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**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**SPECIAL MEETING – DECEMBER 22, 2009**

A Special Meeting of the Bal Harbour Village Council was held on Tuesday, December 22, 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 5:15 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield  
Assistant Mayor Joni D. Blachar  
Councilwoman Patricia Cohen

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

Absent: Councilman Martin Packer  
Councilman Jaime M. Sanz

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Carolyn Travis, Village Director of Tourism Marketing.

**3. REQUEST FOR APPROVAL OF LEGAL AGREEMENT FOR THE BAL HARBOUR KIDS CAMP:** Mr. Pearl explained the three-party agreement. He explained that the only outstanding issue is for the insurance adjuster to make sure there is a rider to cover the Village for any incidents that occur at the Sea View hotel. Mayor Rosenfield questioned if the agreement could be approved, contingent upon approval by the Insurance Adjuster. Mr. Pearl responded that could be done.

*Anamarie Kelly, 77 Camden Drive*, questioned if the Village is sponsoring the camp. Mr. Pearl responded that it is. Ms. Kelly questioned who is responsible for the license. Mr. Pearl explained that the Miami Children's Museum is. Ms. Kelly requested that the license be posted so that everyone knows who is responsible.

*Brian Mulheren, 10245 Collins Avenue*, thinks that the Village should review the licenses before any agreement is approved, in addition to conducting background checks. Mr. Pearl explained that those are requirements in the agreement. Assistant Mayor Blachar explained that the Museum has a license, because they run a program there and at other hotels. She agreed that the Village should have a copy of the license and clarified that if a license needs to be displayed at the premise then it will be.

Mayor Rosenfield explained that the patrons would pay for the camp. She reported that the facility at the Sea View Hotel was upgraded and safety was paramount. She understood Mr. Mulheren's concerns and clarified that the camp would not open, unless all of the licenses were proper and displayed.

Assistant Mayor Blachar questioned the liability for the Village. Mr. Pearl explained that the Museum has indemnified the Village and has listed the Village as additionally insured on their policy, so they would be responsible for anything that would occur. He added that the Village would secure a rider to cover the hotel. Mr. Treppeda noted that if the Village cannot get the rider, then resort tax funds may need to be used to obtain one.

Ms. Travis discussed the importance of the camp. She explained that funding was set up so that the program is subsidized by the participants. She noted that, if not, the cost would be \$35,000 per year, without any participation. Mr. Treppeda reported that the charge would be \$25 per day, per child. Ms. Travis explained that the Museum was chosen because they are the experts in the community. She discussed public relations, residential, and tourism benefits.

Assistant Mayor Blachar spoke in favor of the program. Councilwoman Cohen agreed that it was overdue.

Assistant Mayor Blachar questioned if there were any problems since the program did not start on time. Ms. Travis explained that the program was postponed to address additional details, but noted that no complaints were received regarding the delay.

Mayor Rosenfield discussed review of Camp by the Resort Tax Committee and the process.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to accept. The motion carried (3-0).*

**4. REQUEST FOR APPROVAL OF RESORT TAX FUNDS FOR MOVIES ON THE BEACH:** Mr. Treppeda requested approval of \$14,500 in resort tax funds (\$3,500 furniture, \$1,000 for annual warehouse fee to house furniture, and \$10,000 for the hard cost of the December movie to be subsidized with sponsorship dollars).

Mayor Rosenfield discussed the movies starting tomorrow night. Ms. Travis explained that the movies are part of the Cultural Series endorsed by the Resort Tax Committee. She explained that \$10,000 is the hard cost to produce the movie, but explained that sponsorships will cover future ones. Ms. Travis discussed the other items for the Cultural Series.

**Anamarie Kelly** questioned if there will be police protection, parking, and publication of the event. Ms. Travis explained the public parking available under the Haulover Bridge and valet parking at the ONE Bal Harbour for \$10. She reported doing a mailer, postcards, email blasts, flyers, and direct mail. Ms. Kelly requested that the Village Clerk send the information out to her email list. Ms. Travis explained plans to collect email addresses at future events. Ms. Travis discussed the police presence.

Assistant Mayor Blachar questioned the placement of the screen. Ms. Travis reported that would be placed in front of the jetty. She discussed food, etc. Councilwoman Cohen questioned the movie(s) to be shown. Ms. Travis reviewed the movie schedule.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve. The motion carried (3-0).*

**5. REQUEST FOR APPROVAL OF THE PRODUCTION AGREEMENT WITH LIFESTYLE ENTERTAINMENT:**

Ms. Travis explained that Lifestyle Entertainment is the production company hired to do the events. She explained that most of the costs would be subsidized. Mayor Rosenfield reported that the items were approved by the Resort Tax Committee. Mr. Pearl explained that it is a standard agreement for professional service and the Village is very well protected. Ms. Travis explained that every event will have its own separate insurance.

**Brian Mulheren, 10245 Collins Avenue**, questioned the company, the cost, and background checks/references. Ms. Travis explained their role as a production company. She explained that they would sub-contract lighting, etc. and their job to oversee the project. She reviewed their experience.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve. The motion carried (3-0).

**6. OTHER BUSINESS:** Mr. Pearl explained that the Village Code prohibits any structure on the beach, but it allows the Council to waive the prohibition during certain circumstances. He requested the addition of a resolution to the agenda to allow the Council to consider waiving the prohibition for the movie and concert series.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to add the resolution to the agenda. The motion carried (3-0).

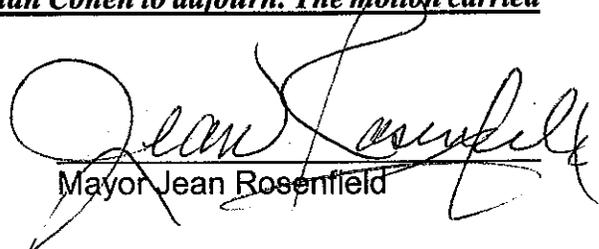
The following resolution was ready by title by Mrs. Horvath:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, GRANTING A WAIVER TO THE PROHIBITION ON THE CONSTRUCTION OF TEMPORARY STRUCTURES ON PUBLIC BEACHES ENUMERATED IN SECTION 10-31 "PROHIBITED ACTS" OF ARTICLE II "USE OF PUBLIC BEACHES" OF CHAPTER 10 "MARINE STRUCTURES, ACTIVITIES AND WAYS", IN ORDER TO PERMIT THE PRODUCTION OF THE VILLAGE SPONSORED MOVIE AND CONCERT SERIES ON THE BEACH; PROVIDING FOR A WAIVER; PROVIDING FOR AN EFFECTIVE DATE.**

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the Resolution. The motion carried (3-0); thus becoming Resolution No. 2009-721.

Public Comment: None.

**7. ADJOURN:** There being no further business, a motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to adjourn. The motion carried (3-0) and the meeting adjourned at 5:45 p.m.

  
Mayor Jean Rosenfield

Attest:

  
Ellisa L. Horvath, CMC, Village Clerk