

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – MARCH 20, 2007

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, March 20, 2007, at the Bal Harbour Village Hall Council Chambers (655 – 96th Street, Bal Harbour, Florida).

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

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

Alfred J. Treppeda, Village Manager
 Ellisa Horvath, CMC, Village Clerk
 David Wolpin, Village Attorney

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Councilman-Elect Martin Packer.

3. APPROVAL OF MINUTES: *A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve the minutes of the February 20, 2007, Regular Council Meeting, as submitted. The motion carried unanimously (5-0).*

4. PRESENTATIONS:

Officer of the Month for February 2007: Chief Hunker presented Officer Madeleine Orr with the February 2007 Officer of the Month Plaque, in recognition of her work on various training sessions. Mayor Roth presented Officer Orr with a check.

5. ORDINANCE SECOND READING/PUBLIC HEARING: None.

6. ORDINANCES FIRST READING:

The following Ordinance was read by title by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 13 "PENSIONS AND RETIREMENT BENEFITS" TO CLARIFY AND EXPAND THE RULES THAT APPLY TO DUAL SERVICE EMPLOYEES IN BOTH THE GENERAL EMPLOYEES AND POLICE PENSION PLANS, TO ESTABLISH A PRIORITY FOR THE REDUCTION OF AGGREGATE PENSION BENEFITS TO COMPLY WITH THE INTERNAL

REVENUE CODE AND TO CLARIFY PROVISIONS OF THE EXCESS BENEFIT ARRANGEMENT PROVIDED FOR AT ARTICLE V OF CHAPTER 13; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Sharon Quinn Dixon, Tax Attorney, reviewed the summary of the ordinance addressing benefit provisions for dual service employees. She reported that the ordinance amends the police plan with regards to employees that shift from the Police Plan to the General Employees Plan. She noted that it is also to ensure that benefits of the Plans do not exceed the limits of the Internal Revenue Code.

Cecil Mullen, Village resident and Police Pension Board Member, questioned if the Ordinance will be sent to Police Board for review. Mr. Treppeda reported that the Police Board has a copy of the Ordinance. He explained that there is no financial fiscal impact to the Village. He advised that a statement of financial impact from the Actuary will be provided at second reading.

A motion was offered by Councilman Sanz and seconded by Councilman Jacobi to approve. The motion carried unanimously (5-0), with the vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye.

The following Ordinance was read by title by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 9 "LICENSES AND BUSINESS REGULATIONS", AT ARTICLE II "OCCUPATIONAL LICENSE" TO CONFORM WITH RECENT REVISIONS TO FLORIDA STATUTE CHAPTER 205, BY CHANGING THE TERM OCCUPATIONAL LICENSE TO LOCAL BUSINESS TAX RECEIPT; MAKING COLLATERAL CONFORMING AMENDMENTS TO OTHER AFFECTED PROVISIONS OF THE VILLAGE CODE INCLUDING SECTIONS 2-191, 3-26, AND 7-7; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Wolpin explained that effective January 1, 2007, Chapter 205 was revised to change the term Occupational License to Local Business Tax Receipt. He reported that the Ordinance serves to amend the Village Code, to conform with State law.

Dina Cellini, resident - 211 Bal Cross Drive, requested confirmation that no substantive changes were made. Mr. Wolpin agreed.

A motion was offered by Councilman Rosenfield and seconded by Councilman Jacobi to approve. The motion carried unanimously (5-0), with the vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye.

The following Ordinance was read by title by Mrs. Horvath:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF BAL HARBOUR, FLORIDA, APPROVING THE CABLE TELEVISION LICENSE AGREEMENT BETWEEN ATLANTIC BROADBAND (MIAMI) L.L.C. AND THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;

PROVING FOR A SAVINGS CLAUSE, PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Scott Robin, Village Attorney, explained that the cable license agreement with Atlantic Broadband expired December 11, 2006. He reported that the proposed agreement is from January 1, 2007 through December 31, 2016. He reviewed the additional provisions including: free service at municipal buildings, taping of Village meetings if desired, \$20,000 for additional equipment for Council Chambers to provide access of meetings via television, etc.

Babak Raheb, resident – 128 Balfour Drive, questioned what affect the proposed Resolution on the agenda has on the Ordinance and the ability for competition. Mr. Robin explained that the Resolution opposes State legislation that would eliminate the Village's ability to negotiate a cable license. He suggested that the Ordinance be approved prior to July 1, 2007.

Mr. Raheb spoke against the Ordinance, because he doesn't know what the affect of the legislation would be. He is against anything that limits capitalism that could enable the Village to have competition between companies. He suggested waiting until July to see what happens. Mr. Robin explained that the proposed legislation takes away all authority from the Village. He noted that customer service related items would be sent to the State instead of being handled by the Village Manager. He reported that local governments, the Miami-Dade League of Cities, and the Florida League of Cities are all opposing the legislation. He further explained that the Village would be precluded from receiving any incoming contributions that were negotiated, if the legislation is passed. Mr. Robin explained that presently competitors are able to request a cable license from the Village Council. He reported that there isn't much competition, because of the cost involved in infrastructure, etc. He summarized that if the legislation is passed, then it would have a negative impact on the Village. Mr. Raheb questioned the disadvantage of waiting until July. Mr. Robin explained that if the legislation does not pass then everything would stay status quo, but that if it does pass then it would take away the Village's ability to negotiate items from the cable company.

Brian Mulheren, resident - 10245 Collins Avenue, complained about Atlantic Broadband's service and the rate increases. He questioned what upgrades, services, etc. will be provided to the residents. He discussed the reduction in the services provided (rates versus services).

Mayor Roth noted that any cable company could come into the Village and that Atlantic doesn't have an exclusive agreement.

Donna Garofano, Atlantic Broadband Vice President of Government Affairs, explained that when they acquired the franchise from Charter the package rates were a mess. She noted that they have tried to streamline the packages and explained that the rates were 8-9 years old. Ms. Garofano will follow up on any service problems. She reviewed the items that Atlantic has improved over the past three years.

A motion was offered by Councilman Jacobi and seconded by Councilman Rosenfield to approve. The motion carried unanimously (5-0), with the vote as follows: Mayor Roth aye; Assistant Mayor

Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye.

7. RESOLUTIONS/PUBLIC HEARINGS: None.

8. RESOLUTIONS: The following resolution was read by title by Mrs. Horvath:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF BAL HARBOUR, FLORIDA OPPOSING HB529 AND SB380, WHICH SEEKS TO ELIMINATE LOCAL FRANCHISING OF CABLE SERVICES; URGING THE GOVERNOR AND THE FLORIDA LEGISLATURE TO OPPOSE THESE BILLS AND ANY OTHER BILL THAT SEEKS TO EFFECTUATE A SIMILAR RESULT; SUPPORTING EXISTING LAW UNDER WHICH LOCAL GOVERNMENTS ARE FRANCHISING AUTHORITIES FOR THE PROVISION OF CABLE SERVICES; AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO THE GOVERNOR, MEMBERS OF THE FLORIDA LEGISLATURE, THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION, MIAMI-DADE COUNTY LEAGUE OF CITIES AND THE FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve. The motion carried unanimously (5-0), thus becoming Resolution No. 695.

9. REPORTS AND RECOMMENDATIONS:

A. MAYOR AND COUNCIL:

Discussion of Results of Workshop Meeting Regarding the Parking Lot Under the Haulover Bridge – Councilman Jacobi: Councilman Jacobi reviewed the results of a workshop meeting held on March 7, 2007, regarding the parking lot under the Haulover Bridge. He reported that the unanimous opinion of those who spoke at the meeting was to delete the diagonal parking spots and to have the project done. Councilman Jacobi explained that DERM Representative Carlos Espinosa explained that the threshold for the Village to receive beach funding is 25 spots and that the reduction of 6 spots wouldn't affect the Village's ability to receive funding. He noted that the solutions discussed were to leave the lot as it is, delete the diagonal spots, or remove the diagonal spots and keep any options open for future discussion. Councilman Jacobi recommended removing the six diagonal spots and leaving the issue open for future alternative parking, if needed. He explained that he was concerned about the citizens on the west side of Collins Avenue, in addition to the hazards of diagonal parking in that area. He noted that WCI, the Village, and Chief Hunker have all offered to help with parking in the future, if necessary. He confirmed that the plan proposes a total of 56 parking spots. Councilman Jacobi thanked all who participated in the workshop.

A motion was offered by Councilman Jacobi and seconded by Assistant Mayor Berlin to approve the plan with the removal of the six diagonal spots and leaving the issue open for future alternative parking, if needed. The motion carried unanimously (5-0).

Councilman Jacobi reported that the Special Olympics were great.

Councilman Rosenfield thanked the Police Department for their response to her accident (Detective Ed Vargas, Chief Tom Hunker, etc.).

TJ Marshall, Surfrider Foundation, questioned if there will be further public discussion on the Parking Lot issue. Mayor Roth advised that issue has already been voted on, but that Mr. Marshall is able to address any items under Other Business.

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

C. **VILLAGE CLERK:**

Village Council Election Information: Mrs. Horvath reported that the qualifying period for the 2007 Council Election ended on Friday, March 16, 2007. She explained that two candidates qualified to run for the District 4 Seat (Lynne Bloch-Mullen and Joel Jacobi). She clarified that the election will be held on April 17, 2007 at The Church by the Sea. Mrs. Horvath reported that Martin Packer was the only candidate to qualify for the District 2 Seat. She introduced Mr. Packer, who was elected without opposition.

Lobbyist Registration Report: As of March 20, 2007: Mrs. Horvath reviewed the list of Lobbyists currently registered with the Village.

D. **VILLAGE MANAGER:**

Discussion of Bal Harbour Bistro Request to Pass Ordinance to Allow Dogs in Outdoor Dining Areas: **Carol Cantor, Owner - Bal Harbour Bistro**, explained that a lot of her advertising is geared toward people with dogs and that she would suffer a substantial business loss, if an ordinance isn't passed allowing dogs in outdoor dining areas. Mr. Wolpin explained that the Village would need to adopt an ordinance, which is authorized by State law, to allow dogs in outdoor dining areas.

Babak Raheb, resident – 128 Balfour Drive, thinks that would be a problem because that particular restaurant is next to other shops within the mall and he thinks that would open it up for people to bring their dogs shopping.

Assistant Mayor Berlin suggested that the attorneys prepare an ordinance for the Council's consideration, to allow for public discussion at two hearings. Chief Hunker isn't aware of any problems with dogs at the Shops. Mr. Wolpin explained there hasn't been enforcement on the issue and that it's a discretionary law enforcement matter.

Stan Whitman, Bal Harbour Shops Owner, doesn't have any objections to an ordinance being prepared.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to direct the Village Attorney to prepare an Ordinance for First Reading to allow for a public hearing on the issue. The motion carried unanimously (5-0).

Discussion of Twentieth Century Fox Request to Film Movie at

Sheraton and Small Portion on Beach: Mr. Treppeda explained that Twentieth Century Fox wants to film portions of a movie (Bachelor Party remake) in Bal Harbour. He explained that 90% of the filming would be inside the Sheraton and a small portion would be done on the beach (April 13 through April 27). He advised that they will be purchasing 900 room nights at the Sheraton. He advised that Village Staff doesn't believe there will be any problems.

Babak Raheb, resident – 128 Balfour Drive, questioned if there is any direct benefit for the Village.

Mayor Roth reviewed previous movies filmed in the Village and its affect on the residents (trailers, cables, inconvenience, etc.). He thinks that off-duty police should be hired and that the Village should receive some remuneration from the filming company for any inconvenience. He hopes it doesn't affect access to the jogging path. He thinks it's wonderful that the Sheraton will be getting the room nights and that the Village will benefit indirectly from that. ***Jose Lima, Director of Tourism Marketing***, thinks that filming in Bal Harbour is good for tourism business. Councilman Rosenfield questioned if everything will be cleared out on the 27th, since Miami Beach will be having their senior prom on the 28th.

Jennifer Radzikowski, Location Manager, noted that everything will be cleared by the 28th, excluding any restorations to the penthouse suite. Councilman Rosenfield questioned arrangements for parking. Ms. Radzikowski noted that they will use private generators in silent housing and that the trucks carrying the gear will be staged at Haulover Park. She thinks that any impact will be minimal, since most filming will be inside. She noted there would only be momentary delays on the jogging path during filming in that area. She explained that there are not any known stars and that they are looking for an up and coming face.

Mr. Raheb questioned the timing of the filming and discussed his concern about noise in the early morning. Ms. Radzikowski noted that the tentative filming schedule is 7 am - 8 pm, with mostly dialogue sequences in the penthouse suite. She noted that two days will be filmed outside, with one full night filming until 6 am (valet and pool area). Chief Hunker doesn't think that there will be any impact on the Village and noted that the Police Department can handle all the needs. Mr. Raheb thinks that the Village should be compensated.

Martin Packer, resident - 10205 Collins Avenue, discussed what's involved with the filming of a movie (size of trucks, amount of cables, etc.). He thinks that the Village should be compensated, because there will be some disruption.

Brian Mulheren, resident - 10245 Collins Avenue, has a problem with the dates being directly after Easter and Passover and the impact on traffic. He thinks that the Village should be compensated. He suggested that the filming be moved back to after April, with proper police/fire coverage. Ms. Radzikowski advised that the dates are already firm and were recommend by the Sheraton, because it's their lowest occupancy time. Mayor Roth agreed that compensation and adequate police coverage are important. He knows that the Village will also get some money indirectly from the Sheraton (through resort tax funds). Assistant Mayor Berlin questioned if there has been any recent precedence.

Mr. Treppeda suggested a contribution of \$10,000, to be used towards a beach cleaning fund. Mr. Raheb suggested \$50,000. Ms. Radzikowski noted that the movie is low budget (direct to DVD) and there should be a minimal impact to the residents. Councilman Rosenfield noted that there isn't any compensation in the form of publicity. Mayor Roth thinks that would be nice, if the film is done well. Ms. Radzikowski recommended a contribution of \$5,000, with recognition in the credits thanking the Village.

Gabriela Webster, resident – 30 Park Drive, thinks that's fair.

Ms. Radzikowski noted that no other city charges for filming, except for Miami, which charges \$100. Mr. Raheb discussed the uniqueness of the Village.

A motion was offered by Councilman Sanz and seconded by Councilman Jacobi to approve filming with a contribution of \$5,000 to the Village, along with an acknowledgement in the credits thanking the Village. The motion carried unanimously (5-0).

Discussion of Proposed Property Tax Reform: Mr. Treppeda reported that both the Florida House and Senate are debating different property tax reform proposals.

Irv Rosenbaum, President - New Community Strategies, reviewed the information prepared by Village Finance Director Chris Wallace. He summarized that the likely result of the legislation will be some kind of restraining activity upon the Village. He reviewed the comparative listing of millage rates for the Village. He noted that out of the total tax bill, the Village's taxes are approximately 14%. He reviewed the House proposal, which requires a roll back of local property taxes, based on a formula from the 2001 rate (two versions). He explained that there is also a Governor's proposal to increase the Homestead Exemption to \$50,000, which would not create a major impact to the Village. He advised that another Governor's proposal would extend the Save our Homes assessment cap of all properties. He thinks that the House proposal will have the greatest impact. Mr. Rosenbaum noted that it has been referred to as a bill with economic risks that greatly constrains the costs of borrowing, has implications for the bond community and municipalities as a whole, and has impact on the County and other governments that may be related to the Village. He doesn't think that the Governor's proposal would significantly impact the Village. He advised that the other proposals include full portability, which would have more long term impact and less short term impact.

Mayor Roth questioned how the Legislature could consider this when every municipality, the Florida League of Cities and the Miami-Dade County League of Cities are against it. Babak Raheb and Gabriela Webster pointed out that the taxpayers are not against it. Mr. Rosenbaum thinks that the inequities in the property tax system are driving these concerns.

Assistant Mayor Berlin agreed and thinks that it is also due to the dramatic increase in insurance, together with the "Save our Homes" proposition, that has created an imbalance among the people it was suppose to protect. He noted that every municipality is against it, but thinks that it will still pass, because the President of the Senate and Speaker of the House are dead set on approving it, according to the Village Lobbyist. He clarified that the only question is what final legislation will be sent to the voters.

Assistant Mayor Berlin questioned Mr. Rosenbaum if it is his professional opinion that any measure that constrains the Village from assessing a fair millage rate and collecting ad valorem taxes to run the Village would be adverse to the Village's interest. Mr. Rosenbaum agreed. Assistant Mayor Berlin noted that there are so many different proposals that keep changing and suggested that the Council adopt a position as a general proposition that it would be adverse to any measure that restricts or restrains a municipality from setting an appropriate millage rate and raising ad valorem taxes, which would cover the Village for many of the issues. He noted that other municipalities will also be opposing this, so the Village won't be the only voice. He is concerned that there's a huge disconnect between the population and the municipalities on this issue. Assistant Mayor Berlin noted that if taxes are lowered, then the most likely result is that the services will be reduced, which some may not understand. He reported that under the House proposal, Bal Harbour Village's annual budget would be reduced \$2.3 million, which is equal to the cost of the entire Police Department. He explained that the County will not patrol in the Village, unless they are paid the same. He thinks that the House sales tax proposal should be voted against, because it places the burden on the people who can least afford it. He also pointed out that a budget can't be set, because the amount of sales tax collected will not be known. Assistant Mayor Berlin thinks that it's the worst example of politics and is unfair because the story isn't being balanced in the media. He also thinks that it's unfair to the Village to be punished for being fiscally responsible. He suggested that the Village Lobbyist be given direction on this and for him to monitor it. Assistant Mayor Berlin thinks that the Governor's proposal might be good, of what is otherwise a very bad situation, because it's the least intrusive.

Mayor Roth noted that Florida residents are protected, because their taxes cannot go up more than 3% in a year, unless they move. He noted that the sales tax would go up from 7% to 9 1/2%, which would affect everyone and everyone would be paying substantially more taxes. He clarified that the real property taxes would not be frozen for the out of towners and citizens would pay more in the sales taxes versus the property taxes. He thinks the proposition is crazy. Mayor Roth reported that Village Lobbyist Ron Book has reported that it looks like the legislation will be approved.

Councilman Jacobi questioned the impact on businesses. Mr. Rosenbaum thinks it's similar and explained that there will be an impact anytime there is any constraint. He thinks that the disconnect is that people don't equate taxes with services. He thinks that the community needs to fully understand both sides of the issue.

Babak Raheb, resident – 128 Balfour Drive, disagreed with Assistant Mayor Berlin. He thinks that it's the will of the people and that if it passes the House, then taxes will probably be rolled back to the 2004 rates, which would result in a 20% reduction of ad valorem taxes. Mr. Raheb thinks that the Village has been fiscally irresponsible and is spending more money on things that don't directly affect the residents. He is against hiring police officers to assist other municipalities for the purpose of seizure money, which don't have any direct benefits for the residents and can only be used for police related activities. He discussed tax portability, which he thinks is good for the real estate market. He also thinks that the legislation is good for business and Mr. Whitman. Mr. Raheb doesn't think that the Village should have a position, but should wait to see what the citizens vote on and be more fiscally responsible. He noted that the Village's total budget is \$6 ½ million and \$3.8 million of that is for the police department, which he thinks is a high ratio. Mr. Raheb thinks that the taxpayers want tax relief. He also thinks that the taxpayers will pay less in sales tax

than the total property taxes.

Brian Mulheren, resident – 10245 Collins Avenue, doesn't think raising the sales tax will solve the problem and that cutting taxes will minimize services. He thinks that the County, State, and Federal governments need to get their spending under control.

Mr. Rosenbaum thinks it's important to get the impact on the Village out to the residents, so that they have objective information to make informed decisions.

Assistant Mayor Berlin discussed a resolution passed by the City of Sunny Isles Beach opposing the legislation. He suggested that the Village oppose any efforts that restrict/constrain the municipalities from doing the job they have been doing over the years in receiving public input to set an appropriate millage rate and assess ad valorem taxes, to run the business of the city. He thinks that would cover the Village on most of the things that are likely to happen that would be adverse. Mr. Treppeda questioned if the Council wants a resolution prepared. Assistant Mayor Berlin pointed out that the issue is advancing very quickly and doesn't know if it can wait until the next meeting.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to direct the Village Lobbyist that the Village opposes any efforts that restrict/constrain the municipalities from doing the job they have been doing over the years in receiving public input, to set an appropriate millage rate and assess ad valorem taxes, to run the business of the city. The motion carried unanimously (5-0).

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.)	Mexico Sales Mission (April 23-27)	\$ 5,050.00
2.)	Brazil Sales Mission (May 29-June 1)	\$ 6,780.00
3.)	Argentina and Chile Sales Mission (June 4-8)	\$ 7,700.00
4.)	New York Film Society Gala (April 9)	\$ 4,700.00
TOTAL:		\$24,230.00

Babak Raheb, resident – 128 Balfour Drive, questioned who will be attending the missions. **Jose Lima, Director of Tourism Marketing**, reported that various sales managers from the hotels (Sea View and Regent) will be attending all of them and he will be attending the New York Film Society Gala.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve \$24,230.00. The motion carried unanimously (5-0).

Update on Project to Replace Benches on the Beach: Mr. Treppeda reported that new foundations are needed for the benches previously approved by the Council. He will present bids at the next Council meeting.

Request for Approval of Funds to Replace Dead Date Palm Tree: Mr. Treppeda requested approval of \$7,550.00 for the low bidder, Lukes' Landscaping, to replace a dead date palm tree, at 96th Street & Collins Avenue.

A motion was offered by Councilman Rosenfield and seconded by Assistant Mayor Berlin to award the bid to Lukes' Landscaping for \$7,550.00. The motion carried unanimously (5-0).

Request for Approval to Purchase Plant Replacements for the

Beach: Mr. Treppeda requested approval of \$4,060.00 in Resort Tax funds for Lukes' Landscaping (previously bid unit pricing) to replace plants on the beach.

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

10. OTHER BUSINESS:

TJ Marshall, Surfrider Foundation, discussed the Haulover Bridge parking lot issue. He noted that the lot is owned by FDOT and that Bal Harbour was in violation when it sub-leased the lot. He advised that if there is any violation of the lease, then FDOT has the right to terminate the lease with the Village. Mr. Marshall noted that FDOT could terminate the lease and have the County run the lot or they could close it. He noted that they could also request the money that the Village received for subletting it.

Mr. Marshall explained that the Haulover Inlet attracts people because it's safe, fisherman catch their meals, etc. He clarified that any decision made by the Village will affect people. He thinks that a smaller lot may cost more money down the road with beach projects, because the State doesn't have as much money or sand for beach renourishment. He discussed the State's project idea to install groins, which would cost \$5 million. Mr. Marshall noted that the reduction of spaces is misleading because the top tier is 100 spaces and restrooms and the Village doesn't meet that, so it doesn't get the full amount that it could. He advised that Bal Harbour has a second tier status, so it has missed out on some opportunities.

Mr. Marshall discussed the issue of the turning radius and noted that the current radius is already in compliance, because FDOT wouldn't have allowed it if it wasn't. He clarified that the One Bal Harbour project would have a problem (with the radius) due to the way the building was designed, not the street. He noted that there will be challenges to any permits that are issued for the parking lot changes, which result in legal costs. He thinks that it's in the Village's best interest financially to leave the parking lots alone, because it keeps the Village at the best level possible for funding. He explained that the State will be changing the way that they fund the projects. He discussed the problems in finding sand and the increased costs for renourishment projects.

Babak Raheb, resident – 128 Balfour Drive, reported that FDOT has said it doesn't matter if the Village has 60 or 25 spaces. Mayor Roth summarized that it was the consensus of the Village Council and those who attended the workshop meeting that the parking lot should have 56 spots, without the 6 diagonal spots.

Michael Krop, resident - 9601 Collins Avenue and President of the Bal Harbour Citizens Coalition, thanked Mayor Roth for his service on the Council and congratulated Mr. Packer for his election into office. He suggested that the Village Manager notify the

Balmoral and Majestic Managers about the movie filming.

Dr. Krop reported that the Coalition is delighted to have an election to have issues discussed. He directed his comments at Councilman Jacobi, who is running for office. He noted that Jacobi has made reference to his opponent's age. He requested that Councilman Jacobi campaign on the facts and not spread falsehood. Dr. Krop discussed the items that Ms. Mullen is not in favor of.

Mayor Roth doesn't think that an election campaign can be discussed. Mr. Wolpin explained that it's not prohibited conversation under public comment.

Dr. Krop questioned Councilman Jacobi's position on several items.

Mayor Roth would like the campaign to take its course and not be done at a Village meeting.

Lynne Bloch-Mullen, resident – 10150 Collins Avenue, reviewed her background and items she has been working on.

Dina Cellini, resident - 211 Bal Cross Drive, discussed procedural issues concerning items being placed on the agenda. She thinks there's an inequity in that the Coalition's request to place items on the agenda have been denied and that they have been told to come under Other Business. She thinks there should be some consistency. Ms. Cellini suggested implementing a procedure allowing citizens to provide a written request to the Manager for issues to be placed on the agenda.

Brian Mulheren, resident - 10245 Collins Avenue, noted that the St. Regis agreement expired, according to the ordinance passed on time constraints, and questioned what is being done about it. Mr. Treppeda doesn't think that an ordinance for time limitation was ever adopted, but noted that if it was then it would not apply to that project. Mr. Mulheren doesn't know how there can be an agreement without a time limitation for development. Councilman Rosenfield will review the minutes regarding that issue. Mr. Wolpin explained that if the Ordinance was adopted, then the Sheraton would have claimed certain vested rights.

Daniel Nieda, Building Official, advised that the St. Regis has submitted structural plans and construction documents for preliminary review. He also noted that they have received preliminary approval from the Fire Department for the foundation permit and have received approval from the State, which are all landmarks. He noted that if the Ordinance was approved, then they would be in line with the landmark requirements. Mr. Nieda reported that they have paid \$100,000 for plan reviews to date and will owe \$400,000 more. Mayor Roth doesn't think the fixed amount of dollars or an infinite option makes sense. He thinks it should have a definite time frame, with the option for renegotiation, if it goes beyond that time frame.

Mr. Treppeda reported that the Phase 1 water restrictions begin on March 22nd (information is available online or at Village Hall).

11. ADJOURN: There being no further business, the meeting adjourned at 9:50

a.m.



Mayor Seymour Roth

Attest:



Ellisa Horvath, CMC
Village Clerk