

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**REGULAR MEETING – SEPTEMBER 21, 2010**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, September 21, 2010, 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 7:00 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  
Richard J. Weiss, Village Attorney  
Andrea Greenblatt, Administrative Assistant

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was previously done at the Second Budget Hearing.

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

**4. SPECIAL PRESENTATIONS:** None.

Mayor Rosenfield discussed the upcoming MADD (Mothers Against Drunk Driving) event and introduced Ms. Mondshein.

*Janet Mondshein, MADD Director*, discussed the upcoming event and thanked Bal Harbour for its participation.

**5. CONSENT AGENDA:**

Mr. Treppeda requested that Tab I be removed.

*Anamarie Kelly, 77 Camden Drive*, requested that Tab G be removed.

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

Tab A:            July 27, 2010 Council Workshop Meeting Minutes  
                     July 27, 2010 Regular Council Meeting Minutes

- Tab B: \$26,000 (\$5,000 Donation to the Young Men's Academy for Academic and Civic Development at MacArthur South, \$1,000 Donation to the Dade County PBA Love Fund POAT, \$10,000 Donation to Surf-Bal-Bay Police Athletic League, and \$10,000 Donation to Mothers Against Drunk Driving MADD Fundraising Event) and \$1,280 monthly (Lease of Trailer for Specialized Drug Taskforce Use) and \$600 monthly (Lease of Vehicle for Specialized Drug Taskforce) in Police Forfeiture Funds
- Tab C: \$4,650 in Police Budgeted Funds to replace outdated Police telephone and radio recording system and renew maintenance agreement
- Tab D: Accept \$6,500 (\$5,000 United Auto Group, \$500 Tri-City Electric, \$500 Surfside Business Association, and \$500 HSBC Bank) Donation to the Police Department to help support the Mothers Against Drunk Driving (MADD) Event
- Tab E: \$56,700 in Resort Tax Funds (\$2,500 Brazilian Sales & Public Relations Representative, \$16,500 for October and November Trade Shows/Sales Mission, \$10,200 for Video Production for a videographer and spots to run on PLUM TV)
- Tab F: Authorization to execute the Interlocal Agreement with Miami-Dade County addressing the General Obligation Bond Program
- Tab H: \$7,900 to purchase Public Works Vehicle #278 from Mears Motor Leasing
- Tab J: \$6,274 for DeLucca Air Conditioning and Refrigeration to replace the air conditioning unit at Village Hall
- Tab K: \$4,200 for Construction Depot to replace the carpet in the Council Chamber/Conference Room
- Tab L: \$7,845 Bid for the Brickman Group to supplement and/or replace dead plants in various locations on the beach and add 1,000 sea oats
- Tab M: \$124.20 monthly lease (State bid) with Toshiba for a copier for the Village's Accounting Department

**A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the items on the Consent Agenda, except for Tabs G and I. The motion carried (5-0).**

**Tab G – Motion Approving Historic Preservation Grant Award Agreement with the State of Florida for Survey of Existing Historic Structures:**  
 Authorization was requested to execute the Historic Preservation Grant agreement with the State of Florida Division of Historic Resources, as well as the expenditure of the \$20,000 in matching funds.

**Anamarie Kelly, 77 Camden Drive,** requested an explanation.

Mayor Rosenfield explained that a survey would be conducted of Bal Harbour to determine if there was anything that would be considered to be historic. Mr. Treppeda explained that

\$20,000 would be received from the State and \$20,000 would be spent by the Village, in order to conduct a study in accordance with the Comprehensive Plan.

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

**Tab I – Motion Approving Acceptance of Renewals for Medical and Liability Insurance Policies:** Approval was requested for the 5% increase (\$35,000) to stay with United Health Care/Neighborhood Health Partnership for health insurance.

Mr. Treppeda requested amending the property liability provider recommendation, since FMIT had offered to cover an upcoming lawsuit from the red light cameras, which PRIA would not cover. Mr. Weiss agreed that it was worth checking into.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve up to \$263,000 for Tab I, as amended. The motion carried (5-0).*

## **6. PUBLIC HEARINGS:**

**Zoning Hearings/Quasi-Judicial Public Hearings:** None.

**Ordinances Second Reading/Public Hearings:** None.

**Ordinances First Reading/Public Hearings:** None.

**Resolutions/Public Hearings:** The following resolution was read, by title, by Mrs. Horvath:

**A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, ADOPTING AN ASSESSMENT ROLL, FOR FISCAL YEAR 2010/2011, FOR THE SECURITY PROGRAM SPECIAL ASSESSMENT AREA; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Rosenfield opened the public hearing.

Mr. Treppeda explained that the proposal was to keep the assessment the same rate as the current year (\$996.85 per single family home, \$498.43 per vacant land, \$3,987.40 Bal Harbour Club Tract E, and the buildings as indicated on the assessment roll).

**Anamarie Kelly, 77 Camden Drive,** spoke against any security assessment. She noted that the petition setting up the original assessment could not be verified. She spoke against Resolution 316, etc.

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

*A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve the Resolution. The motion carried (5-0); thus becoming Resolution No. 2010-731.*

## **7. ORDINANCES FIRST READING/PUBLIC INPUT:** None.

## **8. RESOLUTIONS:**

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA (THE "VILLAGE") APPROVING THE REQUEST FOR REDUCTION OF CODE ENFORCEMENT FINES BY WATERSTONE, LLC THE NEW OWNER OF 97 CAMDEN DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Weiss discussed the numerous fines on the property. He reported that the new property owner had offered to pay for the administrative costs and all assessment liens for security and water services. He explained that the code enforcement fines would stay with the prior property owners personally and not the property. Mr. Weiss reported that both he and the Village Manager recommended approval of the resolution.

**A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve the Resolution. The motion carried (5-0); thus becoming Resolution No. 2010-732.**

Mr. Weiss recognized Alex Palenzuela, Village Attorney, who worked on the agreement.

## **9. REPORTS:**

### **A. VILLAGE MANAGER:**

#### **Update on Beach Flag Warning System – Chief Tom Hunker:**

Chief Hunker reported that the flags were up on the beach and thanked Lt. Merrill for implementing the system. He discussed the procedure for updating the flags, etc. and the accompanying signs.

#### **Consideration of Re-Appointment of Member to the Police**

**Retirement Board:** Mr. Treppeda requested Council consideration to re-appoint Dr. Abraham Gotman for another two-year term on the Police Retirement Board.

**A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to re-appoint Dr. Gotman for a two-year term on the Police Retirement Board. The motion carried (5-0).**

### **B. VILLAGE CLERK:**

**Lobbyist Registration Report: As of September 21, 2010:** A list of Lobbyists registered with the Village was provided in the agenda.

### **C. VILLAGE ATTORNEY:**

**Discussion of Election Date Change:** Mr. Weiss requested authorization to prepare an ordinance to change the election date from April (odd-numbered years) to November.

Councilman Packer questioned the need to recuse himself, since the Ordinance would

benefit him. Mr. Weiss explained that was not necessary.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to authorize the Village Attorney to prepare an Ordinance for first reading. The motion carried (5-0).*

D. **MAYOR AND COUNCIL:** This was discussed later in the meeting.

## **10. OTHER BUSINESS:**

### **Public Comment:**

**Anamarie Kelly, 77 Camden Drive**, requested that the research on the issue of ownership in the Security District be sped up. She discussed the dedication on PB44-98 and the agreement between the Security District and the Civic Association showing that the streets and common elements were private ownership by the collective lot owners. She discussed the recording document showing that the Quarzo was charged by the Civic Association for a street that they own. Ms. Kelly noted that the Security District had been allowed to be maintained by the taxpayers of Bal Harbour.

**Dan Holder, 24 Bal Bay Drive**, recommended that the Village look into the white fly issue and implement a specific day for all of the affected hedges to be sprayed at the same time, which would be done voluntarily. Mr. Treppeda discussed treatment being the responsibility of the homeowner. Mr. Holder suggested that the Village suggest a time, but not require it.

Assistant Mayor Blachar agreed. Councilwoman Cohen agreed that everyone should work in that direction, but noted that people who were not spraying were jeopardizing everyone else. Mr. Treppeda explained that code enforcement could give warnings to people who were not spraying. Councilwoman Cohen suggested educating people. Mr. Treppeda noted that an educational flyer could be provided or placed on the web site. Mr. Weiss noted that he hadn't researched the issue, but that it wouldn't be outside the realm to require people to spray. He added that he didn't know if that was something that the Council wanted to do. Councilman Packer questioned if the issue was confined to the single family homes. Mr. Weiss reported that it was not. Councilwoman Cohen agreed and noted that it was wherever a Ficus hedge was. Assistant Mayor Blachar discussed preparing an ordinance, etc. Mr. Weiss will check into the ability for the Village to mandate it. Councilman Packer questioned a coordinated attempt by the Village and the residents (meeting) to discuss the program. Councilwoman Cohen explained that the alternative to not doing anything was dead ugly bushes, which would impact the beauty of the Village negatively.

**Marjorie Schell, 9801 Collins Avenue**, advised that she would spray.

**Nina Rudolph, 212 Bal Bay Drive**, discussed the need to do the spraying every three months. She also discussed the problem of not being able to spray both sides of a hedge, because a neighbor would not allow access on their side of the hedge to spray.

**Betsy Bystock, 80 Park Drive**, discussed spraying near the wall on Park Drive, coordinating on-going regular spraying for fleas and ticks, and for it to be done as ongoing maintenance.

Mayor Rosenfield explained that the most the Council could do would be to determine a

uniform date, but the Village would not be responsible for spraying. Mr. Weiss discussed a chance, if requested by the Council, for the Village to adopt an ordinance requiring each homeowner to spray and provide proof to the Village. He discussed having the Village Landscape Architect, Bill O'Leary, set forth a program. Assistant Mayor Blachar suggested that the Village Attorney look into doing so. Councilman Packer discussed the Village spraying, if the homeowner didn't. Mr. Weiss spoke against doing so, since it could be a drain on Village funds. He advised that it would take time for the Village Attorney to research the issue. Assistant Mayor Blachar spoke in favor of it. Councilwoman Cohen discussed the possibility of residents complaining about the expense, chemicals, etc.

Mr. Holder suggested that an ordinance provide that a hedge be treated or removed, if more than a certain percentage of it was damaged.

Councilwoman Cohen discussed the waiting time needed to replace the hedge, to ensure that the whitefly was eliminated before replanting.

**A motion was offered by Councilwoman Cohen to have the Village Attorney look into it and to provide a draft of an ordinance. The motion died due to the lack of a second.**

Mayor Rosenfield was not sure about being in favor of the Village taking over the responsibility if homeowners didn't spray. Councilman Sanz pointed out that there would be consequences if they didn't. Councilman Packer discussed enforcement measures. Mayor Rosenfield suggested that Mr. Treppeda investigate the cost to the Village to spray everywhere four times a year. Mr. Weiss suggested that Mr. Treppeda consult with Mr. O'Leary on frequency, etc. He explained that a code enforcement fine either way would attach to the property and wouldn't be paid until the property was sold. Mr. Treppeda suggested that code enforcement be used for dying plants.

Mr. Weiss will discuss the issue with Mr. Treppeda and come back with an ordinance next month. **It was the consensus of the Council to direct the Village Attorney and Village Manager to take action.**

**Dan Holder, 24 Bal Bay Drive**, discussed the iguana problem and the need to catch them before they laid eggs.

Mr. Treppeda explained that the iguanas were protected. He noted that he could get pricing to start hiring companies to catch them, but questioned the Village going on private property. Assistant Mayor Blachar suggested that the Village place something on the information channel for residents to contact the Village to trap the iguanas and then charge the resident.

**It was the consensus of the Council for Mr. Treppeda to look into the iguana problem and to see what other cities did.**

**Doug Rudolph, 212 Bal Bay Drive**, requested that the provisions be strengthened for people that don't do what they are supposed to, since the Village shouldn't be a low cost lender. He suggested charging the maximum allowed interest rate and using whatever else was available to the Village, instead of the currently provided 5% interest penalty.

Councilman Sanz agreed that if there was no consequence, then people wouldn't abide by the Code.

It was the consensus of the Council for Mr. Weiss to research the issue of implementing stronger interest penalty provisions.

**MAYOR AND COUNCIL:**

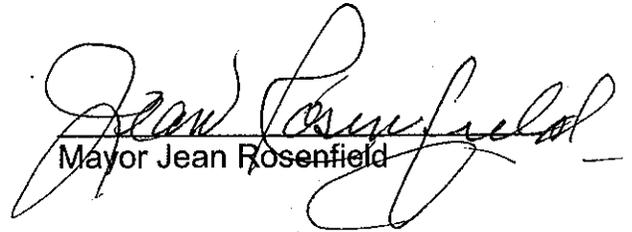
Assistant Mayor Blachar commended Chief Hunker on the forfeiture fund items that benefitted the Village.

Councilwoman Cohen discussed broadcasting the Council meetings via Skype (internet), etc. Councilman Packer agreed and spoke in favor of televising the meetings. Mayor Rosenfield suggested having a student from Beach High to report to the students. She reported that Aventura and Sunny Isles Beach both televised their meetings and didn't have many people attend their meetings because of it. Assistant Mayor Blachar spoke against the concept, since she would like more people to attend the meetings. She felt that it would create a stage for certain people. Councilman Sanz agreed with Assistant Mayor Blachar and felt that it would become a circus. Mayor Rosenfield agreed.

Mr. Weiss discussed the amount of time spent responding to questions from residents and suggested a process be put in place, since it is costing the Village money in legal fees, staff time, etc. Assistant Mayor Blachar suggested that the residents address their concerns at a Council meeting and then the Council could decide what should be directed to the Village Attorney. Councilman Packer suggested that Mr. Weiss provide a proposal for a retainer rate for that. Mr. Weiss explained that would be difficult to provide and suggested that if a resident's request was going to take time to research, then it would be brought to the Council for approval. Mr. Treppeda offered to provide a report at the next meeting to show what was being spent. Mr. Weiss and Mr. Treppeda will come up with a system.

**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 8:05 p.m.

Attest:

  
Mayor Jean Rosenfield

  
Ellisa L. Horvath, MMC, Village Clerk