman, Bal Harbour Shops, discussed the first beach renourishment.

Mayor Roth discussed complaints received regarding the maintenance of the beach. Councilman Rosenfield has also received complaints, since the hurricane.

Mayor Roth doesn't agree with advertising for one hotel, with only 200 rooms. Assistant Mayor Berlin invited the Mayor to attend the Committee meetings, to understand what the Committee does. He suggested that the Council appoint a new Committee, if they're not happy with the current one. Mayor Roth questioned what is being advertised for \$1.3 million, with only one hotel.

Assistant Mayor Berlin noted that Dr. Krop has come to some Resort Tax Committee meetings, to understand what the Committee does and how they operate. **Dr. Michael Krop, resident - 9601 Collins Avenue**, agreed that he now has a better understanding of what the Committee does.

Mayor Roth questioned the Committee receiving all the resort tax funds, half of the Starwood money, and giving the expenses to the Village. He questioned what the Village will receive for the money, when there is only one hotel after May 31st. Assistant Mayor Berlin noted that they are the Village's Committee. He suggested that Mayor Roth chair the Committee.

A. Anthony Noboa, Resort Tax Committee Member - 9105 S.W. 56th Street, discussed the importance of continuing the progress made and not waiting for two years, for the new properties to be on line. He noted that the Village is recognized world-wide and requested continued funding for the effort. Mayor Roth is against advertising for the Regent and St. Regis, which are not open. Mr. Noboa explained the importance of letting people know that those properties are coming on line. Mayor Roth discussed the Village only getting 40% of the money and all of the maintenance expenses. Mr. Noboa noted that the Committee feels strongly about continuing the efforts and not to do so would be detrimental to the community. Mayor Roth doesn't agree with the Village advertising for properties that aren't open.

Lisa Perri-Molina, Resort Tax Committee Member - Neiman Marcus Bal Harbour Vice President, thinks that Starwood gave the money, for the Committee to continue its

marketing efforts. She thinks it's fair to split the money 50%. Mayor Roth explained that the money can be used for whatever the Village wants and is not designated for resort tax. Ms. Molina explained the process of marketing, in helping to bring people to the Village. Mayor Roth noted that the Village only has one hotel facility for people to come to and questioned where the people will stay.

Cheryl Stephenson, Resort Tax Committee Member - Bal Harbour Shops Marketing Director, discussed the Shops being the number one shopping center in America and the Village being a world class destination. She thinks that Related gave the money, with the intent for it to be used to promote the destination, not to be deferred to another cause. She advised that the Committee is asking to continue promoting Bal Harbour. Ms. Stephenson discussed the competitive market. Ms. Molina discussed the possibility of the Shops not being number one anymore, if the Village isn't proactive. Ms. Stephenson noted that the restaurants at the Shops are large contributors to the resort tax fund. She explained that the Committee just wants to continue the branding. Mayor Roth thinks that people come for the beach and hotels, not just to shop. Ms. Stephenson discussed the cost for advertising. She invited Mayor Roth to attend the Committee meetings, to review the budget and campaign. She thinks that Related answered the problem of the Sheraton closing and the Committee is asking for their fair split. Mayor Roth doesn't think it's a fair split.

Babak Raheb, resident – 128 Balfour Drive, thinks that advertising should continue, but not on the same level, since there will be less visitors. He noted that the Shops and hotels also advertise to promote their own business. He suggested that for the next three years the money be spent in proportion to the people who are coming. He is not in favor of the split between the Village and the Committee.

Doug Rudolph, resident – 212 Bal Bay Drive, discussed property values and Bal Harbour's image. He thinks the Village is known worldwide and a big part of that is due to the Shops. He discussed branding and worldwide image. Mr. Rudolph doesn't think visitors have to use hotels, in order to use the Village (Shops, etc.). He spoke against stopping the branding effort. He thinks that the resort tax portion that Starwood is paying is to replace three years worth of lost revenue.

Brian Mulheren, resident – 10245 Collins Avenue, is in favor of the Starwood money being used to beautify the Village and the beach, or a new police facility. He is against the money being spent on advertising, since the properties are advertising themselves. He thinks that someone should analyze what the Committee is spending and the return.

Councilman Jacobi discussed the need to continue the branding effort. Mayor Roth is not opposed to advertising, but to the allocation of funds.

Stanley Whitman, Bal Harbour Shops, advised that the object of the Committee is to build image, while the hotels and Shops advertise separately. He spoke against the advertising being discontinued, until more hotels are open.

Dina Cellini, resident – 211 Bal Cross Drive, spoke in favor of cutting back on the advertising, but not discontinuing it. She suggested that the focus be the beach and the needs of the residents, for the next couple of years.

Councilman Sanz thanked the Committee members for their work. Councilman Rosenfield

is in favor continuing what is being done.

Assistant Mayor Berlin apologized for his remarks to Mayor Roth. He invited the Council members to attend the Resort Tax Committee's budget meeting. He noted that the amount of the split can be decided at that point. Mayor Roth agreed. Mr. Treppeda will notice the Council, when the Resort Tax Committee' budget meeting is set.

Request for Approval to Purchase Plants for Beach: Mr. Treppeda requested approval of \$8,500 to replace plants on the beach.

Bill O'Leary, Village Consultant – Landscape Architect, discussed the harsh environment of the beach for growing plants. He discussed the damage from the hurricane and the plan to bring plants back in phases. Councilman Rosenfield discussed complaints regarding the beach and questioned the replacement of vegetation behind the Bal Harbour 101. Mr. O'Leary will look into that and explained that they are replacing the plantings in the worst areas first. He explained that some of the original plants placed on the beach weren't the best choice for that environment, but that everything being placed on the beach now is durable.

A motion was offered by Councilman Sanz and seconded by Assistant Mayor Berlin to approve. The motion carried unanimously (5-0).

Mutual Aid Agreement with the Biscayne Park Police Department: Mr. Treppeda explained that Chief Hunker is requesting approval of this item.

A motion was offered by Councilman Jacobi and seconded by Assistant Mayor Berlin to approve. The motion carried unanimously (5-0).

Request for Approval of Amendment to Agreement with New Community Strategies for Optional Human Resource Consulting: Mr. Treppeda explained this will be done on a project basis, for some human resource functions.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to approve. The motion carried unanimously (5-0).

11. OTHER BUSINESS:

Babak Raheb, resident – 128 Balfour Drive, suggested that the Village look into new crosswalk timing signals, similar to what North Miami Beach has. Mr. Treppeda will work with DOT and the County on that.

Mr. Raheb suggested that the Council look at re-districting, since there is a disproportionate representation.

Dr. Michael Krop, resident – 9601 Collins Avenue, thanked the Council for supporting the County School resolution.

Dr. Krop requested that the Council take a stand on the Shops plans that were sent to the Bal Harbour Village Regular Council Meeting Minutes 03/21/2006

Department of Community Affairs. He noted that the plans meet 119.87% of a 120% threshold, to be deemed a development of regional impact. He discussed the Department studying traffic, water, etc. at no cost to the Village. Dr. Krop explained that the Citizens' Coalition is trying to maintain the Village as world class. He requested that this item be discussed.

Stanley Whitman, Bal Harbour Shops, noted that Dr. Krop and the Council have not seen the plans. He requested that this be dismissed, until it is before the Council.

Dina Cellini, resident – 211 Bal Cross Drive, discussed the definition of Other Business items and the criteria for an item to be placed on the agenda. She questioned why the Kiwanis item was placed on the agenda, when her previous requests were denied. Ms. Cellini requested that the Council do something, in response to Dr. Krop's request. Mr. Weiss explained that the Kiwanis item was on the agenda, because a provision in the Code requires signs to be approved by the Council.

Mayor Roth requested the status of the event for the Village's 60th Anniversary and the Shops' 40th Anniversary. Mr. Treppeda will work with staff on a proposal.

Dr. Krop noted that he has reviewed the plans for the Shops, which are public. He requested an indication of where the Council stands.

Mr. Weiss noted that Mr. Whitman's attorneys have filed something in Tallahassee and that Dr. Krop is asking if the Council wants to direct staff to provide a report on what has been filed.

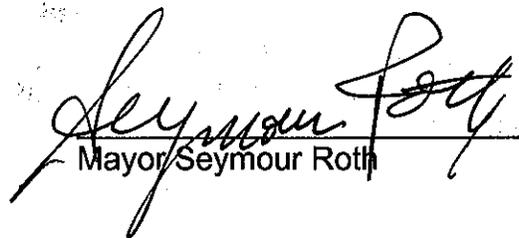
Mr. Whitman clarified that the plans are not final and that he is in the process of hiring a new Architect for a hotel. He advised that the square footage has been applied to the Regional Council in Fort Lauderdale, because they don't want it to be a development of regional impact. He clarified that there are no definite plans.

A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to direct the Village Manager to do a report. The motion carried unanimously (5-0).

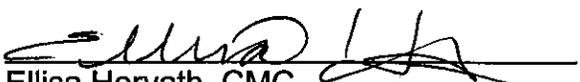
Councilman Jacobi clarified that the Council is not making a recommendation, but is just receiving information.

12. ADJOURN: There being no further business, *the meeting adjourned at 11:27*

a.m.


Mayor Seymour Roth

Attest:


Ellisa Horvath, CMC
Village Clerk