

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – JANUARY 19, 2010

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, January 19, 2010, 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 7:05 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
 David Wolpin, Village Attorney

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: None.

4. SPECIAL PRESENTATIONS:

Officer of the Month for November 2009 and Officer of the Year for 2009: Chief Hunker presented Officer Ray Fernandez with the Officer of the Month plaque. He announced that Officer Ray Fernandez was also the Officer of the Year and presented the plaque later in the meeting.

Chief Hunker commended Officer Hatcher and Officer McClam for their organization of collecting items for the disaster relief for Haiti.

5. CONSENT AGENDA:

Brian Mulheren, 10245 Collins Avenue, requested the removal of Tabs F and G.

Dina Cellini, 211 Bal Cross Drive, requested the removal of Tab I.

Neil Alter, 9801 Collins Avenue, requested the removal of Tab H.

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

- Tab B: December 15, 2009 Regular Council Meeting Minutes
- Tab C: \$11,000.00 in Police Forfeiture Funds (\$6,000 donation to the Police Officers Assistance Trust for three tables at the LEO Awards Gala and \$5,000 annual hosting of the Miami-Dade County Association of Chiefs of Police Dinner at Sea View Hotel)
- Tab D: Authorization for the Village Manager to work with the Village Attorney to formulate a contract with Keystone Dry Cleaners for the cleaning of police uniforms exceeding \$2,500
- Tab E: Police Mutual Aid Agreements with Miami-Dade County and Sunny Isles Beach

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the items on the Consent Agenda (B-E), excluding Tabs F, G, H, and I. The motion carried (5-0).

Tab F – Motion Approving Resort Tax Committee

Recommendations: Approval was requested for \$111,000 in Resort Tax Funds (Latin American Public Relations - \$3,000, LPS Collection \$3,650 monthly + \$350 monthly for expenses, and Culture Series - \$108,000).

Brian Mulheren, 10245 Collins Avenue, requested the amount for the culture series.

Carolyn Travis, Director of Tourism Marketing, explained the culture series. She reported that 50% of the money will be sold in sponsorship, but she requested the total amount to cover everything until sponsorship money is received.

Dina Cellini, 211 Bal Cross Drive, questioned if money would be carried over in the resort tax fund if it is not spent. Mr. Treppeda reported that unused money would go into fund balance.

Assistant Mayor Rosenfield discussed the New World Symphony.

Assistant Mayor Blachar questioned holding the movies on a weekend night, instead of Thursday nights. Ms. Travis explained that Thursday nights were scheduled to entice tourists to stay for a longer weekend.

Mayor Rosenfield invited everyone to attend the Resort Tax Committee meetings. Councilman Packer commended Ms. Travis and the movie.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve Tab F. The motion carried (5-0).

Tab G – Motion Approving Replacement Signs for Beach Stating

“Swim at Your Own Risk – No Lifeguard on Duty”: Approval was requested for \$6,125.00 in budgeted funds (Beautification & Maintenance Fund) to purchase seven signs from Modern Display.

Brian Mulheren, 10245 Collins Avenue, questioned if signs would be added to the existing ones. Mr. Treppeda explained that the existing ones would be replaced with new

ones and three signs would be added. He reported that the new signs would look the same as the existing. Mr. Mulheren suggested that the new signs be enhanced and be reflective. Mr. Treppeda discussed the need for the signs to be plain, to get the information across. Mr. Mulheren spoke against the cost for what the Village is getting.

Anamarie Kelly Stoppa, 77 Camden Drive, suggested hiring two lifeguards and not worrying about the signs.

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

Tab H – Motion Approving Award of Bid to Kailas Corp. for Crosswalk Enhancement Project: Approval was requested to award the bid of \$59,475.00 to Kailas Corp., per the recommendation of Craig A. Smith & Associates, Village Engineers. The following bids were received: Kailas Corp. - \$59,475.00, Williams Paving Co., Inc. - \$71,745.00, Horizon Contractors, Inc. - \$79,150.00, and Florida Engineering & Development - \$88,047.50.

Neil Alter, 9801 Collins Avenue, requested the amount, the number of companies that bid, and the nature of the project. Mr. Treppeda reported that four companies bid, the lowest bid was \$59,475.00, money would be used from stimulus funds, and two crosswalks would be highlighted. He clarified that there would also be a cost for engineering fees.

Peter Kunen, Craig A. Smith & Associations – Village Engineer, explained the process for the crosswalks. Mr. Alter questioned why those two areas were selected. Mr. Kunen reported that those two areas had a lot of pedestrian traffic and the selection had to do with available funding.

Dan Holder, 24 Bal Bay Drive, questioned the use of stamped concrete and its affect on walkers/wheelchairs. Mr. Kunen reported that the depth of the stamping would be less than one inch, it has been used at other locations and it hasn't been a problem for walkers or wheelchairs.

Brian Mulheren, 10245 Collins Avenue, spoke against using bricks and suggested using something reflective at the intersections. Mr. Kunen explained that the brick was chosen for aesthetics and clarified that they are not individual brick pavers, but are stamped concrete so there will not be settlement issues. Mr. Mulheren questioned if they would be reflective. Mr. Kunen reported that they would not be, but explained that there would be reflective striping outside the crosswalk. Mr. Mulheren suggested using something reflective and slowing devices, instead of focusing on aesthetics.

Dina Cellini, 211 Bal Cross Drive, suggested incorporating sidewalks with numbers counting down the amount of time to cross the street. Mr. Treppeda reported that there is a count-down one near the St. Regis. Ms. Cellini suggested that also be done at Harbour Way, etc. Mr. Treppeda explained that the funds would only cover the items discussed. He noted that the Florida Department of Transportation could be approached regarding funding or the Village could offer the funds for additional projects. Ms. Cellini suggested that be looked into. Councilman Sanz questioned if the other crosswalks would also be done. Mr. Treppeda explained that it could be looked at in the future using other funds. Councilwoman Cohen questioned if an Architect was involved in the selection of the crosswalk aesthetics. Mr. Treppeda reported that there was not, but explained that there

were a limited amount of items that could be used on a State road. Councilwoman Cohen requested a sample of the design. Mr. Kunen offered to provide Mr. Treppeda with a diagram. Mr. Treppeda explained that the Village needed to proceed with the current plans or the funding would be lost. Mr. Kunen explained that there would be some flexibility, but that would have to be approved by the Florida Department of Transportation. Mr. Treppeda agreed and clarified that if changes were made then the contractor could possibly submit change orders for additional costs.

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

Tab I – Motion Approving Proposal for Graphic Designer for Bus

Shelters: Approval was requested for Tom Graboski, Graphic Designer, to provide graphic design services for new bus shelters at a proposed fee of \$100.00 per hour, not to exceed a total of \$19,500.00. The Village Manager would work with the Village Attorney to insure that the final signed contract is acceptable to the Village.

Dina Cellini, 211 Bal Cross Drive, questioned the need to spend the money and time for a designer, instead of buying shelters from a company. She questioned if the \$200,000 will cover the cost of all the shelters and a designer.

Bill O'Leary, Landscape Architect, explained that manufacturer catalogues designs are copyrighted so the Village could not obtain different prices from different companies. He also reported that due to the unique environment, the shelters would need to be made out of powder coated aluminum, which few companies do. He clarified that this would be the best way for the Village to have a design that meets its criteria and give the ability to go to different manufacturers to get a competitive bid. Mr. O'Leary recommended that the Village involve a graphic designer he has worked with for years (Tom Graboski). He noted that the Village would get back its cost for a designer, by being able to bid the project out. Mr. Graboski would present conceptual designs to the Council.

Tom Graboski discussed his firm, credentials, and the process. He explained that their goal would be to provide a finished product to enhance the Village. Mayor Rosenfield questioned if \$180,000 would provide enough bus shelters. Mr. Graboski explained that it would depend on the costs for the materials and the design. Mayor Rosenfield discussed the shelters in the City of Aventura.

Dina Cellini discussed the amount of money to be spent. Mr. Treppeda reported that an additional \$100,000 is budgeted in the General Fund. Ms. Cellini suggested a cap on the amount of money and the consideration of timing. Councilman Packer explained that the Village could not bid companies that have different products.

He questioned fees in addition to the \$19,500. Mr. Graboski explained that would be for reimbursable expenses that shouldn't exceed \$1500, unless the Village requested professional models, etc. Councilman Sanz questioned if they designed the Sunny Isles Beach shelters. Mr. Graboski responded that they did not, but noted that they designed the ones in Aventura.

Dan Holder, 24 Bal Bay Drive and former Director that handled ADA issues for the County, discussed ADA issues involved in the design of a shelter and suggested that part of the contract should be dealing with the ADA issues as part of the design.

Anamarie Kelly Stoppa, 77 Camden Drive, questioned if the graphic designer was put out to bid.

Neil Alter, 9801 Collins Avenue, discussed bus shelters in other areas that may be considered.

Mayor Rosenfield clarified that the design firm being suggested is familiar with and has provided designs in surrounding areas.

Brian Mulheren, 10245 Collins Avenue, suggested purchasing the same shelters as Sunny Isles Beach or another municipality. He discussed the conditions of the current shelters. He suggested reviewing the companies that Councilman Sanz looked at years ago. He spoke against hiring someone else, but noted that if someone is hired then it should go out to bid. Mr. Mulheren spoke against procrastinating.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve Tab I, and hire Tom Graboski's firm to design a bus shelter.

Mr. Treppeda clarified that the Designer would provide three designs.

Councilwoman Cohen understands the concerns of Ms. Cellini and Mr. Mulheren, but thinks that a comprehensive design would make the most sense.

Ms. Cellini discussed the need for the Village to know what it is getting into and the cost involved. She questioned the average cost of a custom made bus shelter. Mayor Rosenfield questioned if Ms. Cellini is in favor of hiring a design firm. Ms. Cellini thinks that it's premature to hire a design firm now. Councilman Packer spoke in favor of an expert configuring price, etc. He clarified that if Mr. Graboski has a design that cost \$500,000, then the Council would not accept it. He spoke in favor of the Council accepting Mr. O'Leary's recommendation and proceeding.

Mr. Graboski estimated to provide the initial designs within a month and bids at the end of four months, contingent upon presenting it to the Village and receiving approval. He clarified that preliminary budgeting would be given after the initial designs were approved.

Assistant Mayor Blachar pointed out that the \$200,000 in Federal funds would not be available for six months.

A motion was offered by Assistant Mayor Blachar to amend the motion by capping the approved amount at \$300,000 (\$200,000 Federal money and \$100,000 Village budget), including the Designer's fee. The motion died due to the lack of a second.

Councilman Packer noted that Mr. Graboski knows the amount of money that is available and he doesn't want to tie the Designer's hands.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to move the question.

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

6. PUBLIC HEARINGS:

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: None.

Resolutions/Public Hearings: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: None.**8. RESOLUTIONS: None.****9. REPORTS:****A. VILLAGE MANAGER:**

Request for Approval of Proposal from Coastal Systems International to Continue Engineering Work for a Sand Transfer Station:
Approval was requested to spend \$33,460.00 in Resort Tax funds, for Coastal Systems to conduct the next steps in the process of engineering for improved sand bypass at Bakers Haulover Inlet for the Village.

Jason Cummins, Coastal Systems International, discussed the next steps to prepare initial permit sketches to hold pre-application meetings with the Florida DEP and the County and to prepare a pre-construction estimate (mobile plant bypassing and extending the jetty).

Brian Flynn, DERM, explained that a two-phase approach should be looked at to bring in a small dredge to pump sand from the existing beach across and to also look at the cost, etc. of extending the jetty. He reported that the County is supportive of it, especially using the two-phase approach. He suggested looking at a small pilot project and looking at the economic viability of doing a larger project.

Dan Holder, 24 Bal Bay Drive, requested that when a study is done it include the affect of the jetty on navigation of the Inlet. Mr. Flynn agreed and explained that was one reason to separate the two phases, for navigation and environmental concerns, etc. Mr. Cummins explained that Mr. Flynn is speaking from a permitting phase. He clarified that the scope before the Council would be to present both items to the agencies. He noted that after that it would be decided how to go through the permitting phase. Mr. Treppeda reported that Resort Tax funds have been and would be used.

Councilman Packer questioned if the next phase could be covered by Federal funding. Mr. Cummins reported that it could and clarified that some of the portion that the Council has already approved has the possibility of also being reimbursed

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

Quarterly Financial Update – Provided by Finance Director

Christopher Wallace: Mr. Wallace reported on the first quarter for 2009/2010. He noted that revenues were higher, due to the receipt of property taxes. He noted that the expenditures were overstated, due to insurance and retirement payments done early, but explained that there weren't any concerns. He discussed the Tourism Fund and reported an increase in revenue and increase in expenditure due to marketing efforts. Mr. Wallace reported that the budget was on track. He noted that the Water, Sewer, and Capital Fund started capital projects, with more anticipated. He discussed the State Board of Administration. He expects the Financial Report in February. He noted that once the financial statements are completed, then the Village will go out for a bond issue for consideration for the upcoming capital projects.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of January 19, 2010: A list of Lobbyists registered with the Village was provided in the agenda. Mrs. Horvath reported that Joe Imbesi also registered as a Lobbyist for the Bal Harbour Club.

Consideration of Re-Appointment/Appointment of Resort Tax

Committee Members: The request was to re-appoint Bruce Gelb, Erin Hosler, Michael M. Krop, Sandra S. Lansing, Richard Lodes, and Mayor Rosenfield as members of the Resort Tax Committee. In addition, to appoint John Manrique as a new member of the Resort Tax Committee. The appointments were unanimously approved by the Resort Tax Committee.

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

Councilwoman Cohen encouraged residents to attend the Resort Tax Committee meetings and discussed the great job that the Committee has done. She volunteered to also serve on the Committee and questioned the possibility of more than one Councilmember serving. Mr. Treppeda reported that the Code only allows for one Councilmember to serve. Mr. Wolpin reviewed the Code and agreed that only one member of the Council could serve on the Committee. Councilwoman Cohen will continue to attend the meeting as a visitor. Mayor Rosenfield commented that Councilwoman Cohen's input as a visitor was important and requested that she continue to do so.

The motion carried (5-0).

Consideration of Re-Appointment of Lois Evans as Fifth

Trustee on the Police Retirement Board: The request was to re-appoint Lois Evans as the fifth Trustee on the Police Retirement Board, for another two-year term (from October 1, 2009 until October 1, 2011, in compliance with the Retirement Board's selection date).

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

The motion carried (5-0).

C. VILLAGE ATTORNEY:

Discussion of Liability for Swimmers at Village Beaches:

Mr. Wolpin reviewed the memo provided in the agenda. He reported that the Village would be protected by the existing signs and it would not be necessary to use any other safety flags,

which would be an optional measure. He spoke against using flags, unless the Village had the personnel to change them as needed.

D. MAYOR AND COUNCIL:

Discussion of Resort Tax Committee Recommendation to Investigate the Possibility of Having Exercise Equipment on the Beach:

Councilman Packer proposed the addition of a vita course on the beach, using \$48,000 of Resort Tax funds. He requested Council approval to proceed with the proposal. He reported that the equipment would have a 10-year warranty and noted that there would not be any additional liability. Mayor Rosenfield suggested that a discussion be held with residents before the Council voted on the issue. She questioned the location of the equipment. Councilman Packer reported that ten pieces of equipment would be placed between the ONE Bal Harbour and the St. Regis, on the bike (western) path, behind the condos. He requested that the project be done as soon as possible, but agreed to a workshop meeting if requested by the residents.

Mayor Rosenfield discussed the list of caveats under the warranty and concerns regarding the environment's affect on the equipment. Councilman Packer explained that the equipment would have the same powdered coating as the bus shelters. He discussed other areas the equipment is used close to the water.

Anthony Gillem, 9800 Collins Avenue, suggested that a poll be done to see if residents would use it. He discussed non-use during six months of the year, due to the weather, and cluttering the beach. Councilman Packer discussed the other municipalities that have similar equipment for their residents.

Councilwoman Cohen left the meeting.

Brian Mulheren, 10245 Collins Avenue, spoke on the importance of the bus shelters versus a vita course. He spoke in favor of conducting a poll for resident interest. He discussed the need for a new bus, items for the park for kids of all ages, etc. Councilman Packer agreed that the bus stops are important, which he researched. He spoke in favor of both the bus shelters and a vita course.

Marjorie Schell, 9801 Collins Avenue, discussed preserving the sand and the Village. She spoke against having exercise equipment, which would create the potential of people trampling on dunes, etc.

Dan Holder, 24 Bal Bay Drive, discussed ADA considerations (surface for wheelchairs, etc.). Councilman Packer reported that the equipment would be placed on a hard surface, as close to the condos as possible. He offered to contact other municipalities having similar equipment, to find out if anything was overlooked regarding ADA compliance. Mr. Holder warned that the Village shouldn't assume that others have done it correctly. Councilman Packer noted that the Building Official, Dan Nieda, would make sure that it was done properly.

Barbara Grossman, 10275 Collins Avenue, spoke against placing equipment on the beach, due to aesthetics. She doesn't see the benefit and noted that all of the condos have gyms, etc. Councilman Packer invited Ms. Grossman to visit the other areas to view the quality of the equipment. Ms. Grossman is sure that the equipment is beautiful, but noted

that it's still machinery.

Dina Cellini, 211 Bal Cross Drive, questioned if there was a Village Attorney opinion that the equipment could be bought with Resort Tax funds. She thinks the discussion is premature. She spoke in favor of a workshop to gauge resident interest, especially if General Fund money is used. She spoke against a motion for the approval of an expenditure. Ms. Cellini discussed the removal of the prior equipment. Mayor Rosenfield explained that the prior equipment was removed, due to the deterioration, and noted that the residents did not complain. Mr. Treppeda estimated that it was removed approximately ten years ago. Councilman Packer noted that the Village's demographics are younger and the equipment would be better. He offered to chair a workshop meeting. Mayor Rosenfield agreed that information should be provided to the residents and a poll should be conducted.

Brian Mulheren, 10245 Collins Avenue, discussed room for emergency vehicles and agreed that the item should be discussed further.

Assistant Mayor Blachar thanked Councilman Packer for his enthusiasm. She discussed the gym that is hardly used in the Recreation Center, the 95-degree weather most of the year, the prior equipment on the beach that wasn't used and nobody missed when it was removed, and the public input against it. She suggested sending out a poll in the next newsletter and asking the individual buildings if they want the equipment behind their building. She suggested further investigation of the warranty. Assistant Mayor Blachar discussed the Comprehensive Plan and the possibility of the area being considered open space, once equipment is placed there.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to table the discussion. The motion carried (3-1), with the roll call vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen absent; Councilman Packer no; Councilman Sanz yes.

Discussion of Haitian Relief – Mayor Rosenfield: Mayor Rosenfield reported that the Miami-Dade County League of Cities requested the municipalities to contribute to the Haitian Relief Fund. She suggested that the Village donate \$3,000-\$5,000 to the Dade League for the Haitian Relief Fund.

Brian Mulheren, 10245 Collins Avenue, suggested that the Village donate at least \$10,000 for the Haitian Relief Fund, through the American Red Cross.

Assistant Mayor Blachar suggested splitting the \$10,000 between the League, which the Village is a member of, and the Red Cross.

A motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to approve a \$5,000 donation for Haitian Relief to the Red Cross and a \$5,000 donation for Haitian Relief to the Miami-Dade County League of Cities. The motion carried (4-0).

10. OTHER BUSINESS:

Public Comment:

Anamarie Kelly Stoppa discussed the sign posted that dogs are not allowed in Village

Hall and questioned why a Councilperson brought a dog into the Council chambers. Assistant Mayor Blachar was not aware of that.

Ms. Kelly Stoppa requested assistance for a resident at the Majestic, since the building has refused to acknowledge her registered service dog. Mr. Wolpin explained that would be a private matter for the condo building.

Dina Cellini, 211 Bal Cross Drive, requested that the Council direct Mr. Treppeda to report back on the status of the bus shelter process, not on the consent agenda. Mayor Rosenfield agreed to do so.

Ms. Cellini requested an update on a budget committee. Mayor Rosenfield reported that five of the 33 Miami-Dade County municipalities had budget committees, which would be investigated and discussed further. Ms. Cellini clarified that a Committee would need to be appointed before budget time. She spoke in favor of involving more residents.

Councilman Sanz discussed establishing a beautification committee. Mayor Rosenfield explained that parameters for the committee, etc. would need to be presented in a proposal format. Councilman Sanz requested that Mr. Treppeda provide a proposal for a beautification committee. Councilman Packer agreed with Councilman Sanz and suggested that Mayor Rosenfield, Mr. Treppeda, and Mr. Weiss prepare proposals for beautification, budget, and condominium committees. Mayor Rosenfield clarified that it would be up to the individual Councilmember to present the Council with a proposal. Councilman Sanz will meet with Mr. Treppeda to prepare a proposal.

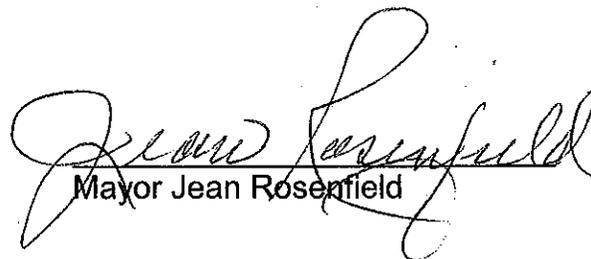
Ms. Cellini suggested that Mr. Treppeda report back to the Council with ideas and with the committees that other similar municipalities have. Mayor Rosenfield agreed.

Brian Mulheren, 10245 Collins Avenue, commended Officer Fernandez.

Assistant Mayor Blachar reported on her attendance at the annual Snow Festival at the Park. Chief Hunker requested that a letter be written to the ONE Bal Harbour thanking them for the donation of the snow. Assistant Mayor Blachar requested that a plaque be presented to the ONE Bal Harbour.

11. ADJOURN: There being no further business, a motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to adjourn. The motion carried (4-0) and the meeting adjourned at 9:40 p.m.

Attest:


Mayor Jean Rosenfield


Ellisa L. Horvath, CMC, Village Clerk