

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**REGULAR MEETING – NOVEMBER 17, 2009**

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

Mayor Jean Rosenfield  
 Assistant Mayor Joni D. Blachar  
 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  
 Richard J. Weiss, Village Attorney

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was previously done at the Local Planning Agency meeting.

**3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS:** This item was discussed after Special Presentations.

**4. SPECIAL PRESENTATIONS:**

*Terry Nelson, retired FBI Agent and Liaison for the Young Men's Academy for Academic and Civic Development at MacArthur Senior High South*, presented the Council and Chief Hunker with a token of appreciation for the Village's donation to the Young Men's Academy. Councilwoman Cohen discussed her trip to MacArthur with Chief Hunker.

**Officer of the Month for October 2009:** Chief Tom Hunker presented Lt. Merrill with the Officer of the Month plaque, for October 2009.

Chief Hunker discussed the installation of lifesaving rings on the beach, due to efforts by Councilman Packer and Lt. Merrill.

*Raj Singh, Sea View Hotel Manager*, reported that Christian Gonzalez, Sea View Pool Attendant, used two of the Village's life rings on the beach to save Mr. Kambam and Mr. Fosberg, who was also trying to assist Mr. Kambam. He presented Mr. Gonzalez with a token of appreciation. Mr. Gonzalez spoke. Mr. Kambam spoke. Mr. Singh spoke.

**Mark Valeski, Sea View Hotel Cabana Manager**, spoke on the efforts of Mr. Gonzalez, with the help of the Village's life preservers. He spoke in favor of installing alarms to alert the Police when someone uses a preserver.

Chief Hunker thanked Councilman Packer for recommending the project and Lt. Merrill for installing them. He reported that the Police are working on installing an alarm system for the life rings.

Councilman Packer discussed the quick process of the installation of the life preserves. He thanked Mr. Treppeda and Lt. Merrill for their quick response to his request.

**Beach Update:** Mr. Flynn reported that the beach renourishment project was completed in October. He noted that since the last three to four weeks has been rough, survey crews will be reviewing the beach. He explained that some other areas of Bal Harbour are eroding and reported that there is a permit modification in to cover those areas. Mr. Flynn reported that the Army Corps of Engineers is working on a dredging project to start in the next six plus months. He explained that, in mid-2011, they are looking at a full renourishment project for Bal Harbour, to restore the full width of the beach. He reported that the Army Corps has moved forward with being able to use non-domestic sand sources, which may help solve the long term solution.

**Paul Pruess, 10101 Collins Avenue**, questioned a permanent project for renourishment. Mr. Treppeda reported that a study from Coastal Systems regarding a sand transfer station will be presented at the next Council meeting. Mr. Flynn reported that the State Legislature has proposed new laws putting emphasis on sand bypassing, which would provide a cost share of State 75% and Local 25%.

**Dan Holder, 24 Bal Bay Drive**, questioned filling in the sea oats. Mr. Treppeda reported that the area behind the St. Regis project will be filled in.

**Marjorie Schell, 9801 Collins Avenue**, questioned the installation of fences to prevent trampling through the dunes and suggested installing signs in two languages (English and Spanish) to keep people off the dunes. Mr. Treppeda will meet with Ms. Schell regarding the fences and signs. Assistant Mayor Blachar questioned Ms. Schell on her opposition to a large opening behind the St. Regis, which may prevent people from walking on the sea oats. Ms. Schell explained that the sea oats provide protection from the ocean, since the St. Regis buildings are at ground level.

Mr. Holder explained that the purpose of the planting is to protect the beach and buildings. He clarified that narrow openings limit the amount of water that can go through. He discussed Surfside raising the dunes for better protection.

**Brian Mulheren, 10245 Collins Avenue**, reported that in the past the dunes have saved the Harbour House and Carlton Terrace. He discussed the importance of the sea oats.

Assistant Mayor Blachar thanked the residents for their explanations.

**AGENDA: REQUEST FOR DELETIONS/ADDITIONS:** None.

**5. CONSENT AGENDA:** Mr. Treppeda requested the removal of Tab C. Assistant Mayor Blachar requested the removal of Tab K.

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

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the items on the Consent Agenda, excluding Tabs C and K. The motion carried (5-0).*

**Tab C – Motion Approving Expenditure of Police Budgeted Funds:**

The item was for approval of a 36-Month Lease, at \$620.00 monthly, for Captain Klingman. Mr. Treppeda requested that the amount be amended to \$550 per month, with the mileage at 54,000, for three years.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve Tab C as amended. The motion carried (5-0).*

**Tab K – Motion Approving Funds for Additional Four Foot Segment for Christmas Tree and Founder's Circle:** The item was for approval of \$5,132.00, plus shipping, for an additional four foot segment and additional lights to bring the Christmas Tree up to 30 feet, to be charged to the Beautification & Maintenance Fund.

Assistant Mayor Blachar requested clarification on the need to increase the tree. Mr. Treppeda reported that the discussion last year was to increase the tree by one segment, for a total height of 30 feet. Councilwoman Cohen questioned if it is necessary for structure, etc. Mr. Treppeda reported that it is not. Councilwoman Cohen questioned if the Village is responsible for the Christmas tree. Mr. Treppeda reported that it is. He clarified that a menorah is placed by the Shul at Founder's Circle. Mayor Rosenfield reported that the Christmas tree is the only item that the Village has paid for at Founder's Circle. Assistant Mayor Blachar knows that it has been there for many years.

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

Councilwoman Cohen requested public input on the item. Assistant Mayor Blachar also requested public input on the item, due to the cost involved.

***Dina Cellini, 211 Bal Cross Drive***, who assisted Mr. Treppeda with finding a replacement tree last year, explained that the Village's plans were to authorize an additional expenditure to expand the tree, to be more in line with the height of the prior tree. Mr. Treppeda discussed the hazards of the prior tree, which is why it was replaced. He reported that the cost of the new tree was \$12,881.00. Ms. Cellini explained that the Village doesn't need to do anything, but clarified that the expectation was to get a tree that met the height of the prior tree. Councilman Sanz discussed the number of years the original tree was there and spoke in favor of a taller tree. Mayor Rosenfield reported that the new tree will last another six to ten years. Councilman Packer agreed. Assistant Mayor Blachar thanked Ms. Cellini for the explanation. She thinks that if the anticipation was for the tree to be taller, then she agreed that it should be.

*The motion carried (5-0).*

## 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, AMENDING THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY REPEALING CHAPTER 8.5 "FLOOD DAMAGE PREVENTION" AND BY ENACTING CHAPTER 8.5 "FLOOD DAMAGE PREVENTION" IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THE STATE OF FLORIDA AND THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the Ordinance.**

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

**The motion carried (5-0), with the role call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen aye; Councilman Packer aye; Councilman Sanz aye; thus becoming Ordinance No. 2009-538.**

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

AN ORDINANCE OF BAL HARBOUR VILLAGE AMENDING THE FISCAL YEAR 2010 BUDGET BY REALLOCATING PREVIOUSLY APPROPRIATED FUNDS AND APPROPRIATING LAPSED FUNDING FROM THE FISCAL YEAR 2009 BUDGET; AUTHORIZING EXPENDITURES; PROVIDING FOR IMPLEMENTATION; AND ESTABLISHING AN EFFECTIVE DATE.

**A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve the Ordinance.**

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

**The motion carried (5-0), with the role call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen aye; Councilman Packer aye; Councilman Sanz aye; thus becoming Ordinance No. 2009-539.**

**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 ARTICLE III "ARCHITECTURAL REVIEW BOARD" OF CHAPTER 5.5 "APPEARANCE CODE" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO AMEND THE PROCEDURE FOR ARCHITECTURAL REVIEW

BOARD ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the Ordinance.*

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

*The motion carried (5-0), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen aye; Councilman Packer aye; Councilman Sanz aye.*

**8. RESOLUTIONS:** None.

**9. REPORTS:**

**A. VILLAGE MANAGER:**

**Request for Motion Approving Transmittal of the Bal Harbour Village DRAFT Evaluation and Appraisal Report to the State for Preliminary Review:** *A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve.*

Mr. Weiss requested that the comments provided at the November 17, 2009 Local Planning Agency Meeting be incorporated into the Council minutes. Accordingly, each and every of said comments were incorporated by reference into the record as if set forth in full therein, without the necessity of repetition by interested persons.

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

*The motion carried (5-0), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen aye; Councilman Packer aye; Councilman Sanz aye.*

**Consideration of Adopting Logo Used for Promotion of Bal Harbour as Official Village Logo:** Mr. Treppeda distributed samples of the proposed logo. Councilwoman Cohen requested that the logo be applied to the entrance signs, etc. if adopted by the Village, in order to be consistent. Mayor Rosenfield reported that it was the Resort Tax Committee's intent for it to be the official logo for the Village. Dr. Krop agreed.

***Dan Holder, 24 Bal Bay Drive,*** spoke against the logo, due to the lack of symbols, not seeming like a logo and being too simple.

***Paul Pruess, 10101 Collins Avenue,*** spoke against the logo, due to the lack of flair and not representing what the Village is.

***Brian Mulheren, 10245 Collins Avenue,*** spoke in favor of the existing logo. He spoke against the proposed logo and thinks that it should say Florida. He also discussed the cost involved in changing logos.

Mayor Rosenfield requested that the item be discussed at the next meeting, for Carolyn Travis, Director of Tourism Marketing, to explain the logo.

The item was discussed again under Other Business.

**B. VILLAGE CLERK:**

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

**C. VILLAGE ATTORNEY:**

**97 Camden Drive:** Mr. Weiss discussed and recommended accepting an offer of \$100,000 (\$29,000 less than what is owed) for the Village's liens on 97 Camden Drive, for a closing on December 3, 2009.

**A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to authorize the Village Attorney to resolve the Village's liens on 97 Camden Drive for \$100,000.00.**

Councilman Packer clarified that \$129,000 in liens is owed and the Village will lose \$29,000. Mr. Weiss explained the process and the possibility of the Village's liens getting wiped out. He will try to get more, but requested approval of a bottom line of \$100,000.

**The motion carried (5-0).**

**Consideration of Adopting Logo Used for Promotion of Bal Harbour as Official Village Logo:** Mayor Rosenfield displayed ads from various magazines showing the new logo.

**A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to defer this item until the next Council meeting. The motion carried (5-0).**

**D. MAYOR AND COUNCIL:**

Assistant Mayor Blachar, Village Representative on the Miami-Dade County League of Cities Board, discussed participation in the annual Thanksgiving turkey drive. She requested that those interested in a turkey and a bag of non-perishables contact Village Hall to receive a coupon. She reported that the 20 coupons will be given to the Church by the Sea if nobody is interested.

**10. OTHER BUSINESS:**

**Public Comment:**

**Brian Mulheren, 10245 Collins Avenue,** questioned the status of a new bus for the residents. Mr. Treppeda explained that the Village decided not to accept the grant, so the entire amount for a new bus is not budgeted. Mr. Mulheren discussed safety and maintenance issues and spoke in favor of spending the money for a new bus. Mr.

Treppeda reported that it is being looked into.

**Dina Cellini, 211 Bal Cross Drive**, discussed the anticipation of a deficit for the next fiscal year and the possibility of charging residents for recycling/solid waste fees. She suggested that the Council advise the attorneys to think about not being bound by an agreement with the Police Benevolent Association for years, especially one that will bind the Village next year. She requested that the Village be asked to save, before taxing the residents.

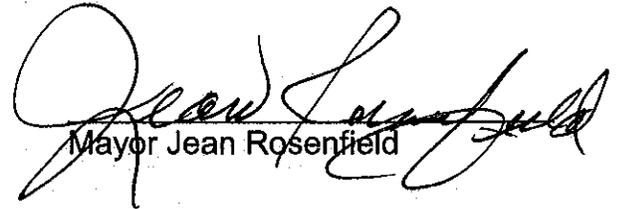
**Doug Rudolph, 212 Bal Bay Drive**, suggested that the Herald be contacted to write a story regarding the lives that were saved in Bal Harbour. Chief Hunker reported that a story will be published in Sunday's paper. He discussed the hotels providing warning signs for rip tides, if the Village doesn't. Councilman Packer reported that the hotels are already doing that. He discussed his idea to install the lifesavers and thanked everyone involved in getting them placed promptly.

**Dan Holder, 24 Bal Bay Drive**, suggested that the Village look into installing signs on the beach for rip tides.

Mr. Mulheren suggested that the Village follow the flag codes that the County uses.

**11. ADJOURN:** There being no further business, a motion was offered by Councilman Sanz and seconded by Councilman Packer to adjourn. The motion carried (5-0) and the meeting adjourned at 8:33 p.m.

Attest:

  
Mayor Jean Rosenfield

  
Ellisa L. Horvath, CMG, Village Clerk