

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – DECEMBER 16, 2008

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, December 16, 2008, 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

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

Absent: Councilman Jaime M. Sanz

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Andrea Greenblatt, Administrative Assistant.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Mr. Treppeda requested the removal of Tab C from the Agenda completely and the removal of Tab D from the Consent Agenda for discussion. He also requested the Addition of Police Forfeiture Donation \$5,000 to the Consent Agenda.

A motion was offered by Councilman Jacobi and seconded by Councilman Packer to delete/add the items requested. The motion carried unanimously (4-0).

4. SPECIAL PRESENTATIONS:

Officer of the Month for November 2008: Chief Hunker presented Sergeant Paul Deitado with the Officer of the Month plaque, for November 2008.

5. CONSENT AGENDA:

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

Tab B: November 18, 2008 Regular Meeting Minutes

Tab E: \$4,327.92 for Lukes' Landscaping to repair the beach sprinkler system booster pump

Addition: \$5,000 in Police Forfeiture Funds

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Packer to approve the Consent Agenda as amended. The motion carried unanimously (4-0).

Tab D – Motion Approving Performance Bonuses for General Employees:

Mr. Treppeda clarified that the amount requested is an “up to” number, since all of the bonuses have not been calculated. He further clarified that bonus amounts vary from zero to 4% for general employees and zero to 5% for department heads and exempt management employees not eligible for overtime.

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Jacobi to approve Item D. The motion carried unanimously (4-0).

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:

Consideration of Resort Tax Contribution for Destination Fashion 2009 Benefiting The Buoniconti Fund to Cure Paralysis – Susan Sayfie and Stephanie Sayfie Aagaard: Mr. Treppeda reported that \$100,000 is budgeted in the Special Events Contingency line-item of the Resort Tax budget, which is the amount contributed to the event in 2004 and 2007.

Suzie Sayfie, Executive Director, and Stephanie Sayfie Aagaard, Director, Major Gifts, Corporate Relations, Marketing & Events, discussed plans and requested support for the third Destination Fashion Event at the Shops, scheduled for March 7, 2009.

Dan Holder, 24 Bal Bay Drive, spoke in favor of efforts to cure paralysis and discussed concerns of the concert disturbing the residential neighborhood. Ms. Aagaard reported that the concert will be located in the parking lot in front of Carpaccio.

Assistant Mayor Rosenfield spoke in favor of the event, but discussed concerns about

safety and insurance. Ms. Aagaard reported that all participants are insured. Ms. Sayfie will discuss any past problems with the insurance company. Assistant Mayor Rosenfield requested assurance of adequate lighting, to prevent any accidents. Ms. Sayfie guaranteed that the lights will not be dimmed. Councilman Packer questioned if the Village has to provide insurance as a contributor. Mr. Weiss reported that the Village doesn't take on any liability. Chief Hunker announced that the officers will donate their services at no charge.

A motion was offered by Assistant Mayor Rosenfield and seconded by Councilman Packer to approve a \$100,000 contribution. The motion carried unanimously (4-0).

Discussion of Bal Harbour Village Beach Erosion – Brian Flynn, Miami-Dade County DERM: Mr. Flynn was not at the meeting.

Presentation of Sand Transfer Station Study by Coastal Systems International and Request for Approval of Continued Engineering Services and Studies in Connection with This Project: *Jason Cummins, Coastal Systems International*, reviewed the estimated costs for a transfer station, the estimated annual cost to operate of \$200,000-\$300,000, the transfer capability of over 100,000 cubic yards per year, and the entire beach being approximately 400,000-500,000 yards. He discussed a long-term approach.

Mayor Berlin discussed sand at no charge from the County and State. He requested Mr. Flynn's attendance at the presentation, his input on what the Village would receive from the County, and an evaluation on whether or not a transfer station is worth the Village's while.

Mr. Cummins reported that part of the plan is to look at possible funding opportunities with the County and State. He discussed issues with the Inlet. He reported that the cost to consider the feasibility and if there is money available is \$30,000.

Mayor Berlin doesn't see spending the money, if the sand is not available. He suggested conducting the field study to see if it's feasible and then reporting back with Mr. Flynn for discussion. Mr. Cummins reported that the first phase (field investigations, sediment budget study and funding possibilities) would cost \$110,000 and take two to three months.

A Special Council Meeting was discussed for the presentation and Mr. Flynn's attendance in January.

A motion was offered by Councilman Jacobi and seconded by Assistant Mayor Rosenfield to table the discussion for a Special Council Meeting. The motion carried unanimously (4-0).

Gabriella Webster, requested that the special meeting be strongly advertised, especially for the oceanfront buildings.

Update on Trash Transfer Station: Mr. Treppeda reported that Mr. Imbesi has canceled the agreement with the Village to operate the foliage dump in the Security District. He clarified that the facility will be closed in two weeks and demolished by the Village in early January, pursuant to the agreement.

Update on Beach Access Path at Bal Harbour Club: Mr. Treppeda reported that the agreement for the Beach Access Path at the Club expired and has been on a monthly term; however, Mr. Imbesi is canceling the agreement and locking the gate today.

Anamarie Kelly, 77 Camden Drive, discussed and requested investigation of the Beach Club providing access to the beach in compliance with the Comprehensive Plan, the mortgage agreement, and the discrepancy in the property value and taxes paid.

Pat Nelson, on behalf of Joe Imbesi and the Bal Harbour Club, reviewed the items provided by Mr. Imbesi over the years, the increase in the Club's property taxes, and Mr. Imbesi's request for payment. Mayor Berlin suggested a dialogue with Mr. Imbesi regarding the cost for the access path and dump.

Beth Bercowitz, 10160 Collins Avenue, discussed State statute requirements for beach access for new buildings, access previously provided between the oceanfront buildings, and the increase in the Club's property taxes due to its zoning change from Private Club to Oceanfront. She requested beach access for west side residents, other than at the north and south ends of the Village.

Councilman Packer agreed that there needs to be dialogue with Mr. Imbesi. He is in favor of a beach access between 96th and 102nd. Councilman Packer and Mr. Treppeda will meet with Mr. Imbesi and report back to the Council.

Report on Reduction of Investment Return Assumption Rate from 8% to 7.5% for the General Employees' Retirement Fund: Mayor Berlin explained that since the assumption rate was lowered, then the investment is expected to earn less. He clarified that due to that the money will have to come from an increase in Village and/or employee contributions or changing the benefits in the Plan, etc. He explained that the Board reduced the investment rate, which increased the contribution by approximately \$60,000. Mayor Berlin noted that when the Actuary provides a report in March the Board will need to decide how to manage the differential, beginning in April.

Babak Raheb, 128 Balfour Drive, suggested a cap on Village contributions in the future. Mr. Weiss clarified that the Village has the ability to adjust benefits going forward, but must pay for vested benefits. He further explained that under a defined benefit plan, State law requires the Village to make a contribution and that no provision relieves the Village of its responsibility.

Anamarie Kelly, 77 Camden Drive, recommended rehiring Northern Trust as a money manager for the fund.

Brian Mulheren, 10245 Collins Avenue, also recommended a money manager immediately. Mayor Berlin suggested waiting for the Actuary's report in March, before determining what to do. He explained that Northern Trust was doing worse than the index fund when they were the managers, so the Board chose to go with index funds. He agreed that the comments about a money manager can be addressed.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of December 16, 2008: A list of Lobbyists currently registered with the Village was provided in the agenda.

C. VILLAGE ATTORNEY:

Draft Ordinance for Review: Mr. Weiss requested Council direction.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of passing the ordinance and questioned providing a cap. Mr. Weiss explained that a cap isn't provided, but clarified that the ordinance limits the amount spent based on the amount provided in the budget, which is \$50,000. Mayor Berlin suggested considering a per-occurrence or per-official cap. He doesn't agree with Ms. Cellini's settlement issue, because it could be more costly for the Village. Mr. Weiss was directed to review the cap issue for discussion at the January meeting.

Gabriella Webster, 30 Park Drive, spoke against a cap and in favor of protection for anyone willing to serve on the Council or a Committee.

Anamarie Kelly, 77 Camden Drive, is against removing ethics or waiving a technicality.

Discussion of Redistricting: Mr. Weiss reviewed the Charter, which gives the Council the authority to change the districts, by ordinance.

Babak Raheb, 128 Balfour Drive, spoke in favor of redistricting. He suggested the entire West side be one district and the oceanfront properties be divided equally.

Doug Rudolph, 212 Bal Bay Drive, suggested eliminating the districts, since the Village is so small and it makes it more difficult to find good people to run. He pointed out that issues are Village-wide and that well-qualified people are needed.

Anamarie Kelly, agreed with Mr. Rudolph and spoke in favor of eliminating the districts.

Beth Bercowitz, 10160 Collins Avenue, discussed the increase in the Village's population and the comprehensive plan being based on the old census.

Brian Mulheren, 10245 Collins Avenue, agreed that the districts should be eliminated and suggested that the five candidates receiving the most votes be elected, with a specific election for the Mayor seat.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of maintaining the five districts, but suggested the Village look at the inequality in the current division.

Mr. Treppeda was directed to conduct a study on the population in each district, the voters in each district, and the procedure in other Dade and Broward municipalities.

D. MAYOR AND COUNCIL:

Consideration of Annual Performance Bonuses for Village Manager and Village Clerk: Mayor Berlin noted that for the past seven years, the Manager and Clerk have been awarded a 5% bonus each. Mr. Treppeda and Mrs. Horvath left the meeting.

Babak Raheb, 128 Balfour Drive, spoke in favor of providing the Manager and Clerk with the bonus.

Mr. Treppeda and Mrs. Horvath returned to the meeting.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Rosenfield to approve a 5% bonus each for the Village Manager and Village Clerk. The motion carried unanimously (4-0).

10. OTHER BUSINESS:

Neil Alter, 9801 Collins Avenue, discussed the status of the cameras at 96th and Harding, the lack of a crosswalk between Bal Harbour and Surfside, the curve around the SunTrust building, the hazard of vehicles exiting the Palace onto Collins Avenue, and providing more information in the newsletter.

Beth Bercowitz, 10160 Collins Avenue, suggested installing a "crosswalk" sign on each side of the crosswalk near the Sea View for safety.

Gabriella Webster, 30 Park Drive, requested that the light at 96th Street and the beach be removed, since it's a nuisance and is not needed. Chief Hunker clarified that the light is in Surfside and reported that complaints were received regarding inadequate lighting.

Assistant Mayor Rosenfield suggested that only right hand turns be allowed for drivers exiting the Palace. Councilman Packer suggested a dialogue with the Department of Transportation and the Surfside Police Chief regarding the cross walk.

Babak Raheb, 128 Balfour Drive, suggested that the buildings on 96th Street determine whether or not they want the light. He requested more enforcement of water restrictions.

Brian Mulheren, 10245 Collins Avenue, spoke in favor of the light for safety reasons, discussed his concern at the removal of the bus stop in front of the Bellini/Kenilworth, and the need to resolve the agreement for parking under the bridge.

Mr. Treppeda explained that the bus stop was moved from the Kenilworth back to the Club, because it wasn't an authorized ADA bus stop and for easier access to the bridge for bus drivers. He expects the parking agreement to be on the January agenda.

Councilman Packer suggested removing some of the new posts, to avoid accidents for drivers making a sharp left turn to go over the bridge. Mr. Treppeda will report at the next meeting.

Chief Hunker discussed the possibility of a dock for the police boat. Detective Paul Eppler reported and reviewed a quote. He suggested considering the proposal to lift the boat out of the water. It was the consensus of the Council to place this issue on the next agenda.

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 (4-0) and the meeting adjourned at 10:58 a.m.


Assistant Mayor Jean Rosenfield

Attest:


Ellisa L. Horvath, CMC, Village Clerk