

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – FEBRUARY 16, 2010

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, February 16, 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 7:28 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
 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 General Employees Retirement Board meeting.

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

Mayor Rosenfield introduced Reverend Robert Asinger, new Senior Minister for The Church by the Sea. Reverend Asinger offered the Church's assistance to the Village.

4. SPECIAL PRESENTATIONS: Chief Hunker discussed the earthquake in Haiti and employee volunteers who assisted in collecting aid.

Officers of the Month for January 2010: Chief Hunker presented Officers Jeff Hatcher and Braxton McClams with Officer of the Month plaques.

Employees of the Month for January 2010: Chief Hunker presented Patrol Secretary Pamela Flanders and Public Works Employees Theo McPherson, Leonard Robinson, and Larry Lee with Employee of the Month plaques.

Chief Hunker also recognized The Church by the Sea's involvement in the collection efforts.

Mayor Rosenfield announced that the Village contributed \$10,000 towards the relief efforts and thanked the residents.

5. CONSENT AGENDA:

Neil Alter, 9801 Collins Avenue, requested the removal of Tabs E and F.

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

- Tab B: December 22, 2009 Special Council Meeting Minutes
January 19, 2010 Regular Council Meeting Minutes
- Tab C: \$5,000.00 in Police forfeiture funds (\$5,000 donation for 2010 Relay for Life of Surf-Bal-Bay)
- Tab D: \$826.03 monthly in Police budgeted funds (\$347.33 monthly for 36-month lease for Code Enforcement Jeep Wrangler Sahara, \$343.80 monthly for 36-month lease for Police Service Aid Jeep Wrangler Sahara, and \$134.90 monthly for a 36-month lease for squad room Toshiba copier)
- Tab G: \$6,105.00 for ZTech Plus proposal to terminate computer and telephone cables and provide/install telephones in the new police station at the Bal Harbour Shops
- Tab H: \$8,200.00 for additional architectural services by Paul Buzinec AIA for the Village Hall Renovation Project
- Tab I: \$9,530.00 for additional Irrigation Project items (\$5,780.00 for additional parts for the irrigation project and \$3,750.00 for directional boring under three driveways)
- Tab J: Police Mutual Aid Agreement with Bay Harbor Islands

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

Tab E – Motion Approving Change in Use of Donated Funds:

Approval was requested to amend previous authorization so that the \$1,000 donation from The Related Group could be used to purchase a washing machine and dryer for the new police station.

Neil Alter, 9801 Collins Avenue, requested clarification.

Mr. Treppeda explained that the \$1,000 donation was originally to be used to travel to the Dominican Republic, to distribute shoes collected by Village resident Bennett Blachar. Chief Hunker explained that since local efforts provided assistance in distributing the shoes travel was not necessary. He reported that The Related Group approved the change in use of the donated funds.

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

Tab F – Motion Approving Resort Tax Committee

Recommendations: Approval was requested to expend \$114,300.00 in Resort Tax Funds (\$100,000.00 for a one-year contract with The Private Label Company for marketing and

public relations services in Brazil and Argentina and \$14,300.00 for a travel budget for sales calls at various locations in the Northeast and Europe in February and March).

Neil Alter, 9801 Collins Avenue, requested clarification.

Mayor Rosenfield explained. She invited residents to attend the Committee meetings.

Carolyn Travis, Director of Tourism Marketing, explained the travel budget for trips by the Northeast Representative and the European Representative. She explained the contract for in-market representation in Brazil and Argentina, the Village's top two tourism markets.

Mr. Treppeda explained that it would be paid through resort tax funds (4% bed tax and 2% food/beverage tax), not ad-valorem taxes.

Brian Mulheren, 10245 Collins Avenue, discussed the large amount of funds spent by the Committee. He questioned the process followed to select the company and the return on investment. He spoke against spending the money.

Mayor Rosenfield explained that State law mandates what resort tax funds can be used for.

Mr. Weiss read the State statute pertaining to what the funds could be used for.

Ms. Travis discussed the funds spent and how they would be tracked. She explained the expenditures and explained that there has not been a loss in revenue, which is directly contributed to the Committee's efforts. She explained how the investments could be tracked. Ms. Travis reported on the ability to track tourists from out of the Country and measuring the return on investment.

Mayor Rosenfield explained that some of the resort tax funds are used to keep the Village beautiful and to attract tourists. She invited the public to attend the Committee meetings.

Councilman Sanz explained that the tourists at the hotels also shop and dine in the Village.

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

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:

Councilwoman Cohen requested that her item be taken out of order, due to the large amount of people in attendance for that issue. It was the consensus of the Council to do so.

Discussion of Allowing Leashed Dogs to be Walked on the West Service Road on the Beach – Councilwoman Cohen: Councilwoman Cohen spoke in favor of amending the Village Code, to allow dogs on the service road, located to the west of the dunes. She explained that dogs are allowed on the beach in Surfside, without any issues. She clarified that the dogs would need to be leashed.

Charles Venturi, 10230 Collins Avenue, spoke against changing the Code.

Marjorie Schell, 9801 Collins Avenue, spoke against changing the Code.

Roberta Waller, 10175 Collins Avenue, spoke in favor of changing the Code. She also discussed the lack of a dog park.

Councilman Packer explained that plans have been approved for a dog park at the southern portion of Haulover Park, which was postponed due to funding. He will contact the County for an update.

Alexandra Suarez, 10275 Collins Avenue, spoke in favor of changing the Code.

Maggie McMonagle, 9040 Emerson Avenue – Surfside, spoke in favor of changing the Code.

Christopher Taplin, 10275 Collins Avenue, spoke in favor of changing the Code. He suggested community awareness to try to show responsibility and implementing fines to monitor those that don't adhere to picking up after their dogs.

Leo Blachar, 63 Camden Court, spoke against changing the Code. He discussed the negative experience jogging in areas where dogs are allowed on the beach.

Carol Hudson, 10275 Collins Avenue, spoke in favor of changing the Code.

Nicholas Stein, 10275 Collins Avenue, spoke in favor of changing the Code. He discussed going to Surfside to walk his dog on the beach. He spoke against having to use the building yards and discussed feeling unsafe using areas on Collins Avenue.

Neil Alter, 9801 Collins Avenue, suggested conducting a survey to determine if the community is comfortable with changing the Code.

Penny Sepra, 10275 Collins Avenue, spoke in favor of changing the Code.

Brian Mulheren, 10245 Collins Avenue, discussed the proposed dog park in Haulover and suggested that the dog owners contact Commissioner Sally Heyman regarding it. He spoke against changing the Code. He agreed with conducting a survey of the residents.

Abe Gotman, 9601 Collins Avenue, spoke against changing the Code.

Stacy Rothen, 10275 Collins Avenue, spoke in favor of changing the Code. She

discussed safety concerns with walking her dog on Collins Avenue.

Dina Cellini, 211 Bal Cross Drive, spoke against changing the Code. She discussed the dog feces and unleashed dogs in Surfside, on the beach. She reported a better police presence on Collins Avenue than on the beach.

Andrea Winler, 10275 Collins Avenue, spoke in favor of changing the Code, for safety reasons. She suggested limiting access to certain times, before voting against it.

Dave Orner, 10245 Collins Avenue, discussed concern about the Village's liability if a dog bites him. He spoke against changing the Code.

Councilwoman Cohen reported never seeing dog excrement in Surfside on the beach, but agreed that it could happen occasionally.

Assistant Mayor Blachar would like to keep Bal Harbour beautiful and discussed concern regarding feces on the beach. She discussed people choosing to visit and live in Bal Harbour, due to the pristine condition of the beach, which should be preserved. She discussed the health issue of allowing dogs on the beach and spoke against people having to worry about stepping in dog feces on the beach. Assistant Mayor Blachar clarified that Village residents knew that dogs were not allowed on the beach when they moved in. She spoke against people having to fear dogs chasing/biting them on the beach, which she experienced in Surfside. She agreed that the residents should contact Commissioner Heyman regarding the proposed dog park in Haulover.

Assistant Mayor Blachar noted the amount of residents from the Harbour House building in attendance and questioned why those residents are now having a problem. Councilwoman Cohen noted that there is limited space to walk the dogs on Collins Avenue. Assistant Mayor Blachar doesn't know why the Harbour House removed the area previously provided for their dog owners.

Assistant Mayor Blachar discussed the safety concerns raised and thinks that it's safer to walk on Collins Avenue than on the beach at night. She noted that if approval is given, then extra code enforcement would be needed, to monitor the issue.

Councilman Packer responded to Mr. Alter's comment regarding a poll and clarified that it is the Council's responsibility to react and to listen to what the public wants. He read the Ordinance passed by the County Commission, on first reading, regarding health issues and dog feces. He discussed the protection of sea grass and the harmful effect that may be caused by dogs urinating on it. He believes that if the majority of the Village would like the Code changed, then he would go along with it, but clarified that his personal feeling is that the Village should be kept beautiful.

Councilman Sanz requested additional citizen input and additional time to investigate all of the issues involved.

Mayor Rosenfield discussed the possibility of the individual buildings having to clean up dog feces behind their properties on the beach. She discussed people not picking up after their dogs and the health issues. She suggested that the Condo Boards speak to their residents regarding the issue.

A motion was offered by Councilwoman Cohen and seconded by Councilman Sanz to conduct a

survey. The motion failed (3-2) with the roll call vote as follows: Mayor Rosenfield no; Assistant Mayor Blachar no; Councilwoman Cohen yes; Councilman Packer no; Councilman Sanz yes.

A. VILLAGE MANAGER:

Presentation of Conceptual Designs for Bus Shelters: Tom

Graboski, TGA Design, distributed and reviewed four conceptual designs for new bus shelters. He estimated the cost to replace the current shelters at \$20,820 per location (not including installation or site prep). He reported that the Village has the option of having the shelters: illuminated, design on the glass, a Village logo, and street address. He discussed the use of LED or solar lighting. Mr. Graboski requested direction from the Council to provide further details on one or two of the designs. He reported that two manufacturers have reported a cost of \$1,000 to \$2,000 above the cost (\$20,820) of replacing what the Village currently has. He clarified that issues regarding sidewalk replacement and footing/structural items would be addressed in the future.

Doug Rudolph, 212 Bal Bay Drive, questioned the type of glass suggested and discussed concern regarding breakage/maintenance. Mr. Graboski reported that laminated safety glass would be used, which could be broken, but not shattered. He reported that the designs are custom creations and clarified that the current shelters do not meet the current hurricane wind load requirements for South Florida (150 mph). He explained that the designed shelters would not cost more than one from a catalog and reported the installation/lighting costs to be similar. Mr. Rudolph questioned if there are existing structures, with similar fabrication/material, so that the Village would know how the suggested material has held up. Mr. Graboski reported that there are. Mr. Rudolph suggested that if there are designs that the Village likes, then the next step should be to investigate who has similar ones and how they have held up, etc. He knows that there is a need to get the shelters completed, but he discussed the long-term impact to the community.

Neil Alter, 9801 Collins Avenue, questioned the cost per shelter. Mr. Graboski estimated the cost to be \$22,000-\$28,000 per shelter, with eight locations.

Dina Cellini, 211 Bal Cross Drive, requested that the shelters have solar lighting and spoke in favor of the more-enclosed designs for better protection from the rain. She questioned the type of metal used. Mr. Graboski reported that it would be powdered-coated marine-grade aluminum. He discussed the use of a powdered-coated or better paint. He discussed solar lighting and the issue of shadow affecting the ability to do that, which would have to be examined at each site. He reported an additional cost of \$4,500 for the solar panel at each shelter. He clarified that if the captured sun is not sufficient to charge the batteries, then they would go dead and create additional maintenance costs. Ms. Cellini noted that if the solar lighting is not worthwhile, then she wouldn't be in favor of it. She doesn't know that the Village needs a 22-foot shelter at each location and a smaller one may be better. Mr. Graboski reported that the size of the shelters could be shortened, if it's an issue.

Dave Orner, 10245 Collins Avenue, reported that he has seen the current designs elsewhere and questioned if the company has contacted other cities that have bus stops that withstand tornados, etc. to make sure that the Village is getting what it needs. He wants to make sure that the money is spent on the right thing. Mr. Graboski discussed research done on bus shelters around the Country to make sure the Village is getting what

it needs. Mr. Orner questioned maintenance being covered by the budget. Mr. Treppeda reported that they would continue to be cleaned by the Public Works Department. Mr. Orner questioned receptacles. Mr. Graboski reported that the current trash receptacles and newspaper vending machines would be kept. Mr. Orner questioned if the current receptacles meet the hurricane requirements. Mr. Graboski will research that.

Bill O'Leary, Village Landscape Architect, explained that they are custom-design bus shelters, the solar powered lighting adds about \$4,500 to each shelter, and the LED lighting uses minimal electricity and does a great job.

Mayor Rosenfield discussed affects of the winds on the shelters that are open in the back. Mr. Graboski reported that those areas could be filled in, if desired.

Brian Mulheren, 10245 Collins Avenue, suggested that the Village use the same design as Miami Beach or Sunny Isles and get costs from them. He thinks that the process is longer for a custom shelter for ADA and hurricane requirements. He spoke against using benches and spoke in favor of individual seats, to prevent people from lying down, etc. Mr. Mulheren spoke in favor of getting something that the Village knows works. He thinks that the receptacles also need to be replaced.

Dan Nieda, Building Official, spoke in favor of designing the shelters, because the ones bought from a manufacturer do not meet wind loads, since they are fabricated for other conditions. He thinks that the Code requirements favor a custom-designed shelter. Mr. Nieda preferred Option 2.

Councilman Packer agreed with Mr. Mulheren that it should be done as quickly as possible. He reported that arms would be provided in between the seating, to prevent lying down, and the shelters must go to public bidding, since they will be financed by a grant from the government, which makes it difficult for ready-made shelters. He noted that the custom shelters would come in at the same price, they would be overseen by Mr. Graboski, they would be installed by the same company that fabricates them, and the Village would be able to get the lowest price of three bidders. He would like a three-sided shelter.

Assistant Mayor Blachar preferred Option 3, but would like three sides. She questioned the color, since black is hot in the summer. Mr. Graboski reported that the color would have to be changed to cut down the heat load. He could investigate black paint (rubberized) that absorbs some heat and won't transmit as much back. He discussed the use of metallic grays, etc.

Councilwoman Cohen doesn't think that any of the designs represent the old world charm of Bal Harbour. She thinks the designs are very large, with a contemporary sleek feel. She suggested considering smaller/quainter shelters, with integrated plantings (similar to Naples). She doesn't think the designs would enhance the Village. Mr. Graboski suggested considering the size, per site. He reported that the proposed shelters have the same width as the existing, but the canopy would overhang more, for additional protection. Councilwoman Cohen discussed the current shelters blending well into the environment and representing Bal Harbour better. She doesn't think that the proposed designs meet the aesthetics of the Village.

Assistant Mayor Blachar discussed concerns of someone walking into the glass. Mr. Graboski reported that clear glass is proposed and a graphic pattern could be provided, etc. to prevent that. Assistant Mayor Blachar questioned if the color could be changed on

the logo on Option 3. Mr. Graboski reported that it could probably be done, since the LED lights come in different colors.

Councilwoman Cohen urged the Council to look at the Shops' accomplishments of aesthetics, consistency throughout, the importance of landscaping, old/world yet edgy, etc. She thinks that Bal Harbour should be used as a paradigm and be consistent, since it's very small.

Councilman Packer reported that Stanley Whitman would like the shelters in black and as invisible as possible. Councilman Packer thinks that the shelters are simple, neat, beautiful, etc. and prefers option 3. He discussed other designs done by Mr. Graboski and thinks that the Village should have confidence in him, since none of the Councilmembers are artists. He doesn't think it should be delayed.

Councilwoman Cohen doesn't think that the proposed shelters would be transparent or invisible. Councilman Packer disagreed. He thinks they are very simple. Councilwoman Cohen questioned if Councilman Packer values Mr. Whitman's opinion for taste. Councilman Packer reported that he does. Councilwoman Cohen suggested presenting the designs to Mr. Whitman for his opinion. Councilman Packer agreed.

Councilman Sanz spoke in favor of proceeding. Councilman Packer suggested that the Council move ahead.

Mayor Rosenfield discussed the degree of modernity in the Village through the high-rise buildings. Mayor Rosenfield prefers Option 2 and Option 3. Mr. Graboski requested that the Council select two designs for further detailing.

Assistant Mayor Blachar prefers Option 3, but closed in.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve moving ahead with Option 2 and Option 3.

Assistant Mayor Blachar suggested only moving ahead with one selection.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to amend the motion to approve moving ahead with only Option 3. The motion to amend carried (4-1), with Councilwoman Cohen voting against it.

The motion to approve moving ahead with only Option 3 carried (4-1), with Councilwoman Cohen voting against it.

It was the consensus of the Council that the design for Option 3 be closed in.

Mr. Graboski will report back in March.

Discussion of Garbage Fee: *Christopher Wallace, Finance Director*, suggested that the Council consider placing garbage as a separate charge, instead of including it as the property tax revenue. He reported that the next step would be to begin a methodology assessment (costing approximately \$10,000 - \$15,000) for the next fiscal year. He explained that if the Council does not want to preserve the option for this year, then the resolutions/ordinances already passed could be used for future years. He requested direction from the Council.

Mr. Treppeda reported that 29 of the 34 cities surveyed charge a garbage fee. He noted that currently the Village charges that in the ad valorem taxes. He explained that the solid waste budget is \$800,000, which could be billed separately to the residents, therefore not affecting the millage rate in a negative way. Mr. Wallace reported that they are not proposing different collection or disposal, but explained that it would finance the operation instead of using ad valorem taxes and would lower the property tax rate. He discussed equity and explained that the large users of solid waste don't have incentive to divert their waste stream, recycle or lessen the amount, etc. He noted that it wouldn't change the budget, just how it is financed.

Mr. Weiss suggested that the Council have discussion and make a decision before spending anymore money. Mr. Wallace agreed.

Doug Rudolph, 212 Bal Bay Drive, questioned the benefits of making the switch. He spoke against changing it, because alot of residents would be upset and it would be difficult to compare the Village's millage rate to earlier years.

Brian Mulheren, 10245 Collins Avenue, suggested looking into the County handling the recycling services. He spoke against spending the money and leaving it the same.

Mr. Wallace explained that it is a tax policy question and the public is sensitive to the property tax. He noted that when people are charged for services, then they tend to consume less.

Dina Cellini, 211 Bal Cross Drive, urged the Council not to implement a garbage fee. She suggested that the Council look at changing/cutting the budget in lieu of implementing a fee to generate additional revenue, to offset an anticipated deficit. She suggested using some of the reserve (\$9 million reserve) for this fiscal year. Ms. Cellini suggested the formation of a budget committee, for residents to see where the money is being spent.

Councilman Packer agreed with Ms. Cellini. He thinks that a budget committee should be appointed by the Council to assist Mr. Treppeda. He thinks that it would be profitable and a way for public participation.

Councilwoman Cohen questioned Mr. Treppeda's thoughts. Mr. Treppeda explained that in the upcoming budget process the Village will need to address a \$2 million gap, through raising taxes or using the fund balance. He reported that implementing a garbage fee would provide \$800,000 of that \$2 million. He explained that the following year the St. Regis should be on the property tax roll, so there shouldn't be a problem. He noted that most other cities do what is being asked.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz not to proceed with the issue. The motion carried (5-0).

Mayor Rosenfield will report back on the possibility of a budget committee in March.

Mayor Rosenfield reported that a workshop will be held on redistricting on March 2, 2010, at 6:00 p.m. She reported that she and Mr. Treppeda met with Dr. Schultz, to set a date for the meeting.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of February 16, 2010: A list of Lobbyists registered with the Village was provided in the agenda.

C. VILLAGE ATTORNEY: No items.**D. MAYOR AND COUNCIL:**

Discussion of Anti-Tethering Ordinance/Resolution – Councilman Sanz: Councilman Sanz spoke in favor of supporting the anti-tethering laws passed by Miami-Dade County and the City of Seminole, Florida.

Mr. Weiss explained that there is a State-wide effort that encourages all cities to support the laws individually. He explained that the County has an ordinance on the books, but this is to encourage other cities to affirm it.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of supporting the law, but questioned if Village Code Section 5-7(b)(5) already addresses it. Mr. Weiss thinks that the important provision is in the Code and explained that the County Code is applicable and enforceable to municipalities. He noted that the concept is for the Village to join the effort to encourage everyone to have something in place.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to support the City of Seminole Resolution (No. 03-2010). The motion carried (5-0).

Mr. Weiss will provide language for clarification of the motion.¹

Discussion of Allowing Leashed Dogs to be Walked on the West Service Road on the Beach – Councilwoman Cohen: This item was discussed earlier in the meeting.

Discussion of Resort Tax Bus & Bal Harbour Village Bus – Councilman Packer: Councilman Packer requested discussion on the condition of the Village's bus, in response to requests by residents.

Mayor Rosenfield explained that the Resort Tax Committee is purchasing a bus for tourism activities. She noted that Dr. Krop suggested that if that bus was not successful, then the Village could buy the bus from the Committee. She reported that the tourism bus would be delivered in April and would run for three to six months, to evaluate its success. She noted that the interior of the present Village bus is acceptable, the bus breaks down everyone once in a while, and a replacement bus is provided if that happens.

Brian Mulheren, 10245 Collins Avenue, noted that at the May 2009 meeting the Village Council voted to buy a new bus for the residents. He noted the cost to be \$70,000, with

¹ A motion of the Bal Harbour Village Council recognizing Section 5-21 of the Miami-Dade County Code of Ordinances regulating the tethering of dogs throughout Miami-Dade County, including Bal Harbour Village, and encouraging the adoption of similar anti-tethering legislation by municipalities located outside of Miami-Dade County.

\$33,000 in State transportation tax money to be used. He discussed the unsafe conditions of the current bus. He spoke against spending money to fix the bus instead of buying a new one. Mayor Rosenfield noted that resort tax funds are being used to buy the tourism bus. Mr. Mulheren discussed the unhappiness of the residents who ride the bus. He thinks that the residents deserve a better bus.

Neil Alter, 9801 Collins Avenue, suggested that the Councilmembers ride the bus. He questioned how much has been spent in prior years to fix and maintain the bus.

Mr. Treppeda reported that it was recommended that the Village not receive the \$33,000 in Federal money, because it was going to cost more if the Village received it. He clarified that the Village hasn't spent that much in maintenance, the bus is operating, and another bus is provided if needed. He reported that \$22,000 was approved for future maintenance, if needed. Assistant Mayor Blachar questioned the amount spent on maintenance. Mr. Treppeda will provide the amount.

Dina Cellini, 211 Bal Cross Drive, questioned if the Federal money is still available. Mr. Treppeda reported that the money is no longer available and the Finance Director calculated that it would cost more with all the items that the Village would have to do to get the money. Ms. Cellini requested clarification.

Mr. Wallace explained that the Federal grant did not make sense for the Village, because of the wages that would have to be paid under Federal law and having to federalize the entire bus operation, including any bus the Village ran, forever. He noted that the Village would be in the red after the first year, just in wages alone, and the Village would have to re-negotiate the contract with the provider of the service, because there is only one entity in Dade County that pays those wages, which is the County. He clarified that the Village would be running the County transit system in the Village and the conditions applied to the grant made it too expensive to take.

Ms. Cellini questioned if the expenses were for union costs for drivers, etc. Mr. Wallace responded that they were. Ms. Cellini questioned if the bus would be evaluated in September, once the tourism bus has been studied.

Mayor Rosenfield noted that, since the tourism bus is delayed, the evaluation process will also be delayed.

Councilwoman Cohen reported that she rode on the bus.

Ms. Cellini questioned the procedure followed when the bus breaks down in route. She spoke in favor of re-evaluating the bus.

Mayor Rosenfield questioned how often the bus breaks down.

Michael O'Quinn, Director of Recreation and Transportation, estimated that it breaks down at least once a week and it takes one hour for another bus to replace it. Councilman Packer questioned who repairs the bus. Mr. O'Quinn reported that the bus company does.

Councilman Packer noted that if the bus keeps breaking down then it's not being repaired properly. He discussed guests being brought to the Valentine's Party on two buses. Mr. O'Quinn reported that another bus is chartered for the special events and field trips. Councilman Packer suggested that the bus be repaired by someone else, if it keeps

breaking down. Mr. O'Quinn thinks that it's in the contract for the bus company to repair the bus. He noted that a bus is usually replaced at 175,000 miles and the current bus has 250,000 miles. Councilman Packer discussed loaning the tourism bus to the Village.

Assistant Mayor Blachar suggested that a bus be purchased. She doesn't want to take the bus away from the Resort Tax Committee. Mr. Treppeda reported that there is money available in the budget for a bus.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to purchase a new bus for the residents. The motion carried (5-0).

10. OTHER BUSINESS:

Public Comment:

Dina Cellini, 211 Bal Cross Drive, requested the formation of a budget committee and questioned the earliest time that a budget committee could be in place, if it is approved by the Council in March. Mr. Weiss reported that a Committee could be approved by a motion. Mayor Rosenfield will bring back a report in March.

Neil Alter, 9801 Collins Avenue, commended the Council on being decisive, regarding the dogs on the beach and the bus.

Eric Enrique, Catering Director at ONE Bal Harbour Resort & Spa, requested Council approval for a wedding ceremony on the beach, on Sunday, March 7th. He distributed plans.

Mr. Weiss reported that the Village has an ordinance prohibiting erecting structures on the beach. Mr. Treppeda reported that the Council has the ability to approve an exception.

A motion was offered by Councilwoman Cohen and seconded by Councilman Sanz to approve an exception to the Village Code.

Assistant Mayor Blachar questioned the liability involved. Mr. Weiss reported that liability and setting precedence are both issues.

Mr. Treppeda doesn't recall approving structures in the past, but noted that Mr. Enrique has reported that the ONE Bal Harbour will be attracting more weddings and the Village needs to decide on a policy for this and future requests.

Assistant Mayor Blachar questioned allowing the ceremony without erecting anything. Mr. Weiss explained that there is no prohibition for that. Mr. Treppeda reported that weddings are held currently with only folding chairs, which don't require Council approval. Mr. Weiss reported that the prohibition is for the erection of a tent, shelter, or structure. He thinks that if the huppa is being held by four people that would not be a structure, but if it's in the ground, built, etc. then it's a structure.

Assistant Mayor Blachar spoke in favor of allowing four poles, which wouldn't set a bad precedence. She is opposed to building a structure like a platform, because it sets bad precedence. Mr. Weiss thinks that the Building Official can determine what would be considered a structure. Assistant Mayor Blachar questioned if the clients would be happy

with that. Mr. Enrique thinks that would be acceptable to the clients. Mayor Rosenfield questioned security. Mr. Enrique reported that hotel security would be used and information has been submitted to the Village including a waiver of liability, etc. He discussed the requests for weddings on the beach. His goal is to make sure that the area is reserved.

Chief Hunker ensured that the area would be well-patrolled.

Neil Alter, 9801 Collins Avenue, thinks that it's an enormous marketing opportunity for the Village, which would help the budget.

Brian Mulheren, 10245 Collins Avenue, discussed the 60th Anniversary staging, tents, etc. that had to meet State, County, and Village requirements. He thinks that those requirements need to be complied with. He commended Assistant Mayor Blachar for her initiative in purchasing the bus.

Mr. Enrique reported that they have a backup plan for inclement weather, etc.

Mr. Treppeda reported that the Building Official would be involved and it would require DEP approval, because they control the beach. Mr. Weiss reported that the ONE Bal Harbour would have to get approval, not the Village. Mr. Treppeda clarified that the Village's approval would be contingent on DEP. Mr. Weiss reported that DERM approval may also be needed. He clarified that the hotel would need to get any necessary approval, in addition to the Village.

Councilman Packer questioned any ropes/ restrictions to keep the public away. Mr. Enrique explained that there are no plans for that, they understand that it's a public beach, cleanup would be handled by the hotel, a three-piece string orchestra would be provided for the processional, and the reception would be held inside the hotel.

Councilwoman Cohen clarified that her motion approves the plans as submitted and would require them to get approval from the necessary entities.

Mr. Enrique clarified that the walkway would be wood.

Assistant Mayor Blachar is concerned about setting precedence. Councilwoman Cohen thinks that it would set a good precedence for the Village and is not adverse to allowing the weddings. Assistant Mayor Blachar suggested that the wedding be done, without building anything on the beach. Mr. Enrique thinks that the clients would be okay with doing the wedding, without the platform on the beach, which would preserve the beach appearance. He is okay with the Council's decision. He noted that the huppa would still need to be done, as part of the Jewish ceremony, and agreed to work with any permitting requirements. Mr. Enrique explained that there would be a wooden path and a wooden platform, with a stage holding the huppa. Councilman Packer questioned the use of the wooden path and platform, without the stage, and four people holding the huppa, as being acceptable to the Council. Councilwoman Cohen noted that it's only for one hour. Assistant Mayor Blachar thinks that it should be allowed, but only with a wood platform for standing on, or a flat stage. She spoke against building something raised, due to liability and setting precedence.

Ms. Travis spoke in favor of allowing weddings on the beach, but thinks that the platform is excessive. She agreed that there should be very strict parameters.

Mayor Rosenfield agreed and noted that it would set precedence for other venues to build platforms.

Mr. Enrique explained that it would be from 9:00 a.m. until 2:00 p.m., including set up, etc.

Councilwoman Cohen withdrew her motion.

Mr. Weiss reported that they don't need approval to have the wedding on the beach. He clarified that approval would be needed for tents, structures, etc.

Doug Rudolph, 212 Bal Bay Drive, questioned why The Herald did not report on the results of the Lynne Bloch-Mullen case. He reported that the case cost the Village over \$250,000.00 to protect its Charter. He made a public records request for the total amount of money spent by the Village defending the lawsuits and all of the appeals. He thinks that once that information is received the Village should consider what to do about it. Mr. Rudolph discussed someone bringing the current Council and prior Council before the Ethics Board again, which was dismissed again. He thinks that people need to understand that there are ramifications for all of the accusations and attacks, which he is tired of. Mr. Rudolph suggested that The Herald report on that so that the residents are aware of it.

Dina Cellini, 211 Bal Cross Drive, discussed the article about Councilwoman Cohen's dog and questioned who has to come through the security. She reported that in the article the Chief reported that the Village Councilmembers do not come through it, but she thought everyone, including the Council and Attorney, were to come through it. Councilman Sanz reported that he comes through it.

Chief Hunker reported that when the security was set up it was left to the discretion of the Council of whether or not they wanted to go through the back or front door. Councilwoman Cohen confirmed that is what she was told. Chief Hunker reported that most other municipalities have a separate entrance for their Council.

Ms. Cellini questioned if the Council comes through or is required to go through security. Assistant Mayor Blachar clarified that it is up to the Council's discretion. Ms. Cellini questioned if that includes the staff. Chief Hunker reported that only the Council was addressed.

Ms. Cellini requested a breakdown of the legal activity that was done, not just a total amount (who was spoken to, etc.) for the Mullen case. Mr. Weiss reported that cannot be provided, since the case has not concluded and the information is confidential. He noted that a total amount could be provided. He clarified that once the case is concluded, then the details are public. Ms. Cellini will make the request at that time.

Brian Mulheren, 10245 Collins Avenue, requested information on the actions taken by Mr. Weiss, as directed by Mayor Berlin, against Neil Alter and Lynne Bloch-Mullen. He also questioned the Village's reimbursement amount to Mayor Berlin for defending ethics charges, when another Committee member's reimbursement amount was only \$600. Mr. Mulheren suggested that Mayor Berlin committed acts not proper by a public official. He discussed a State Attorney opinion regarding Mayor Berlin meeting with individuals out of the Sunshine law, which included that the Village Attorney should have been sued for malpractice.

Mr. Weiss disagreed with Mr. Mulheren and clarified that the word malpractice was never

used in the State Attorney's opinion. Mr. Mulheren withdrew his comment regarding malpractice. Mr. Weiss reported that the State Attorney issued an opinion that differed from his, of whether or not that Committee had to meet under the Sunshine law. He clarified that it is not malpractice or liability for the Village Attorney. He noted that the State Attorney disagreed with his (Mr. Weiss') opinion, but did not prosecute. Mr. Mulheren requested a copy of the opinion.

Mr. Weiss clarified that the Council requested that the issue with Neil Alter and Lynne Bloch-Mullen be looked into, but reported that no action was taken.

Assistant Mayor Blachar suggested moving forward. Councilwoman Cohen agreed.

Mayor Rosenfield commented on the Valentine's Day party and suggested that Ms. Travis have a phone service to advise the residents of events. Assistant Mayor Blachar spoke against implementing a phone service and thinks that the information is distributed appropriately already.

Councilwoman Cohen spoke in favor of having additional discussion and workshops on allowing dogs on the beach, since a large amount of the population would like something. Councilman Packer reported that it was left open for a survey. Councilwoman Cohen suggested a workshop. Councilman Packer suggested that a group be formed to engage the population, to get suggestions and have more people come to the meetings. Assistant Mayor Blachar reported that the issue was voted on and died. Councilwoman Cohen requested that it be left open for further discussion.

11. ADJOURN: There being no further business, a motion was offered by Councilman Packer and seconded by Councilman Sanz to adjourn. The motion carried (5-0) and the meeting adjourned at 10:39 p.m.


Mayor Jean Rosenfield

Attest:


Ellisa L. Horvath, MMC, Village Clerk