

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – JULY 21, 2009

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, July 21, 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 Rosenfield. The following were present:

Mayor Jean Rosenfield
 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
 Alan Gabriel, Village Attorney

Absent: Assistant Mayor Joni D. Blachar

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 that Tab N be removed from the agenda.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve the removal of Tab N from the Agenda. The motion carried (3-0).

4. SPECIAL PRESENTATIONS:

Officer of the Month for June 2009: Chief Tom Hunker presented Officer Ramon Fernandez with the Officer of the Month plaque, for June 2009.

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

A motion was offered by Councilman Sanz and seconded by Councilman Packer to approve the items on the Consent Agenda. The motion carried (4-0).

1 Councilwoman Cohen arrived during the Special Presentations.

6. PUBLIC HEARINGS:

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: The following ordinance was read by title by the Village Clerk:

AN ORDINANCE OF THE VILLAGE OF BAL HARBOUR, FLORIDA, AMENDING SECTION 19-4 "PARKING IN P OFF-STREET PARKING DISTRICT AND ON HERMAN B. FULTZ BRIDGE" OF ARTICLE ONE "IN GENERAL" OF CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES" OF THE VILLAGE CODE BY PROVIDING FOR THE CREATION OF A PARKING METER FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve.

Mayor Rosenfield opened the item for public discussion. There being no comments, Mayor Rosenfield closed the public discussion.

The motion carried (4-0), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar absent; Councilwoman Cohen aye; Councilman Packer aye; Councilman Sanz aye; thus becoming Ordinance No. 2009-534.

Resolutions/Public Hearings: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: The following ordinance was read by title by the Village Clerk:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 10 "MARINE STRUCTURES, ACTIVITIES AND WAYS", BY AMENDING ARTICLE II, "USE OF PUBLIC BEACHES", SECTION 10-31 "PROHIBITED ACTS", AND SECTION 10-32 "PROHIBITIONS; MOTORBOAT RESTRICTED ZONES", PROHIBITING THE RENTAL OF MOTORBOATS OR PERSONAL WATERCRAFT OR ESTABLISHMENT OF CONCESSIONS RENTING MOTORBOATS OR PERSONAL WATERCRAFT ON THE PUBLIC BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield explained that the public expressed at prior meetings that they did not want to allow motorized boating on the beach.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve.

Mayor Rosenfield opened the item for public discussion. There being no comments, Mayor Rosenfield closed the public discussion.

The motion carried (3-1), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar absent; Councilwoman Cohen no; Councilman Packer aye; Councilman Sanz aye.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Discussion of Bal Harbour Village Beach Erosion – Brian Flynn, Miami-Dade County DERM: Mr. Flynn estimated the project to be complete in August.

Paul Pruess, 10101 Collins Avenue, questioned the long-term solution for a permanent resolution to the beach erosion problem. Mr. Treppeda reported that the Village's engineer is working on a presentation regarding a sand transfer station. Mr. Pruess questioned if that is the only potential solution.

Mr. Flynn discussed short-term trucking projects and long-term Army Corps of Engineers projects. He discussed new potential sand areas off Dade County, which would allow a Bal Harbour project in 2011, or the use of non-domestic sand (Bahamas, Turks & Caicos). He discussed the plan to remove the existing non-functional groins and replace them with rock structures that will retain the sand longer and reduce the wave energy, which should be constructed in 2011. Mr. Flynn will provide Mr. Treppeda with contact information for the Army Corps Jacksonville District to provide a presentation on the plans.

It was the consensus of the Council for the Army Corps of Engineers to attend a future Council meeting to discuss plans for the rock structure project.

Marjorie Schell, 9801 Collins Avenue, discussed increasing plantings, providing signage in two languages, and installing fencing.

Mr. Flynn will attend the September meeting.

Discussion of Vita Course on Beach: This item was removed from the agenda.

Discussion of Proposed Millage Rate for 2009/2010: ***Chris Wallace, Finance Director***, recommended approving a millage rate of 2.5265, which is the rolled-back rate. He explained that it's not a tax increase and the Village will be receiving less money. He discussed the loss of the St. Regis Development Agreement money in the 2010/2011 budget and the possibility of the project not making the tax roll, which would create a \$2 million loss in that fiscal year budget.

Dina Cellini, 211 Bal Cross Drive, questioned contingency plans if the St. Regis doesn't provide the money that is agreed to in the Development Agreement. She suggested an informal budget workshop prior to the first budget meeting. Mr. Wallace explained that the

\$2million specified in the Development Agreement is a financial guarantee and nonpayment would result in the Village having an enforceable lien on the property. He noted that it would cause a cash-flow problem, but that the Developer has been paying on time. He reported that the Village has substantial reserves to cover that shortfall for at least a year. Ms. Cellini questioned if there are sufficient funds in reserves. Mr. Wallace reported that there are.

Neil Alter, 9801 Collins Avenue, spoke in favor of the Council considering a budget workshop meeting. He questioned the consequences of construction slowing on the second St. Regis condo building and its relationship to future property tax revenue. Mr. Treppeda reported that construction is continuing. Mr. Nieda reported that the project was ahead of schedule, so they slowed it down. He estimated the three structures to be complete at the end of the year, with the interior work beginning at that time. Mr. Treppeda discussed the loss of the \$2 million as part of the Development Agreement and the possibility of a time lapse until the project is on the property tax rolls. Mr. Wallace discussed having a stable tax rate and the implementation of a rate stabilization fund to address that.

Mr. Alter questioned a request submitted to the Council by the St. Regis for modifications. Mr. Treppeda reported that the request was to change the direction that the pools are going, which wouldn't require Council action. Mr. Alter suggested that an additional year be added to the Development Agreement for the changes they requested.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to authorize the Village Manager to certify the millage rate as 2.5265 mills. The motion carried (4-0).

Quarterly Financial Update for Third Quarter 2008/2009

Provided by Finance Director Christopher Wallace: Mr. Wallace reviewed the financial update and estimated all funds to finish well into the black. He discussed the loss experienced by the Village through the State Board of Administration Funds. He suggested that the Council decide whether or not to take action against the State Board, since they operated outside of their Investment Guidelines, and discussed the opportunity for Collective Action. Councilman Packer discussed the cost involved to pursue an action and questioned the Village Attorney regarding other cities doing something. Mr. Gabriel reported that there has been discussion, but no action at this point. Councilman Packer discussed monitoring the issue to see if there is a class action suit.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of July 21, 2009: A list of Lobbyists registered with the Village was provided in the agenda.

Selection of Budget Hearing Dates/Times: Mr. Treppeda requested direction from the Council on whether or not they would like to meet in August.

A motion was offered by Councilman Sanz and seconded by Councilman Packer approving the cancelation of a Regular Council meeting in August. The motion carried (4-0).

Mayor Rosenfield reviewed the list of suggested dates/times for the budget hearings.

Dina Cellini, 211 Bal Cross Drive, suggested that the budget hearings be held at 7:00

p.m. Mayor Rosenfield noted that the hearings must be held after 5:00 p.m. and suggested 6:00 p.m. as a compromise.

It was the consensus of the Council to schedule the First Budget Hearing for September 8, 2009 at 6:00 p.m., the Second Budget Hearing for September 15, 2009 at 6:00 p.m., and the September Regular Council Meeting for September 15, 2009 at 7:00 p.m.

Selection of Regular Council Meeting Times for August through December: The meetings for August and September were previously discussed.

A motion was offered by Councilman Packer and seconded by Councilman Cohen to hold the Regular Council Meetings in October, November, and December at 7:00 p.m. and to re-evaluate the times for the 2010 schedule at the December meeting. The motion carried (4-0).

C. **VILLAGE ATTORNEY:** No items were discussed.

D. **MAYOR AND COUNCIL:**

Councilwoman Cohen questioned the revenue that was derived from the Sheraton. Mr. Wallace clarified that prior to the Sheraton being torn down, they accounted for 75% of the resort tax revenue. He explained that the Regent and other places have since come on line, but noted that property still provide a large portion of the tourism and property revenue.

Councilwoman Cohen discussed people being attracted to hotels that have activities for children and urged the Council to keep that in mind when restricting activities. She explained that she was not in favor of the decision to eliminate motorized watercraft, which may not be beneficial to the Village on every aspect. Mayor Rosenfield explained that the new Tourism Director is addressing plans for activities on the beach that will involve children and residents.

10. OTHER BUSINESS:

Dan Holder, 24 Bal Bay Drive, questioned if the Sheraton was 75% of the property taxes. Mr. Wallace clarified that it was 75% of the tourism tax revenue. Mr. Holder discussed the dangers of Jet-ski accidents, the need to protect people, and having safe beaches.

Dina Cellini, 211 Bal Cross Drive, questioned if the Village is merging its Police dispatch with Surfside and Indian Creek at the Surfside Police Station. Chief Hunker reported that it is an experiment that will be held in August, in conjunction with Key Biscayne and Surfside. He explained that the idea was to decrease the budget. Councilwoman Cohen expressed concern regarding Key Biscayne participating. Chief Hunker doesn't expect any change in service. Councilman Packer questioned if the experiment is a success, if the joint communications will be moved to the Shops. Chief Hunker doesn't know, but spoke against the dispatch being in Surfside. Councilman Packer questioned if the Police are still proceeding to move to the Shops. Chief Hunker reported that they are. Councilman Packer questioned if the Village houses everyone at the Shops if the Village would then receive a contribution from the other municipalities. Chief Hunker doesn't know where it would be housed and explained that the experiment is to find out if it is feasible. He explained that

North Bay Village and Bay Harbor are not participating, because they are on a different CADD system. Mr. Treppeda explained that Indian Creek doesn't have a need, because someone has to be at the bridge. Chief Hunker will report back on the results of the experiment.

Ms. Cellini voiced concern that the item wasn't put on the agenda for discussion. She thinks that it would have been more financially responsible to conduct the experiment before the decision and costs to move the dispatch area to the Shops. Ms. Cellini is not against the experiment, but requested that the move to the Shops be stopped until it is determined if the joint dispatch is feasible on a permanent basis. She also spoke against moving the uniform patrol division to the Shops if a joint dispatch is done, because the reason behind the move was for safety, flooding, etc. issues regarding the dispatch area.

Chief Hunker explained other reasons for the move including the uniform division needing to operate after an emergency. He doesn't see any reason not to move forward and reported that there is no commitment to Surfside on the location for housing the dispatch.

Mayor Rosenfield reported that the Council is aware of what is going on and will continue monitoring the concept.

Lynne Bloch-Mullen, Admiralty Apartments, spoke in favor of fixing the current Village Hall or working towards a new Village Hall. She noted that the move is another expensive band-aid that alot of residents do not want.

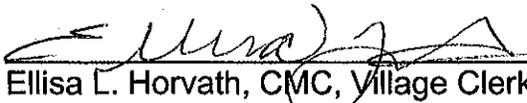
Mr. Treppeda thanked all of the Village Department Heads for looking at budget cuts.

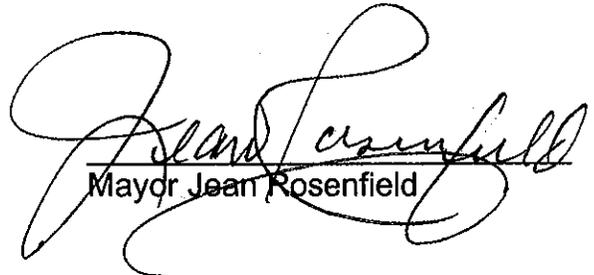
Mayor Rosenfield discussed the need for Village residents to have evacuation and other plans in preparation for the hurricane season.

Pedro Bass, Division Chief for Miami-Dade Fire Rescue, introduced Battalion Chief Steven Trammel from the A Shift. He discussed maintaining contact with the Village, challenges and budget cuts, and the addition of a station in Bay Harbor, which will have a rescue. He commended the Mayor for her comments on hurricane preparedness. He discussed post-storm hazards, issues with high-rises, and offered to participate in a public safety meeting.

11. ADJOURN: There being no further business, a motion was offered by Councilman Packer and seconded by Councilman Sanz to adjourn. The motion carried 4-0) and the meeting adjourned at 8:23 p.m.

Attest:


Ellisa L. Horvath, CMC, Village Clerk


Mayor Jean Rosenfield