

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – MAY 19, 2009

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, May 19, 2009, 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 9:06 a.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
 Assistant Mayor Joni D. Blachar
 Councilwoman Patricia Cohen
 Councilman Martin Packer
 Councilman Jaime M. Sanz

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

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Mr. Popok.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Mr. Treppeda requested the removal of Tab L and the addition of an Interlocal Agreement Between Miami-Dade Transit Agency and Bal Harbour Village.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the removal/addition of the items requested. The motion carried (5-0).

4. SPECIAL PRESENTATIONS:

Officer of the Month for April 2009: Captain Jay Smith presented Officer Hector Gonzalez with the Officer of the Month plaque, for April 2009.

5. CONSENT AGENDA:

Dina Cellini, 211 Bal Cross Drive, requested the removal of Tab C, Tab D, and Tab K from the Consent Agenda.

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

Tab B: Minutes for April 20, 2009 Induction Meeting and April 21, 2009 Regular Meeting

Tab E: \$18,150.00 in Resort Tax Funds and Approval of the Proposal from Zambelli

Fireworks Internationale for the Annual Fourth of July Fireworks Display

- Tab F: \$5,046.00 for Construction Depot Change Order for Police Sally Port Project
- Tab G: \$5,644.77 for Dynamic Power Hydraulic to Replace a Garbage Truck Winch
- Tab H: \$34,161.75 and Approval for Trident Telecom to Install a Conduit and Phone Lines to the Nine Code Blue Emergency Phones on the Beach
- Tab I: Approval of the Interlocal Agreement with Miami-Dade County for Acceptance of Funds (\$711.00) from the Handicap Parking Fines Reimbursement Program
- Tab J: \$16,958.00 to Purchase a Replacement Dell Computer Server for the Police Department
- Tab M: \$5,800.00 for the Jenetopulos Group to Prepare Architectural and Engineering Drawings for a New Cupola for Village Hall
- Tab N: \$4,026.14 and Approval of a Sign Package from Fast Signs for the North Parking Lot

A motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to approve the items on the Consent Agenda, with the exception of Tabs C, D, K, and L. The motion carried (5-0).

Discussion of Tab C – Motion Approving Expenditure of Police

Forfeiture Funds: *Dina Cellini, 211 Bal Cross Drive*, spoke in favor of imposing guidelines/parameters for students to apply for future scholarship money and advertising. Mayor Rosenfield agreed that should be taken into consideration. She discussed schools contacted that were not interested and prior scholarships given.

Ms. Cellini questioned if the boat lift will be a fixed stationary item. Captain Smith reported that it is a removable lift that would only require a permit from DERM to move.

Discussion of Tab D – Motion Approving Resort Tax Committee

Recommendations: *Dina Cellini, 211 Bal Cross Drive*, requested the salary for the Director of Tourism position. Mayor Rosenfield reported it to be \$115,000, with benefits and performance bonuses, which was negotiated by Merrett Stierheim and recommended by the Resort Tax Committee. Mr. Treppeda reported that the GMCVB also assisted in the process, the prior Director was paid \$110,000, and the new Director has four years prior experience with the Village.

Discussion of Tab K – Motion Approving Proposal for Preliminary

Biddable Plans for Police Station at Bal Harbour Shops: *Dina Cellini, 211 Bal Cross Drive*, questioned if the \$16,000 for the plans will be paid by the Village or the Shops. Mr. Treppeda reported that it will be paid by the Village, the plans are required prior to the bidding process, and the amount is in addition to the \$400,000. He doesn't anticipate that any other money will be needed from the general fund. Ms. Cellini thinks that a great

deal of money is being spent and urged the Council to sharpen their pencils.

Neil Alter, 9801 Collins Avenue, questioned the amount of the scholarship for Tab C. Mayor Rosenfield reported it to be \$2,000. Mr. Alter questioned if there is a limitation on the amount of scholarships given. Mayor Rosenfield reported that the amount is up to the Police Department. Mr. Alter encouraged promoting it.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Items C, D, and K on the Consent Agenda. The motion carried (5-0).

Motion Approving Interlocal Agreement Between Miami-Dade Transit Agency and the Bal Harbour Village for Federal Funding Pass-Through Arrangements with the American Recovery and Reinvestment Act (ARRA) of 2009 Federal Transit Administration (FTA 5307) for the Village to Operate Bus Circulator Services: Mr. Treppeda distributed the Interlocal Agreement to apply for \$33,167.54 in transit funds, to help pay for a new bus.

Brian Mulheren, 10245 Collins Avenue, discussed reasons a new bus is needed.

Mr. Treppeda reported that the amount will pay for half of the cost of a new bus. Councilman Sanz noted the nice appearance of the Surfside and Bay Harbor buses. Mr. Treppeda will present ideas for new buses to the Council.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve the Agreement and spending the money on a new bus. The motion carried (5-0).

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:

Discussion of Bal Harbour Village Beach Erosion – Brian Flynn, Miami-Dade County DERM and Discussion of Request from DERM to Store Equipment on the Beach during Renourishment Project: Mr. Flynn reported that DERM is working on logistics with staff for the project and clarified that the project addresses the severe erosion at the north end of Bal Harbour's beach. He noted that the

County is working with the Army Corps of Engineers on a larger project for late 2010 or early 2011. Mr. Flynn explained that some equipment will need to remain on the beach during the project, behind the St. Regis site. He reported that the project will begin next Tuesday, work will be done Mondays through Thursdays, and the project should take two months.

Councilman Packer thought the project was for a complete renourishment. Mr. Flynn clarified that the project will be from the jetty to the first groin field, which is approximately 1,000 feet (around the Bal Harbour Club). Councilman Packer thinks the project was misleading, because the public thought that it was for the entire beach. He questioned why sand is being placed at 96th Street and trucked to the north. He suggested unloading the sand at the north end of the beach. Mr. Flynn explained that the north end is the main access for the beach, which would be more dangerous for pedestrians, etc. and could cause damage to the paver walkway. He reported that it's easier to dump and move the sand out of the way on 96th Street, which is more manageable. Mr. Flynn discussed the history of the project's original intent to address the severe erosion and to renourish the north end of the beach. Mr. Treppeda clarified that the project was in response to an emergency situation that the County was addressing. Mayor Rosenfield agreed and clarified that the Council wanted to address the emergency request. Mr. Treppeda reported that prior meeting minutes reflect that the project was only for the north end of the beach.

Anamarie Kelly, discussed using the north path and suggested that permission be obtained from Surfside, if the Village is using the 96th Street entrance. Mr. Flynn will make sure that Surfside is aware of the project.

Dina Cellini, 211 Bal Cross Drive, noted that many residents were lead to believe that the renourishment was for the entire beach. Mr. Treppeda will provide the prior meeting minutes.

Brian Mulheren, 10245 Collins Avenue, suggested applying for stimulus money for the beach, so renourishment can be done as needed, and staying on top of the renourishment process. Mr. Flynn reported that the County has submitted a stimulus grant application, including Bal Harbour, which they should receive a response on in June. He discussed the President's budget including beach renourishment and taking advantage of any funding opportunities.

Neil Alter, 9801 Collins Avenue, discussed the Bal Harbour reserves for beach renourishment. Mr. Treppeda reported that \$1.2 million is available. Mr. Alter suggested relying on those funds to expedite the process with DERM, if they have difficulty finding funds. Mr. Flynn agreed that would help.

Marjorie Schell, 9801 Collins Avenue, discussed damage that may occur to the beach access road, from trucking sand to the north end. Mr. Flynn reported that the County can address that if there is a problem. Mr. Weiss will provide the County with a Memorandum of Understanding, on behalf of the Village.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve DERM to store equipment on the beach, subject to including a memorandum of understanding. The motion carried (5-0).

B. VILLAGE CLERK:

Lobbyist Registration Report: As of May 19, 2009: A list of Lobbyists currently registered with the Village was provided in the agenda. Mrs. Horvath reported the only change to be the registration of Joe Imbesi for the Bal Harbour Club Inc.

C. VILLAGE ATTORNEY:

Alcoholic Beverage Consumption of Beaches: Mr. Weiss reported that a County Code provision exists that could apply to the Village, but clarified that the County does not enforce it on the Village's beach and they don't think it's applicable to the Village's beach. He added that the Council has the authority to do something, but currently it's not prohibited. Mayor Rosenfield discussed Haulover beach.

Brian Mulheren, 10245 Collins Avenue, encouraged the Council to place regulations and spoke against alcoholic beverages and glass on the beach.

Mayor Rosenfield questioned if the Police have had problems on the beach. Mr. Treppeda advised that they have not. Councilman Packer suggested not waiting for a problem and suggested that the Village enforce the County Code. Mr. Weiss clarified that the Council has the ability to enact an Ordinance. Councilman Packer spoke in favor of implementing an Ordinance prohibiting glass bottles or cans of alcoholic beverages on the beach. Mr. Weiss reported that the Village has traditionally permitted alcohol on the beach in non-glass containers, which is what the Police enforce. Councilwoman Cohen has never seen broken glass on the path and doesn't know how prevalent it is. Assistant Mayor Blachar reported that she has never had a problem or seen anyone drunk and she doesn't want to stop people from fishing and having a good time.

Anamarie Kelly, spoke against allowing drinking on the beach.

Neil Alter, 9801 Collins Avenue, suggested focusing attention under the bridge and on the jetty, where people congregate and drink.

Mayor Rosenfield suggested that the Police frequent that area more. Assistant Mayor Blachar suggested discussing the issue after the meters are installed to see if there's a problem. Councilman Sanz suggested that the Police monitor the situation. Councilwoman Cohen discussed the tremendous Police presence under the bridge. She discussed the amount of litter under the bridge and her request to place more trash receptacles there.

Dina Cellini, 211 Bal Cross Drive, requested clarification on the existence of an ordinance preventing drinking under the bridge. Mayor Rosenfield reported that public drunkenness would be addressed by the Police.

Assistant Mayor Blachar left the meeting.

Captain Klingman clarified that the law prohibits open containers in motor vehicles and any noise disturbances, etc. are addressed by the Police.

Mr. Weiss left the meeting.

Ms. Cellini clarified that someone drinking in a car can be cited. Captain Klingman agreed. Ms. Cellini questioned if it is a violation for someone to drink sitting next to their car. Captain Klingman reported that no ordinance addresses that.

Assistant Mayor Blachar returned to the meeting. Mr. Weiss returned to the meeting.

Councilman Packer questioned if there is a law against public drinking from an open bottle (at bus stops, etc.). Mr. Weiss will research that.

Assistant Mayor Blachar suggested that the Police monitor the issue during the upcoming Memorial and July 4th holidays.

Brian Mulheren, 10245 Collins Avenue, discussed people drinking by the jetty and in the parking lot. He spoke in favor of implementing an ordinance, so the police have the power to enforce it if necessary.

Assistant Mayor Blachar thinks that the police do have the power. Mr. Weiss reported that the police are enforcing the prohibition of glass on the beaches. Captain Klingman discussed the difference between someone possessing alcohol and their conduct and clarified that the Police deal with misconduct. Mr. Weiss reported that the Police have the authority to deal with unruly conduct. Councilman Packer questioned the possession of an open container of alcohol on the beach or streets. Mr. Weiss reported that it is up to the Council if they want to do something.

D. MAYOR AND COUNCIL:

10. OTHER BUSINESS:

Joanne Allison and Linda Siegel, Aventura residents, spoke against the requirement to ride bicycles in the street in Bal Harbour. Ms. Siegel discussed a State Statute allowing bicycles on the sidewalks, if a life is threatened. Ms. Allison and Ms. Siegel would like to ride their bikes on the sidewalks. Ms. Siegel reported that the sand on the beach path is not good for riding.

Mayor Rosenfield discussed the Village Ordinance prohibiting bikes on the sidewalks and explained that the beach path was opened to riders for that reason. Councilman Packer discussed researching the State Statute. He noted that if the path on the beach needs to be hardened for riders, then it will be addressed. Assistant Mayor Blachar agreed.

Neil Alter, 9801 Collins Avenue, questioned the status of the installation of the cameras. Captain Jay Smith reported that the first one is scheduled to be installed at the end of June, with a 90-day warning notice to violators.

Mr. Alter discussed the condition of the bus shelters and the lack of roofs and sides. Mr. Treppeda reported that designs are being worked on for protection from the elements. He noted that the St. Regis location will be used as a test site. Councilman Sanz spoke in favor of new shelter designs. Mayor Rosenfield requested an update in June.

Mr. Alter reported confusion on the beach renourishment project, which he thought was for the entire beach.

Mr. Alter spoke in favor of broadcasting meetings on the Village's cable channel. Mayor Rosenfield reported that Mr. Treppeda is investigating that. Mr. Treppeda reported that the cost is \$50,000 plus \$350 each meeting for attendance and filming. Assistant Mayor Blachar spoke against it for various reasons. Councilman Packer suggested a test for one to two months for resident response, etc. and requested that the Council give authority to the Manager to proceed.

Mayor Rosenfield discussed problems with space, etc.

A motion was offered by Councilman Packer to direct staff to look into the issue of broadcasting Council meetings further. The motion died due to the lack of a second.

Councilman Packer discussed the need for the Council to be transparent.

Councilwoman Cohen spoke in favor of night meetings, for better attendance for education, etc. Councilman Packer discussed educational reasons for broadcasting and urged Mayor Rosenfield's approval. Mayor Rosenfield offered to attend other municipal meetings that are broadcast to see the process and discussed the pros and cons of broadcasting.

Mayor Rosenfield announced that the June and July meetings are scheduled for 7:00 p.m. and future times will be determined at the July meeting.

Anamarie Kelly, questioned the cost and amount of keys sold for the Club path. Mayor Rosenfield reported that the property is private and the Council does not have that information.

Ms. Kelly discussed the Village's Development Agreement with the Sheraton and concerns regarding bankruptcy and the Village receiving the resort tax money. Mr. Weiss reported that those issues are being dealt with through the Manager.

Councilman Packer explained that he previously asked the question regarding keys to the Club's beach path to see if people were purchasing the keys and using the path. Mr. Weiss reported that since there is no agreement between Mr. Imbesi and the Village dealing with the path, the Village should stay away from the issue.

Dina Cellini, 211 Bal Cross Drive, discussed the appearance of a quick pro-quo with Mr. Imbesi, since the Village approved placing the Police boat at the marina and then Mr. Imbesi opened the beach path. Councilman Packer clarified that the Police boat has always been at that marina.

Brian Mulheren, 10245 Collins Avenue, suggested that the bus shelter test site be at the Bellini. Mr. Treppeda explained that the St. Regis was selected, since it is paying for the test bus shelter.

Beth Berkowitz, 10160 Collins Avenue, encouraged the use of the dock behind the park for the Police boat and spoke against prisoners being brought through the Village.

Councilman Packer discussed reinstalling the Vita path on the beach. Mr. Treppeda reported that is being researched. Mayor Rosenfield questioned the liability involved and usage of the Vita path. She suggested a survey of Village residents. Councilman Packer

spoke in favor of giving residents the same amenities as other communities in the area.

A motion was offered by Councilman Packer and seconded by Councilman Sanz for Mr. Treppeda to investigate a Vita path and water fountains on the beach. The motion carried (5-0).

Councilman Packer reported that he and Mr. Treppeda have been in touch with Sally Heyman and announced that there will be a dog park at the south end of Haulover Park. He suggested passing a resolution supporting the formation of the dog park. He clarified that the dog park will be financed by the County, which is requesting in-kind contributions from Bay Harbor, Bal Harbour, Sunny Isles Beach, and Surfside, in the form of machinery, employees, etc. to help. Mayor Rosenfield spoke in favor of supporting it, but would like to know the cost involved.

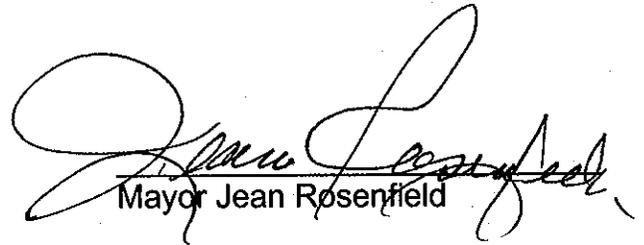
A motion was offered by Councilman Packer and seconded by Councilman Cohen that the Village supports the creation of a dog park at Haulover Park. The motion carried (5-0).

Councilman Packer thanked the Public Works Department for clearing debris from the palm trees. Councilwoman Cohen suggested being proactive and cutting them prior to dropping. Mr. Treppeda explained that they are falling before they are supposed to, due to the lack of rain.

Mr. Treppeda reported that a water fountain has been ordered, which will be placed on the beach behind the Club.

11. ADJOURN: There being no further business, *a motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to adjourn. The motion carried (5-0) and the meeting adjourned at 10:55 a.m.*

Attest:


Mayor Jean Rosenfield


Ellisa L. Horvath, CMC, Village Clerk