

COUNCIL MINUTES
REGULAR MEETING – MAY 17, 2005

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, May 17, 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
 Councilman Jean Rosenfield
 Councilman Jaime M. Sanz

Also present: Alfred J. Treppeda, Village Manager
 Ellisa L. Horvath, Village Clerk
 Richard J. Weiss, Village Attorney

Absent: Councilman Joel S. Jacobi

As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Village resident Dr. Michael Krop.

3. APPROVAL OF MINUTES: *A motion was offered by Councilman Rosenfield and seconded by Assistant Mayor Berlin to approve the minutes of the April 18, 2005, Induction Meeting and the April 19, 2005 Regular Meeting. The motion carried unanimously (4-0), with Councilman Jacobi absent, and the minutes were approved as submitted.*

4. PRESENTATIONS:

Recognition – Dr. Martin Karp: Mayor Roth presented Dr. Karp, Miami-Dade County School Board, with a proclamation and key to the Village, in recognition of his efforts and support to convert Ruth K. Broad Bay Harbor Elementary to a K-8 school. Dr. Karp thanked the Council and advised that Dr. Michael Krop was instrumental in getting the ball rolling on the K-8 conversion, prior to his election.

Chief Hunker thanked Dr. Karp for his assistance in distributing 6,500 DNA kits to elementary schools in Miami Beach, Surfside, Bay Harbor, Bal Harbour, and North Bay Village. He would like to distribute the kits to all Miami-Dade County Schools next year.

Officer of the Month for March 2005 – Officer Larry Provenzano: Chief Hunker announced that Officer Larry Provenzano was selected as the Police Department's Officer of the Month for March 2005, for locating a missing female. He presented Officer Provenzano with a plaque. Mayor Roth presented Officer Provenzano with a check.

Officers of the Month for April 2005 – Officer Ramon Fernandez

and Officer Jack Young: Chief Hunker announced that Officer Ramon Fernandez and Officer Jack Young were selected as the Police Department's Officers of the Month for April 2005, for catching a fleeing subject who had stolen merchandise at the Shops. He also recognized Gene Rodriguez, Bal Harbour Shops Security Officer, for his quick actions. Chief Hunker presented both Officers and Mr. Rodriguez with plaques. Mayor Roth presented both Officers with checks.

5. PUBLIC HEARINGS: None.

6. ORDINANCES SECOND READING/PUBLIC HEARINGS: An ordinance was read, by title, by the Village Clerk, amending the Village Code addressing satellite dish antennas.

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

A motion was offered by Mayor Roth and seconded by Assistant Mayor Berlin to approve. The motion carried, with the vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi absent; Councilman Rosenfield aye; Councilman Sanz aye. Thus becoming:

ORDINANCE NO. 498

AN ORDINANCE OF THE VILLAGE OF BAL HARBOUR, FLORIDA, AMENDING CHAPTER 6, ARTICLE VI, SECTIONS 6-161, 6-162, 6-163, 6-164, 6-165, 6-171, 6-172, 6-173, 6-181, 6-182, 6-183, 6-184, 6-185, 6-186 and 6-187 OF THE VILLAGE CODE, ADDRESSING SATELLITE DISH ANTENNAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Weiss acknowledged Attorney Gary Resnick, head of the telecommunications department.

7. ORDINANCES FIRST READING: An ordinance was read, by title, by the Village Clerk, amending the Village Code addressing utilities of Chapter 20, as follows:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING ARTICLE I "IN GENERAL" OF CHAPTER 20 "UTILITIES" OF THE VILLAGE CODE BY CREATING SECTION 20-2 "CROSS CONNECTION CONTROL PROGRAM," TO ADOPT THE APPLICABLE ARTICLE OF THE MIAMI-DADE COUNTY CODE; BY CREATING SECTION 20-3 "DESIGN AND CONSTRUCTION STANDARD SPECIFICATIONS" TO ADOPT THE APPLICABLE MIAMI-DADE COUNTY WATER AND SEWER STANDARDS; BY CREATING SECTION 20-4, "INSPECTION OF UNDERGROUND UTILITIES" TO PROVIDE FOR CONTINUOUS INSPECTION DURING CONSTRUCTION OF UNDERGROUND UTILITIES; AND BY CREATING SECTION 20-5 "WATER AND SEWER LINE ADJUSTMENT" TO PROVIDE FOR REIMBURSEMENT TO VILLAGE FOR CERTAIN WATER AND SEWER MAIN ADJUSTMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR EFFECTIVE DATE.

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 Rosenfield to approve. The motion carried, with the vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi absent; Councilman Rosenfield aye; Councilman Sanz aye.

8. RESOLUTIONS:

A resolution was read, by title, by the Village Clerk, as follows:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, ADOPTING CERTAIN RULES OF PROCEDURE AND DECORUM FOR VILLAGE COUNCIL MEETINGS; REPEALING AND SUPERCEDING RESOLUTION NO. 667 ON THE SAME SUBJECT MATTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Roth opened the meeting for public discussion.

Babak Raheb, resident – 128 Balfour Drive, doesn't see the need for this, because there is a three-minute clock and there hasn't been a major problem. He hopes that this resolution isn't passed.

Brian Mulheren, resident – 10245 Collins Avenue, wants to know why packages weren't available explaining this, when they were available for ordinances. He doesn't think people should be restricted to speaking. He stated there are lights and a clock and thinks that the meetings run smoothly. Mr. Mulheren doesn't think it should be fixed, if it's not broken.

Dina Cellini, resident – 211 Bal Cross Drive, complimented the Village on having the agendas and ordinances on the web. She thanked Mrs. Horvath for also emailing her the agendas and ordinances. Ms. Cellini thinks that it's government at its best using technology to reach out and encourage people to participate, which is what the Village should be doing. She thinks that this resolution is ill-conceived. Ms. Cellini thinks there are reasonable rules already in place and doesn't think this is necessary. She stated that everyone is complying with the three-minute clock and it's almost an insult that the Village is anticipating a lack of decorum and providing for police to escort people out. Ms. Cellini encouraged the Council not to pass this resolution.

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

Councilman Rosenfield questioned if the ability for the police to escort people out is State law. Mr. Weiss advised that the police have that ability, if there is disruption or disorderly conduct that rise to that level. Councilman Rosenfield doesn't think this resolution quells the democratic right for people to speak, but just requires them to register with the Clerk prior to speaking at the meeting. Councilman Rosenfield discussed various projects that are going on in the Village and people wanting to speak. Mr. Weiss advised that there is already a three-minute rule and this requires them to sign up prior to speaking and to maintain decorum. Councilman Rosenfield doesn't think there's anything else new in this.

Assistant Mayor Berlin agreed with Councilman Rosenfield. He advised that there are aspects of this resolution that have become procedure, but aren't included in the prior resolution (light system, publishing the ordinance in its entirety, publishing them in advance on the Internet, etc.) Assistant Mayor Berlin thinks that the Village Attorney listened to public comment and tried to incorporate them and improve the prior resolution. He advised that there are some provisions that he's not comfortable with, which he shared with the Village Attorney. He doesn't think that it matters what people's perception is to the size, because this is a governmental body and governmental bodies are run with rules and procedures. He explained that this resolution formally seizes more control of the meeting to the Mayor. Assistant Mayor Berlin reviewed page 6-7 of the ordinance (Section vii). He explained that when the Council reports, the Councilmembers would have to advise the Village Manager in advance if there's something they want to talk about and it would have to be placed on the agenda. If it warranted action, policy or legislation, then the Council would have to take a vote and a majority would have to vote affirmatively before the Village Manager could be directed to do anything. Assistant Mayor Berlin explained that no resident could direct the Manager to do anything, which seems to be the departure from what's done now. He advised that if there is a matter that comes up in that section, it would take four of the Council to vote affirmatively on it. Assistant Mayor Berlin is not comfortable with that. He discussed the provision to call a special meeting, which would take three Councilmembers. Assistant Mayor Berlin thinks that this needs more review, but thinks there need to be rules and procedures.

Mr. Weiss explained that this resolution is intended to clarify the agenda process, etc. He thinks it's good to have procedural rules, to the extent that the Village is comfortable with. Mr. Weiss reviewed page 7. He explained that in some cities there have been objections to Council members putting on an important item that the public would want notice on (firing city manager, etc.). He clarified that it would take the majority of the Council to add an action item to the agenda that's brought up under Council reports, and then it would take 4 out of 5 to take final action on something.

Mayor Roth advised that he is opposed to the resolution. He thinks that the three-minute rule and the clock are enough. He doesn't think people should have to register to speak. Assistant Mayor Berlin stated that Mayor Roth seems to be in favor of some of the elements of this (special meetings, time, clock, etc.). He suggested tabling this and allowing the Council members to review it individually and give comments to the Village Attorney.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to table this resolution for the purpose of giving the Councilmembers another opportunity to get their comments in, so they can incorporate the aspects of it that everybody's in favor of in a final resolution. The motion carried, with the vote as follows: Mayor Roth nay; Assistant Mayor Berlin aye; Councilman Jacobi absent; Councilman Rosenfield aye; Councilman Sanz aye.

A resolution was read, by title, by the Village Clerk, establishing criteria for charitable contributions by the Village, as follows:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA ESTABLISHING SPECIFIC CRITERIA, DOCUMENTATION REQUIREMENTS AND PROCEDURES IN ORDER FOR CHARITABLE CONTRIBUTIONS TO BE MADE BY THE VILLAGE.

Mayor Roth opened the meeting to public discussion.

Babak Raheb, resident – 128 Balfour Drive, doesn't agree with a one time a year review. He doesn't think there has been much of a demand from charitable groups. Mr. Raheb doesn't see the need for this and he is against this resolution.

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

Councilman Rosenfield thinks that something has to be done, but isn't sure that it's this resolution. She thinks that there hasn't been a conclusion of whether or not the Village is giving to charities. Councilman Rosenfield thinks that if the Village is going to give to charities, then there should be some type of criteria. Councilman Rosenfield advised that she personally supports charities, but doesn't think that it's up to her to decide which charities to give taxpayer money to. She stated that the first question is whether or not the Village wants to give taxpayer money to charities.

Councilman Sanz advised that he is not comfortable with this resolution the way that it is written. He suggested tabling this for now.

Mayor Roth doesn't recall the Village ever really giving money to charities. He discussed the different programs that the Village has given money to that he doesn't think is considered charity. Mayor Roth thinks that there are times when a charity is in order (extraordinary times such as 9/11 and the Sunami). He stated that the Council always spends taxpayer money and thinks that this could enhance the Village's image.

Councilman Rosenfield discussed the many tragedies in the world, but advised that she doesn't want to make the decision of what's more important. She agreed that schools, sewer, etc. are not charities. She thinks that this needs to be tabled to have more review.

Mr. Treppeda advised that he conducted a study of other municipalities, which he will review. Mr. Weiss explained that the Council can decide not to give to charities, deal with each one on a case by case basis, or give to a charity if it directly affects residents of the Village.

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

9. LOBBYIST REGISTRATION REPORT: There were no new registrations.

10. REPORTS AND RECOMMENDATIONS:

A. MAYOR AND COUNCIL:

Mayor Roth discussed the Harbour House and advised that the Village doesn't have control over what the Harbour House does with the residents in converting to condo. He advised that the Village does control any code violations, so residents should report it to the code enforcement officer to investigate.

Mayor Roth discussed a letter received from Becker Poliakoff (Balmoral Attorneys), regarding the demolition of the Sheraton hotel and a letter from the President of the Balmoral Condominium. He advised that he has also heard that the Majestic is concerned

about what is going up. Mayor Roth advised that the Council hasn't heard anything other than Mr. Perez presenting at the last meeting. Assistant Mayor Berlin advised that he heard during the Resort Tax meeting that the property owner is about to begin the process through the Architectural Review Board. He advised that he has requested that the Village give notice anytime that project is discussed at a public meeting. He recommended that the Village Manager send notice of the Architectural Review Board process to the residents, so they can participate in the early stage, before workshops or public hearings that will be planned. Mr. Treppeda reported that the Architectural Review Board will have a workshop meeting on June 1st, for the Board to review the proposed project. He advised that cards will be sent out to the residents. Assistant Mayor Berlin also requested that it be noticed on the web site and Channel 20.

Election of Voting Delegate to the Miami-Dade County League

of Cities: Mayor Roth explained that the League has one delegate from each city on their Board. He advised that he has been the delegate for the last six years.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to elect Mayor Roth as the Village's voting delegate to the Miami-Dade County League of Cities. The motion carried (4-0), with Councilman Jacobi absent.

B. **VILLAGE ATTORNEY:** No items.

C. **VILLAGE MANAGER:**

Quarterly Financial Update Provided by Finance Director

Christopher Wallace: Christopher Wallace, Finance Director, presented and reviewed the FY05 2nd Quarter Budget Report, dated May 17, 2005. He advised that the Village is doing very well. Mr. Wallace advised that the Village appropriated some fund balance reserve in the current budget, which he doesn't think will have to be used for this year. Mr. Wallace stated that revenue is ahead and expenditures are behind what was expected in the General Fund. He reported that the General Fund is doing pretty well. Mr. Wallace advised that for the Tourism Fund, revenue is up 3% from the previous year and expenditures are up, but that's a timing issue. He advised that the Tourism Fund has been doing very well. Mr. Wallace reported that they have some future cash flow issues that they have been dealing professionally with. He reviewed the Security Fund, which is doing well, and advised some revenue is what was expected and some is above, because of a capital project that was done a few years ago (some pre-payments were received on those assessments). He reported that they did make an improvement in the Tourism Fund using some development related money and construction permits that came in. Mr. Wallace advised that there are some issues with the Water and Sewer Fund, which they are working on with the consulting engineer as far as billing and revenue streams accruing to that fund. He explained that they are watching it and there's nothing to be overly concerned about. Mr. Wallace stated that the Employee Holiday Fund and the Forfeiture Fund are not budgeted funds and they are being expended at a modest rate. He thinks that the Village should finish up the year in pretty good condition.

Assistant Mayor Berlin questioned the strategic budgeting regarding the Tourism Fund. Mr. Wallace advised that he is making progress on that and is trying to get some information from the Dade County Property Appraiser's Office on some properties that have been

demolished and will either be up and running or not, as far as being able to tax them. He explained that the Sheraton is a major contributor to the Tourism Fund (75%) and there will be a period of time when no money is coming in from that property, so they are preparing a strategic budget that deals with the cash flow issues when that project has been demolished, is not generating revenue, until it comes back online and will probably generate more revenue. Mr. Wallace should have that during the first week of June.

Request for Re-Appointment of Architectural Review Board

Members: Mr. Treppeda advised that the two-year terms for the Architectural Review Board members will expire on May 20, 2005. He reported that all the members have agreed to serve another term (Giorgio Balli, Paul Buzinec, Jaime Schapiro, and James Silvers), except for Robert Parsley, who will be serving on a Board for South Miami.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to re-appoint the following members to the Architectural Review Board: Giorgio Balli, Paul Buzinec, Jaime Schapiro, and James Silvers, for another 2-year term. The motion carried unanimously (4-0), with Councilman Jacobi absent.

Request for Approval to Purchase Emergency Sewer Station

Bypass Pump: Mr. Treppeda explained that funds are budgeted to purchase a trailer-mounted emergency sewage bypass pump. The following proposals were received:

Acme Dynamics, Inc.	\$40,450.00
MWI Pump Rental	\$38,441.00
Sunbelt Rentals	\$62,770.00

The Village Engineers, Craig A. Smith & Associates, have determined that Acme Dynamics, Inc. has the most suitable pump for this heavy-duty application. Mr. Treppeda reported that additional accessories are required (new hose, fittings, and an automatic telephone dialer) and will cost an additional \$6,365.41. The total cost is \$46,815.41.

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.

Request for Approval of Change Order #1 for Metro

Equipment Service, Inc. for Valve and Fire Hydrant Replacements: Mr. Treppeda requested that this item be deferred, since no prices were received from Metro Equipment Service, Inc. to handle the following additional items:

- 1) Install one 8" water valve to replace a broken one located in the Sea View parking lot.
- 2) Install one fire hydrant to replace a broken one located in front of the Bal Harbour Club.

It was the consensus of the Council to defer this item.

Authorization to Enter Into a Mutual Aid Agreement with Fort

Lauderdale Police Department: Mr. Treppeda explained that Chief Hunker would like to enter into a Mutual Aid Agreement with the Fort Lauderdale Police Department. He reported that the Village's motorcycle squad will be assisting them with the Organization of American States event, which will be in Fort Lauderdale.

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.

Request for Police Forfeiture Expenditures: Mr. Treppeda explained that Chief Hunker is requesting authorization to expend forfeiture funds as follows:

Purchase of an All-Terrain Vehicle	\$ 8,000.00
Lease Agreement for a 2005 Chevy Tahoe (4 Year Lease for Captain Klingman)	\$28,000.00
Purchase of New Police Canine	\$15,000.00
Police Activity League Expenses (Training and Proposed Summer Camp)	\$15,000.00
Community Policing Program (Red Ribbon Week, Halloween, Crime Prevention Meetings, & Equipment)	\$15,000.00
TOTAL:	\$81,000.00

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 item that was recommended for approval by the Resort Tax Committee, at their meeting on May 11, 2005:

Passport Reprinting (Approximately 30,000)	Up to \$5,000.00
TOTAL:	Up to \$5,000.00

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.

12. OTHER BUSINESS:

Ellen Weintraub, resident – 10275 Collins Avenue, discussed the situation at the Harbour House dealing with the conversion project. She discussed receiving documents late and thinks there is a code violation since some people have not received their documents. She knows they need an attorney and a committee. Mr. Weiss will check into that, but he isn't aware that the Village Code addresses that and thinks that is governed by State law. He thinks they need an attorney. Ms. Weintraub stated that people don't have the information to decide if they want to buy the units. She advised that the Village stopped them from completing the models and Ada (Village Building Department) advised her that they are having legal problems. Mr. Weiss advised that there's nothing in the Village Code that deals with condo conversions. He explained that it's not something that is regulated or controlled by the Village. Mayor Roth stated that the Village Attorney has suggested that they get together and hire an attorney to represent the owners that want to purchase. He advised that this is private enterprise and the Village can't really control it. Ms. Weintraub advised that they turned off the handicap elevator. Mayor Roth advised that's a code violation that should be reported to the Village. Mr. Treppeda advised that the Building Official advised that when that happened they were bringing cars up and putting people on

cars to take them up to the front ramp.

Helen O'Connell, resident – 10275 Collins Avenue, discussed the safety issues at the Harbour House. She doesn't think that there's any way for an ambulance or a fire truck to get into the building. Ms. O'Connell advised that the lift doesn't work and people have to carry their babies down stairs. She thinks that this is inhumanity and the Council does have a responsibility.

Joy Warren, resident – 10275 Collins Avenue, stated that the issues of violations are horrific. She explained that the elevator hardly works and there is no way for an ambulance to get in the building, except for the stairs. Ms. Warren advised that she sees people who are wheelchair bound struggling everyday. She thinks that it's a catastrophe waiting to happen. Ms. Warren thinks that they are against the elderly people in the building and there's no place to sit, etc. in the lobby. Ms. Warren thinks that this needs to be addressed, from a safety and age discrimination issue. She stated that Miami Beach has ordinances relating to condo conversions and thinks that Bal Harbour should look at this. Assistant Mayor Berlin questioned the fire/safety issues. Ms. Warren clarified that an ambulance and fire truck cannot get up the driveway, because there is no ramp. She discussed the problems with the elevator. Mr. Treppeda suggested that he and Chief Hunker check into this, with the Fire Department, to make sure that everything is in compliance.

Carter McDowell, attorney representing the Sheraton Bal Harbour Project, requested consideration for a date for a workshop meeting. He explained that they filed a Planned Development application last week. Mr. McDowell reported that they are meeting with the Balmoral today and met with the Majestic last night and they have some concerns as neighboring properties. He advised that they are presenting the project before the Architectural Review Board on June 1st, on a preliminary basis. Mr. McDowell requested a public Council workshop meeting during the first or second week in June, after the initial input from the Architectural Review Board. He suggested the week of June 6-10, for a public workshop. Mr. McDowell stated that they are reaching out to all the neighbors and anyone interested in the project. He wants to make sure that everyone is informed, because it's an important project for the Village.

Assistant Mayor Berlin is concerned that a lot of the property owners are away during the summer months. He doesn't think that June, July, or August is a good time. Assistant Mayor Berlin thinks that if their interest is in capturing input from a wide section of the community, then he wouldn't have a workshop in the summer. Mr. McDowell understands that timing is always an issue and agreed that there are fewer people down in the summer than during the winter, but advised that it would help them if they are allowed to make a presentation of the project, so they get some initial feedback from the Council. He stated that under the best case scenario, then there wouldn't be a final approval until the Fall. Mr. McDowell advised that they have requested Planned Development approval for the project, which requires two readings and an ordinance. He reviewed the process. Mayor Roth stated that there should be a number of workshops.

Brian Mulheren, resident – 10245 Collins Avenue, doesn't think now is the time to do this and thinks that it should be done when people are here. He thinks that something should be published in the paper inviting people to come, because this will be a tremendous change. He doesn't think anything should be done in the summer months, when there are hurricanes and people aren't here. Mr. Mulheren discussed the Harbour

House and thinks that it's horrendous. He advised that they are not complying with the rental laws and have created a dangerous situation that has to be addressed. Mr. Mulheren thinks that the Council should address it by having the fire, police, etc. get together, because there are fire and safety issues. He advised that the sidewalks are blocked, etc. Mr. Mulheren thinks that the Council should do something to try to solve the problem. Councilman Rosenfield is appalled by what she has been hearing and thinks that something should be done.

Councilman Rosenfield advised that the Majestic and the Balmoral both have committees dealing with the Sheraton/St. Regis project. She thinks that the Village needs to find out if those people will be here and if they are, then maybe there's not a reason to postpone a workshop meeting.

Assistant Mayor Berlin advised that the Sheraton is a major project. He thinks that there needs to be a consultant hired on behalf of the Village that is paid for by the Developer, to fully investigate this, etc. He is not comfortable with pushing this process through and having the first reading in July, when everybody is away. Assistant Mayor Berlin has no problem with the process starting (Architectural Review Board), but doesn't think there should be a first reading in July. He thinks that they need to put the brakes on a little bit and advised that the Council hasn't seen anything yet.

Mayor Roth thinks that the Village should monitor the Harbour House to make sure that it's safe.

A Harbour House resident, advised that she is one of the victims, because she is in a wheelchair and can't get in and out of the elevator alone. She reported that she was the first one to get stuck in the elevator. She advised that they have taken away any comfortable place for the elder people to sit. She invited everyone to come to the Harbour House to see what everyone is talking about. Mayor Roth advised that the Council is very sympathetic and will direct the Village Manager to strictly enforce the safety and welfare the building is suppose to provide; it will be carefully monitored. Mayor Roth directed the Village Manager and Police Chief to visit the property. Mr. Mulheren suggested also getting the fire department involved.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to direct the Village Manager, Police Chief, and representatives of the Fire Department to visit the property immediately and do an analysis as to whether or not there are any safety, fire, or other hazards affecting the residents and to see that they are corrected immediately. The motion carried unanimously (4-0), with Councilman Jacobi absent.

Dina Cellini, resident – 211 Bal Cross Drive, discussed the resolution for Council meeting decorum. She thinks that this meeting is an example that pre-registering to speak doesn't work for people, because many of the people who came today had no intention of speaking. Ms. Cellini doesn't think that anybody in the public suggested that there be a pre-registration requirement, prior to attending a Council meeting. Ms. Cellini requested that the Council reconsider the requirement that people need to fill out a form and anticipate what they may want to say. She requested that the Council take out the requirement for speakers to register before a meeting.

Babak Raheb, resident – 128 Balfour Drive, advised that Miami Beach, North Miami, and

Miami are all passing sexual predator laws. He thinks that Bal Harbour should have something in place and suggested a resolution that no sexual predators can live within 1,000 feet of a school. Mr. Raheb discussed the Bay Harbor bridge and the William Lehman Causeway being closed down to one lane. He questioned the update regarding Surfside opening Abbot Avenue. Mr. Raheb thinks that it's even more important now to open that up, even if it's only temporary.

Mr. Weiss advised that passing an ordinance against sexual predators is up to the Council. He thinks that whoever passes an ordinance will be challenged and whoever has an ordinance will have to pay to defend it. Mr. Weiss stated that it comes down to how strong the Village feels about this, because it will be challenged. Assistant Mayor Berlin thinks that it should be done, but it should be 2,500 feet. Mr. Treppeda advised that Steven Cypen (Surfside Attorney) reported that Surfside didn't pass one because they don't want to go through the expense and want to let Miami Beach do that first. Mr. Weiss will put an ordinance on the June agenda.

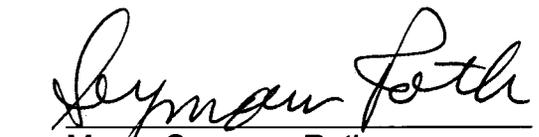
Ms. Weintraub advised that Ada told her that there was a violation at the Harbour House and that was why the Developer was asked to stop working on the model. She questioned what the violation was. Mr. Treppeda will look into that and contact Ms. Weintraub. Ms. Weintraub advised that it's holding up the models and the residents need to see the models to determine if they want to buy. Mr. Treppeda will give the information to Councilman Sanz.

Councilman Rosenfield questioned if there will be a workshop meeting on the Sheraton/St. Regis project. Mr. McDowell clarified that he was only advising that the project could not be approved until the Fall, when people would be back, but he wasn't specifically asking for that schedule. He requested a workshop meeting to continue to receive public input on the project and to allow the Council to understand the project early in the process.

13. ADJOURN: There being no further business to come before the Council, a motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to adjourn and the meeting adjourned at 10:32 a.m.

Attest:


Ellisa Horvath, CMC
Village Clerk


Mayor Seymour Roth