

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – JUNE 15, 2010

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, June 15, 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 7:12 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, MMC, 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: None.

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

Tab A: May 25, 2010 Regular Council Meeting Minutes

Tab B: \$15,000 and \$2,500 monthly in Resort Tax Funds (re-appropriate \$2,500 monthly for DLX sales & marketing services in Argentina and \$15,000 for the Annual Sales Training Retreat)

Tab C: \$7,442.00 in Police Forfeiture Funds (\$5,000 donation to Police Officer Assistance Trust POAT and \$2,442 for photography expenses for Crime Prevention Events)

Tab D: Approval for the renewal of the existing agreement with Limousines of South Florida for an additional two years at the same rate (\$32.25 per hour) for the operation of the Bal Harbour Express Bus

Tab E: Ratify the Village Manager's appointment of Valerie Rennert as a Special Master for a one-year term

Tab F: Authorize the Village Manager to execute the Agreements for towing services with Beach Towing and Tremont Towing

Tab G: Declare a 2000 Yamaha Motorcycle as surplus and authorize its sale as indicated, with the proceeds to benefit the Forfeiture Fund

Tab H: Up to \$5,000 for Donna Mallory, CPA, for conversion of data for new accounting program

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

6. PUBLIC HEARINGS:

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: This item was discussed later in the meeting.

Resolutions/Public Hearings: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT:

The following ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES; PROVIDING FOR THE ISSUANCE OF BUSINESS TAX RECEIPTS FOR PRORATED PORTION OF THE FISCAL YEAR; PROVIDING FOR AN INCREASE IN CERTAIN BUSINESS TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Treppeda explained that the proposed ordinance raised the business tax receipt fees by 5%, which was allowed by State law. He reported that the last increase was done in 1995.

Mayor Rosenfield opened the public hearing. There being no comments, Mayor Rosenfield closed the public hearing.

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

The following ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY AMENDING CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES" BY AMENDING ARTICLE III "TOWING OF VEHICLES", BY AMENDING SETION 19-30 "GENERALLY", BY CREATING SECTION 19-34 "MAXIMUM IMMOBILIZATION, NONCONSENT TOWING AND STORAGE RATES FOR PROVIDING IMMOBILIZATION OR TOW SERVICES AT THE REQUEST OF PROPERTY OWNERS OR POLICE

AGENCIES”, IN ORDER TO ESTABLISH TOWING RATES AND AN ADMINISTRATIVE FEE FOR THE TOWING OF VEHICLES FROM THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE, PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield opened the public hearing. There being no comments, Mayor Rosenfield closed the public hearing.

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

Ordinances Second Reading/Public Hearings: The following ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING ARTICLE II “LOCAL BUSINESS TAX” OF CHAPTER 9 “BUSINESS REGULATIONS AND BUSINESS TAX” OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES; FURTHER AMENDING ARTICLE IV “SUPPLEMENTARY DISTRICT REGULATIONS” OF CHAPTER 21 “ZONING” OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO PROVIDE FOR REGULATIONS OF HOME-BASED BUSINESS OCCUPATIONS WITHIN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Weiss requested that the comments from the June 15, 2010 Local Planning Agency Meeting be incorporated as part of the minutes.

Mayor Rosenfield opened the public hearing. There being no comments, Mayor Rosenfield closed the public hearing.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve the Ordinance. The motion failed (0-5), with the roll call vote as follows: Mayor Rosenfield no; Assistant Mayor Blachar no; Councilwoman Cohen no; Councilman Packer no; Councilman Sanz no.

ORDINANCES FIRST READING/PUBLIC INPUT:

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.

Betsey Bystock, 80 Park Drive, requested that a bike lane be added.

There being no additional comments, Mayor Rosenfield closed the public hearing.

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

Budget Report for January-May (Fiscal Year 2009/2010)

Provided by Finance Director Christopher Wallace: This item was discussed later in the meeting.

Assistant Mayor Blachar left the meeting.

Motion Approving Award of Bid to Replace Section of Concrete Wall Behind Lanai Building Utilizing Security District Funds: Mr. Treppeda requested approval for \$29,000 in Security District Funds for Gables Grove Construction, the low bidder, to repair the Security District wall behind the Lanai Condo building.

Kenneth Varvarro, 10210 Collins Avenue, distributed photos of the wall and requested approval, since the wall was falling apart and the issue had been ongoing. Mr. Weiss reported that old surveys indicated that the wall appeared to be on the Civic Association property on Park Drive. Mr. Varvarro discussed it being a security issue. Mr. Treppeda also distributed photos.

Doug Rudolph, 212 Bal Bay Drive, noted that the wall appeared to be on Civic Association property, but clarified that all of the walls were not the same and they were not sure who built them. He recommended that the Council look into the issue, since there were portions of wall that needed to be repaired. He suggested that it be determined who owned the walls and how much should be spent to repair or replace the walls. Mr. Rudolph noted that if the Civic Association needed to pay, then they would need time to determine how that would be done.

John Angelis, Lanai resident and Lanai Association President, reported on the west side trying for years to get the wall fixed. He spoke against taking more time for additional surveys, etc. He requested that something be done about the wall behind their building and noted that the cost was too much for the Lanai. Mayor Rosenfield pointed out that it was the first time that the wall issue was brought before the Council as far as she knew and that it had never been brought to Mr. Treppeda.

Dan Holder, 24 Bal Bay Drive, spoke in favor of the Civic Association deciding what needed to be done with the wall, if it was on the Civic Association property. He suggested that the wall be reviewed by the Building Department for code violations. He didn't think that the cost seemed appropriate. He spoke in favor of the Civic Association working with the buildings on the west side.

Chris Rice, Property Manager at the Lanai, discussed the issue being brought up previously, but never addressed. He reported that the wall belonged to the Civic Association and that it was their responsibility to fix it.

Dina Cellini, 211 Bal Cross Drive, expressed concern about approving the expenditure to fix the wall, because it would set a precedence for the other buildings to demand that the Security District incur additional expenses. She reported that the entire wall was .8 miles. She clarified that when the wall was built, the park land was owned by all of the residents of the residential section, which the Lanai was a part of, so when the wall was built the park also belonged to them to. Ms. Cellini urged the Council not to proceed with the approval, since it would be premature to dictate the Civic Association to repair the wall. She noted that other issues also needed to be addressed including the landscaping, etc.

Mr. Treppeda clarified that the proposal was for the Security District, not Civic Association, funds to pay for the wall. He suggested that the Civic Association and the Lanai discuss and work out the issue. Mayor Rosenfield agreed that the Building Official needed to investigate the wall and that it should be looked at by the Village. She also agreed that the two groups needed to meet and have a discussion first. Councilman Packer concurred with Mayor Rosenfield. He clarified that if the wall was on the Association property, then the Security District or Civic Association needed to bear primary responsibility. He spoke in favor of the Building Department looking at the wall for safety issues. He noted that if the wall was deemed dangerous and it was on the Civic Association/Security District property, then they should be consulted to see how they would take care of it. He spoke in favor of further discussion. Councilwoman Cohen advised that the integrity of the entire wall was compromised and needed to be addressed. She didn't think that it was a matter for the Council to decide, but that it should be addressed. Mayor Rosenfield suggested that Mr. Treppeda could be included in their (Civic Association and Lanai) discussion.

Assistant Mayor Blachar returned to the meeting.

Request for Approval of Sign Permit for Quarzo Hotel Project:

Mr. Treppeda requested that the Council consider accepting the recommendation of the Architectural Review Board and the Building Official to grant a sign permit to the Quarzo Hotel project, for a project identification sign at the entrance drive adjacent to the Collins Avenue right-of-way.

Mayor Rosenfield reported that the Architectural Review Board unanimously approved the sign. Mr. Treppeda distributed the sign that the Quarzo requested approval for, including the words "Luxury Boutique Hotel."

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

Nina Rudolph, 212 Bal Bay Drive, didn't think that alot of people knew about the hotel. She noted that the sign was the same size as the ONE Bal Harbour, which was a larger property. She did not think that the sign was proportionate to the size of the property and thought that it was out of character.

Dan Nieda, Building Official, reported that the sign was unanimously approved by the Architectural Review Board. He clarified that the sign was 40 inches high by 52 inches long and six inches deep and was internally lit. He thought that the sign was very modest in size and low to the ground. He explained that the sign matched the existing sign at the ONE Bal Harbour and was compatible to the other building signs in the Village.

Juan Arcila, 290 Bal Bay Drive - Managing Director for the Quarzo project, reported that the sign was small and clarified that it was not matching the ONE Bal Harbour water feature sign, but was matching the lower one. Ms. Rudolph apologized that she thought that the proposal was to match the water feature sign.

Councilman Packer requested clarification that the project was three buildings. Mr. Arcila, clarified that the project would include 290 Bal Bay Drive, 291 Bal Bay Drive and 10250 Collins Avenue. He clarified that the sign would be at the entrance of Bal Bay Drive and displayed the site for the sign. Mr. Nieda clarified that it would be placed at the same location as the existing sign. Assistant Mayor Blachar clarified that the sign was approved by the Architectural Review Board.

Councilwoman Cohen spoke against using the words "luxury boutique hotel" on the sign. Assistant Mayor Blachar questioned Mr. Arcila if he would agree for the sign to only have the word "hotel" instead of "luxury boutique hotel." Mr. Arcila spoke in favor of keeping the words, since they related to the Quarzo's promotion efforts. Councilwoman Cohen did not think that additional words were necessary. Councilman Packer clarified that the words would only be four inches. Mr. Arcila agreed to remove the words if that was the Council's request.

Doug Rudolph, 212 Bal Bay Drive, noted that many residents didn't know that a hotel was allowed on the west side. He agreed with Councilwoman Cohen.

Mr. Weiss reported that the Village Code provided that only the name of the establishment could be used on the sign on the west side of Collins Avenue. Mayor Rosenfield requested that the Code be followed. She clarified that the project had been discussed at Council and Architectural Review Board meetings. Mr. Arcila reported that the name of the establishment was Bal Harbour Quarzo. Mr. Weiss noted that the word luxury was descriptive. Councilman Packer did not have a problem with the wording, for clarification that the property was a hotel. Councilwoman Cohen reviewed the Code and the requirement that the sign be limited to the name of the establishment. Assistant Mayor Blachar agreed that the public may not know that it's a hotel. She suggested removing the word "luxury". Mr. Weiss explained that the word boutique could only be used if it was the name of the establishment. Mayor Rosenfield discussed the Code being written before the word boutique was used. Mr. Weiss clarified that the Council could change the Code if they wanted to. Mr. Nieda pointed out that there were buildings that had the name of the building and apartment. Mr. Weiss agreed that the word hotel could be used. Mr. Nieda agreed.

Brian Mulheren, 10245 Collins Avenue, discussed the process and didn't think that it was mentioned that all three buildings would be hotels. Mayor Rosenfield noted that the item had been discussed. Mr. Treppeda clarified that the zoning for those properties allowed the hotel use, so Council approval was not needed. Mr. Mulheren questioned if a traffic study was done. Mr. Nieda reported that since a hotel was a permitted use for that district it was not required. He reviewed that the three buildings were purchased, Quarzo developed

them into a mixed-use project in phases, it did not require a traffic study, the project appeared before the Architectural Review Board four times, and Council approval was not needed except for the sign.

A motion was offered by Mayor Rosenfield and seconded by Councilwoman Cohen to approve the sign without the words "luxury" and "boutique", and with the word "hotel" on the right hand side. The motion carried (5-0).

Budget Report for January-May (Fiscal Year 2009/2010) Provided by Finance Director Christopher Wallace: Mr. Wallace reviewed the report. He explained that appeals were filed for property tax value relief for property located within the Village, which would affect the property tax revenue if granted. He explained that more information would be available in July.

Councilwoman Cohen left the meeting.

Mr. Wallace reported that the parking and red light revenue had been good.

Councilwoman Cohen returned to the meeting.

Neil Alter, 9801 Collins Avenue, requested the amount of revenue that was generated by the red light cameras. Chief Hunker reported it to be approximately \$280,000 to date. He explained that the law would be changing July 1, 2010, so a better estimate could be provided after that, but estimated that it would generate approximately \$1 million a year. Mayor Rosenfield clarified that the Village's share would change drastically on July 1st. Mr. Alter questioned if it was unanticipated income. Mayor Rosenfield agreed that it was. Mr. Alter requested the amount that was needed for infrastructure. Mr. Wallace reported that eight to ten million dollars in basic infrastructure needed to be replaced. Mr. Alter questioned if the bond issue was related to that. Mr. Wallace reported that it was the intent for it to be funded with the bond issue. Mr. Alter requested a time frame. Mr. Wallace explained that the time would have to be provided by the engineers. He reported that the financing would be a 15-20 year period.

Dina Cellini, 211 Bal Cross Drive, questioned if the tax appraiser had released the assessments on property in the Village. Mr. Wallace reported that the June 1st numbers were tentative, which were 6% lower than last year, but the official amounts would be available July 1st. Mr. Wallace explained that he used a 10% decrease, so the numbers were not as bad as expected.

Brian Mulheren, 10245 Collins Avenue, discussed the number of properties that applied to lower their taxes. Mr. Wallace reported that there was no way of knowing the amount that would be adjusted. Mr. Mulheren requested the projected pension and health costs. Mr. Wallace expected that the pension costs and health insurance would increase, but that the estimates would not be received until July/August. Mr. Mulheren requested the pension costs so far. Mr. Wallace reported the cost for both plans to be approximately \$2-\$3 million. Mr. Mulheren noted that to be a substantial amount of money. He requested that the Council look at the big picture.

Mayor Rosenfield clarified that the Council was very aware of the topics that were discussed and additional workshops would be held on the budget.

Request for Approval of Additional Funds for Bus Shelter

Design Services: Mr. Treppeda requested approval of up to \$15,000, plus reimbursable expenses, for TGA Design to provide additional design services for the bus shelter project.

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

Mayor Rosenfield reported that the project was presented before the Architectural Review Board.

The Board recommended Option #9, recommended that the underside of the roof be painted the same color as the shelter (black) instead of white, and recommended that the shelters be designed so that they are structurally sound whether the three glass panels are in place or removed (the glass panels should be easy to install and easy to remove).

Mr. Nieda displayed and reviewed the design for Option 9. He explained that approval was requested to move forward with construction documents and reported that they were working with the St. Regis to build a prototype shelter in front of their building. Mr. Treppeda clarified that the designers were requested to design the shelter for the glass panels to be put in and removed, so a decision could be made based on the performance of the glass.

David Stuart, TGA Design, offered to submit performance criteria to remove the glass and the bottom bar within ten minutes or less, which would allow the shelters to function with or without glass. He requested \$15,000 for working drawings, bid solicitation, punch listing, final product, and an extra unit at the St. Regis. Mayor Rosenfield requested clarification that the cost would be through completion of all the shelters. Mr. Stuart agreed.

Nina Rudolph, 212 Bal Bay Drive, clarified that a prototype would be provided first and then the project would proceed from there. Mr. Nieda agreed and reported that the St. Regis team would provide a rough structural drawing to fabricate the prototype (at a site to be determined) to work out the kinks in design and provide a production cost, etc. Mayor Rosenfield requested clarification that there would not be any additional charges if the structure changed. Mr. Stuart anticipated that would be the course. Councilwoman Cohen requested the amount spent to date on the project. Mr. Treppeda reported that approximately \$21,000+ was spent.

The motion carried (5-0).

B. VILLAGE CLERK:

Lobbyist Registration Report: As of June 15, 2010: A list of Lobbyists registered with the Village was provided in the agenda.

C. VILLAGE ATTORNEY: No items were discussed.

D. MAYOR AND COUNCIL:

Councilman Packer – Discussion of Changing July 20, 2010

Second Budget Workshop Meeting and Regular Council Meeting: Councilman Packer requested that the July 20th meeting be changed, due to a religious holiday.

A motion was offered by Mayor Rosenfield and seconded by Councilman Sanz to approve moving the Regular Council Meeting (7:00 p.m.) and Second Budget Workshop Meeting (6:00 p.m.) to July 27, 2010. The motion carried (5-0).

Councilwoman Cohen – Discussion of Security District Access

Issue Raised by Beth Berkowitz: Councilwoman Cohen requested that the information received from Beth Berkowitz be discussed (items included in the agenda). Mr. Weiss requested Council authorization to look into the issue.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to authorize the Village Attorney to look into the issue. No vote was taken on this motion.

Mr. Weiss reported that there would be significant legal work involved, but didn't know what the costs would be. He clarified that it was a critical issue for the community. Mr. Treppeda explained that Security District funds could be used, if directed by the Council. Assistant Mayor Blachar explained that the claim was that the west side residents were entitled to access the Security District, which she agreed should be researched. She noted that another issue was who should pay for the landscaping within the Security District, which was also being researched. She noted that if the residents inside the Security District were responsible for the maintenance and if the west side residents were entitled to come into the Security District, then she believed that they would also have to pay for the landscaping, etc. She questioned if the residents on the west side would want to pay for the right to come in and, if not, then the issue would be mute. Assistant Mayor Blachar would like to avoid any unnecessary legal expenses.

Beth Berkowitz, 10160 Collins Avenue, reported that records indicated that the west side was the residential section as well as the Security District. She noted that it wasn't right if everyone had been paying for the landscaping and had been denied access. She added that if the west side had to pay for part of that, then they should be given the money back that they had been paying for years through taxes. She offered to help the staff to expedite the research. Ms. Berkowitz discussed the wall sections that were all different and explained that the walls were put up because the buildings couldn't face each other. She explained that the issue was that Park Drive is a common area and clarified that the plat was very easy to read.

Doug Rudolph, 212 Bal Bay Drive, clarified that part of the claim was that the west side was entitled to access the residential section, which may have become the Security District. He noted that if the Civic Association was the entity that had the property, then the west side would be members of the Civic Association, would have ownership rights, and then would also need to pay for the maintenance of the property, not necessarily for the security. He requested that the Village staff and attorney understand who the people on the west side were, what they would be entitled to, whether or not they were members, etc. He clarified that if they were members, then they could have liability along with those rights. He discussed concerns about visitors not having the same interest of taking care of the properties within the District, etc. He questioned if access was granted, then to what degree it would be done.

Mr. Weiss clarified that Ms. Berkowitz raised the issue of whether or not the residents on the west side should have access to the property in the Security District. He requested direction if the Council wanted him to include that in his report. Councilwoman Cohen spoke in favor of doing so.

Dan Holder, 24 Bal Bay Drive, clarified that the question was whether or not the west side residents would be allowed to access the Security District. He didn't think it was appropriate for the Security District to pay for the research and spoke in favor of the Village or the west side paying for the research. .

Brian Mulheren, 10245 Collins Avenue, discussed taxpayer dollars being spent on private property and urged the Council to address the issue.

Beth Berkowitz, 10160 Collins Avenue, clarified that the fist issue was that the parks (green space) were not owned by anyone. She explained that the assignment in 1992 was invalid that made the Civic Association in charge of the parks, because they were owned by the Residential Section, which was everyone. She reported that the Bal Harbour Club only had control over who could live in the Residential Section, but not who owned the parks. She requested that the Council decide who should pay for the research.

Dina Cellini, 211 Bal Cross Drive, agreed with Mr. Holder. She spoke against the Security District bearing the legal fees and spoke in favor of the Village at large paying for it. She clarified that if a class-action suit was filed, then it would be against the Village, which created the Security District. She discussed some west side residents having access to the Security District while others were not, which she didn't think was fair.

Mr. Treppeda explained that the Civic Association owned the streets, so they would decide who had access. He clarified that the Village only raised funds for security for the Security District. Chief Hunker didn't know of anyone having access. Mr. Treppeda clarified that the Chief took direction from the Security District, which took direction from the Civic Association. Chief Hunker reported that the police would be directed that no bicycles were allowed in the Security District from the outside, unless the Civic Association had given permission. Mr. Treppeda explained that it wasn't just the Village's decision.

Mayor Rosenfield questioned if it was the Civic Association's decision. Mr. Weiss explained that it was an unusual circumstance and an argument could be made either way. He noted that it was up to the Council who would pay for it or if it should be done at all. Assistant Mayor Blachar didn't think that the Security District residents would want to pay for something that they didn't want or initiate. She noted that if everyone wanted to go forward to resolve it, then the general fund should pay for it. Assistant Mayor Blachar suggested that it be discussed with the Civic Association.

Councilwoman Cohen discussed the issue coming into play with the EAR and the need for more green space. Councilman Packer spoke in favor of discussion and the issue being researched. Mr. Weiss reported that Village staff was researching the issue and that there would be a significant legal portion to that. He reported that this was an additional issue that could be included in that report. He clarified that the issue was if staff should look into the issue that Ms. Berkowitz had raised and where the costs should be charged to.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to investigate the issues raised by Ms. Berkowitz and to charge the costs to the General Fund. No vote was taken and the motion was withdrawn by Assistant Mayor Blachar.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to investigate the access by west side residents to the security gate, with a cap of \$20,000 for legal counsel. The motion carried (5-0).

Councilwoman Cohen requested that an invocation be done before the Council meetings. Mayor Rosenfield suggested that it be looked into.

Dan Holder, 24 Bal Bay Drive, spoke against having an invocation due to different denominations, etc. and spoke in favor of just having the Pledge.

Councilwoman Cohen offered to provide an invocation for the Council to review.

Councilman Packer discussed a new law, effective July 1st, concerning the condominiums and residents not paying their assessments being denied access to the amenities. He questioned if police action would be taken. Mr. Weiss offered to look into the issue, but recommended against the police getting involved. He explained that there was an enforcement mechanism dealing with fines, etc. He spoke against the Village getting involved with forcing rights on private property.

10. OTHER BUSINESS:

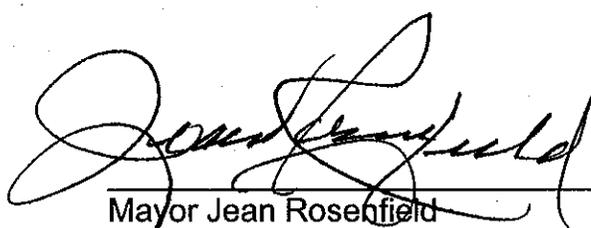
Public Comment:

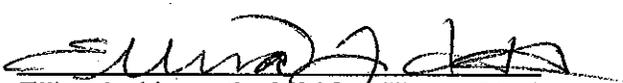
Dina Cellini, 211 Bal Cross Drive, spoke against anyone suggesting that children riding their bikes through the Security District be denied access to school. She spoke against having the kids ride their bikes on Collins Avenue. Chief Hunker reported that he told Ms. Kleepack that her children should ride on the beach bike path.

Betsey Bystock, 80 Park Drive, suggested creating a safe bike path outside the gate and temporarily allowing bikes on the sidewalk. She suggested a bike path adjacent to Collins Avenue. Mayor Rosenfield explained that workshops had been held on the issue and the path on the beach was provided as a result. Mr. Treppeda reported that the Department of Transportation advised that there was not enough room on the road for a bike path. Mayor Rosenfield explained that there are people who don't feel safe with bicycles on the sidewalk. Councilwoman Cohen suggested that the Village consider allowing bikes on one side of the street, to make everyone happy. Ms. Bystock thanked the Council for funding the exercise classes and urged more people to attend.

11. ADJOURN: There being no further business, a motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to adjourn. The motion carried (5-0) and the meeting adjourned at 9:21 p.m.

Attest:


Mayor Jean Rosenfield


Ellisa L. Horvath, MMC, Village Clerk