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BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
WORKSHOP MEETING – NOVEMBER 5, 2009

A Workshop Meeting of the Bal Harbour Village Council was held on Thursday, November 5, 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
Councilman Martin Packer

Alfred J. Treppeda, Village Manager
Ellisa Horvath, CMC, Village Clerk
Susan L. Trevarthen, Village Attorney

Absent: Councilwoman Patricia Cohen
Councilman Jaime M. Sanz

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Councilman Packer. Councilman Packer requested that a moment of silence be observed for the soldiers that were mortally wounded at Fort Hood military base, in Texas.

3. PRESENTATION AND DISCUSSION OF THE DRAFT EVALUATION & APPRAISAL REPORT (EAR) OF THE ADOPTED COMPREHENSIVE PLAN – VILLAGE PLANNER MICHAEL MILLER: Mr. Miller reviewed the DRAFT EAR of the Village Adopted Comprehensive Plan. He explained the purpose and discussed the history of the Plan. Mr. Miller reviewed the purpose of the EAR process, which is to look at the Comprehensive Plan and determine the items that should be looked at. He read the Department of Community Affairs guidelines on what the EAR is supposed to accomplish.

Mr. Miller explained that in 2005, the Village held meetings and developed a scope of services for the EAR and issues the community thought was important. He reported that the Department of Community Affairs agreed with those items. He explained that those issues are identified and addressed in the EAR.

Mr. Miller discussed development/changes (Harbour House and Sheraton demolition) and the impact to the community. He reported the population to be approximately 3300, with a maximum of 3500.

Mr. Miller reported that the EAR document was due in 2006. He explained that the document was provided to the community in 2007 and several public meetings were held. He explained that the EAR doesn't amend the Comprehensive Plan, but is a study of what the Plan is, with some vague recommendations. He reported that some of the comments provided at the March Workshop Meeting were incorporated as recommended changes.

Mr. Miller discussed Parks and Recreation. He reported speaking to the head concurrency person at the County and the person in the Park and Recreation Department that conducts the concurrency review for that. He reported that the County adopted a level of service and would like everyone to use that standard, but explained that the communities can do whatever they want. Mr. Miller reported that an acreage level of service is provided in the Plan now and in the Code the Village adopted in 1990 by reference (the County concurrency system). Mr. Miller explained that since that time, the County made some amendments, but clarified that the Village Code addresses the original County order. He noted that the Village has used the consistent evaluation method for all the calculations. Mr. Miller reported that the County has said that they don't allow the beach to be counted and they allow private property to be counted at 50%. He clarified that the original order doesn't say what can be counted. Mr. Miller explained that based on the current population and seasonal residents, which could be changed, the Village needs about 9.09 acres of open space and the Village has 10.77 acres available (.96 acres public land and a vast majority of privately owned land).

Mr. Miller explained that the Tract A site (Bal Harbour Club) could be redeveloped and, if it is, then some mitigation would have to happen. He clarified that if residential units are built there, then some new needs will have to be met.

Mr. Miller reported that the County has indicated that the beach cannot be counted, but he noted that in Bal Harbour the beach is a huge amenity. He discussed the Erosion Control Line, which delineates public from private land. He reported that nothing can be counted east of the Erosion Control Line, but anything to the west of that could be counted. He clarified that the Village does not currently count that or the beach.

Michael Krop, 9601 Collins Avenue, noted that most of the acreage that is counted is the Club's property and questioned what idea the Council had in the past to fix that problem if the Club no longer existed. Mr. Miller reported that area has been counted (toward Park & Recreation space) since 1989. Dr. Krop noted that area is not the same as a park.

Dr. Krop questioned if other communities are counting the beach. Mr. Miller is not aware of any that do. Dr. Krop questioned if the Village has plans to create open space. Mr. Treppeda discussed the Park that the Village recently created. Mayor Rosenfield explained that the only option is to purchase vacant land or purchase property and create land.

Dr. Krop questioned a discussion in 1989 to purchase the Club property for the community. Mr. Treppeda isn't aware of any discussion. Dr. Krop thinks that the population and needs of the community have changed. He discussed the increase of children and the need for open space. Dr. Krop did not offer a solution. Mayor Rosenfield explained that the only solution is to buy property, demolish, and build space.

Dr. Krop questioned a discussion in the past of purchasing the bank property. Assistant Mayor Blachar can't comment on what happened years before and solicited suggestions. Dr. Krop suggested having a meeting to discuss the future. Mayor Rosenfield requested solutions. She reported that creating more open space will cost money. Dr. Krop discussed the open space in Sunny Isles Beach. Mr. Treppeda reported that Sunny Isles Beach traded a lot of height for the parks that they have. Mayor Rosenfield and Assistant Mayor Blachar discussed the massive buildings in Sunny Isles Beach. Mayor Rosenfield would like to see the age demographics and what that might mean. She agreed that something will need to be done with the neighbors jointly.

Mayor Rosenfield discussed Haulover Park and the Village's access to boating, etc. She explained that can't be counted but is there. Assistant Mayor Blachar also pointed out the golf course at Haulover. Mr. Miller reported that Bay Harbor Islands takes credit for being close to Haulover, which the State accepted. Assistant Mayor Blachar discussed the Park and Recreation Center that the Village also created, which is more than what the Village had.

Emme Pedinelli, 10245 Collins Avenue, clarified that the Village adopted the County formula, which the County amended and the Village didn't adopt. She noted that Mr. Miller is using the original formula, which she is confused about.

Mr. Miller explained that the original County Administrative Order didn't say what could be counted, so the Village plan is silent. He reported that the County clarified in a separate Administrative Order what could be counted.

Mr. Miller reported that his intention is to provide the acreage figure and what can be counted when the Plan is re-written. Councilman Packer clarified that those are in the document to be sent to the State. Mr. Miller agreed.

Ms. Pedinelli reported that she spoke with the County regarding their definitions on open space and clarified that the Village does meet the requirements. She questioned what happens in the future if the Club and Yacht Club property are developed. Mr. Miller clarified that anyone wanting to develop those lands will need to mitigate it.

Ms. Pedinelli reported that the County has advised that no community uses the beach towards open space/recreation inventory, so she doesn't think that the Village should. Assistant Mayor Blachar clarified that the Village isn't counting the beach.

Carter McDowell, Bilzin Sumberg Baena Price & Axelrod LLP - Attorney for the Bal Harbour Club, reported that in 1988, when the Plan was adopted, the inventory included the beach area, so there was no issue with the Club. He explained that the beach is the most used recreational facility, which the Village has also improved. Mr. McDowell reported that there isn't a County regulation stating that the beach cannot be counted. He urged the Village to count the beach, because it has invested a lot in recreational areas (walking path, landscaping, etc.). He suggested that Mr. Miller look at the beach and where the \$1.5 million was spent. Mr. McDowell reported that he worked on the concurrency plan for the Village and clarified that it was never the intention to not count the beach. He spoke against the Village telling a private owner that their land is being used to meet the open space number and is responsible for it. He suggested that the issue be looked at in a going-forward process. He thinks that it's inappropriate to suggest that the Club has to help to meet the requirements. He discussed requirements for affordable housing and questioned how the Village meets the affordable housing goals. He noted that the Village looks to the surrounding communities to meet those housing requirements as part of a larger Metropolitan area. He suggested that idea also be used for the open space requirement. Mr. McDowell discussed counting the beach, Haulover Park, the bay, etc.

Assistant Mayor Blachar questioned if Miami Beach counts the boardwalk on their beach. Mr. McDowell reported that they do. Assistant Mayor Blachar wants to submit the Plan properly. Mr. McDowell clarified that if the Village tells the State that the walkway is going to be counted then the issue would be done. He clarified that the County is saying arbitrarily what to count and what not to count. Assistant Mayor Blachar questioned if Surfside counts the walkway on the beach. Mr. Miller doesn't know. He reported that the

communities in Broward count the beach at 50%. Mayor Rosenfield clarified that although the County does it a certain way, they do not require the communities to follow that. Mr. Miller agreed.

Marjorie Schell, 9801 Collins Avenue, discussed the umbrellas, lounges, and people using the beach for recreation, as well as the numerous improvements the Village has made to the beach.

Dina Cellini, 211 Bal Cross Drive, questioned if the Village adopted just the Original Order or that plus the amendments. She questioned if Mr. Miller looked at the latest version of 4-85 and all of the exceptions, etc. She discussed the items that can't be counted. She doesn't think that Mr. Miller has extracted the square feet out of the bulk of acreage that the Club properties are getting credit for. She urged the Council to look at the Administrative Code. She discussed the children living on the west side of Collins Avenue that have no place to go. She noted that there is an increasing younger population that want to play football, etc. that should be considered. She doesn't think that the beach is a utopia for everyone.

Assistant Mayor Blachar questioned if Ms. Cellini has a solution. Ms. Cellini doesn't think it's her job to have a solution. Mr. Miller clarified that it's a policy decision.

Ms. Trevarthen discussed the purpose of the meeting. She summarized that the EAR has been described by Mr. Miller, Mr. Miller has flagged the issues for discussion and once the EAR is found sufficient and they move on to the EAR amendments the issues will be revisited and discussed, etc. She clarified that more public hearings will be scheduled during the process. She clarified that the EAR is an evaluation tool, then once the State has approved it, then the Village will confront the details and provided specific answers. She reported that the Council is obtaining comments from the public.

Ms. Cellini thinks the items recommended for change should be discussed now before submitting the document to Tallahassee. She clarified that Mr. Miller has suggested that the Council count the beach and she would like to know where the Council stands on the issue. She expressed objection to counting the beach.

Ms. Cellini requested that the notation regarding the temporary beach access be clearer so that the State knows that it's not open to the public and that it is provided at a cost. Assistant Mayor Blachar agreed.

It was the consensus of the Council that the language regarding the temporary beach access be clarified.

Brian Mulheren, 10245 Collins Avenue, discussed taking care of the families in the community, providing new Village facilities, and looking at the possibility of creating recreation at Haulover, to help all of the neighbors. He spoke against changing anything that the Council voted on in the past and spoke in favor of keeping what the Village has.

Doug Rudolph, 212 Bal Bay Drive, discussed the history of the Village. He clarified the addition of a park, developed walking path, etc. He thinks that the beach is a form of a recreational space and is used more than anything the Village has. He also discussed access to recreational facilities in neighboring communities. Mr. Rudolph pointed out that if the Village needs more things in the future, then things can be mitigated. He spoke in favor of people using their own property for what they want. He spoke in favor of seeing the

progress in the Village and focusing on where the Village wants to go.

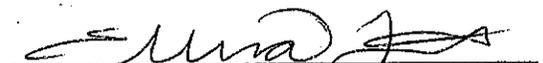
Mayor Rosenfield reported that Miami-Dade County Commissioner Sally Heyman was very instrumental in providing the new facilities and the boating docks at Haulover. She thinks that Commissioner Heyman is very interested in creating recreational spaces. Mayor Rosenfield thinks that there are things that the Village can do, but that needs to be looked into.

Neil Alter, 9801 Collins Avenue, discussed the report and questioned if the needs assessment study has been completed. Mayor Rosenfield advised that it hasn't. Mr. Miller explained that once the EAR is done, then the needs assessment will be done. He explained that he will receive the census, conduct a survey, and then use those items for a needs assessment. Mayor Rosenfield added that the financial picture will also be considered.

4. ADJOURN: There being no further business, the meeting was adjourned by consensus of the Council at 8:27 p.m.


Mayor Jean Rosenfield

Attest:


Ellisa L. Horvath, CMC, Village Clerk