

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – OCTOBER 16, 2007

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, October 16, 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 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
 David M. Wolpin, Village Attorney
 Andrea Greenblatt, Administrative Assistant

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Mrs. Greenblatt.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Mr. Treppeda requested the addition of Item G1 (Motion Approving Funds for Landscaping Plants) to the Consent Agenda. *It was the consensus of the Council to add Item G1 to the Consent Agenda, as provided by Mr. Treppeda.*

4. SPECIAL PRESENTATIONS:

Officer of the Month – September 2007: Captain Klingman presented Officer Steven Goldberg with the September 2007 Officer of the Month plaque, in recognition of his assistance in stopping a gang attack at Haulover Park.

5. CONSENT AGENDA: Mr. Treppeda requested approval for the following items on the Consent Agenda:

Tab B: Minutes for the September 18, 2007 Regular Meeting and September 18, 2007 Second Budget Hearing

Tab C: \$40,058.00 in Resort Tax Funds in Accordance with the Director of Tourism's Recommendation (New York Media Mission with the GMCVB and BHV New York Sales Mission, and Latin American Public Relations Campaign for 2007-2008 with LatinEPR)

Tab D: \$12,940.00 in Beautification and Maintenance Funds for Maintenance

Repairs and Replacement of Beach Buoys for Watercraft Exclusion Zone in Accordance with Chief Hunker's Request (Quote by American Underwater Contractors, Inc.)

Tab E: \$45,000.00 and \$2,082.32 monthly in Police Forfeiture Funds in Accordance with Chief Hunker's Request (Vehicle Equipment/Striping for Cars, Donation to The National Law Enforcement Museum, and Lease of Four 2008 Dodge Chargers)

Tab F: \$9,675.00 for Nine Loads of Crushed Shell to Fill in Beach Access Road (One Bal Harbour and Harbour House have paid the Village \$9,950.00 for repair of the road)

Tab G: \$7,350.00 for Oscar Body Shop, Inc. (the low bidder) to paint and repair the bucket truck

Tab G1: \$14,118.75 for landscaping material and labor from Lukes' Landscaping, Inc.

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Packer to approve items B through G1 on the Consent Agenda. The motion carried unanimously (5-0).

6. PUBLIC HEARINGS: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: None.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Quarterly Financial Update for Fourth Quarter 2006/2007 and Explanation of Adjustment to Millage Rate to Offset Reduction in Final Current Year Gross Taxable Value Provided by Finance Director Christopher Wallace:

Chris Wallace reported that the Village finished the year in good shape. He explained that fund balance was not used in the General Fund, which should have a balance of \$660,000. He reported that \$175,000 of the Tourism fund balance was used, which was less than anticipated. He noted that the Security, Water and Sewer Funds are expected to finish in the black. Mr. Wallace reported that the audit was started and that the financial statements should be done in December/January.

Mr. Wallace reported that the Property Appraiser lowered the overall property tax base by \$34 million. He noted that per Florida law, the Village Manager can administratively adjust that. He explained that Mr. Treppeda raised the millage rate to generate the same dollar amount in property taxes that the Village anticipated to levy.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of October 16, 2007: Mrs. Horvath provided a list of Lobbyists currently registered with the Village in the agenda.

C. **VILLAGE ATTORNEY:** No items.

D. **MAYOR AND COUNCIL:**

Mayor Berlin requested changing the meeting dates for November and December. *A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Sanz to change the November meeting to Thursday, November 15th, at 9:00 a.m. and the December meeting to Thursday, December 13th, at 9:00 a.m. The motion carried unanimously (5-0).*

Councilman Packer – Discussion of Exception to the Village Code to Allow Bicycle Use of the Vehicle Access Road on the Beach and Additional Discussion on Requiring Mirrors at Exits from Buildings over Five Stories in Height: Councilman Packer discussed resident and the Police Chief's consensus against bicycle riding on the sidewalks. He also discussed consensus for riding on the beach access road, not the walking path, during daylight hours (bikes should be equipped with a bell). He clarified that allowing bicycles on the sidewalks is a dead issue and shouldn't be pursued.

Councilman Packer suggested amending the Ordinance, to allow bicycle riding on the beach access road. He reported that repairs of the potholes on the access road should be completed in a week or two.

Councilman Packer suggested requiring mirrors at the end of the building driveways on Collins Avenue, for buildings over five stories in height, for safety reasons.

Phil Corbisiero, 63 Bal Bay Drive, spoke against allowing bicycle riding on the access road. He pointed out that the access road and walking path overlap at a certain point, which is a safety issue. He discussed cyclists currently using the walking path, which is dangerous. Mr. Corbisiero suggested further investigation. Councilman Packer agreed that the paths do overlap in one small area.

Lori Sobel, 271 Bal Cross Drive, spoke in favor of riding on the access road. She is an avid cyclist.

Marjorie Schell, 9801 Collins Avenue, spoke against bicycle use of the access road, for safety reasons. She discussed the construction traffic. Mayor Berlin noted that there will be construction traffic for at least three years.

Coleen Cleepak, 291 Bal Bay Drive, spoke in favor of riding on the access road. She noted that the paths are separate and that the Police escort the construction traffic. She suggested painting a line delineating the paths where they cross.

Babak Raheb, 128 Balfour Drive, suggested testing a bicycle program for three to six months, to allow feedback. He doesn't have any objection to the access road being used, but thinks that criteria should be set.

Councilman Packer discussed the time restrictions for construction traffic. Mayor Berlin

noted that there will still be times when cyclists and construction traffic will use the road at the same time.

Assistant Mayor Rosenfield reported that she has received mixed reactions from residents. She is in favor of a trial basis for three months, to receive feedback from the Police and residents. Mayor Berlin agreed.

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Sanz to approve the use of bicycles on the beach access road for a four month trial basis, from November 1, 2007 through February 29, 2008, to receive feedback from residents, and for the Police Department to create criteria for use, hours, signage, and enforcement. The motion carried unanimously (5-0).

The item will be discussed again at the March meeting.

Councilman Packer discussed the requirement of installing mirrors at the end of driveways for buildings on Collins Avenue that are five stories or higher.

Babak Raheb, 128 Balfour Drive, requested that if the mirrors are approved that they be positioned correctly and be aesthetically pleasing.

Raj Singh, 53 Camden Drive and Sea View Hotel, doesn't see the logic behind five stories, if it's a safety issue. Councilman Packer noted that the setbacks for the west side are further back than the east side, so drivers can see easier when exiting the west side. Mr. Singh suggested basing it on setback, not height. Councilman Packer doesn't have a problem with that.

Mayor Berlin thinks that Councilman Packer may be referring to the distance that the landscaping is set back, not the buildings, since most of the east side buildings are set back 100 feet. Assistant Mayor Rosenfield doesn't think there is a viewing problem exiting the east side driveways. She doesn't think that the mirrors are attractive and that the issue should be studied further. Councilman Packer discussed recent accidents, with one occurring at a driveway that had a mirror. Assistant Mayor Rosenfield pointed out that the accident discussed proves that the mirror didn't prohibit it.

Mayor Berlin questioned if there's anything that prohibits mirrors being placed on a voluntary basis. Mr. Wolpin responded that there isn't, if it's on private property. Mayor Berlin thinks that if the buildings want to place a mirror then that would be a first step, before mandating it. He doesn't think that the Police are saying it's a safety issue. Mayor Berlin noted that if the members of the public are embracing it, then the buildings can install them for the benefit of their residents.

Councilman Packer suggested that the Councilmembers speak to some of the east side condo associations, to receive feedback. He offered to report back at the next Council meeting.

Assistant Mayor Rosenfield – Discussion of Results of Workshop Meeting Held to Discuss Wave Runners and Other Beach Amenities on Bal Harbour's Beach: Assistant Mayor Rosenfield reported that there was a consensus of those at the workshop meeting not to have motorized recreational boating on

Bal Harbour's beach. She noted that Mr. Treppeda is creating provisions for a new ordinance, for the Council's consideration. Assistant Mayor Rosenfield reported that the Sea View and St. Regis didn't have any objection to not having motorized boating. She noted that the Regent could not definitively say whether or not they wanted it, but didn't think it would be a problem.

10. OTHER BUSINESS:

Marjorie Schell, 9801 Collins Avenue, reported that the Environmental Protection Agency advised her that Atlantic Beach Clubs does not have a license for motorized vehicles.

Jim Harrison, Atlantic Beach Clubs, reported that they have been a part of the community for 15 years and are voluntarily leaving. He discussed false allegations made about his company at the Workshop Meeting. He reviewed the agencies that his company deals with. He discussed his company's clean record. Mr. Harrison noted that they want to be viewed as an assisting party to the community and not just a vendor. He discussed their impeccable safety record, etc. Mr. Harrison thinks that everyone in the community should have a choice and suggested that the issue be reviewed further. Assistant Mayor Rosenfield clarified that their safety record was never an issue.

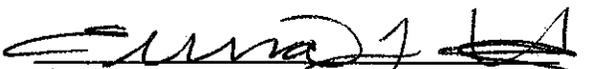
Babak Raheb, 128 Balfour Drive, suggested that the Village promote the use of its tap water versus bottled water, to be considered an environmentally-friendly community. Mayor Berlin directed Mr. Treppeda to look into some environmentally-friendly initiatives, for the Village to consider.

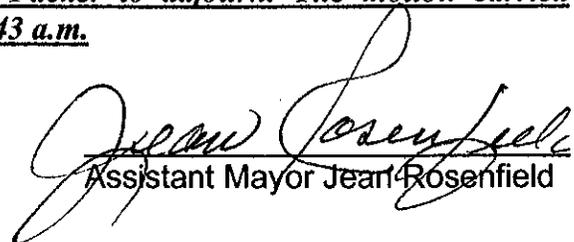
Ana Marie Kelly, 77 Camden Drive, questioned if the Village will carry liability insurance for the cyclists using the access road. She reported that in the original 1946 plat, Mr. Graham granted the usage of the Bal Harbour Club property for the enjoyment of the residents. She questioned if that grant was renewed. Ms. Kelly noted that she intended to run for Council office in April 2007, but was refused because she was told she wasn't a resident. She questioned why she wasn't allowed to run when the County Clerk record shows she has liens on her property and her credit is being affected.

Dina Cellini, 211 Bal Cross Drive, questioned if a workshop meeting will be held before the Sheraton implosion in November. Mr. Treppeda reported that the St. Regis will mail notices out for a workshop meeting at the Sea View Hotel. He noted that the proposed new implosion date is November 18th.

11. ADJOURN: There being no further business, a motion was offered by Councilman Sanz and seconded by Councilman Packer to adjourn. The motion carried unanimously (5-0) and the meeting adjourned at 9:43 a.m.

Attest:


Ellisa L. Horvath, CMC, Village Clerk


Assistant Mayor Jean Rosenfield