

COUNCIL MINUTES  
REGULAR MEETING – OCTOBER 18, 2005

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, October 18, 2005, in the Council Chambers, at Bal Harbour Village Hall. The meeting was called to order at 9:00 a.m. by Mayor Roth. Those present were:

Mayor Seymour “Sy” Roth  
Assistant Mayor Howard J. Berlin<sup>1</sup>  
Councilman Joel S. Jacobi<sup>2</sup>  
Councilman Jean Rosenfield  
Councilman Jaime M. Sanz

Also present: 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 Captain Jay Smith.

3. APPROVAL OF MINUTES: *A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve the minutes of July 19, 2005 Regular Council Meeting, September 8, 2005 First Budget Hearing and September 29, 2005 Second Budget Hearing. The motion carried unanimously (5-0).*

4. PRESENTATIONS:

**Presentation by Sunny Isles Police Chief Mass:** Chief Mass recognized Chief Hunker, the Bal Harbour Police Department, and the Village of Bal Harbour on behalf of the Sunny Isles Beach Police Department and the Dade County PBA, for their support and sponsorship of all the police charities and law enforcement activities.

Chief Hunker discussed the recent memorial service for Bal Harbour fallen officers. He thanked the Mayor, Manager and staff for their attendance and help with the service.

**Officer and Employees of the Month for September 2005:** Chief Hunker discussed the Major Cities Chiefs Conference. He announced that Sergeant Charles Merrill was selected as the Officer of the Month and P.S.A. Akelaitis, Records Administrator Monica Arneson, and Mechanic Alonzo Clark were selected as the Employees of the Month, for their contributions to the Major Cities Chiefs Conference.

5. PUBLIC HEARINGS: None.

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<sup>1</sup> Assistant Mayor Berlin left the meeting prior to Other Business.

<sup>2</sup> Councilman Jacobi left the meeting after Discussion of Appointment to Architectural Review Board.

## 6. DISCUSSION OF PUBLIC MEETING SCHEDULE FOR THE STARWOOD/ST. REGIS PROJECT:

**Carter McDowell, Attorney representing the Project**, reviewed the letter (dated September 30, 2005) submitted to the Village Manager regarding the St. Regis Bal Harbour Planned Development Application. Mr. McDowell noted that in July, they were directed not to go to the Architectural Review Board in September or August and to meet with the community regarding the project. He explained that they have had three forums for public workshops, which were eight hours each, to discuss the project. He advised that they have also met with the Balmoral, Dr. Krop, Dina Cellini, and expect to meet with the Majestic soon. Mr. McDowell advised that they want to move forward in the approval process. He reported that a vast majority of comments have been positive about the project, after the re-design. He explained that Starwood needs to make decisions about the property in early January and requested developing a joint schedule for meetings before the end of the year, so that Starwood and the Related Company have a level of understanding of the Council's view of the project. Mr. McDowell noted that since they have made numerous presentations to the public about the project, they would like an opportunity to present the entire project to the Council. He reviewed the proposed schedule. Mr. McDowell advised that in order to move forward in the process, they are also requesting that the Council authorize the Village Manager and Attorney to begin negotiating the draft Development Agreement with them. He explained that would come back to the Council, in a public forum, for approval. He requested to move forward with the process. He explained that they are open, have tried to answer all the questions, and believe that the project is good for the Village.

Mayor Roth opened the meeting to public discussion.

**Dr. Michael Krop, resident – 9601 Collins Avenue and President of the Bal Harbour Citizens Coalition**, discussed the article in the Resort Tax Committee agenda regarding the Bal Harbour Shops. He advised that they didn't know that the Village was considering selling a property to Mr. Whitman. He questioned if they would have an opportunity to comment on this. Mayor Roth advised that is the first he has heard of that also.

Dr. Krop thinks that the issue is if the Village wants to accelerate this project, which he thinks would be a terrible precedent. Dr. Krop advised that they are not anti-development and think the new plan is better than the old plan. He explained that they are still concerned about the lucidity of the project. Dr. Krop discussed the Village Planner's July "position paper" and advised that nobody has responded to that officially (Planned Development District Purpose/Analysis of District). He discussed the difference between Oceanfront and PD zoning. He summarized that the report stated that "while the flexibility that the Council gave to the Developer was a good concept, it places the onus on the Village staff and Council to carefully consider the project size, bulk, and compatibility with existing development." He read that "the PD district provides, in some instances, for less restrictive criteria. The intention was to address only those limited properties that had somewhat unusual shapes or circumstances." Dr. Krop advised that the property next to the Haulover Bridge. He read that using the more flexible based design it was the intention to allow more freedom of building placement. He read that "Now that the Village has considered and approved one PD development, and has received a second application, it is becoming evident that Developers are assuming that they can unilaterally max out a site

design. Minimum setbacks are being regularly requested and the FAR, without a cap is being exploited.” Dr. Krop advised that they object to the proposed setbacks of 25 feet. He advised that 200,000 feet more was allowed at One Bal Harbour than what would have been allowed under the old zoning. Dr. Krop read the July recommendation of the Village Planner that “(1) the Village Officials realize that the PD criteria are base criteria and were not intended to be maxed out - rather trade-offs were to be expected, (2) consider either adopting a fixed FAR limit in the PD zoning district or establish a FAR range” (amount of volume that can be built). Dr. Krop displayed a photo of the proposed building, which they are concerned about. He advised that they like the idea that the building is set back now and the position of the three buildings; however he noted that the model shows that this will occupy more frontal space than the original plan (original was 40 feet away and this one is 25 feet away). He advised that they are not against the project or against the Sheraton doing what they want to do. Dr. Krop advised that he has been told by the project’s attorney that it will be 180,000 square feet more. Assistant Mayor Berlin advised that it will be 180,000 square feet more than under the Oceanfront zoning. He clarified that Mr. Miller’s report was in response to the first submittal (which was scrapped), not the current one. Mr. Miller agreed.

Dr. Krop discussed the current plan and advised that the figures have changed and the Coalition didn’t get a certified copy of the plan, until after Labor Day. He thinks that the Developers are holding up the process, because the plans weren’t accurate. Dr. Krop reported that they would like to see this go, but in a timely fashion where they have input. He thinks the proposed schedule is absurd. Mayor Roth advised that the only meeting schedule that there is immediately to worry about is if the Council wants to put it on the November 2<sup>nd</sup> Architectural Review Board meeting agenda. He doesn’t think a schedule should be made beyond November 2<sup>nd</sup>.

**Hugo Morales, resident – Palace Condo**, questioned why there isn’t an exhibit of the project or more information to know what they are talking about. He thinks to give them more square footage is crazy. He discussed the One Bal Harbour and thinks that building will block 50% of the buildings from there to the Palace. He thinks that the Council should make sure that the Developers don’t get away with so much. Mr. Morales discussed traffic problems.

**Brian Mulheren, resident – 10245 Collins Avenue**, thinks that the One Bal Harbour is a monster and is taking up a lot of space. He questioned how people will evacuate in a hurricane, because of the traffic. Mr. Mulheren thinks that this project needs to be looked at and studied. He suggested hiring professionals to look at these types of projects. Mr. Mulheren discussed fire services and doesn’t think that there is adequate service now to fight high-rise fires, etc. He doesn’t think that the Developers need to set a schedule and doesn’t think the Village should be rushed, especially during the holidays. He thinks that fire and personal safety are very important things. Mr. Mulheren thinks that there should be a referendum to allow people to vote, not an Architectural Review Board.

**Babak Raheb, resident – 128 Balfour Drive**, thinks that 25-foot setbacks are ridiculous and thinks that they should be at least 75 feet. He doesn’t think that height should be more than 280 feet. Mr. Raheb doesn’t think there is any reason to push this through, at least until the beginning of the year. He discussed the affects on the resort tax revenue. He advised that the Sheraton has 670 rooms, plus convention services and with this project,

the Village will lose 450 rooms. Mr. Raheb estimated that will be 50,000-60,000 less visitors coming to Bal Harbour and spending money. He doesn't think this project should go forward, without the consent of the people.

**Marjorie Schell, resident – Balmoral Condo PH17**, discussed protection from the ocean. She is concerned that the middle building will be far forward to the ocean. She discussed the ocean coming in, if there's nothing to stop it, and thinks there need to be plantings and restrictions on how far people can go towards the ocean (business concessions or buildings).

Councilman Jacobi agreed that it should go before the November 2<sup>nd</sup> Architectural Review Board, but thinks that the rest of the proposed schedule is too far in advance. He urged the public to attend that meeting. Councilman Rosenfield agreed that it should go before the Architectural Review Board first and then look at a schedule in the future. She also urged everyone to attend that meeting. She understands the comments about the hotel rooms and the difference it will make in the tax base and also noted that the Sheraton is old and has competition from new places on the beach and will not have the same customer base that it has had previously. She is not saying whether that's an argument for the new building or not. Councilman Sanz agreed for the project to go before the Architectural Review Board and to review this again before going further. Councilman Rosenfield thinks there is a need for some progress in that particular spot and the Village needs to have something attractive that will give people a reason for coming to Bal Harbour, which is a goal the Sheraton isn't really accomplishing right now. Mayor Roth suggested taking one step at a time. He suggested that the project appear before the Architectural Review Board and the public is invited to attend. Assistant Mayor Berlin agreed with the idea of going to the Architectural Review Board meeting and thinks that it is another opportunity for public input. He explained that this applicant is entitled to the same due process. Assistant Mayor Berlin clarified that this matter is not formally in front of the Council and will not be, until there is a scheduled hearing on this applicant's request for PD zoning. He noted that the material that Dr. Krop read were the comments of the Village Planner in regards to the first plan that the Developer submitted, which was uniformly rejected and that plan is dead. He doesn't think that it's appropriate for anybody to take those comments to be reflective of the Village Planner's opinion, with regards to the current plan. He advised that everyone will have the opportunity to hear the Village Planner's comments, with regard to the current plan, when that plan is before the Council.

Assistant Mayor Berlin discussed the article on the Bal Harbour Shops and assured Dr. Krop that the inclusion of that article is a common procedure. He explained that the Village Manager routinely assembles articles that appear in the local newspapers dealing with Bal Harbour and puts them in the Council package and Resort Tax Committee packages for informational purposes only. He advised that nobody on the Council or RTC puts any affect to that being of any significance, other than somebody talked to somebody and decided to write about it. As far as he knows, there is no application before this Council with regard to any formal change to the Business District or change in zoning in the Business District.

Assistant Mayor Berlin discussed Mr. Raheb's comments about the number of less visitors. He noted that there are many people in the community that think that's a good thing. He explained that there are people who think the Village should have less visitors and some

think that the Village shouldn't impede visitors coming, which the Council should take into consideration.

Assistant Mayor Berlin noted that this project isn't going anywhere, without a Development Agreement. He explained that in order to get approved for PD zoning the Developer has to enter into and have approved a specific Development Agreement with the Village. He explained that process hasn't even begun and it would take months to negotiate the Agreement. Assistant Mayor Berlin advised that the Village hasn't designated anyone who is going to negotiate on behalf of the Village. He advised that without a Development Agreement, there's not going to be a PD Ordinance hearing. Assistant Mayor Berlin thinks that there should be no implication or any other reading into the setting of a hearing other than any applicant that becomes before the Council is entitled to having a hearing. He thinks that to say the Village is going to have a schedule and have anyone else read it as an implication that the Council is already inclined to approve the project would not be a good thing. He understands that they are looking for some guidance on what can be done. Assistant Mayor Berlin thinks that December is a bad month for meetings, due to the holidays. He will be away for the first two weeks in December.

Assistant Mayor Berlin discussed One Bal Harbour. He advised that the Council routinely relies on the Building Official, Village Planner, and Counsel for direction and guidance in this area in addition to public comments. He advised that since the Village was concerned about the process and it was the first time the Village was going through it, the Village also went through the additional extreme of hiring a seasoned professional (Jack Osterholt). Mr. Weiss advised that Mr. Osterholt was the Broward County Administrator (Manager) and was also on staff at the South Florida Regional Planning Council and is a city planner and administrator, and has been, for at least 25-30 years. Mr. McDowell advised that Mr. Osterholt was the Executive Director of the South Florida Regional Planning Council. Assistant Mayor Berlin advised that he was the one who Bal Harbour hired to negotiate the Development Agreement and guide the city in the process of that PD application. He agreed that there's nothing bad with giving the public the opportunity to come in and comment on this process. He advised that if the Council is going to start down that road, then the Council needs to designate someone or some people, who are going to take the lead for the Village on the Development Agreement and he recommended that it be the Village Attorney and Village Manager. Mayor Roth suggested waiting until after November 2nd. Assistant Mayor Berlin advised that the Council won't meet again until November and the last time this took many months. He explained this isn't to accelerate the process, but is saying the sooner they get involved, then the sooner the Village will know whether or not there's going to be a PD applicant to begin with. He explained that unless they come to terms, then there's nothing to talk about and having them work on it will help the Council to further understand what's being proposed. Mayor Roth has no problem with that.

**Helen O'Conner, resident – Carlton Terrace**, understands that the Sheraton's occupancy has been higher than ever and Councilman Rosenfield is talking about an older hotel. Councilman Rosenfield agreed, but advised that she is looking into the future. Mayor Roth noted that the occupancy is higher, but the revenue is lower, because different types of people are staying there. He advised that the people will be paying more at a St. Regis hotel.

Mayor Roth closed the public discussion.

Mr. Weiss discussed the process. He explained that the first step in the process is that the project is presented to the Architectural Review Board for aesthetics, relationship to the community, etc. He reviewed that the Architectural Review Board then makes a recommendation to the Council. He advised that after that there are a series of public hearings before the Council, which will be publicized where the Council will deal with the recommendation from the Architectural Review Board, the application that's been filed, and under the PD ordinance a Development Agreement (contract between the Village and the Developer) as to what's going to happen on that property and what's not going to happen, will be considered.

Mr. Weiss clarified that his office and the Village Manager are not presently working on anything involving the sale of the Village Hall property at this moment. The public questioned if there has been conversation. Mr. Weiss advised that there was a presentation by Mr. Whitman at a prior meeting regarding wanting to purchase city hall. He reported that they're not doing anything at all with respect to that proposal. He won't do anything until he's authorized to do so, at a public meeting by the Village Council. Mr. Weiss advised that although they have been requested by the Attorney for the Developer to negotiate a Development Agreement, they have not had a single meeting regarding that and, at this point, have no direction from the Council to do that. He explained that at this point they have done nothing with respect to a Development Agreement. Mayor Roth reported that Mr. Whitman has advised that he has not bought the Church.

***A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield for this project to be heard before the November 2, 2005, Architectural Review Board meeting. The motion carried unanimously (5-0).***

Mayor Roth would like to wait to see what happens at the Architectural Review Board meeting. Assistant Mayor Berlin thinks that if the Village Attorney can talk to the Developer to find out whether or not this is going anywhere, it would save a lot of time. He noted that the Village doesn't know what the Developer has in mind until they talk to somebody. He thinks that somebody needs to have that communication and thinks it should be the Village Attorney and Manager. He doesn't understand what everyone is afraid of, because it's conversation and he thinks that more communication is a good thing and blocking information is a bad thing. He thinks that if this is about an open public process, then the more information the Village has, the better it is. Assistant Mayor discussed the Sunshine Law and advised that the Council doesn't have the ability to sit down and have a conversation with the Developer, so the Village has to have a designated person. He is suggesting that the Village Attorney and Manager both do it, so there's no question. Assistant Mayor Berlin thinks not having information is ridiculous.

***A motion was offered by Assistant Mayor Berlin that the Village Attorney and Village Manager be authorized to have discussions with the Developer about negotiating a Development Agreement. The motion died due to the lack of a second.***

Mr. Raheb thinks that the Council should wait until the Architectural Review Board meeting is done and then set up parameters of what can be done. He questioned how much money they are going to pay the Village if this goes forward. Mr. McDowell advised that they want to start a public hearing process to answer those questions. He explained that the Regular Council Meeting 10/18/2005

negotiations of the Development Agreement is part and parcel to them filing the application. He advised that nothing happens other than a discussion of what is important to the Village, the Developer volunteers to do things, etc. He advised that they have to start that dialogue sometime. He pointed out that the Council doesn't meet again until November 15<sup>th</sup>, then the holidays are coming. He noted that it will take time to negotiate an Agreement, so the dialogue needs to be started now. He advised that as an applicant they have essentially been foreclosed from having a normal dialogue with a local government about an application they filed. Mr. McDowell pointed out that the process says to automatically go to the Architectural Review Board for recommendation and this Council directed them not to do that. He advised that under normal circumstances it doesn't take authorization of the Council to go to the ARB, it happens in a normal course. He advised that they are only asking to move forward, have a dialogue, and be able to answer questions. He advised that they are not trying to rush, but have been at this for six months already and have effectively not taken the first step. He agreed with Assistant Mayor Berlin that they should at least open those discussions. He advised that the Village may say to them that the Village is interested in certain items and the Developers could say that those items are unacceptable and it could stop there. Mr. McDowell advised that they need to get to a point where they understand if there is a middle ground. He explained that there are at least two advertised public hearings in order for the Village to be able to say yes and before the first hearing there has to be a draft Development Agreement. He clarified that it doesn't mean the Village approves it, but it means there's a document to review, decide on, and get feedback.

Mr. Raheb advised that the Sheraton also owns the Diplomat and manages both properties. He thinks they need parameters before anyone meets regarding an Agreement. Mr. Raheb thinks the parameters should be that they meet all the neighbors' requirements and \$5,000 for every hotel room that the Village misses (450 rooms), which would be \$22 million. He thinks that if they want to meet on that, then they should go ahead.

Mr. Mulheren thinks that the One Bal Harbour was done in nine months without public meetings. He questioned who appointed that negotiator and what his experience was. He advised that the Village got \$1.5 million and gave \$400 million away. He questioned why the Village has to do what the Developer wants. Mr. Mulheren advised that there is no rush and they should let the Architectural Review Board meet and then see where to go. He noted that the people at this meeting are saying to wait. He thinks that the Village needs to find a proper negotiator and suggested a Search Committee be appointed to find one. Mr. Mulheren thinks that the Village should get at least \$40 million. He thinks that the Village also has to study public safety. He doesn't think this is something to be rushed.

Councilman Jacobi thinks that the Village should have a professional handle this matter. Mayor Roth suggested that a professional advise/work with Mr. Weiss and Mr. Treppeda. Dr. Krop questioned why the Developer can't unilaterally give information to the Council what they are willing to give to the Village. He questioned what direction is being given to the Attorney and Manager as to how to negotiate and what the Village wants. He thinks that the last Agreement was a bad deal for the Village. He noted that the Village is providing the Developer with 186,000 square feet. Assistant Mayor Berlin clarified that the Developer has asked for that, but the Council hasn't given anything. Dr. Krop questioned what direction the Council is giving the people who negotiate, because they need to do it in the Sunshine. Mr. Weiss explained that if they are authorized to negotiate, then he would

have asked for the authorization to the extent that they need extra help. Dr. Krop also suggested getting the citizens involved. Mr. Weiss explained that if a Committee is negotiating as opposed to staff, then that would be a different process. He explained that the negotiation sessions would have to be publicly noted, minutes taken, etc. Mr. McDowell suggested authorizing the Village Attorney and Village Manager to begin the discussion with them and then the Council can change the process, if they want. He pointed out that the only ones who can approve a Development Agreement on first or second reading are the elected officials, in a public forum. Mr. McDowell doesn't see any harm in opening discussions, to see if some sort of agreement can be reached. He noted that if the Village comes back to the Developer and says they have to pay \$22 million or \$40 million, then the discussions will end very quickly.

Mayor Roth suggested that the Village Attorney, Village Manager, and an expert sit down with the Developer and hammer out a rough idea and then bring it back to the public at a meeting. Mr. Weiss explained that he is not in a position to know what to ask the Developer for, because that's not his or Mr. Treppeda's expertise. He suggested before entering into any discussions, speaking to an expert about what are appropriate items to ask the Developer for, considering the impact of the project. He explained that legally there has to be some relevance to what the Village is asking for, with respect to the impact of the development on the community. Mr. Weiss noted that the Village would be hiring someone to provide guidance. He explained that the advantage of having staff do this is that if it's a public process, then the Village's strategy would have to be discussed publicly. Mr. Weiss advised that as a condition to them doing it, he would want an authorization to hire someone to help them. Councilman Jacobi suggested appointing Mr. Weiss and Mr. Treppeda to direct negotiations and hire a professional, who will talk to the community.

***Jordan Cohn, resident – Balmoral***, doesn't think there is a need to start the negotiation process at this point. He thinks that if the Architectural Review Board approves the plans, then everyone else can get involved in the process. Assistant Mayor Berlin questioned if this process is consistent with what other cities do. Mr. Weiss explained that every city doesn't have a Development Agreement process. He noted that in most cities with this process, the process is done routinely and it is done by staff. Assistant Mayor Berlin noted that it's consistent to have staff do it. He questioned if this is an appropriate time to do this. Mr. Weiss advised that under normal circumstances had the Council decided to put this on the ARB for September, then they would have been negotiating the agreement in the normal course of things already. He doesn't think there's anything illegal or wrong waiting until after the ARB meets, but the normal course is that when the application is filed, then they would begin to have discussions with them and they have not.

Councilman Jacobi suggested that Mr. Weiss and Mr. Treppeda spearhead the negotiations for a Development Agreement and find a professional, which will take some time. He would like to meet the professional. He would like the professional to talk to the community, because he wants community input. Mr. Weiss suggested that if he and Mr. Treppeda are authorized, they can identify an expert to bring back to the Council with a recommendation and for contract approval in November. He suggested that if the public has a recommendation on who to use, they should send their resume to Mr. Treppeda.

***A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to direct staff to bring back a short list or a person that they recommend and bring back to the Council at the***

November meeting, with a proposed contract. The motion carried unanimously (5-0).

7. ORDINANCES SECOND READING/PUBLIC HEARING: None.
8. ORDINANCES FIRST READING: None.
9. RESOLUTIONS/PUBLIC HEARINGS:

A resolution was read, by title, by the Village Clerk, adopting an assessment roll for the Security Program Special Assessment area.

Mayor Roth opened the meeting for public discussion.

**Raheb Babak, resident – 128 Balfour Drive**, questioned what resolutions 645 and 660 are. Mr. Weiss advised that those are revisions to the original assessment resolution, for the formula change. Mr. Raheb explained that there was a Security Agreement that was part of 464 with the District. He advised that when that was canceled he requested that it be changed, but the Village continued collecting assessments based on that one. He advised that the formula changed two years ago, but the resolution didn't change. He had requested that a new resolution be written if the Village was going to assess last year and the year before, but it was based on the old resolution. Mr. Weiss noted that Mr. Raheb is in litigation with the Village over this issue and he isn't going to get into conversation about that which could affect the litigation. He advised that the resolution on the agenda is correct. Mr. Weiss directed Council not to answer any questions regarding that. He advised that Mr. Raheb has sued the Village over the Security District and he is not going to do anything to prejudice the Village's case. Mr. Weiss explained that what is on the agenda are the assessments for this year, where the Village is sitting as the Equalization Board and the issue is in respect to the assessments and approving the assessments for this year and that's it.

Mayor Roth closed the public discussion.

**A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to approve this resolution. The motion carried unanimously (5-0), thus becoming:**

**RESOLUTION NO. 676**

**RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, ADOPTING AN ASSESSMENT ROLL FOR THE SECURITY PROGRAM SPECIAL ASSESSMENT AREA; PROVIDING FOR AN EFFECTIVE DATE.**

A resolution was read, by title, by the Village Clerk, establishing sanitary sewer and water rates for 2005/2006.

Mayor Roth opened the meeting for public discussion.

**Raj Sing, resident – 53 Camden Drive**, questioned if there's an increase and if so, what the percentage is. Mr. Treppeda explained that the water rate is going from \$1.85 per thousand gallons to \$2.30 (Miami-Dade County is increasing 29.4%). He noted that the

Village is passing on the County's increase. He reported that neither Dade County nor Bal Harbour have increased the water rates for the past eight years. Mr. Treppeda advised that the sewer rate is going from \$2.84 per thousand gallons to \$3.45. Mr. Treppeda advised that the rate has been \$2.84 for the last two years and for six years prior to that, it was \$2.58. He explained that Miami Beach is raising their rates to the Village.

**Bill Landis, Village Engineer – Craig A. Smith & Associates**, explained that the Village is passing through the increase rates. He noted that the Village will break even.

Mayor Roth closed the public discussion.

**A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to approve this resolution. The motion carried unanimously (5-0), thus becoming:**

**RESOLUTION NO. 677**

**RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, ESTABLISHING SANITARY SEWER AND WATER RATES FOR THE 2005/2006 FISCAL YEAR; ESTABLISHING AN EFFECTIVE DATE.**

10. **RESOLUTIONS:** The following resolution was read by title, by the Village Clerk:

**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 meeting for public discussion.

**Brian Mulheren, resident – 10245 Collins Avenue**, thinks that this is a good move for the Village and thinks it should be done as quickly as possible. He suggested looking into the new library in Sunny Isles Beach.

Mayor Roth suggested tabling this, since the Village has to give 90 days notice, which had to be by June 30th. He suggested waiting until March/April. He reported that he thinks they have worked out a deal and Surfside's Mayor has agreed to open 95<sup>th</sup> Street during rush hour. Mayor Roth thinks that Mr. Raheb directly and indirectly helped. Mayor Roth explained that the rest of the Surfside Council still has to agree to it. Mayor Roth reported that the cost to join the Miami-Dade library is \$50 per person, which would cost the Village a lot less. He noted that the cost for the Surfside Library is \$82,000, which he thinks is a disproportionate amount. Mayor Roth doesn't want to antagonize Surfside, if the Village is stuck until September 30, 2006. Mr. Weiss advised that the Village's contract is until that time, unless Surfside voluntarily agrees to waive the notice time. Mayor Roth would like to table this. Councilman Jacobi agreed. Councilman Rosenfield wants to break the contract, because the library's not doing anything for the Village.

**Babak Raheb, resident – 128 Balfour Drive**, advised that it has nothing to do if Surfside

likes or dislikes opening up the Street. He reported that the County has sent a letter to Surfside that 94<sup>th</sup>, 95<sup>th</sup>, and Abbot Avenue have to be opened up, because they did those things without proper notice or getting the Village's approval. Mr. Raheb doesn't want to allow any bartering, because if they don't open up the streets, then he will go after them on 88<sup>th</sup> Street. He advised that the County is on his side.

Mayor Roth questioned why the Village should give advanced notice, when it's stuck until September 30th. Assistant Mayor Berlin explained that it may set up a negotiation process if they were going to build a new library and give the Village a more reasonable rate. He advised that it is also so the Village doesn't miss the deadline in the future.

Mayor Roth closed public discussion.

**A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi that this be voted on at the March meeting. The motion carried unanimously (5-0).**

11. **LOBBYIST REGISTRATION REPORT – AS OF OCTOBER 14, 2005:** Mrs. Horvath reported that the following lobbyists are currently registered with Bal Harbour Village:

<b><u>Name of Lobbyist</u></b>	<b><u>Principal Represented</u></b>
Stanley F. Whitman	Bal Harbour Shops, Ltd.
Gary A. Poliakoff Becker & Poliakoff, P.A.	Balmoral Condominium Association, Inc.
Keith M. Poliakoff Becker & Poliakoff, P.A.	Balmoral Condominium Association, Inc.
Ronald L. Book Ronald L. Book, P.A.	Majestic Tower at Bal Harbour Condominium Association, Inc.
Carter N. McDowell Bilzin Sumberg Baena Price & Axelrod LLP	Sheraton Bal Harbour Joint Venture
Robert L. Krawcheck Bilzin Sumberg Baena Price & Axelrod LLP	Sheraton Bal Harbour Joint Venture
Michael A. Patrizio	WCI Communities
Steve Sorensen	WCI Communities

Assistant Mayor Berlin questioned Ron Book being registered as a Lobbyist for the Majestic, since he is also a Lobbyist for the Village. He questioned if it's appropriate that he be a lobbyist for a party coming before the Council. Mr. Weiss advised that some communities prohibit their lobbyists from doing any work before the Village Councils and some permit it. He noted that if the Council is concerned about that, then the Council could have a policy that people who are retained by the Village cannot appear before the Village. He advised that the Manager would then have to contact Mr. Book and let him choose what he wants to do.

**A motion was offered by Assistant Mayor Berlin and seconded by Councilman Jacobi to direct the Village Manager to notify Ronald Book that the Council has adopted a policy that he can't do both and let the Village know whether they need to hire a new Tallahassee Lobbyist or he will drop the Majestic representation before the Village. The motion carried unanimously (5-0).**

## 12. REPORTS AND RECOMMENDATIONS:

### A. MAYOR AND COUNCIL:

**Donation to Hurricane Relief Funds – Mayor Roth (for Hurricanes Katrina and Rita to the American Red Cross \$10,000):** Mayor Roth discussed other municipalities who have contributed to the Relief Funds. He suggested that the Village donate \$10,000 to American Red Cross. Mr. Raheb discussed his previous request for a donation to the Tsunami Relief. He thinks that everyone will already be contributing to this and doesn't see the necessity for this. Mayor Roth thinks that this could directly affect the Village. He discussed the poorer communities that have made contributions. He advised that Bal Harbour has done nothing and thinks the Village has to have good will.

***Brian Mulheren, resident – 10245 Collins Avenue***, thinks that it's the least the Village can do. He explained that the Relief Fund isn't just for hurricanes, but is for all disasters, so the Tsunami Relief will benefit from it also. He doesn't think that \$10,000 is a lot of money.

Councilman Rosenfield would like to find a city that needs help (town halls that were damaged), so it would be a city giving to a city. She thinks that would be more significant. Mayor Roth advised he can live with that. Councilman Jacobi agreed. Assistant Mayor Berlin suggested that Mr. Treppeda look into this as a project. Mr. Raheb questioned using the funds from forfeiture for this, if it's used for a police department facility, etc. Mr. Weiss advised that he has to look at the State Statutes regarding that. He explained that FEMA provides money to rebuild public buildings. Councilman Rosenfield advised that she is suggesting the equipment, etc. Mr. Treppeda will investigate this and come back to the Council.

Councilman Jacobi discussed the problems with the sound system. Mr. Treppeda advised that the company is working on the problems. Councilman Jacobi advised that Chief Hunker had five officers that were supposed to go to the gulf coast on the cruise ships, but that ended up not happening.

### B. VILLAGE ATTORNEY:

Mr. Weiss requested an Executive Session with the Lawyer defending the Village on the Raheb Babak lawsuit, which will be scheduled by the Village Clerk (Raheb Babak versus Bal Harbour Village).

Mr. Weiss reported that there's some confusion about the language in the Architectural Review Board Ordinance. He advised that at the next meeting they will have an amendment to clarify the preliminary process, versus the final process. Mr. Weiss thinks that it's clear, but reported that the way that it is written is creating some confusion, so he is recommending that be cleaned up.

Mr. Weiss advised that there is a petition that's being circulated regarding putting a provision in the Village Charter, dealing with zoning. He reported that there are different

ways that villages can handle these petitions and the involvement that the Village Attorney has in reviewing these petitions. Mr. Weiss advised that some Village Codes/Charters have very explicit provisions as to how they're reviewed, who pays for the review, etc. He reported that Bal Harbour hasn't had this before and there's nothing in the Code about it. Mr. Weiss advised that he has spoken with Tucker Gibbs, who is the attorney representing the petitioners, and he asked Mr. Gibbs what his preference would be, as to how involved he wants the Village Attorney's office to be in this petition process. He reported that Mr. Gibbs would prefer that the Village let the format/language of the petition go the way that he has drafted it and it would go on the ballot that way. Mr. Weiss explained that they have identified and have suggested that they think there may be some legal problems, with what has been proposed. He explained that Mr. Gibbs understands the issues that Mr. Weiss' office has raised and Mr. Gibbs has his own opinion about it, which Mr. Weiss respects. Mr. Weiss advised that unless the Council tells him otherwise, they are going to take a laze faire attitude and do the minimum, in terms of they're going to review the petition as to form. They have had some very brief conversations with Mr. Gibbs about the substance of it, but they are going to let it go, as opposed to them trying to re-write ballot language, etc. He explained that unless there's an objection, then that's the way they are going to handle it, because there's nothing provided in the Charter.

***Dina Cellini, resident – 211 Bal Cross Drive***, advised that she spoke with Mr. Gibbs last night and discussed the report that Mr. Weiss was going to present here today. Ms. Cellini wants to clarify a few matters. She explained that she too is an attorney, so she can speak as to the substance of the issue, as opposed to just the procedure. She explained that there is presently no petition being circulated, but they anticipate circulating a petition. She reported that Mr. Gibbs, on behalf of the Bal Harbour Citizens' Coalition, and as an accommodation and consideration, had approached the Village Attorney with the petition language, simply as a matter of courtesy, (there was no requirement that he do so). Ms. Cellini advised that they benefit from any input that the Village Attorney may give them; however, they happen to disagree on a very important legal point. While Mr. Weiss believes that the language of the petition may be illegal, they do not feel that's the case and, at some point in time, the courts may have to decide that. She advised that Mr. Weiss did raise an issue quickly in passing, but it wasn't finalized, which was who is going to pay. She questioned if Mr. Weiss would like Mr. Gibbs to no longer contact him, with regard to this petition language. She questioned what point Mr. Weiss is trying to make.

Mr. Weiss advised that they received a letter from Mr. Gibbs, with a proposed petition, which is what he is referring to. He is not aware of whether it's being circulated or not. Mr. Weiss suggested that if they are going to review this petition, then they review this petition as to form, which would be at the Village's expense. He explained that some communities have a process where the substance of a petition is reviewed by the Village Attorney, at the applicant's option and expense, but he is not suggesting that here. Mr. Weiss explained that they are just going to review it basically as to form. He doesn't think that their objection to it is quite as strong as Ms. Cellini has suggested. He explained that what they have said is that the petition may violate a provision of state law. He advised that they have not given an opinion that it's illegal and that they have expressed a concern to Mr. Gibbs about it and he understands the concern.

Ms. Cellini explained the purpose and effect of the petition that they plan to circulate. She reported that many municipalities surrounding Bal Harbour have adopted amendments to

their Charter, whereby the changes to zoning (density, height) must be approved by the voters. She explained that Surfside did that in March 2004, not through a referendum that was taken door to door, but their Council supported it and their Council put the question on the ballot and it passed overwhelmingly. Ms. Cellini reported that Bay Harbor has a similar ordinance now that restricts development as to height, density, and floor area ratio. She explained that the Coalition in Bay Harbor had approached their Council to put that on the ballot and their Council refused and therefore the residents were forced to go door to door and, in fact, it was put on the ballot and it passed overwhelmingly and was then defended in court by some developers who sought to overturn that referendum. She explained that in both of those instances, in Surfside and Bay Harbor, the statute that Mr. Weiss is referring to was in effect at that time when those referendums were both passed. Ms. Cellini announced that the Bal Harbour Citizens Coalition plans to do the same and feel that it's time for the people of Bal Harbour to have a say in what's happening in their community. She explained that they have seen development go in ways that they don't approve of, they think is wrong and feel that they as the citizens should have a say in what happens in their community, so they don't end up like Sunny Isles. She thanked Mr. Weiss for the clarification.

### **C. VILLAGE MANAGER:**

#### **Discussion of Appointment to Architectural Review Board:** Mr.

Treppeda explained that resumes were received from two Landscape Architects for the position available on the Board: Christopher Cawley and Rhett Roy. **Christopher Cawley** addressed the Council and explained that he has been a resident of Florida and Miami for five years and feels that his qualifications are good. Councilman Jacobi questioned if Mr. Cawley is familiar with what the Village wants. Mr. Cawley advised that he is, in regards to landscape architecture. Mayor Roth suggested inviting Mr. Roy to the next meeting. Mr. Treppeda advised that he was invited to attend today. Mr. Cawley thinks this would be a great opportunity to get involved as a landscape architect. **William O'Leary, Village Landscape Architect**, addressed the Council and highly recommended Mr. Cawley for the position. He discussed the quality of Mr. Cawley's work and thinks that he will attend the meetings. Mr. Raheb noted that Mr. Roy did not attend this meeting and thinks that he may not want the job. He thinks that Mr. Cawley should be approved. Dr. Krop questioned if the Board members are versed on the Sunshine law. Mr. Weiss advised that they are.

**A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to appoint Christopher Cawley to the Architectural Review Board. The motion carried unanimously (5-0).**

**Motion to Authorize Second Reading of the Village Zoning District Map Ordinance to be Earlier than 5:00 p.m., at the Regular Council Meeting to be Held on Tuesday, October 18, 2005 at 9:00 a.m. (Requires Affirmative Vote of 4 Members):** Mr. Treppeda advised that this is just a technicality to make sure that the Council can have this before 5:00 p.m.

**A motion was offered by Assistant Mayor Berlin and seconded by Councilman Jacobi to authorize the second reading to be at the next regular Council meeting. The motion carried unanimously (5-0).**

Councilman Jacobi left the meeting at this time.

**Discussion of Evaluation and Appraisal Report for Comprehensive Plan – Village Planner Michael Miller:** Mr. Miller discussed the EAR for the Comprehensive Plan. He explained that when the plan is put in place, the idea is to periodically review the plan, to see if it represents what the Village's goals and policies are and then amendments are made to the plan periodically. Mr. Miller advised that the last EAR was done 10 years ago (1995) and amendments were done in 1997. He advised that the Village is required to adopt a new EAR by January 2006. He reported that the Village may be late, but there's no fear in that. Mr. Miller advised that this is the scope of work. He advised that each local government is required to identify what they think are the important local issues for their community. He advised that Bal Harbour is pretty much built out, so this is a fairly simple exercise. Mr. Miller reviewed the Listing of Major Local Issues. Mr. Miller advised that the Village is required to submit a letter to the Tallahassee Department of Community Affairs and they in turn issue a Letter of Understanding that sets out the scope of work of the issues for the community. Mr. Miller requested approval to submit the letter.

***Dina Cellini, resident – 211 Bal Cross Drive***, discussed the Bal Harbour Shops filing an application with the Department of Community Affairs for a development of regional impact. She questioned the status of that and if the Village has received anything from Tallahassee. Mr. Miller advised that this isn't part of the EAR scope of work. He responded that the Village has received a copy of what was submitted to Department of Community Affairs to expand the mall. Mr. Miller advised that a statute is set up under chapter 380, covering developments of regional impact that is for very large projects and there are certain thresholds in the statute that if those levels are met or exceeded then it is considered a DRI, which is a very complicated and lengthy review process by the Village, the Regional Agencies (DOT, etc.). He explained that the Shops submitted a request to DCA determining that they were not a DRI with a proposed expansion of 200,000 square feet, plus a 189 room hotel. He explained that staff is reviewing that document and have the ability to make comments to Tallahassee, but it's a determination made solely by the DCA. Ms. Cellini questioned if that would be something that the Council or staff would feel compelled to share with the residents, since this issue came up numerous times. She asked if the Village Manager has received this document and, if so, questioned why he didn't speak up. Mr. Treppeda advised that the Village has documentation, but hasn't passed it out to anyone but staff, who is reviewing it, to try to determine how to respond. Ms. Cellini questioned if it's a public record. Mr. Treppeda responded yes. He reported that he spoke with Dr. Krop regarding this recently. He advised that staff is determining if they should respond, or if they're required to respond, at this point. Ms. Cellini questioned if there is a deadline to make that decision. Mr. Miller advised that there is, but he doesn't know what that is. Ms. Cellini requested that an item be placed on next month's agenda to update what's proposed and what action will be taken. She requested that the Council direct the Village Manager and staff to report back at the November meeting on the status of this application before DCA. Mr. Treppeda will discuss this item with Mr. Miller and let the Council know what procedure the Village will be following. Dr. Krop questioned what will happen now with the proposal.

***Gabriela Webster, resident – 30 Park Drive***, questioned if the regional impact letter has to do with the Comprehensive Plan and the letter of authorization that is being requested.

She clarified that the comprehensive plan is a type of renewal letter. Mr. Weiss explained that the item on the agenda is a routine statutorily required review of the Comprehensive Plan. He noted that it's an Evaluation and Appraisal Report that they're required to file with the State. He noted that the issue of the application filed by the Shops is separate from this. Mr. Weiss explained that it deals with the same Comprehensive plan and issues, but don't affect the EAR report.

**Brian Mulheren, resident – 10245 Collins Avenue**, advised that Mr. Miller wants the beach and Club property to be considered park land. He thinks this should be discussed and questioned why everything is urgent, without talking about it.

Mr. Miller explained that this is a letter setting forth the scope of work to do the EAR. He reported that the EAR will come back and will be a document discussing all of these topics in detail, so there will be in-depth discussion. Mr. Miller advised that this is just the scope of work. Mr. Mulheren thinks that this is about major items for the Village and thinks there should be more discussion. Mr. Miller explained that will all be public. He reported that this is just a letter to the State that the Village will comply with the rules. Assistant Mayor Berlin doesn't understand why this is late. He noted that Mr. Miller has drafted a scope of work and the Council and residents didn't have any input on that. He thinks it's okay if it's just a standard letter, but if it's reflective of the Village's opinion of what it wants to think about for the scope of work for the Comprehensive Plan, then there has been no Council or public input on it. He clarified that if the Village has to go through a process for that, then that hasn't happened. Mr. Miller explained that the three page document discussing the scope of work is mandated and he has spoken to the Village Manager and staff about those. Assistant Mayor Berlin questioned if it can be amended. Mr. Miller responded that it can be. Assistant Mayor Berlin suggested placing this on the next agenda to have a public discussion of the things that should be looked at in the Comprehensive Plan. Mr. Miller advised that he will be on vacation on November 15<sup>th</sup>. Dr. Krop questioned the definition of redevelopment pressures. Mr. Miller explained that is where the utility of a property extinguishes or comes to its useful life and because of the cost of the real estate there may be properties that are considered underdeveloped (Bellini, Sheraton, Harbour House, or people's homes). He advised that is the instance when a home is bought, torn down, and a new house is built.

Mr. Raheb suggested only passing the mandatory letter and leaving the rest for the next meeting. Mr. Miller advised that the Village has to identify the List of Major Issues. Mr. Singh thinks that the State is lenient and suggested requesting this to be deferred. Mayor Roth suggested filing with supplement/amendments following to clarify or expand on certain areas. Mr. Miller advised that he could do that.

Assistant Mayor Berlin returned to the meeting. Mayor Roth left the meeting.

Mr. Miller explained that they have been working on the EAR putting it together. Assistant Mayor Berlin clarified that other than the requirement, the Village isn't going to lose its license to be a municipality if it's late. Mr. Miller agreed.

**It was the consensus of the Council to put this on the December agenda, with public notification.**

Assistant Mayor Berlin suggested that the Manager publish Mr. Miller's preliminary

recommendations, so people will have something to look at.

**Request for Approval to Purchase Sewer Cable Machine:** Mr. Treppeda requested approval to purchase a new sewer cable machine, to replace the current 15-year old machine, for \$17,820.00.

**A motion was offered by Councilman Rosenfield and seconded by Councilman Sanz to approve. The motion carried unanimously (3-0), with Mayor Roth and Councilman Jacobi absent.**

**Request for Approval of Annual Contribution to the Greater Miami Convention & Visitors Bureau:** Mr. Treppeda requested approval for the annual \$100,000.00 contribution to the Greater Miami Convention & Visitors Bureau. He explained that this is the last required contribution (from last year), since the Interlocal Agreement was canceled.

**A motion was offered by Councilman Rosenfield and seconded by Councilman Sanz to approve. The motion carried unanimously (3-0), with Mayor Roth and Councilman Jacobi absent.**

**Request for Approval of Amendment to Professional Services Agreement with Building Official Daniel Nieda:** Mr. Treppeda requested approval of an amendment to the Professional Services Agreement to provide for annual cost of living increases, in the same amount as granted to General Employees.

**A motion was offered by Councilman Sanz and seconded by Councilman Rosenfield to approve. The motion carried unanimously (3-0), with Mayor Roth and Councilman Jacobi absent.**

**Request for Approval of Consulting Agreement for Human Resources Services:** Mr. Treppeda advised that he is still working on this, so this item will be deferred.

Mayor Roth returned to the meeting.

**Request for Approval of Miscellaneous Landscaping Additions, Relocations, Removals & Irrigation Modification to Collins Avenue Median:** Mr. Treppeda requested approval for the following items:

Standing of Two Large Ficus Trees and Removal of Date Palm (Fell as a Result of Hurricane Dennis) – Vila & Son	\$ 4,450.00
Tree Relocations & Landscaping Additions at Bal Harbour Park for Water Main Project – Vila & Son	\$15,348.00
Conversion from Leaky Pipe to Spray-Heads for Irrigation of Seasonal Plantings in Medians – Luke’s Landscaping (to Improve Appearance and Life Span of Plantings)	\$15,783.52
<b>TOTAL:</b>	<b>\$35,581.52</b>

Mr. Treppeda requested authorization to spend up to \$40,581.52, to include three more  
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trees that need to be set back up.

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to approve. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

**Request for Approval of Change Order #1 for 96<sup>th</sup> Street Landscaping Project:** Mr. Treppeda explained that due to the elimination of concrete work in front of the Church, the Village has a credit in the contract for \$49,950.00. He requested approval to expend all money remaining in the contract on additional landscaping on the north or south side of 96<sup>th</sup> Street, or at an alternate location in Bal Harbour.

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

**Resort Tax Committee Recommendations:** Mr. Treppeda reviewed the following items that were recommended for approval by the Resort Tax Committee at their meeting on September 8, 2005:

- 1.) Co-Sponsorship of Governor's Conference on Tourism Opening Breakfast \$7,900.00
- 2.) Marketing Vendors' Contract Renewals
  - Lou Hammond & Associates \$6,000 Monthly/\$72,000 Annually
  - Kathleen Tripptree \$3,500 Monthly/\$42,000 Annually
  - Studio D \$2,000 Monthly/\$24,000 Annually

**TOTAL:** \$7,900.00

And Authorize the Village Manager to Renew the Above Listed Contracts

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

Mr. Treppeda reviewed the following items that were recommended for approval by the Resort Tax Committee at their meeting on October 11, 2005:

- 1.) Road Shows \$ 4,000.00
- 2.) Philadelphia Sales Mission \$ 2,500.00
- 3.) E-Newsletter \$ 250.00
- 4.) Fabretto Children's Foundation's Ninth Annual Night for Ninos \$ 1,500.00
  - Prize Trip to Bal Harbour for Their Auction
- 5.) Virtuoso Direct-Mail \$ 300.00
- 6.) Remnant Ad Opportunity \$19,999.00
- 7.) Fall Direct-Mail Campaign \$ 5,100.00
- 8.) Press Kit/Sales Kit Covers \$ 4,000.00

**TOTAL:** \$37,649.00

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

**Request for Approval of Funds for Landscaping at Security**

**District Guardhouse:** Mr. Treppeda reported that Village Landscape Architect Bill O’Leary designed a plan and bid it out to three companies. The following bids were received:

Luke’s Landscaping	\$8,367.00
Vila & Son Landscaping	\$8,940.35
Tip Top Enterprises, Inc.	\$9,860.00

Mr. Treppeda reported that Mr. O’Leary is recommended awarding the bid to Luke’s Landscaping.

**A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.**

**Request for Approval of Funds to Install Color Cameras for Bal Bay Drive Security District Pedestrian Gate:** Mr. Treppeda reported that there have been ongoing problems with someone breaking the lock on the pedestrian gate near Village Hall. He suggested that cameras be installed to identify people using the gate. Mr. Treppeda requested approval of up to \$3,416.00 for the purchase and installation of cameras. He and Chief Hunker will check with additional vendors and select the most responsive proposal.

**A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.**

**Request to Expend Police Forfeiture Funds:** Mr. Treppeda reported that Chief Hunker is requesting Council Authorization to expend forfeiture funds in the amount of \$15,000.00 for the Reserve Police Officer Training Program (to sponsor two trainees).

**A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.**

Chief Hunker reported that on October 28<sup>th</sup>, Sally Heyman will present six Segways to local law enforcement agencies. He explained that Bal Harbour will be receiving one, which will be operational on October 29<sup>th</sup> in the Shops and on the beach.

**Request for Approval of Revised Mutual Aid Agreement with Miami-Dade County Police Department:** Mr. Treppeda reported that the Miami-Dade County Police Department has provided a revised Mutual Aid Agreement, which includes provisions for assistance rendered on the waterways within the County.

**A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.**

**Request for Approval of Funds for Grand Opening of Recreation Center Event & Park Snow Festival:** Mr. Treppeda requested approval of

up to \$3,500.00 (for bounce house, entertainment, and a buffet) for a Grand Opening Event for the Bal Harbour Recreation Center on November 20<sup>th</sup>.

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

**Request for Approval of Funds for Village Employee Holiday**

**Party:** Mr. Treppeda requested approval of up to \$7,000.00 for the Employee Holiday Party, scheduled for December 9, 2005, at the Bal Harbour Club.

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

**Request for Authorization for Village Manager to Approve**

**Village Portion of Alcoholic Beverage License:** Mr. Treppeda explained that the Village Code requires Council approval for an establishment to serve alcoholic beverages. He reported that the Orchid restaurant in the Carlton Terrace is applying for a license to permit beer and wine to be served. Mr. Treppeda requested authorization to sign the (2COP) license application for the Orchid Restaurant, indicating compliance with the Village Code.

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

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

**Request for Approval of Change Order #3 for Water Valve,**

**Fire Hydrant & Irrigation Line Repairs/Replacement:** Mr. Treppeda explained that two water valves and two fire hydrants need to be replaced and an irrigation line under the sidewalk needs to be repaired. The Village Engineer recommends using Metro Equipment Service, Inc. for this work, since they are still under contract with the Village for other similar work. Mr. Treppeda requested approval of \$24,240.00 for Metro Equipment to replace two water valves, two fire hydrants, and repair an irrigation line.

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz for approval. The motion carried unanimously (4-0), with Councilman Jacobi absent.*

Assistant Mayor Berlin left the meeting at this time.

13. OTHER BUSINESS:

**Babak Raheb, resident – 128 Balfour Drive,** doesn't want any side negotiations with Surfside, until his negotiation about the street closures is done with them.

14. ADJOURN: There being no further business to come before the Council,

*the meeting was adjourned at 11:55 a.m.*

Attest:

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Mayor Seymour Roth

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Ellisa Horvath, CMC  
Village Clerk

