

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – MAY 16, 2006

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, May 16, 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 9:00 a.m. by Mayor Roth. The following were present:

Mayor Seymour "Sy" Roth
 Assistant Mayor Howard J. Berlin₁
 Councilman Joel S. Jacobi
 Councilman Jean Rosenfield₂
 Councilman Jaime M. Sanz

Alfred J. Treppeda, Village Manager
 Ellisa Horvath, CMC, 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 Planner Michael Miller.

A moment of silence was observed for the three construction workers who lost their lives, at the One Bal Harbour construction site.

3. APPROVAL OF MINUTES: *A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to approve the minutes of the April 18, 2006, Regular Council Meeting and April 27, 2006 Special Council Meeting. The motion carried unanimously (5-0).*

4. PRESENTATIONS:

Officers of the Month for April 2006: Detective Paul Eppler and Aventura Detective Marc Frieder were presented with plaques by Chief Hunker, as Officers of the Month for April 2006, in recognition of their efforts in cases involving stolen merchandise, identity theft, and various other crimes. Chief Hunker recognized Aventura Chief Ribel and Captain Skip Warshaw, for their cooperation in assisting the Village in the investigation. Chief Ribel thanked Chief Hunker and the Council for recognizing their Officer and discussed the importance of agency partnership.

5. ORDINANCE SECOND READING/PUBLIC HEARING: Mr. Treppeda recommended tabling the following ordinance, due to the accident at the One Bal Harbour site:

¹ Assistant Mayor Berlin left the meeting prior to discussion of the Selection of Winner of Village Seal Contest.

² Councilman Rosenfield left the meeting during the Other Business section.

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 11 "NUISANCES" AT ARTICLE II "NOISE" BY ADDING SECTION 11-32 "EXEMPTIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to table this Ordinance. The motion carried with the roll call vote as follows: Mayor Roth yes; Assistant Mayor Berlin yes; Councilman Jacobi yes; Councilman Rosenfield yes; Councilman Sanz yes.

Councilman Rosenfield discussed the accident at the One Bal Harbour project and commended Village staff Dan Nieda, Alfred Treppeda, Captain Smith, Captain Klingman and General Stanley, for their assistance at the site. She also noted that WCI Representatives Steve Sorensen and Michael Patrizio were also working. Mayor Roth explained that he was out of town during the incident.

6. ORDINANCE FIRST READING: 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 CREATING ARTICLE V "EXCESS BENEFIT ARRANGEMENT", FOR THE PURPOSE OF PROVIDING BENEFITS FOR CERTAIN VILLAGE EMPLOYEES WHO PARTICIPATE IN THE PENSION PLAN ESTABLISHED PURSUANT TO ARTICLE II OF CHAPTER 13 OF THE VILLAGE CODE, IN EXCESS OF THE LIMITATIONS ON BENEFITS IMPOSED BY SECTION 415 OF THE INTERNAL REVENUE CODE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Sharon Quinn-Dixon, Tax Attorney, explained the purpose of the Ordinance. She noted that Section 415 depresses some employees' benefits and this Ordinance would restore benefits to those employees who are affected by the Section 415 cap, so that they would receive the benefits that the Village Pension Plan formula provides.

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

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

7. RESOLUTIONS/PUBLIC HEARINGS: None.

8. RESOLUTIONS:

Mr. Weiss noted that the following resolution should be deferred, since it's a companion to the Ordinance that was tabled:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, IMPLEMENTING AN EXEMPTION FROM NOISE REGULATIONS

FOR CONSTRUCTION PURSUANT TO SECTION 11-32 "EXEMPTIONS" OF ARTICLE II "NOISE" OF CHAPTER 11 "NUISANCES" OF THE VILLAGE CODE FOR CONSTRUCTION DURING CERTAIN TIMES OF THE DAY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilman Rosenfield and seconded by Assistant Mayor Berlin to table this resolution. The motion carried unanimously (5-0).

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

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); AUTHORIZING THE VILLAGE MANAGER TO ESTABLISH NIMS BASELINE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Treppeda explained that this provides a nationwide template to enable all government, private sector, and non-governmental organizations to work together during domestic incidents. He reported that it will enable the Village to continue to apply for grant money and allow the County to continue receiving Federal grants, for emergency management functions.

A motion was offered by Councilman Jacobi and seconded by Assistant Mayor Berlin to approve this resolution. The motion carried unanimously (5-0), thus becoming Resolution 684.

10. REPORTS AND RECOMMENDATIONS:

A. MAYOR AND COUNCIL:

Mayor Roth praised the Resort Tax Committee for their work. He discussed the short notice of a special Resort Tax Committee meeting (4/27/2006) and the approval of money by the Committee, without Council approval. Mayor Roth thinks that there should be a formal requirement for the notice of meetings (at least five business days) and that a limit should be set on what the Committee can approve, without Council authorization. Councilman Rosenfield questioned if the Mayor is suggesting that once the Council approves the budget, that the Committee needs to provide item recognition. She noted that the Council approved the total budget, without any caveats. She understands how that can be done for future budgets, but doesn't understand how it can be done retroactively.

Mr. Weiss suggested that if the Council wants to impose particular budgetary constraints, then it should be discussed for the Manager to create some rules.

Mayor Roth doesn't agree with the Village advertising for the St. Regis and the Regent, since the hotels aren't open yet. He noted that there have been advertisements for the Sheraton through December 31, 2006, even though the official closing date is August 31st. Mayor Roth doesn't think that the Committee can recommend an appropriate budget to maximize dollars, without knowing the correct closing date. He discussed using resort tax money for the beach, landscaping, and bus stops.

Assistant Mayor Roth requested that all of the resort tax items be discussed at the same

time. It was the consensus of the Council to do so.

Mayor Roth advised that some residents have suggested having taxpayers on the Committee that have some knowledge of advertising, tourism, and hotels, or that are prudent business people.

Babak Raheb, resident – 128 Balfour Drive, doesn't like the composition of the current Committee, with three members from the Shops. He thinks there's an ethics conflict with members on the Committee working directly for Mr. Whitman and voting on spending money for the Shops' benefit. He would like more residents from the community involved. Mr. Raheb discussed the budget and questioned how much money should be spent when the Village doesn't know the amount of money coming in from the Sheraton. He doesn't think the Village should spend money advertising the St. Regis.

Stanley Whitman, Bal Harbour Shops, thinks that the Committee functions well. He thinks that if the Council wants to be engaged in what the Committee does, then it should get rid of the Committee. Mr. Whitman noted that the Council has selected members from the hotel industry, because they are the ones that collect the money and have an interest in promoting their business, which benefits the entire community. He pointed out that the money is not taxpayer money. He thinks that the Committee has done a great job in promoting and advertising the image of the Village (hotels, shops, etc.). Mr. Whitman discussed the work done by residents on the Beautification Committee. Mayor Roth thinks that the Resort Tax Committee has done a fantastic job. He commended former Bal Harbour Mayor Sherman for his work on the jogging path, etc.

Gabriela Webster, resident – 30 Park Drive, agreed with Mr. Whitman in having industry specialists on the Committee and thinks that everyone benefits from it. She doesn't think there's anything wrong with listening or having a citizen/business person, but thinks that the Committee functions well.

Mayor Roth discussed the Committee's suggestion to receive all the resort tax funds and \$864,000 of the St. Regis funds, with the Village maintaining the expenses. He noted that taxes would go up 40%, if that happens. He objected to a budget for October 2006 to September 2007, when the Village doesn't know what the income will be and what will be open to generate the revenue. Mayor Roth noted again that the ad valorem Bal Harbour portion of taxes would go up 40%, because the Village would be short that amount.

Marjorie Schell, resident – Balmoral Condominium, discussed the jogging path. She likes to know how taxpayer money is being spent and where it's going.

Ana Marie Kelly, Village resident, discussed the Agreement between the Related Group and the Village. She noted that resort tax money will not be lost where the One Bal Harbour is, because there wasn't a hotel there before. She noted that the Related Group Agreement covers any lost revenue from the closure of the Sheraton hotel. Ms. Kelly doesn't understand what revenue the Village would lose that the Mayor is referring to. She questioned the problem with establishing a budget with the people that understand what the budget is about. She thinks that if the Committee understands it, then she doesn't understand the Council's difficulty. Mayor Roth noted that there won't be any revenue from the St. Regis, if it's not built. Ms. Kelly pointed out that the Sheraton would still be there, in that case. She advised that when the Sheraton hotel comes down, then the Village would

be supplemented for the lost resort tax revenue. She thinks that leaves the same numbers.

Mayor Roth noted that he is concerned with the bottom line. He doesn't think the June/July/August revenue for the Sheraton will be the same as last year (lower rates, not big shoppers, sold to wholesalers, no conventions, etc.). He is also concerned with not knowing the closing of the Sheraton. He explained that the Village has information that Sheraton ads are running through December 31st.

Hans Altenhoff, Sheraton Hotel Manager, is happy to meet with any Council members to discuss the finances of June, July, and August. He advised that there are rumors about the closing and the December date is not accurate. Mayor Roth discussed the December ads. Mr. Altenhoff explained that there are reasons for the marketing they are doing, which he is happy to discuss with the Council. Mayor Roth thinks that the Committee should have an idea of what revenue is coming in. Mr. Altenhoff advised that the Sheraton is still bringing in money.

Brian Mulheren, 10245 Collins Avenue, thinks that taxpayers should be involved in what the resort tax money is being spent for. He discussed the need for beach renourishment, beach path, tree lighting, sprinklers, bus stops, etc. He thinks that the Committee should be made up of the citizens/taxpayers of the Village, without any Councilmembers on it. He thinks it should be residents with experts that are hired, with Council approval after that. He thinks there's an ethics question with Councilmembers and people from the industry on the Committee. He noted that there aren't any residents on the Board, which is making decisions concerning the Village. Mr. Mulheren suggested the Committee be made up of residents, some business people, and experts (Bill O'Leary, etc.).

Mayor Roth closed the public hearing.

Councilman Jacobi noted that the Committee brought the Village back after 9/11. He explained that citizens can attend and participate in the Committee meetings. He thinks the Committee does a great job. Councilman Jacobi is against cutting back the resort tax efforts.

Councilman Sanz explained that the Committee meetings are open to the public. He noted that people are criticizing the Committee, but aren't attending the meetings.

Councilman Jacobi agreed that better notice is needed for the Committee meetings. Mayor Roth would like a five-business day notice for meetings. He explained that he wasn't happy that a special meeting was called with only 24-hour notice, where \$71,000 was approved, the Chairman didn't attend, and no representation from the Council was present. Councilman Rosenfield isn't sure what the Mayor is proposing and doesn't understand not advertising the hotels. Mayor Roth thinks that people come to the Village mostly for the beach. Councilman Rosenfield disagreed. She pointed out that people who only use the beach don't bring any income to the Village. Mayor Roth advised that if they're staying at the hotel, then they would be. He thinks that the condos and the restaurants at the Shops generate income.

Assistant Mayor Berlin invited everyone to attend the Committee meetings and thanked Councilman Sanz for attending the last meeting. Assistant Mayor Berlin discussed the April meeting and his approval for the Committee to proceed without him. He explained that the

purpose of the meeting was to utilize some of the advertising money, since the Sheraton wasn't closing. He thinks a general rule for notice is fine and thinks 48 hours is okay. He pointed out that only the Council can approve the budget and the Committee recommends items for expenditure to the Council. Assistant Mayor Berlin reviewed the composition of the Committee. He noted that under the current Ordinance, the Council can appoint either residents or people who work in the Village.

Assistant Mayor Berlin explained that that ad valorem tax base is \$6 million and 40% of that would be \$2.4 million. He noted that the Mayor suggested previously that amount would be lost revenue. Assistant Mayor Berlin explained that the resort tax generates \$1.9 million yearly and \$800,000 of that is allocated by the Committee and approved by the Council for Village expenses (maintenance crews, landscaping, beach maintenance), which the Village would otherwise have to pay for. He noted that if all the resort tax money disappeared, then the most the Village would have to pay for is \$800,000.

Assistant Mayor Berlin explained that part of the Sheraton Agreement is to pay \$10-\$12 million (including replacing the lost resort tax revenue from the Sheraton). He noted that the Committee has recommended splitting the money 50/50% between the Village and the Resort Tax Committee that the Village is going to be paid by Starwood, pursuant to the Development Agreement, to supplement for the monthly loss of the Resort Tax revenue previously remitted by the Sheraton to the Village, from resort taxes they collected in connection with their hotel and food and beverage operation. He explained that would be approximately \$800,000 to the Village, for the Village to pay for the Village expenses. He pointed out that if the Sheraton closed, then there wouldn't be an impact to the taxpayers.

Assistant Mayor Berlin advised that Mr. Stierheim had suggested that when the St. Regis opens, there would be an additional \$1 million tax revenue for the Village. He didn't think that there was a risk of any increase of ad valorem taxes, with the likeliness of a tax reduction, which Mr. Stierheim pointed out.

Mayor Roth advised that at the meeting where this was discussed previously a proposal was made that all resort tax money would go to the Committee, \$864,000 would be turned over to the Committee, and the Village would receive all expenses incurred, to maintain the beach, landscaping, Collins Avenue, and jogging path. He thinks that's \$2 million and using a \$6 million tax base it would be a 33% increase, so the Village would be short \$2 million. Assistant Mayor Berlin disagreed. He advised that the proposal was to split the money 50/50% that the Sheraton/St. Regis project will provide, to compensate for the resort tax revenue that would have been received. Mayor Roth advised that he would be okay with a 50/50 split.

A motion was offered by Mayor Roth for a five-business day notice to be given for Special Resort Tax Committee meetings. The motion died, due to the lack of a second.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to approve the following items recommended by the Resort Tax Committee. The motion carried unanimously (5-0):

Latin American Advertising and Direct-Mail Campaign	\$21,000.00
New York Travel Agent Sales Blitz and Media Calls (June)	\$ 4,300.00
Concierge Event	\$ 1,900.00
GMCVB Sales Mission to Pennsylvania and Long Island	\$ 1,350.00

Premium Gift Items for our Sales Missions, Trade Shows, Events Abroad and Familiarization Tours	\$ 5,637.80
TOTAL:	\$34,187.80

Councilman Jacobi discussed the One Bal Harbour incident and commended Captain Smith and Captain Klingman. He reported that Law Day was successful. Chief Hunker also thanked his staff for their work at the One Bal Harbour incident, while he was away.

B. VILLAGE ATTORNEY:

Discussion of Proposed Time Limit on Development Approvals and Potential Applicability to Prior Approvals: Mr. Weiss reported that the Village can impose a time limit for construction to commence on a prospective basis and possibly on a retrospective basis (for the St. Regis). He reviewed that other municipalities have a limit of 12-18 months, with a process for extensions.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Jacobi for the Village Attorney to prepare an ordinance for Council consideration on this issue, similar to the Sunny Isles Beach Ordinance (including retrospective language). The motion carried unanimously (5-0).

Mr. Weiss will work with Dan Nieda on the ordinance.

Stanley Price, Representing the Sheraton Bal Harbour Joint Venture, discussed the coastal permitting (State and Federal) for ocean properties and requested that the Village Attorney review that. He noted that it's impossible to obtain building permits within a year. He requested a vested rights determination, since the Development Agreement did not address a time limitation. He noted that Sunny Isles Beach has a vested rights provision and requested that the Council also consider that.

Discussion of Restrictive Covenants for the Residential Section of Bal Harbour: The Village Attorney provided a letter addressing this issue.

Discussion of Resort Tax Committee Composition: This item was discussed earlier in the meeting.

Discussion of Title Search for Oceanfront and Business Properties: Mr. Weiss advised that the cost for a search would vary from \$5,000 to \$25,000. He requested specific direction from the Council.

Dina Cellini, resident – 211 Bal Cross Drive, requested a synopsis of the Village Attorney's letter, regarding the Restrictive Covenants. Mr. Weiss will provide Ms. Cellini with a copy of the letter.

C. VILLAGE CLERK:

Lobbyist Registration Report: As of May 12, 2006: Mrs. Horvath reviewed the list of Lobbyists currently registered with the Village.

D. VILLAGE MANAGER:

Resort Tax Committee Recommendations: This item was discussed earlier in the meeting.

Update on DRI Process for Bal Harbour Shops – Village Planner Michael Miller: Mr. Miller advised that the State and Regional Planning Council have reviewed the application and are determining whether or not the Shops is a DRI. He noted that a 30-day extension (until April 23) was granted for the Shops to answer DOT questions about the project. Mr. Miller summarized that the determination is pending and the applicant is still working with DOT.

Discussion of Comprehensive Plan Evaluation & Appraisal Report – Village Planner Michael Miller: Mr. Miller advised that the State requires that all local governments prepare and adopt a Comprehensive (Master) Plan. He explained that document has to be updated periodically, through an Evaluation and Appraisal Report (EAR). He advised that the Village last updated its EAR in 1995/1996 and the Comp Plan was updated in 1997. Mr. Miller noted that he has been working on updating the EAR again. He advised that the Comp Plan cannot be amended, until the updated EAR documents are submitted. He noted that the work plan for the EAR includes Major Local Issues and Scope of Work. Mr. Miller advised that a public meeting was held on May 3rd. He noted that the List of Major Local Issues hasn't changed, except for the addition of a Coastal Management section. Mr. Miller explained that these are the items they feel are important to the community. He advised that a letter will be sent to the Department of Community Affairs, which in turn will send a letter of understanding back (an agreement between the State and local government of the components that will be in the EAR). He reported that the EAR would then be submitted to the Council in the next few months, for discussion. He advised that once the Council adopts the EAR, then it will be sent to the State for approval. He explained after that is approved, then the Village can proceed with updating and amending the Comprehensive Plan, if it decides to do so.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz that the Council agrees with the work plan and authorizes transmittal to the State. The motion carried unanimously (5-0).

Selection of Winner of Village Seal Contest: Mr. Treppeda reviewed that the Council narrowed the entries down to two. He reminded the Council that a winner needs to be selected for the contest, even if the Council doesn't select it as the official Village seal.

Councilman Jacobi likes entry 104, but would prefer it in gold. Mayor Roth likes the colors in entry 102, but still isn't happy with the buildings. Councilman Rosenfield agreed.

Babak Raheb, resident – 128 Balfour Drive, doesn't think either seal fits the image of Bal Harbour, to become the official seal. He suggested a seal representing the 1940's, since that's when the Village was founded.

Councilman Sanz prefers entry 102, except for the buildings. He suggested working with the artist to make changes (add beach and change buildings).

It was the consensus of the Council to select Entry 102 as the winner, with the caveat to work with the artist further. Once it is revised, then the Council will decide if it wants it to be the official Village Seal.

Request for Approval to Purchase Replacement Bollard Lights for Beach Jogging Path: Mr. Treppeda requested approval of \$4,943.46 to purchase five bollard lights for the beach jogging path.

A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve. The motion carried unanimously (4-0).

Request for Approval of Proposal for Archival Work: Mr. Treppeda requested approval of \$6,645.00 for Florence Paisey to provide a foundation for the preservation of the historical photos and documents of the Village.

Babak Raheb, resident – 128 Balfour Drive, would like copies of some of the photos.

Florence Paisey discussed the process. She commended the Village's first Clerk, Mary Wetterer, for recording the history of the Village throughout the years.

A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to approve. The motion carried unanimously (4-0).

Request for Approval to Remove and Replace Three Royal Palm Trees on Harbour Way in Security District: Mr. Treppeda requested approval to award a bid to replace three Royal Palm trees, to the low bidder, once the bids are received from Luke's Landscaping, Tip Top Landscaping, and Vila & Son. He explained that this will be paid from Security District funds and that the trees were included in the new guardhouse project.

Rhea Kelly, Village resident, is opposed to spending public funds on private property. She doesn't want the District to lose its exclusivity, because public funds were used for private property.

Doug Rudolph, resident – 212 Bal Bay Drive, noted that the landscaping will be paid with Security District funds, provided by the Security Assessment. He requested Council approval.

A motion was offered by Councilman Jacobi and seconded by Mayor Roth to approve. The motion carried unanimously (4-0).

Request for Approval to Lease Third Vanpool Vehicle for Public Works Employees: Mr. Treppeda requested approval of \$590.00 per month, to lease a van for the Village's third Vanpool vehicle. He explained that six Public Works employees have requested to join the program. He noted that the Village will pay for the van and the employees will split the fuel cost.

A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to approve. The
Bal Harbour Village Regular Council Meeting Minutes 05/16/2006 9

motion carried unanimously (4-0).

Request for After-the-Fact Approval of Emergency Repair to Bucket Truck: Mr. Treppeda requested approval of \$3,985.15 for the low bidder, Dynamic Power Hydraulic, to repair hoses on the bucket truck.

A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve. The motion carried unanimously (4-0).

10. OTHER BUSINESS:

Babak Raheb, resident – 128 Balfour Drive, requested that the Council authorize the Village Attorney to check into writing appropriate language for crane safety for future projects, to be examined by an independent inspector, at the builder's cost. He also requested that the Village Attorney advise if it's legal to require any future contractors that a Developer uses to have a clean record, to reduce the possibility of fatalities in Bal Harbour again. Mr. Raheb wants the opinion of the Village Attorney regarding the Resort Tax Committee composition, because he thinks it's a conflict of interest for a member on the Committee to work or be connected with Mr. Whitman.

Mayor Roth advised that the Village is looking into the possibility of crane regulations. **Dan Nieda, Building Official**, advised that they are researching this issue with the County. He noted that Coral Gables does not have an ordinance pertaining to this. He noted that the problem is that crane inspections are self-regulated. He advised that other states have done this, but the State of Florida hasn't. Mr. Nieda explained that they can't go forward, until they have proper guidance as to what to adopt and what the industry standards are. Mayor Roth suggested that the crane manufacturers provide experts for inspections. Mr. Nieda doesn't know who is certified for that type of inspection and what the qualifications would be. He explained that there doesn't appear to be a regulatory body that certifies crane inspectors. Mr. Raheb advised that 23 States have passed something and they have a third independent expert paid by the Developer. He wants to be proactive and enact an ordinance. He noted that if the County doesn't object to the language of the ordinance or approves it, then it would be accepted. Mayor Roth suggested drafting an ordinance and checking with what the other States have done.

A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to authorize the Village Attorney to look into this issue. The motion carried unanimously (4-0).

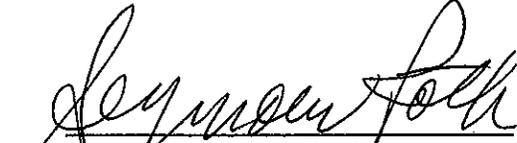
Councilman Rosenfield clarified that the ordinance would be for general cranes when the weather is good, for construction purposes.

Rhea Kelly, Bal Harbour resident, discussed the Code Enforcement Officer working as a Police Dispatcher, when numerous violations haven't been cited within the Security District. She discussed burglaries at 284 Bal Bay Drive and the back gate not being secured. She questioned who is in charge, when the security system is faulty.

Mr. Treppeda explained that the Code Enforcement Officer is used by the Police Department, to fill in as a Dispatcher. He noted that every Police Officer is also a Code Enforcement Officer and any violations should be reported to the Police Department.

Brian Mulheren, resident – 10245 Collins Avenue, discussed the One Bal Harbour accident. He recommended that the Mayor recognize the assistance of the County and other agencies. Mayor Roth requested Mr. Treppeda to write letters to the agencies thanking them. Mr. Treppeda thanked Dan Nieda for his work during the process.

11. ADJOURN: There being no further business, the meeting adjourned at 11:10 a.m.



Mayor Seymour Roth

Attest:



Ellisa Horvath, CMC
Village Clerk