

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**REGULAR MEETING – JANUARY 15, 2008**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, January 15, 2008, 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 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  
 Richard J. Weiss, 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 Village resident Sam Rosenfield.

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

**4. SPECIAL PRESENTATIONS:**

**Employee of the Month – November 2007:** Chief Hunker presented Alonzo Clark, Police Mechanic, with the Employee of the Month plaque for November 2007, in recognition of his assistance during the Sheraton implosion process.

**5. CONSENT AGENDA:**

***Babak Raheb, 128 Balfour Drive,*** requested the removal of Tab C (Motion Approving Resort Tax Funds in Accordance with the Director of Tourism's Recommendation) from the Consent Agenda.

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

Tab B: Minutes for the December 13, 2007 Regular Meeting

Tab D: \$14,140.35 (\$2891.35 Digital Fingerprint Equipment Software Agreement, \$5,000.00 Bi-Annual Bicycle Rodeo, \$999.00 Web Site Development Software, \$1,500.00 DUI Saturation Detail, \$3,750.00 Annual LEO Awards Gala Tables) and \$548.00 monthly (Lease to Replace Vehicle #266) in Police forfeiture funds

- Tab E: \$14,525.27 in Police budgeted funds for Ingersoll Rand to expand the card reader security system to the new Police holding cell area (General Obligation Bond funds will be applied for to pay for this item)
- Tab F: \$33,500.00 for Construction Depot to replace the flooring and wallpaper in the Police Executive Offices (General Obligation Bond funds will be applied for to pay for this item)
- Tab G: \$10,500.00 for Metro Equipment Service, Inc. to provide an emergency sewer line repair at the main sewer pump station at Founder's Circle
- Tab H: \$19,578.00 for Homestead Concrete & Drainage to perform miscellaneous repairs to sidewalks and curbs along Collins Avenue
- Tab I: Up to \$4,600.00 for Energy Alternatives, Inc. to provide up to 40 additional hours of consulting for assisting in the negotiation of the renewal of the Village's FPL Franchise Agreement

*A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Packer to approve the items on the Consent Agenda (other than Item C). The motion carried unanimously (5-0).*

**Item C - Motion Approving Resort Tax Funds in Accordance with the Director of Tourism's Recommendation: Babak Raheb, 128 Balfour Drive,** requested a list of the items included under Tab C. This item was discussed later in the meeting to allow time for review by Mr. Raheb.

## **6. PUBLIC HEARINGS:**

**Zoning Hearings/Quasi-Judicial Public Hearings:** None.

**Ordinances Second Reading/Public Hearings:** None.

**Resolutions/Public Hearings:** None.

## **7. ORDINANCES FIRST READING/PUBLIC INPUT:** None.

## **8. RESOLUTIONS:** None.

## **9. REPORTS:**

### **A. VILLAGE MANAGER:**

**Bal Harbour Civic Association Request to Enter Lease Agreement with Bal Harbour Village for Property Used for Security District Operations:** Mr. Treppeda explained the request received from the Civic Association.

**Stuart Sobel, 271 Bal Cross Drive and Bal Harbor Civic Association President**, reported that the guardhouse, gates, and walls sit on land owned by the Civic Association and that there is no lease between the Security District and Civic Association for use of that land, for security purposes. He requested that the Village consider a monthly rent of \$600.00, to be reviewed annually, paid by the Security District to the Civic Association.

**Babak Raheb, 128 Balfour Drive**, does not recognize Mr. Sobel as the President of the Civic Association. He read the November 27, 1984 minutes concerning the Civic Association and reviewed the history. Mr. Raheb is opposed to having a contract with an Association he doesn't recognize.

**Brian Mulheren, 10245 Collins Avenue**, requested that the Village Attorney research the legality of the Village operating private property. He noted a pending lawsuit regarding the issue.

**Dina Cellini, 211 Bal Cross Drive**, suggested that the motive for the lease agreement is to prevent her placement of a nativity scene at the front gate. She noted that since the Village has been maintaining that property for 24 years, through ad valorem taxes, the Civic Association has lost control of that property by operation of law and is now a State actor under Federal law, for purposes of the Civil Rights Act. She noted that the Civic Association cannot deny her right to put up a religious display, when they are allowing other religions to put up religious displays. Ms. Cellini thinks that the lease agreement is a charade for an illegal prejudicial purpose. She questioned why they're not asking for a lease agreement for the back gate. She noted that if the Civic Association had a right to the agreement, then they wouldn't have to ask for it.

**Gabriela Webster, 30 Park Drive**, appreciates Mr. Sobel's interest in formalizing an agreement and doesn't think it's inappropriate.

**Doug Rudolph, 212 Bal Bay Drive**, noted that the Civic Association owns the property being discussed, including the roads. He noted that if there's loss of property, an injury, etc. then the property owner is held liable for it. He thinks that the Civic Association is requesting the Village's blessing, because the Village operates the Security District. He suggested expanding the lease, to include all of the properties owned by the Association.

**Beth Bercowitz, 10160 Collins Avenue**, noted that the green space in the Security District is listed as green space and, as such, should belong to everyone in the Village to use.

Mr. Sobel clarified that the agreement would cover all components of the Security District, not just the front. He noted that it has nothing to do with anything else.

Mr. Weiss noted that he cannot comment on the legality of the Security District, due to the pending lawsuit (challenging the legality of the Special District set up to collect fees from the residents). He noted that if the Village doesn't prevail in the litigation, then the methodology of the Village collecting the money, etc. could disappear. He clarified that the Council needs to decide whether or not it wants the Village Attorney to negotiate a lease agreement with the Civic Association. He further clarified that the Village is the party operating the Security District.

**A motion was offered by Councilman Packer to table the discussion. The motion failed, due to the**

lack of a second.

A motion was offered by Councilman Jacobi and seconded by Mayor Berlin (for discussion purposes) to authorize the Village Attorney to begin working with Mr. Sobel on a proposal to bring back before the Council for consideration. The motion failed, due to the lack of a vote.

Councilman Packer suggested a workshop meeting. He thinks there's an internal dispute in the Civic Association itself. Mayor Berlin noted that the Village serves as a manager. He explained that the direction to the Village Attorney could be to give the Council more information including, but not limited to, the actual lease that he proposes the Council consider, so that there is more information.

Councilman Rosenfield questioned the purpose of the \$7,200. Mr. Sobel explained that it would be used for insurance costs.

Mayor Berlin suggested that Mr. Sobel voluntarily withdraw this item from the agenda, meet with the Village Attorney, and come back with an actual proposal. He also suggested that Mr. Sobel meet individually with each Council member, so that the proposal is better understood.

Mr. Sobel withdrew his request.

**Babak Raheb, 128 Balfour Drive**, suggested that the money to cover insurance costs be added to the Security District budget, so that a lease agreement is not needed.

**Item C - Motion Approving Resort Tax Funds in Accordance with the Director of Tourism's Recommendation: Babak Raheb, 128 Balfour Drive,** has no opposition to approving the items included under Tab C.

Mr. Treppeda requested approval to expend resort tax funds for the following:

- |     |  |          |
|-----|--|----------|
| 1.) | Sales Calls to American Express Call-Centers (North Carolina)                  | \$ 1,320 |
| 2.) | Northeast Tourism Sales Mission<br>(Washington DC, Philadelphia PA, Boston MA) | \$19,137 |

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Jacobi to approve \$20,457 in resort tax funds for Item C. The motion carried unanimously (5-0).

**Discussion of Bal Harbour Village Beach Erosion – Brian Flynn, Miami-Dade County DERM: Carlos Espinosa, Director of Miami-Dade County DERM,** reported that they are working with the Village Manager to resolve issues regarding parking and access to the jetty. He discussed the meeting with the County and the FDOT (Florida Department of Transportation) regarding the lease on the parking lot. He reported that the access next to The Regent has been partially opened. Mr. Espinosa noted that beach renourishment in the County is paid 50% by the Federal government and that the County has an agreement with the State and Federal government that requires parking and public access to be maintained. He explained that the beach access has been closed longer than anticipated, but that it looks like its coming to an end soon. He reported that they are trying to mediate an agreement between the Village and FDOT for a new lease for the parking lot. He noted that their critical issues are the lease agreement for the parking lot

and full opening of the public access.

**Brian Flynn, DERM**, reported that they are modifying their existing permits to allow for a small renourishment of the Bal Harbour beach, which should be done in a couple of months. He explained that sand will be trucked in for that project, since it is small. Mr. Treppeda discussed sand being donated by the Sheraton project. Mr. Flynn explained that the Sheraton sand may be stored at Haulover, until the permits are received. Mayor Berlin thanked Ken Smuts for preserving the sand.

**Raj Singh, Sea View Hotel**, questioned the areas to be re-nourished. Mr. Flynn reported that they will be meeting with the consultants to determine that. He thinks that most of it will be done on the north end of the beach, where the dunes are being compromised. He explained that the worst areas will be done and then they will work with the Army Corps of Engineers for a larger project.

**Stanley Whitman, Bal Harbour Shops**, discussed the need for a permanent solution for the erosion. He suggested extending the riprap further into the ocean, to trap the sand and pump it across, which has been done in other areas for years. Mr. Whitman discussed the cost of sand at \$50 per cubic yard. He suggested asking the County to engage a consultant regarding the extension of the riprap. He requested the Council to take action on a long-term solution. Mr. Flynn explained that a lot of the inlets along the coast use sand bypassing, to prevent the south beaches from eroding. He explained that they are in effect doing that without having a (between the jetty and the inlet) fixed system through the periodic dredging projects. Mayor Berlin discussed extending the jetty out and having a pumping mechanism to pump the sand accumulating on the north side of the jetty. Mr. Flynn advised that the State would have to approve and permit that. He thinks that initial construction would be \$3-4 million plus annual maintenance. He doesn't think the State would view that as cost effective, because the dredging is paid for 100% by the Federal government. Mr. Flynn explained that if it's a beach erosion control project, then the State and County would have to pay. He noted that the areas with a pumping system generally pump hundreds of thousands of cubic yards of sand and Haulover is pumping 20,000 cubic yards per year, so not enough sand is at the Inlet. Mayor Berlin suggested engaging a consultant to consider alternatives. Mr. Espinosa noted that has been studied before and is not cost effective. He reported that they can review those conclusions and see if any of the basic factors have changed. He noted that the Village can do that and the County can provide the prior data, but he doesn't think it's cost-effective. Mr. Espinosa noted that the Inlet is dredged every 4-5 years, at no cost to the Village.

Mayor Berlin requested County representatives to attend the February meeting, with a report on the options that were considered in the past for a permanent solution, the reasons why or why not its cost effective, and to provide an idea on how material the sand is that the Village receives for free through dredging, in order for the Village to consider how to proceed. Mr. Espinosa agreed.

Mr. Espinosa reported that FDOT has reported that if the public access is not in place, then they will close the parking lot. Mr. Treppeda advised that FDOT is currently working on the parking lot agreement. Mayor Berlin noted that the Village isn't doing anything to hold them up. Mr. Espinosa reminded the Council that public access is integral to all the agreements that the County has with the State and Federal government.

Mr. Weiss thanked Mr. Espinosa and his staff on working with the Village on the implosion

issue, etc.

### Quarterly Financial Update for First Quarter 2007/2008 –

**Christopher Wallace, Finance Director:** Mr. Wallace reported that the funds are as expected. He reviewed that the Village has received a good portion of the property taxes and explained that the State revised the expected State tax collection, which will result in less revenue, due to the change in the economy. He reported that the Tourism Fund is on target and the expenditures are below anticipated. Mr. Wallace reviewed that the Security Fund has received most of its levied assessment revenue and expenditures are below expected. He reported that the Water and Sewer Fund is on target and expenditures are below expected.

Mayor Berlin questioned the progress on the audit. Mr. Wallace reported that the field work is complete and he has received a draft of the trial balance. The Council will have the report at the next meeting.

### Update on the State Board of Administration Local

**Government Investment Pool – Christopher Wallace, Finance Director; Michael Popok, Village Attorney,** explained that the Village's forfeiture and other surplus funds are invested in the Local Government Surplus Pool, which is administered by the State. He noted that the total balance is approximately \$11 million, with a 5½% average rate of return, prior to the issues raised in November (approx. \$50,000 per month of interest). He explained that in November, due to the sub-prime mortgage crisis, \$2 billion of the total \$24 billion pool was invested in securities that were tied to the sub-prime market. Mr. Popok noted that in November, due to the collapse of the sub-prime market, municipalities began withdrawing funds. He explained that in order to stop a run on the funds, the State walled off \$2 billion of the fund and limited the amount of withdrawals municipalities could make. He noted that the principal amount doesn't appear to be in jeopardy, however, in order to void the collapse the State decided not to provide any interest payments for a period of time (\$95 million per month) to invest back into the \$2 billion that was tied to the sub-prime market and to make limitations on withdrawals.

Mayor Berlin questioned the present market value of the investments compared to costs, which he thinks is less. Mr. Popok thinks that if there's a loss in principal then it's negligible and that the only loss is the interest payment not being paid. Mayor Berlin reviewed Tab M. Mr. Popok reported that he doesn't have the figures for November. Mr. Wallace reviewed the information in Tab M. Mayor Berlin noted that as of November, the principal amount is down \$100,000. Mr. Wallace agreed. Mayor Berlin thinks that's material. Mr. Popok noted that is for the total fund for all the municipalities, not just Bal Harbour. Mayor Berlin noted that it's down 5%. Mr. Popok explained that the Fund is divided into A (\$22 billion) and B (\$2 billion). He clarified that Fund B suffered losses, but needs to review the December statements to determine how much. He noted that there could be a loss on the principal side, but that the primary loss is in the interest, which he needs the December statements to determine.

Mayor Berlin questioned the real paper loss. He thinks it's more like a money market, than an investment pool. Mayor Berlin questioned what the strategy is to deal with it. He wants to know if the municipalities pulling out are doing the right thing or if the Village should stay in and, if so, why it should. Mr. Wallace thinks that if the Village pulled out, then it would lose the investment payments for November and subsequent months. He will get the

December report as soon as it's available. Mr. Wallace was directed to send a memo to the Council and Village Attorney and advise if there has been any recoupment. Mayor Berlin noted that if there hasn't been, then he would like to call a special meeting for Mr. Wallace to recommend a strategy to deal with it. He wants to know if it's financially reasonable to stay in the pool. Mr. Wallace noted that if the Village tried to pull funds out of the B fund then the Village would have to go to court to do so. Mr. Popok was directed to attend any special meeting that is held regarding this issue.

**Babak Raheb, 128 Balfour Drive**, doesn't want the Village to wait too long to have its legal rights enforced.

**Discussion of Bus Shelters as Requested by Councilman Sanz:**

Councilman Sanz reported that he has received complaints about the bus stops (no protection from the rain, etc.). He reviewed the report provided by William O'Leary, Landscape Architect, and is satisfied with his comments that the shelters may have to be replaced in the near future and that retrofitting the existing shelters for rain protection does not appear feasible.

**Babak Raheb, 128 Balfour Drive**, likes the current bus stops and doesn't want them to become shelters for the homeless, etc.

**Stanley Whitman, Bal Harbour Shops**, noted that the prior bus stops had more shelter, which created problems with graffiti, heat, people using it as a bathroom, etc. He thinks that the current shelters adhere to the image of the Village.

**Brian Mulheren, 10245 Collins Avenue**, thinks the shelters are fine. He requested a bus shelter at the Bellini Condominium.

**Dina Cellini, 211 Bal Cross Drive**, thinks the shelters need to have roofs and be consistent. She suggested clear glass on one side, for rain protection.

**B. VILLAGE CLERK:**

**Lobbyist Registration Report: As of January 15, 2008:** A list of Lobbyists currently registered with the Village was provided in the agenda.

**C. VILLAGE ATTORNEY:**

**Update on the State Board of Administration Local Government Investment Pool:** This item was discussed earlier in the meeting.

**D. MAYOR AND COUNCIL:**

Assistant Mayor Rosenfield commended the Parks and Recreation Center on the Snow Festival. The Council and Mr. Treppeda thanked Park and Recreation Director Michael O'Quinn and his staff.

Councilman Packer commended the Maintenance Department on the removal of the algae on the jetty, to prevent accidents.

**Discussion of Mirrors for Exit Driveways East of Collins**

**Avenue – Councilman Packer:** Councilman Packer requested that the Council direct the Village Attorney to prepare an ordinance, for mirrors to be installed at the south side of the building exits on the east side of Collins Avenue, to prevent accidents.

***Doug Rudolph, 212 Bal Bay Drive,*** questioned if there is condo support for the mirrors. He doesn't know if it's a look that Bal Harbour wants, but noted that if it's a safety issue then it should be looked into. Mr. Rudolph suggested a workshop meeting for resident input and requested that the Council consider this carefully before proceeding.

***Brian Mulheren, 10245 Collins Avenue,*** reported that some of the buildings have mirrors. He noted that it's a safety issue, especially for pedestrians. He also suggested the need for properly placed stop signs. Mr. Mulheren doesn't think it's an aesthetic problem. He thinks the One Bal Harbour and Harbour House need mirrors.

***Dina Cellini, 211 Bal Cross Drive,*** supports the placement of mirrors at the driveways on the east side, for pedestrian and vehicle safety.

***Babak Raheb, 128 Balfour Drive,*** has no objection, for the safety reasons. He suggested that the Village recommend that it be done by the buildings voluntarily, prior to passing an ordinance, since its private property.

***Neil Alter, 9801 Collins Avenue,*** discussed the increase in pedestrians, which will increase the risk. He thinks that placing mirrors is a small inconvenience, to safeguard against accidents.

Chief Hunker suggested that the Village request the buildings do this for safety reasons and provide them with specifications. He thinks it's a great idea, but doesn't think it should be done by ordinance. Chief Hunker reported that there haven't been any major incidents and noted that the pedestrians also need to be cautious. He offered to have PSA Akelaitis work on a plan. Mr. Treppeda will also have the Village Attorney involved in the process.

Mayor Berlin suggested contacting the buildings, to see if there is compliance, prior to an ordinance.

Councilman Packer reported that he has attended most of the condo meetings and there haven't been any objections. He clarified that the condos haven't voted on the issue. Councilman Packer thought that an ordinance would be easier for uniformity, etc. He noted that the west side buildings do not have the same problem, which is why he only proposed the east side.

Assistant Mayor Rosenfield is in favor of each building making their own decision, without an ordinance, but would like the police department to recommend mirror size, etc. She thinks that the west side should also have them, if the east side does, for the same safety reasons. Councilman Packer agreed.

***It was the consensus of the Council for Mr. Treppeda and Chief Hunker to meet with each of the buildings with a recommendation for the placement of mirrors on a voluntary basis, which can include the west side. The Village Attorney will review the recommendation for liability issues.***

## **10. OTHER BUSINESS:**

**Brian Mulheren, 10245 Collins Avenue**, discussed concern that he was unable to speak under a prior item. He suggested that the Village Lobbyist expedite the beach permits for the Village. He discussed rules and meters needed for the parking lot. Mayor Berlin explained that he did not realize that Mr. Mulheren wanted to speak prior to closing public comment on the item and that he was able to speak under Other Business. Mr. Treppeda advised that the Village Lobbyist was contacted regarding the beach permits.

**Babak Raheb, 128 Balfour Drive**, discussed an incident with a guest of a resident being injured at the Park. He suggested that if a minor resident brings a guest who is a minor, then there must be adult supervision.

Mr. Raheb requested Councilman Sanz to provide a date when he will be moving back into his district. Councilman Sanz expects to meet with Related in the first week of February. He noted that there have been some legal problems with Related. He noted his intention to move back into the district.

Mr. Raheb suggested that Councilman Sanz's district be increased and Assistant Mayor Rosenfield's district be decreased.

**Betsy Bystock, 80 Park Drive**, noted that the attendant in the Park is an adult and she thinks it's unrealistic to require an adult supervisor for older children.

**Raj Singh, 53 Camden Drive**, questioned the status of the Resort Tax Committee. Mr. Weiss reported that questions were raised concerning the composition of the Committee, so they have been working with the Ethics Commission on a possible solution for the structure of the Committee to maintain the basic intent of the Committee, while eliminating the potential for any conflicts of interest. He expects a solution in the near future.

**Neil Alter, 9801 Collins Avenue**, suggested installing cameras at 96<sup>th</sup> Street and Harding Avenue, for safety issues. Chief Hunker explained a process to install traffic cameras. He reported that the company installing the cameras would receive 60% of the revenue and the Village would receive 40%. He clarified that if the State passes a law, then most of the revenue will go to the State, unless the Village passes something prior to that time. Chief Hunker will present a proposal to the Council in the near future for the installation of cameras. Mr. Weiss explained that those tickets are processed as code enforcement violations. He will review the issue with Chief Hunker.

Mr. Raheb suggested researching the cost of the cameras before proceeding.

**Stanley Whitman, Bal Harbour Shops**, thinks the cameras should be researched further, to preserve the Village's right to receive the revenue.

**Gabriela Webster, 30 Park Drive**, discussed looking at several issues including infrastructure and flooding, a historical district, Wi-Fi, etc.

**Beth Bercowitz, 10160 Collins Avenue**, questioned access for the bicycle rodeo. Chief Hunker noted that it will be in the Security District, but access will be allowed for all Village

residents for the event. Ms. Bercowitz noted that is the only green space available in Bal Harbour.

**Brian Mulheren, 10245 Collins Avenue**, spoke in favor of the cameras, for safety reasons, since it doesn't cost the Village anything. Mayor Berlin discussed the process to proceed legally. Mr. Mulheren also suggested adding security cameras throughout the Village.

**Dina Cellini, 211 Bal Cross Drive**, discussed Tab J. She requested that all Councilmembers meeting with Mr. Sobel question him if the lease agreement will ensure that the holiday decorations placed at the gate the last holiday season will be allowed in the future. She would feel better if the support of the holiday displays would continue. Assistant Mayor Rosenfield questioned if Ms. Cellini went to the Civic Association meeting to ask them. Ms. Cellini responded that she didn't. Assistant Mayor Rosenfield questioned if someone told her that they were going to disallow it. Ms. Cellini responded no, but that the Civic Association Board has told her numerous times that they're opposed to the nativity scene at the front gate and Mr. Sobel has told her that. She suggested that the Council ask Mr. Sobel why the Civic Association doesn't retake operation of the Security District, so that a lease agreement wouldn't be needed. She also suggested asking him why the Civic Association doesn't start paying for the maintenance of its own property.

Ms. Cellini noted that the law requires that the Security District budget be considered at a certain time during the year (two public hearings in September). She suggested that by engaging in the lease agreement and giving the Civic Association an additional \$7,200 per year for their budget is skirting the requirements of the law. She thinks that the idea that the Civic Association is going to be paying itself should contribute to the problem that they are getting additional revenue for the security budget, without going through the proper procedures of two public hearings. Ms. Cellini will personally apologize to the Civic Association Board, if they don't have a problem with the holiday displays and will allow them in the future.

**Doug Rudolph, 212 Bal Bay Drive**, past-President of the Civic Association, doesn't think that the Council has been given the whole picture on the request for the display of the nativity scene over the years. He thinks that the Civic Association is just making sure that it has the money to operate properly and is just trying to solve a problem that exists, not aimed at anybody or anything. Mr. Rudolph agreed with Mr. Raheb's recommendation that the real essence of the problem is that this narrow definition of what is included in the security district budget doesn't allow for things such as property insurance, mailings, etc. He requested that the Council consider Mr. Raheb's recommendation, which Ms. Cellini doesn't seem to have a problem with, to put in place a broader definition so the Village in its role in handling the Security District has enough line items to properly run it. He noted that the Civic Association gave up running it, because it use to handle ego passes, etc. and didn't have the office, manager or the ability to do those things. Mr. Rudolph thinks that it is now being handled professionally by the Village. He requested that the Council consider putting in line items, so it can be handled properly.

Mayor Berlin agreed with Mr. Raheb's recommendation and suggested that it be dealt with during the budget process in September. Mr. Rudolph noted that the insurance still needs to be paid. Mr. Weiss reported that special district budgets are amended all the time. He would need to review the budget to see if money is available and reported that it would require an ordinance to amend. He explained that the other issue is that the property to be

insured is not the Village's.

Councilman Packer questioned if Mayor Berlin is suggesting looking at the Village's budget for the money. Mayor Berlin noted that it would be the Security District budget, not the Village budget, which they fund through their assessments. Councilman Packer noted that it's a private organization and doesn't think it needs to come to the Council. Mayor Berlin explained that the Village approves the Security budget. Mr. Weiss explained that the Village is a legal entity and has created a security district as a method of collecting money to provide for security in that district. He explained that there are districts throughout the County that go to the government and ask for items (street lights) and are willing to specially assess themselves and ask the government to collect the assessments and put in the items (street lights). He noted that the people in the residential area came to the Village because they wanted security for their area and requested the Village to collect the money and provide the security. He advised that the Civic Association has nothing to do with it at the moment, so the Village collects the money and does what it needs to do, to provide the service or item that is being assessed (ego pass, etc.). Mr. Weiss explained that it's all part of the Village's operation of the special security district. He clarified that all of the money for the Security District comes from the people being specially assessed for the services. He noted that the Civic Association is saying that the Village is operating the district, but the security items are on their property and they are asking to be paid for the use of that land. He explained that Mr. Sobel has presented that the Village pay the Civic Association \$600 per month, for the use of the Civic Association property, which would come out of the money assessed to the residents by the Village. He noted that no money is being spent for the security services by taxpayers and that is all specially assessed. Mr. Weiss explained that the reason the Civic Association has raised it at this time is to pay for insurance for the property. Mr. Weiss needs to look into if the Security District (special assessment money) can pay for insurance on the property it's using, to protect the Civic Association from any liability, since they are the owner of the property.

Mayor Berlin suggested that Mr. Sobel come back next month to advise if they want to proceed with the lease agreement. Mr. Rudolph noted that although the insurance is the main issue, it's not the only issue. He noted that if it's looked at, then they should consider expanding all of the line items to not strictly limit it, so the Village can do its job and look at everything that needs to be put in line items. Mayor Berlin suggested that the Civic Association decide what it wants to do, speak to the Village Attorney, and come back to the Council.

**Dina Cellini, 211 Bal Cross Drive**, noted that the Security District has always had insurance and questioned why liability insurance isn't in that budget anymore. She noted that Mr. Weiss neglected to explain that for 20 years the Village had an agency agreement with the Civic Association, where the Association created a budget, which the Village approved. She explained that the Civic Association voluntarily voided that agreement five years ago, because the agency agreement placed additional responsibility on the Civic Association Board to follow state guidelines of financial disclosure and sunshine law, which the Board didn't want to be obligated to follow. She volunteered to meet with Mr. Weiss and Mr. Sobel to offer her knowledge and opinion, with regard to the holiday display issue. She thinks everyone needs to work together to make the Security District a better place.

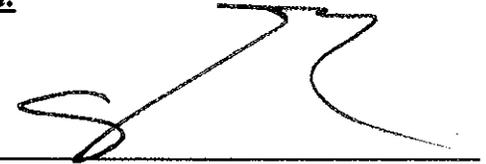
Mayor Berlin questioned what Ms. Cellini is offering. Ms. Cellini offered to discuss the underlying reason for this with the Civic Association, which she believes is the nativity scene, to come up with a solution to quell her concerns. Mayor Berlin questioned if the

issue isn't the nativity scene if Ms. Cellini is supportive of the mechanisms being discussed. Ms. Cellini doesn't think that it should be handled with a lease. She noted that if she is wrong, then she will apologize to the Board, but she would like to see evidence that isn't the motive.

**Lynne Bloch Mullen, 10150 Collins Avenue**, questioned if The Regent has a certificate of occupancy, since it looks like people are living there. Mayor Berlin believes a temporary certificate of occupancy has been issued. Ms. Bloch questioned how many people have moved in. Mr. Treppeda will provide those numbers.

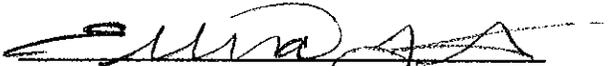
Chief Hunker clarified that the Police Bicycle Rodeo is being held at the Yacht Basin, not the green space area in the Security District. He thanked Mr. and Mrs. Imbesi for the use of the property.

**11. ADJOURN:** There being no further business, *a motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Jacobi to adjourn. The motion carried unanimously (5-0) and the meeting adjourned at 11:27 a.m.*



Mayor Howard J. Berlin

Attest:



Ellisa L. Horvath, CMC, Village Clerk