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## **BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES** **REGULAR MEETING – JANUARY 16, 2007**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, January 16, 2007, at the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 9:00 a.m. by Mayor Roth. The following were present:

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

Alfred J. Treppeda, Village Manager  
Ellisa Horvath, CMC, Village Clerk  
Richard J. Weiss, Village Attorney

Absent: Councilman Jaime M. Sanz

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Miami-Dade Fire Chief Jerome Byrde Jr.

**3. APPROVAL OF MINUTES:** *A motion was offered by Councilman Jacobi and seconded by Assistant Mayor Berlin to approve the minutes of the December 12, 2006, Regular Council Meeting, as submitted. The motion carried unanimously (4-0).*

### **4. PRESENTATIONS:**

**Village Council – Dade County PBA:** Miami-Dade County PBA Representative, Sergeant Michael Daddario, presented a plaque to the Village Council, in recognition of being voted the Best City Council in 2006, by the PBA (Police Benevolent Association).

**Miami-Dade County Fire Department – Mayor Roth:** Mayor Roth presented Chief Byrde, Miami-Dade Fire Department, with a plaque, in recognition of the Department's response/service during a fire at the Tiffany Bal Harbour Condominium, on December 30<sup>th</sup>.

**Officers of the Month for December 2006:** Chief Hunker presented Bal Harbour Sergeant Leo Quinn and Officers Steven Goldberg and Ramon Fernandez, as well as Surfside Officers Joe Schafer and Julio Torres, with December 2006 Officer of the Month Plaques, in recognition of their rescue of two residents from the fire at the Tiffany Bal Harbour Condominium, on December 30, 2006. Chief Hunker introduced Surfside Police Chief David Allen. Chief Allen also thanked the Officers. Mayor Roth presented the Surfside

Officers with checks, on behalf of the Village.

Chief Hunker commended Assistant Mayor Berlin, Tourism Director Jose Lima, and the Sheraton for their efforts in having the Village recognize several war veterans from Iraq. He explained that the Sheraton hosted 20-25 wounded soldiers, as they prepared to start the 2<sup>nd</sup> Annual Miami-Key West Soldier Ride. Chief Hunker reported that he presented the group with a proclamation recognizing their efforts, on behalf of the Council.

**5. ORDINANCE SECOND READING/PUBLIC HEARING:** Mr. Weiss recommended that the following ordinance be deferred, for further review:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING PARAGRAPH (A) "NUMBER, TERM AND QUALIFICATION OF MEMBERS" OF SECTION 18-43 "COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC." OF DIVISION 2 "RESORT TAX COMMITTEE" OF ARTICLE II "RESORT TAX" OF CHAPTER 18 "TAXATION AND FINANCE" OF THE VILLAGE CODE; PROVIDING FOR AN AMENDMENT OF THAT PARAGRAPH OF THE VILLAGE CODE TO EXPAND THE COMMITTEE SIZE FROM FIVE (5) TO SEVEN (7) MEMBERS AND TO MODIFY QUALIFICATION REQUIREMENTS OF COMMITTEE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**6. ORDINANCE FIRST READING:** The following Ordinance was read by title, by Mrs. Horvath:

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING THE POLICE OFFICERS' PENSION PLAN BY AMENDING CHAPTER 13 "PENSIONS," ARTICLE II "EMPLOYEE'S PENSION PLAN" BY AMENDING SECTION 13-40 "DEFINITIONS" TO REVISE THE DEFINITIONS OF "COMPENSATION," "CONTINUOUS EMPLOYMENT," AND "AVERAGE FINAL COMPENSATION;" BY AMENDING SECTION 13-42 "RETIREMENT DATES AND RETIREMENT BENEFITS" TO PROVIDE FOR NORMAL RETIREMENT UPON ATTAINMENT OF AGE 57 AND TO INCREASE THE PENSION BENEFIT MULTIPLIER TO 3.5%; BY AMENDING SECTION 13-46 "CONTRIBUTIONS" TO INCREASE THE EMPLOYEE CONTRIBUTION RATE TO 9% FOR FISCAL YEAR 2006 AND TO 10% FOR FISCAL YEAR 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Treppeda explained that the ordinance is a result of the PBA negotiations and Council Executive Sessions.

Mayor Roth opened the meeting for public comment. There being no comments, the meeting continued.

*A motion was offered by Councilman Rosenfield 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 aye; Councilman Rosenfield aye; Councilman Sanz absent.*

**7. RESOLUTIONS/PUBLIC HEARINGS: None.**

**8. RESOLUTION: The following Resolution was read by title, by Mrs. Horvath:**

**A RESOLUTION OF BAL HARBOUR VILLAGE, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2007 LEGISLATIVE SESSION.**

Mr. Treppeda explained that the Florida League of Cities requested approval of this resolution.

Mayor Roth opened the meeting for public comment. There being no comments, the meeting continued.

*A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve the resolution. The motion carried unanimously (4-0); thus becoming Resolution No. 694.*

**9. REPORTS AND RECOMMENDATIONS:**

**A. MAYOR AND COUNCIL:**

Mayor Roth thanked Lydia Kordalewski (Park Director) for her work on the Snow Festival and for running an active Park & Recreation Department.

Assistant Mayor Berlin thanked Hans Altenhoff (General Manager) and the Sheraton, Tourism Director Jose Lima, and Chief Hunker for accommodating the veterans this week. He explained that they are a group of wounded veterans from Iraq & Afghanistan that ride bikes around the Country, in order to raise money for other veterans still recovering in hospitals.

Councilman Jacobi thanked Lydia Kordalewski for her work on the Park events.

**B. VILLAGE ATTORNEY: No report.**

**C. VILLAGE CLERK:**

**Lobbyist Registration Report: As of January 16, 2007:** Mrs. Horvath reviewed the list of Lobbyists currently registered with the Village.

**D. VILLAGE MANAGER:**

**Discussion of Participation in Destination Fashion Event:** Mr. Treppeda explained that the Village contributed \$100,000 in 2004 for the first Destination Fashion event. He noted that the second event is scheduled for March 2007 and the Village Council is being requested to consider another contribution.

***Susie Sayfie, Executive Director of The Miami Project to Cure Paralysis and the***

**Buoniconti Fund**, discussed the event scheduled for March 2<sup>nd</sup> at the Bal Harbour Shops. She thanked the Whitman Family and the Bal Harbour Shops for sponsoring the event again. She thanked the Village Council for their previous contribution.

**Stephanie Sayfie Aagaard, Director, Corporate Relations, Marketing and Events**, explained that the purpose of the event is to raise money for the number one spinal cord injury research center in the world, which is based in South Florida. She noted that Donna Summer will perform, 24 women of substance and style who have done a lot for the South Florida community will be honored, approximately 24 celebrities will attend (Actor Tommy Lee Jones, Golf Legend Jack Nicholas, Dwayne "The Rock" Johnson, Don Shula, Bob Griesy, etc). She explained that they will be using 120 room nights at the Sheraton and many at the Sea View. Ms. Sayfie reported that Barton G will be designing the seasons as a theme. She noted that millions of media hits around the world discussed the event last year. Ms. Sayfie requested the Village's support of \$100,000 for this year's event.

Assistant Mayor Berlin noted that contingency funds are available in the resort tax fund and recommended approving the \$100,000 contribution. Mayor Roth agreed. Councilman Rosenfield also supports the contribution. Mr. Lima reported that coverage on the event is wonderful and puts Bal Harbour on the map. Ms. Susie Sayfie reported that there were 100 million media hits for the event last year.

Chief Hunker reported that the Bal Harbour Officers would like to donate their time again, to work the event.

**A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve a \$100,000 contribution, from resort tax funds. The motion carried unanimously (4-0).**

**Request for Approval of Resort Tax Expenditures:** Mr. Treppeda requested approval of the following resort tax expenditures, per Tourism Director Jose Lima's recommendation:

1.) Advertising in Financial Times (Feb. 3)	\$ 7,152.00
2.) New York Times Sales & Media Mission (Feb. 19-25)	\$18,500.00
3.) Visit Florida – Florida Live Promotion (New York – Feb. 26-27)	\$ 1,620.00
4.) Agreement for Graphic Designer/Advertising Consultant (Monthly) (Tom Sterling - \$2,000 per month)	\$ 2,000.00
<b>TOTAL:</b>	<b>\$27,272.00</b>
	<b>Plus \$2,000 per Month Contract</b>

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

**Request for Approval of Beer and Wine License for Harbour House Pool Bar: It was the consensus of the Council to defer this item, until Paul LaRosa is in attendance.**

**First Quarter Budget Report for Fiscal Year 2006/2007 – Christopher Wallace, Village Finance Director:** Mr. Wallace reviewed his report and summarized that the Village's funds are at or ahead of what was expected.

Mr. Wallace reported that the audit should be ready for review at the February Council meeting. Assistant Mayor Berlin requested that Mr. Wallace confirm that the audit will be done within the first quarter.

Assistant Mayor Berlin questioned when the budget process will start for the next fiscal year. Mr. Wallace suggested that it start in May. Assistant Mayor Berlin agreed that it should start in the second quarter.

**Request for Approval of Employment Contract for Chief of**

**Police:** Mr. Treppeda requested approval of a three-year employment contract with Chief Hunker.

Mayor Roth explained the contract.

**Joe Imbesi, Bal Harbour Club**, thinks that Chief Hunker is sensitive to the needs of the Bal Harbour residents and does alot for the community. He is in favor of the contract.

Mayor Roth announced that Chief Hunker will soon be the President of the Miami-Dade County Chiefs of Police Association.

**Stanley Whitman, Bal Harbour Shops**, thinks that Chief Hunker is the best Police Chief that the Village has had.

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

**Request for Approval of Certificate of Employment for VIN**

**Unit Officer:** Mr. Treppeda requested approval of an employment proposal for Thomas O'Keefe, as a Commander assigned to the VIN Unit. He explained that his salary and expenses will paid by Glades County and forfeiture/points funds.

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

**Request for Approval to Enter Lease Agreement for Copy**

**Machine for Police Department:** Mr. Treppeda requested approval of a \$189.35 monthly lease (36 month lease) for a new Toshiba copy machine for the Police Department.

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

**Request for Approval to Replace Plants on Beach:**

Mr. Treppeda requested approval of \$8,960.00 for Lukes' Landscaping to replace dead plants on the beach, as recommended by Village Landscape Architect Bill O'Leary.

**Babak Raheb, resident – 128 Balfour Drive**, requested that flowers be planted that won't die. Mr. Treppeda explained that flowers won't last in that environment, so only plants will be used.

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

**Request for Approval of Additional Funds for 60<sup>th</sup> Anniversary**

**Party:** Mr. Treppeda requested approval of \$8,065.41 (food, ice cream bar, paper goods, linen, service, and staff) for the Bal Harbour Club's expenses for the Village's 60<sup>th</sup> Anniversary Party.

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

**Request for Approval of Security District Funds to Install Handicap Ramps at Pedestrian Gate:** Mr. Treppeda requested approval of \$3,700.00 in Security District funds, for Vila & Son to install a handicap accessible ramp on both sides of the pedestrian gate at Park Drive and Bal Cross Drive, to correct a tripping hazard.

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

**Request for Approval to Purchase Ballasts for Collins Avenue and 96<sup>th</sup> Street Landscape Lights:** Mr. Treppeda requested approval of \$12,582.50 to purchase 50 ballasts from Imperial Electric & Lighting, for the landscape lights on Collins Avenue and 96<sup>th</sup> Street.

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

**Request for Approval of Proposal for Excavation of Sinking Area at 9800 Collins Avenue:** Mr. Treppeda requested approval of \$5,400.00 for Felix Fera Plumbing (the lowest of three bids) to excavate and investigate a sinking area, near 9800 Collins Avenue.

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

**10. OTHER BUSINESS:**

**Babak Raheb, resident – 128 Balfour Drive,** requested Council approval for eight 30-second delay crosswalks. Mr. Treppeda reported that he is working with Miami-Dade County on the pricing, which he will bring to the Council.

**Brian Mulheren, resident – 10245 Collins Avenue,** requested that the Council look into the tremendous beach erosion. Mr. Treppeda reported that the normal beach renourishment phase is on target and that he will get the start dates from DERM. He explained that DERM is also looking into the possibility of installing barriers.

**Request for Approval of Beer and Wine License for Harbour House**

**Pool Bar:** Paul LaRosa requested approval of a beer and wine license, for the pool cafe. He reported that condo unit closings should begin at the end of the month.

Daniel Nieda, Building Official, agreed that they are in the process and that it's feasible to meet those dates.

Mr. LaRosa explained that the café is for residents only and is not open to the public.

**Brian Mulheren, resident – 10245 Collins Avenue**, noted that no condo in Bal Harbour has a pool bar. He suggested that they have the bar inside instead. He lives next to the building and is against a pool bar at a condo. He questioned if they will have sound systems, music, etc. Mr. Mulheren thinks that the Council will start a precedence, if this is allowed.

Mr. LaRosa explained that the café closes at 5:00 p.m. He noted that it's not a bar and that the unit owners are expecting this service.

Councilman Rosenfield explained that her building has a restaurant with a bar inside, but that the people by the pool can order a drink.

**Babak Raheb, resident – 128 Balfour Drive**, questioned a drink limit, who has liability, etc. Mr. Weiss noted that the Village doesn't have any liability. Mr. LaRosa agreed and advised that the cafe has the required liability.

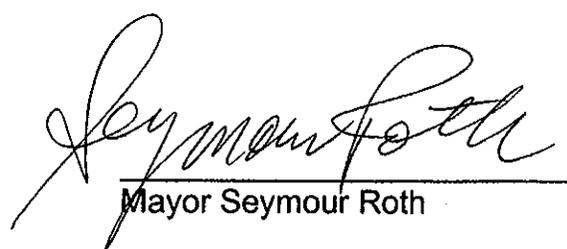
**Marjorie Schell, resident – 9801 Collins Avenue PH17**, complained about the music at the Sheraton. She spoke against approving this item. She suggested having the bar inside the building instead.

Mr. LaRosa explained that 27 seats will be provided. He requested approval for the beer/wine license and explained that they already have approval for the food.

Chief Hunker doesn't foresee any security issues, since it would be closing at 5:00 p.m.

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

**11. ADJOURN:** There being no further business, *the meeting adjourned at 9:49 a.m.*

  
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Mayor Seymour Roth

Attest:

  
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Ellisa Horvath, CMC  
Village Clerk