

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
SPECIAL MEETING – APRIL 13, 2009

A Special Meeting of the Bal Harbour Village Council was held on Monday, April 13, 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 7:00 p.m. by Mayor Berlin. The following were present:

Mayor Howard J. Berlin
 Assistant Mayor Jean Rosenfield
 Councilman Martin Packer

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

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

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

3. DISCUSSION AND POSSIBLE SELECTION OF A COUNCILMEMBER FOR DISTRICT 4: Mayor Berlin explained that the Council solicited resumes to fill the District 4 seat and reported that eight resumes were received.

The following people who submitted resumes spoke on their interest and credentials to serve:

Gil Wachsman, 10225 Collins Avenue

Lynne Bloch-Mullen, 10150 Collins Avenue

Paul Pruess, 10101 Collins Avenue

Jaime Sanz, 284 Bal Bay Drive, #5A

Dr. Abraham Gotman, 9601 Collins Avenue PH#101

James R. Sabatino, Charles Venturi, and Reuven Feldman submitted resumes, but were not in attendance at the meeting.

The following public comments were received:

Neil Alter, 9801 Collins Avenue, spoke in favor of appointing Lynne Bloch-Mullen to the seat.

Anamarie Kelly Stoppa, 77 Camden Drive, discussed considering available remedies before appointing anyone and waiting for a judicial conclusion. She spoke on the lack of clarity in the Village Charter regarding vacancy. She discussed the in-eligibility of Patricia

Cohen to run for the Council.

Dan Holder, 24 Bal Bay Drive, requested that the Council appoint Lynne Bloch-Mullen to the seat.

Carolyn Bower, Admiralty, spoke in favor of appointing Lynne Bloch-Mullen to the seat.

Brian Mulheren, 10245 Collins Avenue, spoke in favor of appointing Lynne Bloch-Mullen and spoke against appointing Jaime Sanz.

Marjorie Schell, 9801 Collins Avenue, requested the Council get control of everything.

Doug Rudolph, 212 Bal Bay Drive, spoke in favor of selecting a qualified person from the District and entrusting the Council to review the qualifications of the applicants and make the right choice. He discussed the applicant that 70% voted against for office, was quoted in the paper as saying the Council was corrupt, and cost the taxpayers \$200,000 by making the Council and the Village defend the right to run the Village.

Michael Krop, 9601 Collins Avenue, submitted signatures of 110 people in favor of appointing Lynne Bloch-Mullen to the seat. He spoke in favor of appointing Ms. Mullen.

Mayor Berlin closed the public hearing.

Councilman Packer requested clarification on the completion of the case. Mr. Weiss explained that although the case is not done, the Council can move forward. He reported that Councilman Jacobi's resignation created a vacancy and the Village is now involved in determining how to fill that vacancy, which the court ruled the Council has the ability to do. Mayor Berlin questioned any legal requirements for the Council to appoint Ms. Mullen or not to consider Mr. Sanz. Mr. Weiss clarified that nothing requires or prohibits the Council to consider Ms. Mullen.

Mr. Weiss explained that Mr. Sanz indicated that he intended to live in the District (3) that he was elected to, but that he has now determined that he is not going to move back into that District. He reported that the Ethics Commission has advised that they don't have any jurisdiction over the residency item. He clarified that nothing prohibits the Council from considering Ms. Mullen or Mr. Sanz and that Mr. Sanz now lives in District 4 and intends to remain there.

Mayor Berlin questioned Mr. Sanz if he currently resides in District 4. Mr. Sanz reported that he has lived at 284 Bal Bay Drive, since the end of 2005.

Mr. Weiss read the Charter addressing appointment and discussed that preference should be given to people living in the District. Mayor Berlin reported that the Council received four applicants from the District and four applicants from outside the District. He announced that Ms. Mullen and Mr. Sanz are the two applicants who are at the meeting and live in the District.

A motion was offered by Councilman Packer to appoint Lynne Bloch-Mullen to the seat. The motion died, due to the lack of a second.

Assistant Mayor Rosenfield discussed her admiration of Ms. Mullen. She spoke in favor of

appointing someone with experience.

A motion was offered by Assistant Mayor Rosenfield and seconded by Mayor Berlin to appoint Jaime Sanz to fill the last two years of the seat.

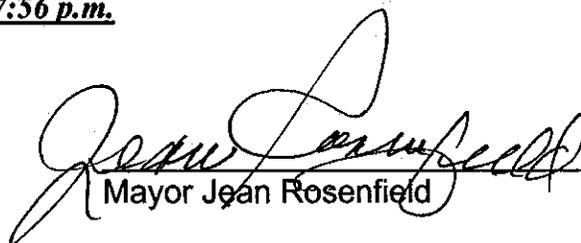
Mayor Berlin discussed the selection of Mr. Sanz as the best option to fill the seat. Councilman Packer agreed that Jaime Sanz served well on the Council. He expressed that it is still his belief that Ms. Mullen should be appointed because of the case, but noted that if it is the vote of the Council, then the question should be called to determine his vote.

The motion carried unanimously (3-0), with the roll call vote as follows: Mayor Berlin aye; Assistant Mayor Rosenfield aye; Councilman Packer aye.

4. ADJOURN: There being no further business, *a motion was offered by Councilman Packer and seconded by Assistant Mayor Rosenfield to adjourn. The motion carried unanimously (3-0), and the meeting adjourned at 7:56 p.m.*

Attest:


Ellisa L. Horvath, CMC, Village Clerk


Mayor Jean Rosenfield