

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – SEPTEMBER 15, 2009

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, September 15, 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
 Assistant Mayor Joni D. Blachar
 Councilwoman Patricia Cohen
 Councilman Jaime M. Sanz

Alfred J. Treppeda, Village Manager
 Ellisa L. Horvath, CMC, Village Clerk
 Andrea Greenblatt, Administrative Assistant
 Daniel L. Abbott, Village Attorney

Absent: Councilman Martin Packer

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

2. PLEDGE OF ALLEGIANCE: The Pledge was previously done at the Second Budget Hearing.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: This item was discussed under Consent Agenda.

4. SPECIAL PRESENTATIONS:

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

Mayor Rosenfield announced that the complete Council agendas are now available online.

Mayor Rosenfield introduced Patricia Bradley, ONE Bal Harbour Resort & Spa. Ms. Bradley introduced Juan Arevalo and Jorge Arevalo, Owners, and Charly Assaly, President/Managing Director. Mr. Jorge Arevalo and Mr. Assaly discussed working closely with the community and thanked the Village for their support.

5. CONSENT AGENDA: Mr. Treppeda requested that the Sale of Surplus Police Vehicles and Replacing Council Chairs (up to \$7,500) be added to the Consent Agenda. *It was the consensus of the Council to add the requested items to the agenda.*

Dina Cellini requested the removal of Tab D and Tab J.

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

Mayor Rosenfield discussed the Donation to the Young Men’s Academy for Academic and Civic Development at MacArthur-South, listed under Tab C.

Terry Nelson, spoke regarding the Police donation. **Cynthia Valdes, Principal, and Debbie Arales, Chair of Positive Behavior Support**, provided a presentation on the program.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the items on the Consent Agenda, including the two items added by Mr. Treppeda and excluding Tab D and Tab J. The motion carried (4-0).

Tab D - Motion Approving Donation Earmarked for the Wounded Warrior Foundation:

Dina Cellini, 211 Bal Cross Drive, questioned why Glades County isn’t making the donation directly to the Foundation. Chief Hunker explained that Glades County is giving \$20,000 to Bal Harbour, for Detective O’Keefe to donate, so he can be recognized for the donation.

Neil Alter, 9801 Collins Avenue, suggested donating more than \$10,000 to the Young Men’s Academy for Academic and Civic Development at MacArthur-South. Chief Hunker explained that there is another opportunity school that he would like to visit and recommend donating to.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tab D. The motion carried (4-0).

Tab J - Motion Approving Proposal to Repair Damaged Median Pavers: **Dina Cellini, 211 Bal Cross Drive**, questioned if Resort Tax funds will be used. Mr. Treppeda recommended approval, with resort tax funds.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to pay Tab J with Resort Tax funds. The motion carried (4-0).

Assistant Mayor Blachar suggested ordering extra pavers and discussed a large pothole in front of ONE Bal Harbour. Mr. Treppeda reported that is being addressed.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tab J. The motion carried (4-0).

Mayor Rosenfield read an update on the beach from Brian Flynn, DERM.

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 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 opened the item for public discussion.

Dina Cellini, 211 Bal Cross Drive, questioned if the ordinance will preclude the use of a motorized vehicle by concession staff for people on a banana boat, because she doesn't think that's clear under the proposed ordinance. Councilwoman Cohen doesn't think that would be allowed. She expressed concern about the negative impact the ordinance would have for guests in hotels and thinks the Village is being short-sighted. Mayor Rosenfield discussed prior meetings held on the issue resulting in the consensus that residents don't want to allow motorboats. She understands what Ms. Cellini is saying, but explained that the intent is that motorboats not be allowed. Mayor Rosenfield suggested that the Ordinance be amended later, if necessary. Mr. Abbott believes that the Ordinance precludes that kind of activity and agreed that it could be amended later.

There being no additional comments, Mayor Rosenfield closed the public discussion.

A motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to approve the Ordinance. The motion carried (3-1), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen no; Councilman Packer absent; Councilman Sanz aye; thus becoming Ordinance No. 2009-536.

Resolutions/Public Hearings:

The following resolution was read by title by the Village Clerk:

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, ADOPTING AN ASSESSMENT ROLL FOR THE SECURITY PROGRAM SPECIAL ASSESSMENT AREA; PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve. The motion carried (4-0), thus becoming Resolution No. 2009-714.

The following resolution was read by title by the Village Clerk:

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, ESTABLISHING SANITARY SEWER AND WATER RATES FOR THE 2009/2010 FISCAL YEAR; ESTABLISHING AN EFFECTIVE DATE.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve. The motion carried (4-0), thus becoming Resolution No. 2009-715.

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 ARTICLE VI "FINANCIAL MATTERS" OF CHAPTER 18 "TAXATION AND FINANCE" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY CREATING SECTION 18-144 "SERVICE CHARGE FOR INFORMATION ON VILLAGE LIENS" IN ORDER TO PROVIDE A MECHANISM FOR THE VILLAGE TO IMPOSE A SERVICE CHARGE ON PERSONS SEEKING INFORMATION REGARDING THE AMOUNT AND STATUS OF VILLAGE CHARGES AND LIENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Treppeda explained that most other municipalities have a service charge for the request of outstanding amounts/liens on properties.

Mayor Rosenfield opened the item for public discussion.

Anamarie Kelly, 77 Camden Drive, spoke against approving the Ordinance, which she thinks is in violation of State Statute. She discussed her recent requests for outstanding amounts and suggested that the Ordinance is directed to her.

Mr. Abbot discussed the public records law, which doesn't require a document to be created, and explained that the Ordinance doesn't change that. He clarified that the Ordinance provides for an analysis to be done for a charge, which is different than just providing a public records document.

Dina Cellini, 211 Bal Cross Drive, expressed concern that the Council didn't direct the Village Attorney to provide the Ordinance and discussed the Council using its legislative power for a personal agenda against Ms. Kelly. She suggested that the Council think twice about passing an ordinance that is targeting Ms. Kelly.

Assistant Mayor Blachar and Councilwoman Cohen were unclear on what Ms. Cellini was speaking of. Assistant Mayor Blachar doesn't think that it's fair for Ms. Cellini to make that comment and knows that there must be a good reason for the Village Manager to place the item on the agenda. She agreed that if that is the normal procedure and it takes time from the employees, then there should be a charge. She clarified that there is not another reason behind it. Ms. Cellini questioned if it's appropriate for the Attorney to prepare an ordinance without direction from the Council. Mayor Rosenfield responded that it's very normal for the Village Manager to direct the Village Attorney to prepare an ordinance. Mr. Treppeda explained that there may be a perception due to the lien problems that Mrs. Kelly has been having, but clarified that was not behind the Ordinance. Councilwoman Cohen clarified that she doesn't have any background relating to Mrs. Kelly's issues.

Chris Wallace, Finance Director, clarified that the Ordinance is not directed at anyone and explained that the Code needed to be changed to implement a fee that is normal in other municipalities. He discussed the time required for research of liens, etc. by finance staff, which he doesn't think the taxpayers should have to pay. He reported that it would help the Village to protect any interest and collect money. Mr. Wallace reported that it's not

a public record, but is a service.

Neil Alter, 9801 Collins Avenue, questioned if there is a distinction between charging an institution or a person. Mr. Abbott explained that the fee would apply to anyone requesting the information. Mr. Alter questioned the amount of people/institutions seeking information. Mr. Wallace estimated it to be 20-30 per month, but explained that it's difficult to forecast because it's affected by change in interest rates, new construction, etc.

There being no additional comments, Mayor Rosenfield closed the public discussion.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the Ordinance. The motion carried (4-0), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen aye; Councilman Packer absent; Councilman Sanz aye.

8. RESOLUTIONS: The following resolution was read by title by the Village Clerk:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, ESTABLISHING A PARKING METER RATE SCHEDULE; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve. The motion carried (4-0), thus becoming Resolution No. 2009-716.

9. REPORTS:

A. VILLAGE MANAGER:

Medical Insurance: Mr. Treppeda explained that the Village went out to bid for Health Insurance coverage after a proposed 55% increase for the current insurance plan. He requested approval of Neighborhood Health Partnership HMO (through United) for General Employees and United Healthcare POS for Police Bargaining Employees.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve. The motion carried (4-0).

Update on Bal Harbour Village Beach Erosion: Mayor Rosenfield provided the update earlier in the meeting.

Request for Approval of Proposal for Seventh Annual Snow Festival: Assistant Mayor Blachar discussed the expense and requested public comment. Nobody spoke against the cost. Councilwoman Cohen suggested using the money elsewhere and suggested doing away with the snow. Assistant Mayor Blachar spoke in favor of the party, without snow. Councilman Sanz thinks that the children look forward to

the snow. Chief Hunker offered to look for private donors for the snow. Mr. Abbott reported that there is no restriction on seeking private support. Mayor Rosenfield suggested that the issue be discussed again in October.

Michael O'Quinn, Park Director, suggested keeping the snow and doing away with the food, because that's what the kids like.

This item will be discussed at the October meeting.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of September 15, 2009: A list of Lobbyists registered with the Village was provided in the agenda.

C. VILLAGE ATTORNEY: No items were discussed.

D. MAYOR AND COUNCIL: Assistant Mayor Blachar thanked the public for attending the meeting.

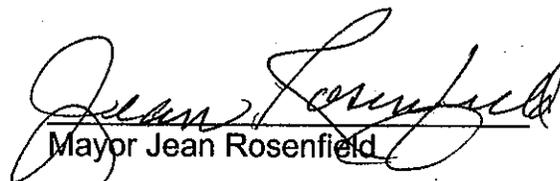
10. OTHER BUSINESS:

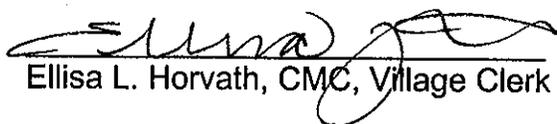
Discussion of Liens/Fees on Property – Anamarie Kelly: Ms. Kelly offered a private donation for the snow festival. She discussed her prior requests, a Federal lawsuit and the amounts due. She read the Sunshine Amendment Code of Ethics for Public Officers and Employees and discussed violation of the Code of Ethics by denial to provide the total amount owed on the property.

Chief Hunker invited the public to attend MADD (Mothers Against Drunk Driving) Moonlight Madness on October 16 and reported that Lisa Petrillo will serve as MC.

11. ADJOURN: There being no further business, a motion was offered by Councilman Sanz and seconded by Mayor Rosenfield to adjourn. The motion carried 4-0) and the meeting adjourned at 8:08 p.m.

Attest:


Mayor Jean Rosenfield


Ellisa L. Horvath, CMC, Village Clerk