

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – MARCH 17, 2009

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, March 17, 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 7:20 p.m. by Assistant Mayor Rosenfield. The following were present:

Assistant Mayor Jean Rosenfield
 Councilman Joel S. Jacobi
 Councilman Martin Packer
 Councilman Jaime M. Sanz

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

Absent: Mayor Howard J. Berlin

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

2. PLEDGE OF ALLEGIANCE: The Pledge was previously done at the General Employees Retirement Board Meeting.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Mr. Treppeda requested the removal of Tab C and Tab G and the addition of a Vehicle Lease to the Consent Agenda.

A motion was offered by Councilman Sanz and seconded by Councilman Jacobi to approve the addition/deletion of the requested items on the Agenda and to approve the items on the Consent Agenda, with the exception of Tabs C and G. The motion carried unanimously (4-0).

4. SPECIAL PRESENTATIONS:

Water Conservation Month Proclamation Presented to the South Florida Water Management District: Assistant Mayor Rosenfield presented Lewis Beilman, South Florida Water Management District, with a Proclamation recognizing April 2009 as Water Conservation Month.

Officer of the Month for February 2009: Chief Hunker presented Officer Madeleine Orr with the Officer of the Month plaque, for February 2009.

Employee of the Month for February 2009: Mr. Treppeda presented Administrative Assistant Andrea Greenblatt with the Employee of the Month plaque, for February 2009.

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

Tab B: February 17, 2009 Regular Meeting Minutes

Tab D: Acceptance of \$1,000 Donation from the Related Group

Tab E: \$17,480.00 in Security District Funds for Painting and Miscellaneous Maintenance/Repairs to the Guardhouse

Tab F: \$650.00 Monthly for a 48-Month Lease to Replace Vehicle #269

Tab H: \$17,140.00 for the Purchase of a New Computer Server

Tab I: \$1,000 Contribution to Ruth K. Broad Bay Harbor K-8 Center PTA for Teacher Appreciation Week

Addition: Lease Agreement with Mears Leasing for a Chevy Suburban to be used by undercover personnel, at no cost to the Village (cost will be borne by Glades County Sheriff's Office)

The Consent Agenda items were previously approved in the meeting.

Discussion of Tab C – Motion Approving Expenditure of Police Forfeiture Funds: Mr. Treppeda requested the removal of \$2,000 for the Krop Senior High Scholarship Recipients and \$3,000 for the Host Impaired Driving Checkpoint. He requested approval of \$8,730 for the remaining items.

A motion was offered by Councilman Sanz and seconded by Councilman Jacobi to approve the requested items. The motion carried unanimously (4-0).

Discussion of Tab G – Motion Approving Resort Tax Committee Recommendations: Mr. Treppeda distributed a \$3,000 proposal from Merrett Stierheim to assist in the selection process to fill the Director of Tourism position. He requested the approval of the Resort Tax Committee recommendations, including the \$3,000 proposal from Mr. Stierheim.

A motion was offered by Councilman Sanz and seconded by Councilman Packer to approve the requested items. 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: The following resolution was read by title, by the Village Clerk:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF AN ACCOUNT FOR POLICE PENDING FORFEITURES WITH SUNTRUST BANK AND FURTHER AUTHORIZING THE CLOSING OF ACCOUNTS AT CITY NATIONAL BANK.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve. The motion carried unanimously (4-0); thus becoming Resolution No. 2009-708.

9. REPORTS:

A. VILLAGE MANAGER:

Discussion of Bal Harbour Village Beach Erosion – Brian Flynn, Miami-Dade County DERM: Mr. Flynn reported that the State permit should be received in a couple of days, followed by the Army Corp of Engineers permit, and the request for a County permit will be reviewed on April 21st. He estimated that sand should be on the beach at the beginning of May.

Beth Berkowitz, 10160 Collins Avenue, discussed a letter she received from the FDEP (Florida Department of Environmental Protection), dated March 9th, regarding the beach. She discussing funding from State and County funds and reported that the eligibility of Bal Harbour's funding is based on the public access points at 96th Street and North Access. She added that Bal Harbour does not have the maximum public access to receive the maximum funding available. Ms. Berkowitz requested the Council to look into additional beach access for residents and a bike path.

Mr. Flynn explained that the State funding eligibility is based on parking and public access points. He reported that the Village receives a total of 28% out of 50%. He explained that it meets the Federal criteria, but not the State criteria. He clarified that Bal Harbour does not have full eligibility and noted that the County has paid the remaining amount in the past. Mr. Flynn explained that the County encourages additional access/parking. He clarified that even if public access is provided, it does not help without parking.

Anamarie Kelly, 77 Camden Drive, questioned if the parking at the Bal Harbour Shops is counted for the 96th Street access. Mr. Flynn reported that anything within a quarter mile would qualify, including any parking in Surfside.

Paul Pruess, 10101 Collins Avenue, thanked Mr. Flynn and the Corps of Engineers, on behalf of the Citizen's Coalition, for the beach renourishment.

Assistant Mayor Rosenfield thanked Mr. Flynn and discussed the Council's involvement in the process. Councilman Packer suggested proceeding with discussion on a sand transfer station and authorizing the Village Manager to continue discussions with Coastal Systems

to submit a proposal. Assistant Mayor Rosenfield discussed legal issues and requested Mr. Flynn to advise the Council on the direction they need to take. Mr. Flynn explained that Coastal Systems will look at some of the other transfer stations in the State and report back to the Council.

Consideration of Resort Tax Committee Member

Appointment: Mr. Treppeda requested the Council consider appointing Bal Harbour Shops General Manager Rich Lodes to the Resort Tax Committee, to replace Bal Harbour Shops Marketing Director Cheryl Stephenson, who recently resigned.

A motion was offered by Councilman Sanz and seconded by Councilman Packer to appoint Mr. Lodes to the Resort Tax Committee. The motion carried unanimously (4-0).

Update on Possible Candidate Forum: Mr. Treppeda reported that the Miami-Dade County League of Women Voters have agreed to host a Candidate Forum and have recommended that Merrett Stierheim serve as the moderator.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to have a Candidate Forum hosted by the Miami-Dade County League of Women Voters, moderated by Merrett Stierheim, on Monday, March 30, 2009, at 7:00 p.m. at Village Hall. The motion carried unanimously (4-0).

Update on Sheet Metal Duct Work Issue at St. Regis – Building

Official Daniel Nieda: Mr. Treppeda explained that Mr. Nieda inspected the St. Regis site and reported that the gauge is above the required amount. He clarified that Mr. Nieda has reported that all of the work meets requirements at the job.

Carlos Rivas, Sheetmetal workers, disagreed with Mr. Nieda's report. He discussed fire dampers, etc. not passing and requested a private meeting with the Village Manager and Building Official to discuss the issues.

This item was discussed again under Other Business.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of March 17, 2009: A list of Lobbyists currently registered with the Village was provided in the agenda.

Update on Village Election: Mrs. Horvath reported that the election for District Seats 1 and 3 on the Bal Harbour Village Council will be held on April 7, 2009. She announced that Joni D. Blachar was the only candidate to qualify for District 5 and has been elected by operation of law.

C. VILLAGE ATTORNEY: Mr. Weiss will meet with Ms. Berkowitz for additional information, before providing a report regarding beach access.

D. MAYOR AND COUNCIL:

Councilman Jacobi congratulated Officer Orr and Officer Goldberg for receiving LEO

Awards.

Assistant Mayor Rosenfield discussed the St. Patrick's Day celebration hosted by the Village's Park & Recreation Department and encouraged participation at Village events.

10. OTHER BUSINESS:

Anamarie Kelly, requested that Council members attend the meeting with the Sheet Metal Workers and reported that she will also invite Ileana Ros-Lehtinen to attend. Ms. Kelly gave an Irish Toast.

Joseph Grabar, Surfside, thanked the Council and Councilman Packer for opening the beach path to bicyclists.

Neil Alter, 9801 Collins Avenue, commended Chief Hunker and the Police for apprehending three people from stealing a paddle boat behind the Regent Hotel. He discussed parking under the bridge, the installation of meters and policing the area. Assistant Mayor Rosenfield reported that the meters have been ordered.

Brian Mulheren, 10245 Collins Avenue, commended Officer Alvarez and Officer Waisman, as well as the other police departments, for working together. He requested a minimum of four officers working per shift. He discussed 290 Bal Bay Drive being advertised as a hotel (Hotel Quarzo).

Pauline Curd, 290 Bal Bay #304, discussed Quarzo's lack of communication with owners and the hazardous conditions (loose wires, etc.). Assistant Mayor Rosenfield requested Mr. Nieda and Mr. Treppeda to look into the issue and contact Ms. Curd.

Daniel Nieda, Building Official, sympathized with the union workers. He discussed the claims of shoddy and bad workmanship and clarified that the Village does not deal with labor negotiations, bidding procedures, or work visas. Mr. Nieda reported that a random inspection was done and that the allegations of shoddy workmanship are inaccurate. He discussed the inspection process. Assistant Mayor Rosenfield suggested that Mr. Nieda meet with the union workers. Mr. Treppeda reported that he and Mr. Nieda will handle the issue.

Dan Vilaro, S&W Local 32, discussed duct leakage tests on the 4th Floor. Mr. Nieda is not aware of a leakage test, but noted that doesn't mean there is faulty construction.

Joe Imbesi, 175 Camden Drive, announced that the Bal Harbour Club will provide access to the beach on the path south of the property, to Bal Harbour residents. He reported that keys will be sold at the Club. Mr. Imbesi offered to discuss solutions with the Council regarding beach access.

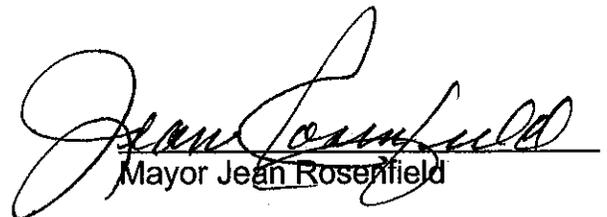
Councilman Packer thinks that if Mr. Imbesi charges for parking, then the State would raise the amount the Village qualifies for. Mr. Weiss suggested that Mr. Treppeda, Mr. Imbesi, and a Village Attorney work on the issue. Councilman Packer thanked Mr. Imbesi. Mr. Imbesi reported that the keys will be available in a week.

Councilman Packer discussed scheduling a workshop to discuss the future plans for the

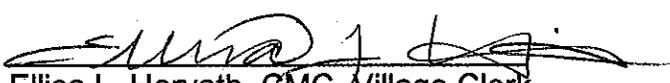
Village. He suggested another workshop meeting on the Comprehensive Plan. Assistant Mayor Rosenfield suggested waiting until the new Council is in place.

Assistant Mayor Rosenfield announced that Election Day is April 7th.

11. ADJOURN: There being no further business, a motion was offered by Councilman Jacobi and seconded by Councilman Sanz to adjourn. The motion carried unanimously (4-0) and the meeting adjourned at 8:17 p.m.


Mayor Jean Rosenfield

Attest:


Ellisa L. Horvath, GMC Village Clerk