

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**REGULAR MEETING – NOVEMBER 15, 2007**

The Regular Meeting of the Bal Harbour Village Council was held on Thursday, November 15, 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 Assistant Mayor Rosenfield. The following were present:

Assistant Mayor Jean Rosenfield  
 Councilman Joel S. Jacobi  
 Councilman Martin Packer

Alfred J. Treppeda, Village Manager  
 Ellisa L. Horvath, CMC, Village Clerk  
 Richard J. Weiss, Village Attorney  
 Andrea Greenblatt, Administrative Assistant

Absent: Mayor Howard J. Berlin  
 Councilman Jaime M. Sanz

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Building Official Dan Nieda.

Assistant Mayor Rosenfield announced that National Geographic is filming the Council meeting (they are covering the Sheraton implosion).

**3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS:** None.

**4. SPECIAL PRESENTATIONS:**

**Officers of the Month – October 2007:** This presentation was done later in the meeting.

**5. CONSENT AGENDA:**

*Brian Mulheren, 10245 Collins Avenue*, requested the removal of Tab C (Motion Approving Resort Tax Funds in Accordance with the Director of Tourism's Recommendation) and Tab E (Motion Approving Additional Funds for Crushed Shell to Fill in Beach Access Road) from the Consent Agenda, for discussion purposes.

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

Tab B: Minutes for the October 16, 2007 Regular Meeting

Tab D: \$16,150 and \$534.00 monthly in Police Forfeiture Funds in Accordance with Chief Hunker's Request (\$650.00 Donation to The South Florida Shomrim Society, \$15,500.00 in Educational Expenses, and \$534.00 Monthly to Lease a 2008 Vehicle for Criminal Investigations)

Tab F: \$2,606.25 for Impatiens for the Medians on Collins Avenue and 96<sup>th</sup> Street

Tab G: \$3,143.00 from the Water Fund for Luke's Landscaping to Relocate Three Coconut Trees for the Water Meter Project

Tab H: \$7,500.00 for the Fifth Annual Holiday Snow Festival at Bal Harbour Park

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve the items on the Consent Agenda (other than Items C and E). The motion carried unanimously (3-0).

**Item C - Motion Approving Resort Tax Funds in Accordance with the Director of Tourism's Recommendation:**

**Brian Mulheren, 10245 Collins Avenue**, questioned who oversees the money spent, since there is no Committee. He also questioned the legal ruling regarding the membership of the Committee. Mr. Treppeda explained that he reviews the items recommended by the Director of Tourism. He noted that the items are budgeted and are necessary to continue promoting the Village. Mr. Treppeda agrees with the Director's recommendation. Mr. Mulheren thinks that the citizens should have input, as part of the Committee. Mr. Weiss noted that they are working on a solution regarding the Committee, with the Miami-Dade County Commission on Ethics, which provides guidance. Mr. Weiss will report back, once a solution is proposed, in order for the Council to make a decision on how to proceed.

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve Item C. The motion carried unanimously (3-0).

**Item E - Motion Approving Additional Funds for Crushed Shell to Fill in Beach Access Road:**

**Brian Mulheren, 10245 Collins Avenue**, suggested that the properties destroying the path should pay to fix it. Mr. Treppeda reported that the One Bal Harbour and Harbour House properties paid for the first loads of crushed shell and explained that he will bill them again for a third of the additional cost. Mr. Mulheren doesn't think the Village should pay anything. He also doesn't think that the shell being placed is uniform. Mr. Treppeda reported that the color will even out over time.

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve Item E. The motion carried unanimously (3-0).

**6. PUBLIC HEARINGS:** None.

**7. ORDINANCES FIRST READING/PUBLIC INPUT:** The following

ordinance was read by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10 "MARINE STRUCTURES, ACTIVITIES, AND WAYS" OF THE VILLAGE CODE, AT ARTICLE II "USE OF PUBLIC BEACHES", BY AMENDING SECTION 10-31 "PROHIBITED ACTS", TO AMEND PARAGRAPH (1) OF SECTION 10-31 TO PROVIDE THAT THE PROHIBITION UPON BICYCLES UPON THE PUBLIC BEACH SHALL NOT APPLY DURING A TRIAL PROGRAM FOR USE OF BICYCLES ON A DESIGNATED PORTION OF THE PUBLIC BEACH AS IMPLEMENTED BY THE VILLAGE MANAGER; AND TO PROVIDE THAT THE PROHIBITION UPON VEHICLES SHALL NOT APPLY TO TEMPORARY USE BY AUTHORIZED CONSTRUCTION VEHICLES ON A DESIGNATED PORTION OF THE PUBLIC BEACH PURSUANT TO A SPECIAL PERMIT FOR CONSTRUCTION VEHICLES WHICH MAY BE ISSUED BY THE VILLAGE MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Assistant Mayor Rosenfield opened the public hearing. There being no comments, the public hearing was closed.

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve the Ordinance. The motion carried unanimously (3-0), with the roll call vote as follows: Mayor Berlin absent; Assistant Mayor Rosenfield aye; Councilman Jacobi aye; Councilman Packer aye; Councilman Sanz, absent.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, REVISING THE VILLAGE'S REQUEST FOR COUNTY FUNDS PURSUANT TO THE COUNTY'S BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUND PROGRAM; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Brian Mulheren, 10245 Collins Avenue, questioned why bond money is being used instead of building permit fees. Mr. Treppeda reported that building fees were used for the Building Department project, but explained that building fees cannot be used for the Police Department project. Mr. Weiss will research the possibility of using building fees for that.

A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve the Resolution. The motion carried unanimously (3-0); thus becoming Resolution No. 701.

**9. REPORTS:**

**A. VILLAGE MANAGER:**

Request for Approval of Bid for Police Holding Cell Project:

Mr. Treppeda recommended awarding the bid for the Police Holding Cell Project to the low bidder, Construction Depot, for \$158,800.00. Mr. Treppeda will apply to use General Obligation Bond funds, to reimburse the Village for the cost.

**Lynne Bloch-Mullen, 10150 Collins Avenue**, recommended that the project be done immediately, for safety reasons.

*A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve. The motion carried unanimously (3-0).*

**Discussion of Ideas for Green Initiatives:** Mr. Treppeda provided environmentally friendly initiatives, which were recommended by Village residents Babak Raheb and Emme Pedinielli. He suggested that the Council consider appointing them to a citizens advisory board, to make suggestions on how to best carry out environmentally friendly initiatives for the Village.

**Estrellita Sibila, Village Attorney**, discussed green initiatives used by other municipalities. Mr. Weiss requested guidance from the Council. *It was the consensus of the Council to conduct a workshop meeting on this issue.*

**Babak Raheb, 128 Balfour Drive**, suggested placing information in the Village newsletter concerning initiatives, to increase resident awareness. He discussed holiday and street lights (LED) that use less electricity, plants and grass that use less water, giving tax breaks to buildings that are energy efficient, a light bulb program, vampire electronics, and paper recycling.

**Neil Alter, 9801 Collins Avenue**, discussed a showerhead replacement program. Ms. Sibila will provide information on that program to the Village, which is through the Miami-Dade Water and Sewer Department.

**Brian Mulheren, 10245 Collins Avenue**, suggested using LED lights for the trees. He discussed preserving park land and open space. He also discussed placing water restrictions and a connection leak at the Harbour House.

Mr. Treppeda will research if anything is available, prior to putting up the holiday lights. He noted that he is already researching the possibility of using different lights for the median landscaping.

**Dan Holder, 24 Bal Bay Drive**, discussed mechanical heaters.

**Dr. Raheb, 10205 Collins Avenue**, requested that the Park be updated to include age appropriate areas, for children over three years of age. Mr. Treppeda will look into that.

Councilman Packer suggested that motors not be left running on police cars, at off-duty jobs.

*It was the consensus of the Council for Assistant Mayor Rosenfield to Chair a workshop meeting to discuss Green Initiatives, after the holidays.*

**Officers of the Month – October 2007:** Chief Hunker thanked Captain Roye for his work in the criminal prevention division and Detective Eppler for his work on identity theft.

Captain Roye presented Detective Edwin Vargas and Detective Paul Eppler with the Officer  
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of the Month plaques, in recognition of their participation in the dismantling of two large cocaine trafficking organizations, in the Miami and Tallahassee areas.

**B. VILLAGE CLERK:**

**Lobbyist Registration Report: As of November 15, 2007:** Mrs. Horvath distributed a revised list of Lobbyists currently registered with the Village.

**Discussion of Village Clerk Employment Contract:** Mrs. Horvath reported that her contract will expire on February 14, 2008.

**It was the consensus of the Council for Assistant Mayor Rosenfield to negotiate a new contract with Mrs. Horvath and to bring it back to the Council for consideration.**

Mr. Treppeda requested approval of consultant fees in excess of \$2,500.00, to assist the Village with the Sheraton implosion process.

**A motion was offered by Councilman Packer and seconded by Councilman Jacobi to approve. The motion carried unanimously (3-0).**

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

**D. MAYOR AND COUNCIL:**

Councilman Packer reported that he has met with several of the Condo Associations on the East Side, regarding the placement of mirrors at their exit driveways. Councilman Packer will place this item on a future agenda for discussion.

**10. OTHER BUSINESS:**

***Brian Mulheren, 10245 Collins Avenue***, discussed the workshop meeting held by The Related Group at the Sea View Hotel, regarding the Sheraton implosion. He requested the results of the concrete testing.

Mr. Weiss reported that a request has been received for the Village to issue the implosion permit. He explained that some issues were raised regarding the safety of the particulate created by the implosion and that Starwood has received an engineering report indicating that there isn't a health problem. Mr. Weiss reported that the Village is hiring a consultant to review that report (two people at the University of Illinois). He noted that all of the information will be given to the Building Official, in order for him to make a decision on permitting the implosion.

Mr. Mulheren reported that a professional he contacted suggested that anyone near the site wear a protective mask and protective clothing. He discussed the problems with tonsil cancer in New York (as a result of the conditions after 9/11).

***Sybilie Holder, 24 Bal Bay Drive***, reported that the stripes designating the pedestrian walkway, exiting the Shops at 96<sup>th</sup> Street, are barely visible. Mr. Treppeda will discuss that with the Shops.

**Neil Alter, 9801 Collins Avenue # 11U**, commended Mr. Mulheren for his contribution to preserving the health and welfare of the Village, by speaking at the Sea View Hotel workshop meeting. He expressed concern that DERM hadn't examined the columns for toxic material, because he thinks it's their task to preserve the health of the citizens.

**Babak Raheb, 128 Balfour Drive**, noted that issue mostly affects the Balmoral and Majestic buildings. He reported that the Associations received money and thinks that they should use it to research those issues for their residents. Mr. Raheb doesn't think that the Village would have approved anything, if those buildings had objections. He thinks that the residents should talk to their associations. Mr. Raheb discussed an un-proportional balance in the Council districts. He suggested that re-districting be done, before the next election.

Assistant Mayor Rosenfield discussed the Sea View Hotel workshop meeting. She explained that Mr. Treppeda and Mr. Weiss are investigating the issues that residents are concerned about. She noted that it is not a Council decision, but is the Building Official's decision on whether or not to implode. Assistant Mayor Rosenfield pointed out that Dan Nieda, the Building Official, has spent a great deal of time investigating the issues.

**Neil Alter, 9801 Collins Avenue # 11U**, discussed the possibility of the Council's consideration of purchasing the Beach Club property, for the community. Assistant Mayor Rosenfield reported that the Village has not investigated that. Mr. Treppeda explained that the lawsuit concerning that property was settled for \$90 million. Councilman Packer reported that he requested Mr. Treppeda to research the impact on taxes and the millage rate, if the Village Hall property were purchased and relocated to that property. He discussed other municipalities along the coast having beautiful Village Halls. He doesn't think more condos are needed on that property. Councilman Packer discussed the possibilities of development and thinks it should be investigated.

**11. ADJOURN:** There being no further business, *a motion was offered by Councilman Packer and seconded by Councilman Jacobi to adjourn. The motion carried unanimously (3-0) and the meeting adjourned at 9:51 a.m.*



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Mayor Howard J. Berlin

Attest:



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Ellisa L. Horvath, CMC, Village Clerk