

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – MAY 15, 2007

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, May 15, 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 9:04 a.m. by Mayor Berlin. The following were present:

Mayor Howard J. Berlin
 Assistant Mayor Jean Rosenfield
 Councilman Joel S. Jacobi
 Councilman Martin Packer
 Councilman Jaime M. Sanz

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

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

2. PLEDGE OF ALLEGIANCE: The Pledge was previously done at the Local Planning Agency meeting.

3. APPROVAL OF MINUTES: *A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Jacobi to approve the minutes of the April 13, 2007 Regular Council Meeting, April 30, 2007 Council Induction Meeting, and May 8, 2007 Special Council Meeting as submitted. The motion carried unanimously (5-0).*

4. PRESENTATIONS: None.

Jerold Blumstein, Administrative Assistant to Dr. Martin Karp (Vice Chair for the School Board); reported that the Miami-Dade County School Board approved the addition to the Ruth K. Broad Bay Harbor K-8 School, which is scheduled to open in August 2008. He noted that the new K-8 school in Sunny Isles Beach will also open in August 2008.

5. ORDINANCES SECOND READING/PUBLIC HEARINGS:

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 21 "ZONING" BY CREATING ARTICLE VIII "DOG FRIENDLY DINING" INCLUDING SECTION 21-460 "PURPOSE AND INTENT; PROGRAM CREATED; DEFINITIONS", SECTION 21-461 "PERMIT REQUIRED; SUBMITTALS", AND SECTION 21-462 "GENERAL REGULATIONS; COOPERATION; ENFORCEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SUNSET PROVISION.

Mayor Berlin requested that the comments from the Local Planning Agency meeting regarding this issue be incorporated into the minutes.

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

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 Berlin aye; Assistant Mayor Rosenfield aye; Councilman Jacobi aye; Councilman Packer aye; Councilman Sanz aye. Thus becoming Ordinance No. 519.

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING VILLAGE CODE CHAPTER 18 "TAXATION AND FINANCE" BY CREATING ARTICLE VII "SENIOR CITIZEN HOMESTEAD TAX EXEMPTION" RELATING TO AD VALOREM TAXATION; PROVIDING FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING LOW INCOME SENIOR CITIZENS TO BE APPLIED TO MILLAGE RATES LEVIED BY THE VILLAGE; PROVIDING FOR THE SUBMISSION OF AN ANNUAL APPLICATION AND SUPPORTING DOCUMENTATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER; PROVIDING FOR WAIVER OF EXEMPTION; PROVIDING FOR AN ANNUAL INCREASE IN THE INCOME LIMITATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve. The motion carried unanimously (5-0), with the vote as follows: Mayor Berlin aye; Assistant Mayor Rosenfield aye; Councilman Jacobi aye; Councilman Packer aye; Councilman Sanz aye. Thus becoming Ordinance No. 520.

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 CHAPTER 2 "ADMINISTRATION" BY CREATING SECTION 2-110 "HEALTH INSURANCE STIPEND FOR RETIRED CERTIFIED LAW ENFORCEMENT OFFICERS"; PROVIDING VILLAGE CERTIFIED LAW ENFORCEMENT OFFICERS, WHO RETIRE AFTER OCTOBER 1, 2006 AND MEET CERTAIN CRITERIA, A MONTHLY INSURANCE STIPEND UNTIL SUCH TIME AS THE RETIRED OFFICER REACHES THE AGE OF SIXTY FIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR EFFECTIVE DATE.

Mayor Berlin explained that the Ordinance is part of the Police Collective Bargaining Agreement that was approved.

A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to approve. The

motion carried unanimously (5-0), with the vote as follows: Mayor Berlin aye; Assistant Mayor Rosenfield aye; Councilman Jacobi aye; Councilman Packer aye; Councilman Sanz aye.

7. RESOLUTIONS/PUBLIC HEARINGS: None.

8. RESOLUTIONS: None.

9. REPORTS AND RECOMMENDATIONS:

A. MAYOR AND COUNCIL:

Mayor Howard J. Berlin: Mayor Berlin presented ideas for greater involvement between the Village and the community, in addition to a possible resolution to the issues regarding the Resort Tax Committee. He suggested placement of the following items on the June agenda:

Discussion of Bal Harbour Village Community Council:

Mayor Berlin discussed the concept of a Community Council consisting of 10 members of the community, with each Councilmember selecting two residents from their respective districts, and the Mayor serving as the Chair. He proposed monthly meetings and suggested that the agenda be open to items submitted by the Community Councilmembers, with the Director of Tourism, his staff, and representatives from the business properties invited to attend. Mayor Berlin suggested that the Tourism Director's monthly reports be reviewed and voted on for the Council's consideration. He thinks that if the Community Council works, then the Resort Tax Committee issue would also be resolved. He reported that it would provide an open dialogue between the community and representatives of the Village in a more relaxed atmosphere. He reported that all meetings would be noticed and recorded, with the Sunshine law being applicable. Mayor Berlin suggested a trial period of 6-12 months, and making it permanent if it works well. *It was the consensus of the Council for the Village Attorney to prepare something for the Council's consideration at the June meeting.*

Discussion of Meeting Procedures: Mayor Berlin requested the placement of meeting procedures on the June agenda for adoption, if such formality is necessary for the following items:

Mayor Berlin suggested providing a Consent Agenda, for non-controversial items. He explained that before the Consent Agenda is approved, the Council and public would have the ability to remove any items.

Mayor Berlin discussed a procedure for the public to place items on the agenda through a process. He suggested that a written explanation and request for relief or direction, including support for the position, be required. He explained that the Council would then have an opportunity to review the issue and be responsive at Council meetings. Mayor Berlin suggested that the items be submitted to the Village Manager, who would then determine the items with reasonable interest, for placement on the agenda.

Mayor Berlin discussed a procedure for public input before items. He suggested that the Clerk write down the names of those wishing to speak on an item and then call names

according to their position on the issue (pro or con). He clarified that the Council would hear all public input before their deliberation. He added that each person should be allowed to speak only once on each item. Mayor Berlin noted that the public will still be able to appear under Other Business. He suggested that people be able to sign up in advance with the Manager or Clerk, if they would like. He thinks that the Council can consider requiring the public to sign up prior to meetings in the future, if necessary.

Mr. Weiss will place the necessary items for Council approval on the June agenda.

Mayor Berlin reported that Chief Hunker will be installed as the President of the Miami-Dade County Association of Chiefs of Police.

Councilman Packer suggested that the Village provide a testimonial dinner for former Mayor Seymour Roth. Mr. Treppeda advised that he is authorized to spend \$2500, without further Council approval. Councilman Jacobi noted that only cocktail parties were done for former Councilmembers Peg Gorson and James Boggess. Mayor Berlin suggested that Councilman Packer discuss any ideas with Mr. Treppeda and bring back recommendations at the June Council meeting.

B. VILLAGE ATTORNEY: Mr. Weiss reported that a lawsuit has been filed regarding the Village Election. He explained that Councilman Jacobi, the Village Clerk and a member of the Canvassing Board from the County are listed as defendants. He reported that the Village Attorneys will be defending Mrs. Horvath and a County Attorney will be defending the County person. He explained that since it is an election issue, the Village Attorneys are unable to defend Councilman Jacobi and he has retained his own counsel.

C. VILLAGE CLERK:

Lobbyist Registration Report: As of May 15, 2007: Mrs. Horvath reviewed the list of Lobbyists currently registered with the Village.

Request for Approval of Reappointment of Architectural Review Board Members: Mrs. Horvath recommended the re-appointment of James Silvers, Giorgio Balli, Paul Buzinec, Christopher Cawley, and Jaime Schapiro as Members of the Architectural Review Board, for another two-year term.

Babak Raheb, resident – 128 Balfour Drive, suggested that the Board members attend the Council meeting to address the Council, if they are interested in serving again. Mayor Berlin explained that they are not requested to appear at the meeting.

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

D. VILLAGE MANAGER:

Presentation of Audit Report for Fiscal Year Ending September 30, 2006 – Jerry Chiocca, CPA, Rachlin Cohen & Holtz: Chris Wallace, Finance Director, reported that the Village had a good year last year. He discussed the

property tax reform issue. Mayor Berlin questioned if the proposal will likely put a hold on what the Village can spend, raise, or both. Mr. Weiss thinks that it will affect the amount that can be raised through ad valorem taxes. He reported that his firm will hold a seminar after the legislation is passed. He thinks that it may prohibit additional money that can be raised. Mr. Wallace agreed and noted that the discussion is now focused on reducing taxable value, which would not be good. Councilman Jacobi requested that Mr. Wallace provide the Council with figures, regarding the possible impact to the Village, by the next meeting. Mr. Wallace agreed to do so.

Jerry Chiocca, CPA, reviewed the audit and reported that the Village is in excellent financial position, as of September 30, 2006. He explained that there weren't any instances of noncompliance. He suggested better closing of the year-end records, in order to have the audit completed sooner. Mayor Berlin discussed the timing of the audit and questioned if that was due to internal reasons. Mr. Chiocca reported that corrections had to be made (bond issues, payroll records, updated accounting manual, etc.). He noted that the Village's computer system is not state-of-the-art and a new system is being implemented in the summer (July/August). Mr. Chiocca would like to begin reviewing the files in August, on a monthly basis, to ensure that all of the items are in compliance, in order to have the audit completed in January/February. Mr. Wallace thinks that only some of the issues had to do with the audit delay, a large part being the computer system. He agreed that the auditors should come in ahead of time, to start reviewing for errors, etc. Mayor Berlin doesn't want the same thing to happen again next year and would like to know of any problems in the future. Mr. Wallace discussed problems with finding a utility billing system (software), due to the small size of the Village's accounts (less than 500). Mr. Chiocca confirmed that the engagement letter will be changed to show that the audit will be done in January/February next year. Councilman Jacobi questioned contracting out the utility system. Mr. Wallace will look into that. He noted that an outside payroll system will be used in the future. Mayor Berlin questioned a remedy if the audit is not delivered when noted. Mr. Chiocca advised that termination will be the remedy.

Babak Raheb, resident - 128 Balfour Drive, suggested that a penalty be provided if the audit is late, not just termination. Mayor Berlin agreed and requested that Mr. Weiss negotiate a financial penalty provision in the contract, if performance is not delivered in a timely manner. Mr. Wallace noted that he would forfeit his billings after that point, if the audit isn't delivered in the time frame given. Mayor Berlin advised that if Mr. Wallace's firm isn't performing as required, then that will be dealt with as well.

Mr. Wallace reported that it was a good year for the Village other than some items, which have been or will be corrected. Mr. Chiocca reported that the Village's audit is well above average.

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to accept the audit. The motion carried unanimously (5-0).

Request for Approval of Contract with Miami-Dade County

Providing for the Rendition of Water Service: Mr. Treppeda requested authorization to enter into a 20-year agreement with the County, for the rendition of water service. He explained that it has been negotiated by Village Engineer Bill Landis, and reviewed for legal sufficiency by the Village Attorney. He explained that the County is requesting new contracts with all volume water customers, to coincide with their consumptive use permits

from the South Florida Water Management District.

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

Mr. Weiss introduced Village Attorney Ed Soto, who worked on the agreement.

Request for Approval of up to \$10,000.00 to Install Two Meters and Check Valve on Emergency Water Interconnect and Approval to Convey the Emergency Interconnect Water Line to Miami-Dade County: Mr. Treppeda requested approval of up to \$10,000.00 for the County to install two meters and a check valve, on the emergency water line.

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Jacobi to approve up to \$10,000.00. The motion carried unanimously (5-0).

Mr. Treppeda also requested authorization to convey ownership of the emergency interconnect water line to the County.

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Packer to approve ownership to be conveyed to the County. The motion carried unanimously (5-0).

Request for Approval of Resort Tax Expenditures: Mr. Treppeda requested approval of the following items, recommended by Tourism Marketing Director Jose Lima:

1.)	Liberty GoGo Sales Missions (May 23-25 and June 6-8)	\$ 6,800.00
2.)	Canadian Sales Mission (June 18-22)	\$ 8,400.00
3.)	Destinational Photoshoot	<u>\$16,000.00</u>
TOTAL:		\$31,200.00

A motion was offered by Councilman Sanz and seconded by Councilman Jacobi to approve. The motion carried unanimously (5-0).

Request for Approval to Purchase Base Covers for Street Lights: Mr. Treppeda requested approval of \$3,795.40 to purchase 20 street light base covers.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve. The motion carried unanimously (5-0).

Request for Approval of Emergency Sewer Repair on Park Drive Behind 9930 Collins Avenue: Mr. Treppeda requested approval of up to \$18,600.00 for an emergency sewer repair on Park Drive behind 9930 Collins Avenue, in order to alleviate blockage problems being experienced at the apartment building.

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve. The motion carried unanimously (5-0).

Request for Approval of Temporary Increase in Fees for Village Lobbyist Ronald L. Book: Mr. Treppeda requested approval to temporarily increase the Village Lobbyist's fee from \$2,500.00 to \$5,000.00 per month, retroactive from March 1, 2007 through December 31, 2007. He explained that the request is due to an active Legislative Session with numerous issues affecting the Village (property tax reform, etc.). He noted that the fee will return to \$2,500.00 per month on January 1, 2008.

A motion was offered by Councilman Jacobi and seconded by Councilman Packer to approve. The motion carried unanimously (5-0).

Request for Approval to Expend Police Forfeiture Funds: Mr. Treppeda requested approval, per Chief Hunker, to expend forfeiture funds in the amount of \$5,500.00 for a Police Motorcycle Lighting Package.

A motion was offered by Councilman Sanz and seconded by Councilman Jacobi to approve. The motion carried unanimously (5-0).

10. OTHER BUSINESS:

Mr. Treppeda requested Council approval to review the non-payment penalties for the Security District Assessments with the Village Attorney. **It was the consensus of the Council for Mr. Treppeda to work with the Village Attorney and come back with recommendations.**

Babak Raheb, resident - 128 Balfour Drive, discussed the Community Council idea. He discussed the need to sign up for discussion. He would like to keep the small town feeling, without too much complication.

Chief Hunker reported that the Village will be hosting a reception at the Sheraton for the National Methamphetamine & Chemicals Initiative Strategy Conference (May 23-25). He noted that the Attorney Generals of the United States and Mexico, along with over 900 law enforcement officials, will be attending the conference.

11. ADJOURN: There being no further business, **a motion was offered by Councilman Jacobi and seconded by Councilman Packer to adjourn. The motion carried unanimously (5-0) and the meeting adjourned at 9:58 a.m.**


 Mayor Howard J. Berlin

Attest:


 Ellisa L. Horvath, CMC, Village Clerk