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BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
SPECIAL MEETING – JUNE 30, 2010

A Special Meeting of the Bal Harbour Village Council was held on Wednesday, June 30, 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 9:05 a.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, MMC, Village Clerk
Matthew Pearl, 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 Chief Hunker.

3. APPROVAL OF MINUTES:

Revised – May 25, 2010 Regular Council Meeting: Assistant Mayor Blachar reported that the revisions were not substantial. Mr. Treppeda explained that the wrong set of minutes were included in the June Council Meeting Agenda, since the Clerk was on vacation. He reported that the corrections were minor and were shown in the agenda.

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

4. ORDINANCE SECOND READING/PUBLIC HEARING: The following Ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA AMENDING ARTICLE IV “DANGEROUS INTERSECTION SAFETY” OF CHAPTER 19 “TRAFFIC AND MOTOR VEHICLES” OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS, RATIFICATION AND RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2010.

Mayor Rosenfield opened the public hearing.

Dina Cellini, 211 Bal Cross Drive, requested clarification on the changes to the current ordinance. Mr. Pearl explained the changes to comply with the State's directive. He clarified that the most significant change would be that the Village would not be hearing items through its Special Master (appeals would be made in traffic court instead of the Village).

Mayor Rosenfield questioned if the Police would have to attend traffic court. Mr. Pearl explained that they would. Chief Hunker spoke in favor of the new process, which would be better since it would be handled through the State. He noted that the Police already appeared in court for other violations. Assistant Mayor Blachar discussed the League of Cities meeting for Attorneys, which discussed the overburdening of the court system, one officer from each municipality being in charge, etc. Councilwoman Cohen also attended the League Attorney meeting and reported that the process was still being worked on, but that they had made it clear that it would over-burden the court system.

Assistant Mayor Blachar requested the Village Attorney to look into the issue and expressed concern regarding the officers having to leave the Village to attend the hearings. Mr. Pearl didn't believe that every officer would have to go, since it would follow the procedure that the Village had, which was for one officer to review the violations. Chief Hunker agreed and added that it would be less trouble since the hearings were currently handled by the Village. He reported that the County would receive a \$100 court cost. He reported that to date, the Village had issued 5,000 tickets and hadn't received any complaints. He suggested that the program be evaluated October 1st, after a year of data was available. He reported the year to date revenue at \$300,000. Assistant Mayor Blachar spoke in favor of the Village installing the cameras in advance. Chief Hunker discussed the County's plan to install 700 cameras. Councilwoman Cohen discussed turning right at a red light, which the new statute addressed more specifically. Chief Hunker reported that it would be up to the discretion of the Officer.

Dina Cellini, 211 Bal Cross Drive, requested clarification on the right turn on red issue. She questioned what the 10% budget increase would be for that was mentioned by Chief Hunker. Mr. Treppeda explained that there were some expenses for the program, which would be analyzed during the budget process. Ms. Cellini spoke against the comment that no complaints were received, since people had contested the tickets that were given. Chief Hunker discussed the procedure for turning right on a red light. He discussed the review process. He estimated the cost for the review process, hearings, etc. to be \$10,000-\$20,000 per year. He reported the profit to be \$200,000 in three months, with three cameras, and noted that two additional cameras would be installed. He clarified that the company (American Traffic Solutions) estimated the revenue to the Village to be \$1 million annually, with five cameras (prior to the State law and without the State getting a share). He noted that the company (American Traffic Solutions) would now receive a flat rate per intersection, but explained that the cost would never exceed the revenue generated. Chief Hunker didn't consider it a complaint if someone contested a violation and reported an average of 20 hearings a month, with 60 hearings requested out of the 5,000 violations issued.

Assistant Mayor Blachar questioned if the companies were charging a different cost for each municipality. Chief Hunker did not know, but explained that the new agreement was being reviewed by the Village Attorney. He clarified that the costs would not exceed the revenue generated. Assistant Mayor Blachar discussed turning right on a red light and clarified that if there was a sign restricting a turn on red, then a person could not turn. Chief Hunker agreed. Captain Klingman clarified that a driver making a turn on a red light would

need to follow the current law. Councilwoman Cohen noted that the new State law had changed the language that drivers must turn in a careful manner if there was no posted sign. Chief Hunker explained that it was up to the Officer's discretion to determine if it was done in a careful manner. Captain Daddario clarified that the language that was changed was only for the red light camera statute (careful and prudent) and the regular statute still required a complete stop, prior to turning on a red light. He discussed the Special Master procedure, which already followed the red light camera statute.

Dina Cellini, 211 Bal Cross Drive, clarified that if a driver were operating under the red light statute and came to a complete stop prior to making a right turn then the camera would not go off and the driver would not be in violation. Chief Hunker agreed, but clarified that if a sign was posted that right turns were not allowed on a red light, then the camera would go off.

Joe Graubart, Town of Surfside Vice Mayor, reported that Surfside was considering the red light cameras and questioned if the Village had experienced more rear-end accidents at the intersections. Chief Hunker reported that the accidents had been reduced and were recorded on camera. He discussed positive comments received in response to the cameras. Captain Michael Daddario reported that the camera companies could provide data on larger cities showing that the cameras reduced accidents, especially T-bone accidents, which were more dangerous. Chief Hunker reported that the cameras also added more security for the Village, because the recordings could be used for evidence. Vice Mayor Graubart discussed the possibility of a synergy with Surfside and Bay Harbor to save money. Mr. Treppeda didn't see a way to that, since it was handled through a company. Chief Hunker offered to meet with the Chief of Surfside. Vice Mayor Graubart questioned the Village's signage regarding safety and adequate warning. Chief Hunker discussed the warning process. Vice Mayor Graubart questioned how the out of state drivers and rentals were handled. Captain Daddario discussed the process.

There being no additional comments, the public hearing was closed.

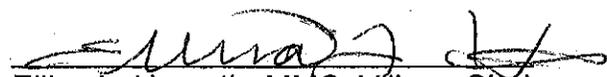
A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the ordinance. The motion carried unanimously (3-0), with the roll call vote as follows: Mayor Rosenfield aye; Assistant Mayor Blachar aye; Councilwoman Cohen aye; Councilman Packer absent; Councilman Sanz absent; thus becoming Ordinance No. 2010-541.

Other Business: Mr. Treppeda advised that a Special Council Meeting would be scheduled for consideration of the contract with ATS (American Traffic Solutions), which required approval by July 9, 2010.

5. ADJOURN: There being no further business, **a motion was offered by Councilwoman Cohen and seconded by Assistant Mayor Blachar to adjourn. The motion carried (3-0) and the meeting adjourned at 9:37 a.m.**


Mayor Jean Rosenfield

Attest:


Ellisa L. Horvath, MMC, Village Clerk