

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**WORKSHOP MEETING - MARCH 4, 2009**

A Workshop Meeting of the Bal Harbour Village Council was held on Wednesday, March 4, 2009, 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 7:00 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 Horvath, CMC, Village Clerk
- Nancy Stuparich, 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 led by Village resident Sam Rosenfield.

**3. PRESENTATION AND DISCUSSION OF DRAFT EVALUATION & APPRAISAL REPORT (EAR) OF THE ADOPTED COMPREHENSIVE PLAN - VILLAGE PLANNER MICHAEL MILLER, MICHAEL MILLER PLANNING ASSOCIATES, INC.:**

Michael Miller explained the DRAFT Evaluation and Appraisal Report of the adopted Comprehensive Plan and reported that State statute currently requires a review of the Plan for changes and revisions every seven years. He reviewed the sixteen items that the Village is required to look at, the recommendations, and the history/profile of the Village. Mr. Miller explained the process and reviewed the ten major local issues for Bal Harbour that were agreed to in 2006.

Mr. Miller discussed future redevelopment and reported that the Beach Club (Tract A and Yacht Basin) is counted in the inventory for park acreage at 50%. He explained that if that acreage is lost, then development would need to provide land/facilities to mitigate that. He clarified that no plans have been submitted for that property.

Assistant Mayor Rosenfield discussed the issue of transportation level of service (LOS) that will have to be addressed in the future, due to the density in surrounding communities.

*Charles Ivento*, discussed the possibility of pursuing an additional ingress/egress during storms and reported that the Regent has three open garages, without doors, on Collins Avenue. Mr. Miller reported that it's difficult to provide another exit to the mainland and added that the South Florida Regional Planning Council has addressed the issue of people leaving the barrier island and provides alerts as soon as possible. He reported that garage doors were approved as part of the site plan for the Regent. Assistant Mayor Rosenfield will

have that item looked into.

**Beth Berkowitz, 10160 Collins Avenue**, discussed counting privately-owned land (towards parks/open space/recreation) that is restricted against residents living outside the Security District and providing another mid-point access for the beach. She questioned the population methodology used to calculate the level of service. Mr. Miller discussed the list of public parks (100% credit) and private open space (50% credit) that were used. He explained the purpose of the plan to identify acreage, not ownership or accessibility, but an inventory of location. He discussed the two beach access points identified at 96<sup>th</sup> Street and the jetty. He explained that a private owner has offered a temporary mid-point access and recommended that the Village negotiate a permanent one, if a Developer comes in. He explained that the Plan currently includes permanent residents, seasonal residents and tourist population. He continued that the amount of 3,300 permanent resident population was used, per statute requirements. Mr. Miller added that the Plan also includes estimated seasonal (2,200) population and tourists, resulting in a total maximum amount of 8,000 people, if everything is occupied.

**Dina Cellini, 211 Bal Cross Drive**, discussed the possible future development of Tract A. She discussed the Village's action to cure the problem of losing creditable lands and increasing population, if the Club is developed, and the specific action the Council needs to take to adopt a Comprehensive Plan to implement those alternatives. Mr. Miller discussed the following scenarios for the property: a hotel resulting in the loss of (50% of the current acreage used) 2.7 acres which would need to be mitigated, a residential project also resulting in the loss of 2.7 acres and creating a new demand for the residents resulting in the need for an acre of land to be dedicated to the residents and tourists by them, and a mixed-use project resulting in a combination of the two scenarios. He reported that if units are provided on one side of the property and land is dedicated to the public on the other side, then that would be counted 100%. He added that since the Village adopted the County Concurrency Management System, he doesn't think that the beach can be counted as open space/recreation, but discussed the possibility of counting the jogging path/walking areas and between the buildings and landscaping, since they are not beach. He discussed property lines, erosion control line, etc. He clarified that if that land is developed, then some mitigation would be required to make up the shortage. Ms. Cellini questioned if the areas west of the erosion control line could be counted, since that land is given to the private property owners. Mr. Miller needs to look into that. Ms. Cellini questioned what the Village would have to do to make using those lands or others a reality. Mr. Miller explained that the Comprehensive Plan would need to be changed, either by the Council as an EAR based amendment, or by the Developer filing a request to amend the Comprehensive Plan to count all or some of the land. He added that would be done by ordinance, with two public hearings. Ms. Cellini noted that a cure is not suggested or implemented in the EAR report. Mr. Miller reported that the Comprehensive Plan would have to be amended, but clarified that the issue is already addressed in the EAR by showing that a cure is necessary. Ms. Cellini clarified that the Comprehensive Plan amendments would require two opportunities for the public to speak. Mr. Miller explained the process. Ms. Cellini clarified that Tract A could not be re-developed, without mitigation. Mr. Miller agreed either that would have to be done or a Comprehensive Plan amendment.

**Dan Holder, 24 Bal Bay Drive**, discussed consolidating Village services into one plan. Mr. Miller reported that is not part of the Comprehensive Plan. Mr. Holder requested clarification on the location of the erosion control line. Mr. Miller discussed the location and reported that it's a meandering line and that the recorded map can be provided.

**Carter McDowell, Attorney - Bilzin Sumberg, representing the Bal Harbour Club, St. Regis and One Bal Harbour**, discussed the Village's responsibility to meet the level of service standards. He reported that State statute requires the Village to have a financially feasible responsible plan and that it is his belief that it is not the Bal Harbour Club's responsibility to meet concurrency and the projected demands. He thinks that the Village can still count the beach, since it was included in the initial Comprehensive Plan. Mr. McDowell discussed the use of the beach as a primary recreational area and estimated the total beach to be 28 acres and that only 10-12 acres is needed for the entire Village. He also reported that the County Currency Management System counts all permanent private recreational areas at 50% and discussed all condo projects having permanent recreational facilities (pool, tennis courts, etc.) He noted that if the Village is using the County's system of counting 50% of private lands, then all the private lands should be used, which will exceed the required amount. Mr. McDowell suggested either including the beach through the Village's system or using the County's system and counting all private recreational land at 50%. He discussed the erosion control line.

**Gabriella Webster, 34 Bal Bay Drive**, requested more discussion on beach erosion, discussed the need for a Municipal center, and agreed that the beach is the largest recreation area. Mr. Miller reported that there is nothing in the plan for a Municipal center, but clarified that it could be added in the Future Land Use Element. He discussed beach erosion, problems finding sand, and funding. Assistant Mayor Rosenfield reported that the Village is committed to beach renourishment.

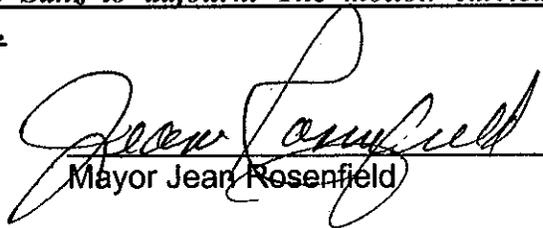
**Marjorie Schell, 9801 Collins Avenue PH#17**, suggested extending the plantings to the opening behind the St. Regis site, to protect the beach. Assistant Mayor Rosenfield reported that plans are being submitted. Mr. Treppeda will review the plans with Ms. Schell.

**Brian Mulheren, 10245 Collins Avenue**, discussed protecting the ocean, coastal line, and Village and the need for a Municipal facility.

**Dina Cellini, 211 Bal Cross Drive**, reported that when the Village adopted the County's system, it expressed intent to reject the use of the beaches and water as creditable land. She suggested that the Council seek the County's advice in the future on what can be counted, because she doesn't think that the 50% lands that the Village uses is counted by the County. Assistant Mayor Rosenfield agreed that the Council should solicit the County's advice. She reported that there are legal questions that need to be investigated.

Councilman Jacobi agreed that a government municipal building needs to be addressed. Assistant Mayor Rosenfield also agreed.

**4. ADJOURN:** There being no further business, a motion was offered by Councilman Packer and seconded by Councilman Sanz to adjourn. The motion carried unanimously, and the meeting adjourned at 8:40 p.m.

  
Mayor Jean Rosenfield

Attest:

  
Ellisa L. Horvath, CMC, Village Clerk