

**COUNCIL MINUTES**  
**REGULAR MEETING – FEBRUARY 15, 2005**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, February 15, 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 Peg E. Gorson  
Councilman Howard J. Berlin  
Councilman James E. Boggess,<sup>1</sup>  
Councilman Joel S. Jacobi

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

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Marjorie Schell

**3. APPROVAL OF MINUTES:** *A motion was offered by Assistant Mayor Gorson and seconded by Councilman Jacobi to approve the minutes of the January 18, 2005, Regular Meeting and January 28, 2005, Special Meeting. The motion carried unanimously (4-0), with Councilman Boggess absent, and the minutes were approved as submitted.*

**4. PRESENTATIONS:** This item was done later in the meeting.

**PUBLIC HEARINGS:** None.

**ORDINANCES SECOND READING/PUBLIC HEARINGS:**

An ordinance was read, by title, by the Village Clerk, amending the Medicare Supplement Insurance Policy for Councilmembers.

Mayor Roth opened the public hearing.

***Dina Cellini, resident – 211 Bal Cross Drive***, thinks that the purpose of the original ordinance was to recognize Councilman Boggess for serving 14 years on the Council. Ms. Cellini doesn't think that it was intended to set precedence and thinks that it's inappropriate at this time to change it, to benefit some Councilmembers. She thinks that it would be fairer to provide it to everybody. Ms. Cellini stated that this ordinance would only apply to Councilmembers who leave the Council at Medicare age. She thinks that if the Council thinks that something needs to be done to provide further incentive, then it should be put to the voters. Ms. Cellini doesn't think that this ordinance should be passed.

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<sup>1</sup> Councilman Boggess arrived during the discussion of the Ordinance Second Reading for the Medicare Supplement.  
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**Brian Mulheren, resident – 10245 Collins Avenue**, thinks that this will save the Village money, because a Medicare Supplement is not as expensive as the regular insurance. Mr. Mulheren thinks that eight years is a long time for someone to serve and they should get something. He thinks that it's recognition for someone giving their time.

**Marjorie Schell, resident – 9801 Collins Avenue**, agrees that anyone who serves deserves that consideration. Ms. Schell is in favor of this.

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

Mayor Roth explained that there is another ordinance that the attorneys are researching. He advised that the Village is currently paying insurance for Councilmembers, who are eligible for Medicare. Mayor Roth thinks that it would be a benefit for eligible Councilmembers not to have the regular insurance and to have a Medicare supplement instead. Mayor Roth reported that Tara Gould, Village Attorney, is researching this. Mayor Roth discussed people opting out of the Village's plan, to save the Village money. He advised that the other ordinance proposes that the Village reimburse anyone, who can get insurance for less than what it would cost the Village, for the lesser cost.

Councilman Berlin doesn't think that this is appropriate. He advised that the problem with the insurance is that older Councilmembers, who participate in the Village's health insurance plan, age the census and make it more expensive for the Village. Councilman Berlin thinks that if there is an interest in exploring ways to provide a "health benefit" and remove those people from the Village's health plan, then that would be commendable. He thinks that this is an issue that the Village Attorney should look into. Councilman Berlin stated that if there's a solution where a Medicaid supplement could be offered instead of the Village's insurance, then that would make sense to him, because it would be saving the monthly insurance cost for that person and also saving the Village money, because the overall health insurance bill will be less.

Councilman Berlin finds the reward for service troubling. He doesn't think that people who sign up for the Council do it to be rewarded. Councilman Berlin doesn't think that the idea of putting in a Medicare supplement for Councilmembers who retire and qualify, is remotely an incentive. He doesn't think that this proposal serves as an incentive for people from the community to participate on the Council. Councilman Berlin doesn't think that this is a position that they should be talking about for compensation and that it's public service. He suggested that if there's a genuine interest in examining compensation, either appointing a committee of voters across the Village to analyze this and make a recommendation, or drafting a proposal and putting it on the ballot. Mayor Berlin stated that either way, the voters of the Village will be deciding the compensation, instead of the Council. Mayor Roth advised that he previously made a motion at a meeting, for the voters to decide, but there was no second for the motion. Councilman Berlin doesn't understand the urgency for this to be approved today. Assistant Mayor Gorson advised that it's urgent for her.

**A motion was offered by Councilman Berlin and seconded by Councilman Jacobi to table this ordinance, so the Attorney can research the alternative of providing a Medicare Supplement, in lieu of the insurance. The motion failed, with the vote as follows: Mayor Roth nay; Assistant Mayor Gorson nay; Councilman Berlin aye; Councilman Boggess nay; Councilman Jacobi aye.**

**A motion was offered by Mayor Roth and seconded by Councilman Jacobi to approve this Ordinance**

on second reading. The motion carried, with the vote as follows: Mayor Roth aye; Assistant Mayor Gorson aye; Councilman Berlin nay; Councilman Boggess aye; Councilman Jacobi nay. Thus becoming:

**ORDINANCE NO. 495**

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2, "ADMINISTRATION", SECTION 2-27 "MEDICARE SUPPLEMENT INSURANCE POLICY", TO REVISE THE TERM ELIGIBILITY REQUIREMENTS BY AUTHORIZING THE VILLAGE TO PROVIDE MEDICARE SUPPLEMENT HEALTH INSURANCE FOR ANY VILLAGE COUNCILMEMBER WHO LEAVES THE COUNCIL AFTER COMPLETING TWO CONSECUTIVE TERMS OF SERVICE AND IS ELIGIBLE FOR MEDICARE COVERAGE AT THE TIME OF LEAVING COUNCIL SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.**

**PRESENTATIONS:**

**Contribution to Mothers Against Drunk Driving (M.A.D.D.):** Chief Hunker introduced Janet Mondshein, Executive Director of M.A.D.D., and Bal Harbour Police Sergeant Chuck Merrill. Ms. Mondshein discussed M.A.D.D. and the organization's mission. Chief Hunker displayed a poster that will be posted throughout restrooms in restaurants, etc. in Bal Harbour. Ms. Mondshein discussed the poster, which emphasizes the importance of designating a sober driver. She thanked Chief Hunker, the Police Department, and the Council for the Village's \$5,000 contribution. Ms. Mondshein reported that this is the first contribution that the Miami-Dade organization will be receiving from a city, which shows the Village's commitment to the community. Chief Hunker recognized Sergeant Merrill and the work that he has been doing with M.A.D.D. Mayor Roth presented Ms. Mondshein with a check for \$5,000.00, on behalf of the Village.

An ordinance was read, by title, by the Village Clerk, amending the Code to create "No Early Voting." Mrs. Horvath explained that the state statute requires all municipalities to provide early voting for a period of 15 days before the election. She advised that the County has provided a cost of approximately \$1,200 per day, which would be approximately \$18,000, for the required 15 days. Councilman Boggess questioned where the early voting would have to be. Mrs. Horvath advised that it would have to be at a public building in Bal Harbour, which would be Village Hall. She explained that the Village will still be providing absentee ballots, which is a form of early voting. Mrs. Horvath reported that the Village wouldn't have the machines available for early voting. She reported that so far, Bay Harbor, Coral Gables, and Miami Shores have all opted out of early voting and a lot of the other municipalities have not had their elections yet, so they are still considering this.

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

**A motion was offered by Councilman Jacobi and seconded by Mayor Roth to approve this Ordinance on second reading. The motion carried with the vote as follows: Mayor Roth aye; Assistant Mayor Gorson aye; Councilman Berlin aye; Councilman Boggess aye; Councilman Jacobi aye. Thus becoming:**

**ORDINANCE NO. 496**

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 8 "ELECTIONS", BY CREATING SECTION 8-10 "NO EARLY VOTING"; EXEMPTING VILLAGE COUNCIL ELECTIONS FROM THE PROVISIONS OF SECTION 101.657, FLORIDA STATUTES, CONCERNING EARLY VOTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR EFFECTIVE DATE.**

**7. ORDINANCE FIRST READING:** An ordinance was read, by title, by the Village Clerk, as follows

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE AT ARTICLE II, "EMPLOYEE'S PENSION PLAN," CHAPTER 13 TITLED, "PENSIONS AND RETIREMENT BENEFITS," AT SECTION 13-39 TITLED "DEFERRED RETIREMENT OPTION PLAN (DROP)" TO PROVIDE DROP PARTICIPANTS WITH AN ELECTION REGARDING THEIR DROP ACCOUNT EARNINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

*A motion was offered by Councilman Boggess and seconded by Assistant Mayor Gorson to approve this Ordinance on first reading. The motion carried with the vote as follows: Mayor Roth aye; Assistant Mayor Gorson aye; Councilman Berlin aye; Councilman Boggess aye; Councilman Jacobi aye.*

**8. RESOLUTIONS:** None.

**9. CONSIDERATION OF ACTING VILLAGE CLERK AS PERMANENT VILLAGE CLERK:** Mr. Treppeda explained that the Village Clerk and Village Manager both report directly to the Village Council. He stated that Mrs. Horvath has been in a probationary status for the past six months, so it would be up to the Council to decide what to do next with the position. Councilman Berlin suggested that someone be designated to act on behalf of the Council, to negotiate a proposed contract. He advised that once that is done, then it will be brought to the Council for consideration. Mayor Roth agreed.

*It was the consensus of the Council to appoint Councilman Jacobi to negotiate a contract with Mrs. Horvath as Village Clerk*

Mrs. Horvath requested clarification on if she is still considered to be the Acting Clerk. Mr. Weiss suggested that the Council appoint Mrs. Horvath as the Clerk, subject to the details of her compensation, to be brought back to the Council at the next meeting.

*A motion was offered by Councilman Berlin and seconded by Mayor Roth to appoint Mrs. Horvath as the Village Clerk, subject to the details of her compensation to be brought back to the Council at the next meeting. The motion carried with the vote as follows: Mayor Roth aye; Assistant Mayor*

Gorson aye; Councilman Berlin aye; Councilman Boggess aye; Councilman Jacobi aye.

**10. LOBBYIST REGISTRATION REPORT:** There were no new registrations.

**11. REPORTS AND RECOMMENDATIONS:**

**A. MAYOR AND COUNCIL:**

Mayor Roth discussed the beach and thinks Luke's Landscaping is doing a good job.

Councilman Jacobi reported that he has heard they are building an elementary school in Sunny Isles. Mr. Raheb advised that they are going to try to file an eminent domain on a property to build the school. Mayor Roth will speak to Mayor Edelcup, Sunny Isles Beach, regarding that.

Councilman Boggess reported that pictures of Mayor Roth and his wife were in the paper, as well as Councilman Berlin. He stated that it shows that the Village Council is getting out and about.

*Gisela Hidalgo, Community Outreach Representative - Office of State Attorney Katherine Fernandez Rundle, and Ulises Martinez, Investigator - Office of State Attorney Katherine Fernandez Rundle*, provided information on programs that their office provides to the community, which are crime-prevention oriented. He discussed their 37-foot bus, which can be used as a command post or for other things. Mr. Martinez distributed a packet of information on the programs. Councilman Jacobi suggested that Mr. Martinez work with Chief Hunker.

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

**C. VILLAGE MANAGER:**

**Request for Annual Contribution to Surf-Bal-Bay Recreation Program:** Mr. Treppeda introduced Principal Ortenzo.

*Arlene Ortenzo, Principal of Ruth K. Broad Bay Harbor Elementary*, advised that the program is in its seventh year of existence and advised that approximately 200 students participate in the program. She reported that they have a staff of 7 people (1 coordinator, 5 staff members, and 1 secretary). Ms. Ortenzo stated that the program is extremely successful and is needed. Chief Hunker recommended that the Police Department contribute \$7,500 of the funds from the Law Enforcement Trust Fund. Mr. Weiss advised that Chief Hunker needs to provide the Manager with a memo and follow the procedure.

*A motion was offered by Assistant Mayor Gorson and seconded by Councilman Boggess to approve a contribution of \$15,000.00 to the Surf-Bal-Bay Recreation Program, with the Police Department reimbursing the Village for \$7,500 of that amount. The motion carried unanimously (5-0).*

**Request for Approval of Vehicle Lease Agreement and Contract Amendment for Village Manager:** Mr. Treppeda explained that the lease for

his vehicle ends March 3<sup>rd</sup>. He requested that the Council consider leasing a vehicle to provide for his use, instead of a \$500 car allowance. Mr. Treppeda explained that the Village has a lot more leverage to get better deals on leasing. He advised that his current lease costs more than his car allowance. Mr. Treppeda reported that he has obtained a lease price for 4 years for a Chevy Tahoe for \$495 per month, which is government pricing. He explained that his employment contract would also have to be amended for this. Mayor Roth clarified that instead of a \$500 car allowance, the Village would lease a vehicle for under \$500. Mr. Treppeda advised that there is a similar arrangement with the Police Chief and three Police Captains. He explained that since it is a city vehicle, the Village would insure the vehicle. Mr. Treppeda reported that the vehicle would not belong to him. Mr. Raheb questioned if a down payment is required for the lease vehicle. Mr. Treppeda responded that there is no down payment required.

**A motion was offered by Councilman Boggess and seconded by Mayor Roth to approve this item (the Village Manager to lease at \$495 per month for 4 years a vehicle, in lieu of receiving a \$500 per month car allowance). The motion carried unanimously (5-0).**

**Request for Approval of Change Order #1 for Main Sewer Station Conversion Project:** Mr. Treppeda explained that the sewer station price tag was \$1,037,000.00. He advised that this is the first and only change order for this project, to reinforce the pipes, because there is some vibration in them. Mr. Treppeda requested approval of \$14,300.00, which was recommended by the Village Engineers. He advised that funds are available for this.

**A motion was offered by Councilman Boggess and seconded by Assistant Mayor Gorson to approve \$14,300.00 for Change Order #1, for the Main Sewer Station Conversion Project. The motion carried unanimously (5-0).**

**Resort Tax Committee Recommendations:** Mr. Treppeda reviewed the following items that were recommended for approval by the Resort Tax Committee, at their meeting on February 10, 2005:

	<b>Translation of New Tourism Website into Spanish</b>	<b>\$ 800.00</b>
2.	<b>Sheraton NBC 6 TV Co-op Advertising Opportunity (Spring)</b>	<b>\$5,000.00</b>
3.	<b>New Website Additional Online Optimization (February)</b>	<b>\$ 250.00</b>
	(Contract with ICI – One Time Fee for One Year)	
<b>TOTAL:</b>		<b>\$6,050.00</b>

**A motion was offered by Councilman Jacobi and seconded by Mayor Roth to approve \$6,050.00 in resort tax funds, for the above listed items. The motion carried unanimously (5-0).**

## **12. OTHER BUSINESS:**

**Babak Raheb, resident – 128 Balfour Drive**, discussed the insurance issue for Councilmembers. He advised that the original resolution granting the Councilmembers insurance never had a public hearing, was never posted, and was done during a meeting. Mr. Raheb stated that the original meeting was not legal, because it required at least one reading and posting, which was never done. He advised that the Council is now amending something that was not right in the first place. Mr. Raheb stated that the three

Councilmembers who voted for it are the three to benefit the most from it. He doesn't think it's the job of the taxpayers to cover that. Mr. Raheb stated that Councilman Boggess is only here temporary and he doesn't think that he should have voted on it, because he might be leaving in two months. He advised that it should have waited until someone, who is more permanent, is here to vote on it.

Mayor Roth stated that a lot of things were done in the past that the Council is stuck with that he or the Councilmembers may not particularly like. He advised that this is what the Council inherited and it's what has to be moved forward on. Councilman Berlin advised that he accepts the vote, because it's a legal vote, and he's not going to challenge the process. He stated that over the years, either Councilmembers, the Village Attorney, or Village Manager have brought to the attention of the Council, aspects of the Code that were either outdated, no longer relevant, or needed to be brought current. Councilman Berlin stated that there isn't anything to prohibit this Council from doing the same thing, with regards to the compensation issue, which was his point earlier. He advised that if the Council genuinely feels that there are aspects of the compensation issue that are out of touch with the 21<sup>st</sup> century, then that can easily be dealt with. Councilman Berlin stated that to say the Council is stuck with this, isn't adequate. He advised that if there's anything that the Council has "inherited" that they don't think is appropriate, then they have the ability to address it. Councilman Berlin reiterated that given the unseemingly aspect of the Council setting its own pay, it would be appropriate to bring it to the public and then address it. He advised that the Mayor doesn't have to have a vote of the Council to organize a committee, if he is interested in doing the right thing. Councilman Berlin questioned Mr. Weiss if the Mayor needs to have the vote of the Council, if he wants to organize residents to study this issue. Mr. Weiss responded no. Councilman Berlin stated that the issue is if the Mayor is genuinely interested. Mayor Roth responded no.

**Brian Mulheren, resident – 10245 Collins Avenue**, thinks that any changes in zoning or building should be approved by the voters (such as Miami Beach, etc.) and the Council shouldn't be approving that. Mr. Mulheren discussed the problems with the Bellini (generator, etc.). He thinks that the voters need to have more control over what's happening. Mr. Mulheren discussed attendance at meetings and thinks that the attendance of all Councilmembers should be public knowledge. Councilman Berlin advised that the Bellini was built in a high residential zoning area. He explained that under the Village Charter, those areas are not allowed to have variances, unless they meet the hardship variance criteria, which the Bellini did not. Councilman Berlin advised that the Bellini was built subject to the Code and if there's an issue with regards to the way it has been built, then he needs to deal with the Building Official. Mr. Mulheren stated that the Council revised the zoning and that shouldn't be allowed. He advised that the Bellini is the only building causing a problem on the beach and the height and way it's constructed is the problem. Mr. Mulheren thinks that should go to the voters. Councilman Berlin questioned if Mr. Mulheren thinks that the Council should have the right to vote for its own compensation. Mr. Mulheren stated yes and that the Council has the right to do whatever they want to do, under the law. He advised that they can choose whether or not to go to the voters. Mr. Mulheren stated that the Village Manager currently cannot spend more than \$2,500 without going to the Council, which he thinks should be changed to at least \$10,000, so items don't keep coming to the Council.

Mayor Roth stated that the motion of compensation that was not seconded was that the Village residents would vote on the Council compensation. He stated that it is finished, since there was no second.

Councilman Boggess stated that the Code has been set to what can be built. He advised that in hindsight, he thinks there are too many big mansions in the Village that are overbuilt for the lot, but the Code has been changed for that. Councilman Boggess stated that on the oceanfront, they allowed builders to go up higher if they reduced their footprint, which he thinks everyone has met. He thinks that it would be proposing anarchy, if everything had to go to the voters. Mayor Roth stated that the Village currently has a very strong variance Code.

**Dina Cellini, resident – 211 Bal Cross Drive**, supported that future changes to the zoning of Bal Harbour be approved by the voters. She advised that it was done and approved overwhelmingly in Miami Beach and Surfside. Ms. Cellini reported that the proposal to do that was initiated at the Council level and recommended that the Council look into the feasibility of putting something like that on the ballot. Ms. Cellini stated that the voters have the power under the Charter to initiate that sort of a proposal, but thinks that it would show good faith on the part of the Council, in light of some of the mistakes that have been made and are realized in hindsight, both in the Security District and Oceanfront. She knows that the developers are salivating about the west side of Collins Avenue, so she would like to see the residents that live here have more power to decide, as opposed to Councilmembers and Lobbyists, who might meet and negotiate certain deals. Ms. Cellini thinks that the residents should have the right to say whether or not any future zoning occurs in Bal Harbour. She requested that this be placed on the agenda and asked formally for the Mayor to put together some sort of a Committee to look into the feasibility of putting such a proposal on the ballot. Mr. Weiss stated that's it's always within the purview of the Mayor to appoint a citizens committee, or the Council could appoint a committee.

Mr. Raheb thinks that any sale of public property should also go to the voters, since it belongs to the citizens. He doesn't think the Council passing a compensation package is right, even if it's legal.

**Doug Rudolph, resident – 212 Bal Bay Drive**, advised that he has no problem with the public making decisions on certain things, but thinks that they need to be careful and realistic about that. He thinks that if too many people who are not that concerned, involved, or paying attention vote on something, without them understanding the far-reaching implications of things, then sometimes it doesn't come out so great. Mr. Rudolph stated that the Village has workshops, etc. and there needs to be a balance. He advised that he doesn't have a problem with what has been said today and thinks that there are some things that are very important and far reaching that they need to make sure that the public is behind. Mr. Rudolph reported that the same people attend the meetings and the rest of the residents look to the Council, so there needs to be a balance. He recommended being careful, before going too far one way or another, and proceeding slowly.

**Gabriela Webster, resident – 30 Park Drive #15**, thinks that it's reasonable to put things up to the voters and she would vote for approving the Council's compensation. She agreed with Mr. Rudolph in that the Council is voted to serve at the pleasure of the voters, who rely on them to do so. Ms. Webster stated that there is something to be said about the leaders looking out on the residents' behalf.

Ms. Webster discussed the issue of 40-year inspections for apartment buildings. She requested that the Village work with the buildings and their representatives, because some of the owners are not familiar with the fact that these are County requirements and may not

understand that these are safety issues and the Village is protecting the citizens' interests. Ms. Webster requested that the Village help, encourage, instruct, and educate the buildings about this and not be so rigid, as to what it's all about.

Ms. Webster discussed the Security District pedestrian gates being left open and requested that some attention be given to that. She would like to see the Police Athletic League happen and hopes that funds are directed to that as well. Chief Hunker discussed that the Village has been approved nationally and are officially now a member with the National Police Athletic League (PAL). He advised that the Village is also officially a member of the State PAL. Chief Hunker stated that Principal Ortenzo is on the Board of the PAL and has been doing a great job.

Mr. Raheb requested that \$5,000 be donated from the confiscated funds, for the Tsunami Relief to be sent on behalf of the Village, if possible. Mr. Weiss advised that there's a specific statute that deals with what money can be given to and he thinks that's beyond the scope. Chief Hunker advised that it has to be related to something with juvenile justice, drug prevention or community programs (something to get kids off the street away from drugs). Councilman Berlin thinks that there are probably programs being set up in that area of the world, to help with children. Mr. Weiss will look at the statute. Councilman Berlin suggested that if something similar to that cannot be done, then maybe something pertaining to Tsunami prevention. He discussed prevention systems. Mr. Weiss suggested that if the Village wants to do that, then 100% of the funds for the Surf-Bal-Bay could be taken out of the forfeiture fund, because that is covered in the statute. Mr. Weiss advised that it will be worked on for the next meeting.

Chief Hunker announced that the police department is up 38% in tickets, compared to last year. He advised that there will now be a motorman 24 hours a day, 7 days a week.

Ms. Cellini discussed the issue of putting the question of zoning to the voters. She reminded everyone that this Council put together a workshop committee, which Mr. Rudolph served on. She advised that the Council had no problem putting that together, which operated outside of the sunshine. Ms. Cellini suggested that the Council show that there aren't any back-room dealings going on and that developers don't have the key to Village Hall with the ability to strike deals using various intermediaries and let this issue of zoning in the future go to the voters. She advised that the Council of Surfside and Miami Beach did it. Ms. Cellini thinks that the Village residents deserve at least the same consideration.

Mr. Rudolph responded that he resents the implications that were made and requested that any facts be brought forth. He advised that he doesn't think that anything was done outside of the sunshine and it was all done with the assistance of the Village Attorney, Village Manager, Village Planner, and everybody else. He advised that he proudly stands behind the PD and thinks that it's a fabulous thing that gave the Village the ability on One Bal Harbour to take a nasty piece of whatever and turn it into a building with less density, is prettier, and has the ability to serve the public. Mr. Rudolph advised that the Village, not individuals, received tremendous amounts of money to take care of the beach, landscaping, and other things. He requested that the record reflect that he thinks that what was said immediately prior to him is 100% erroneous. Mr. Rudolph thinks that everyone is entitled to their opinion, but he stands proudly behind the eight months of work that he contributed to that project, along with many other people, and thinks that the Village received a great vehicle in the PD that will be used in the future.

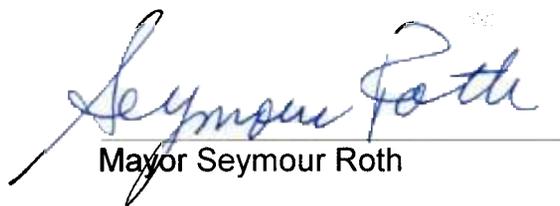
Ms. Cellini advised that the State Attorney clearly indicated that the workshop committee that was formed by the Village, to revise the zoning ordinance on the oceanfront, was operated outside of the sunshine. Mr. Weiss advised that he doesn't want to comment on that and the attorneys advised the committee as they thought was appropriate.

Mr. Weiss thinks that people going back and forth violates the rules that the Council passed, since there is not an issue at this point. He stated that a number of individuals have spoken 2-3 times during the public comment section of the meeting. Mr. Weiss thinks that the Council needs to be consistent and if during public comment, people can have unlimited times to speak, as long as it's different issues, then that will be the rule. Mr. Weiss stated that if people are going to speak during the public comment and have 3 minutes to say what they have to say, then that's going to be the rule. He advised that the Council needs to decide what they're going to do, because this is what the Council was trying to get away from.

Mr. Treppeda announced that the EgoPass forms, brochures, and post orders are at the printer and will be mailed out shortly to the Security District residents. He thanked Captain Smith and Chief Hunker for their work on it.

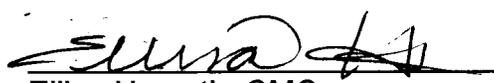
Mr. Treppeda discussed the 96<sup>th</sup> Street Landscaping Project. He advised that all of the permits have been received from DOT and the final bid package is being worked on, which will be sent out. Mayor Roth suggested waiting until April 15<sup>th</sup>, to start the project. He advised that the Village is trying to get Surfside to contribute their fair share.

**13. ADJOURN:** There being no further business to come before the Council, the meeting adjourned at 10:27 a.m., with Councilman Jacobi absent.



Mayor Seymour Roth

- Attest:



Elisa Horvath, CMC  
Village Clerk