BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – OCTOBER 19, 2010

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, October 19, 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 9:18 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
Assistant Mayor Joni D. Blachar
Councilwoman Patricia Cohen
Councilman Martin Packer

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

Absent: Councilman Jaime M. Sanz

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.

Ordinances First Reading/Public Hearings:

The following Ordinance was read, by title, by Mr. Weiss:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF A PARCEL OF LAND LOCATED AT 501 96TH STREET, BAL HARBOUR VILLAGE, FLORIDA, FROM "INSTITUTIONAL" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to defer the Ordinance to the next Council meeting.

Mayor Rosenfield opened the public hearing.

Anamarie Kelly, 77 Camden Drive, discussed concern that the application was not valid, since it wasn't signed by the owners. She also discussed the Channel 10 interview with Mathew Lazenby, Bal Harbour Shops.

Mr. Recio explained that neither the State Statute nor the Village Code required the owner's signature on the application. Mr. Weiss reported that the application met the

requirements of State law.

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

The motion carried (4-0), with the roll call vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz absent.

The following Ordinance was read, by title, by Mr. Weiss:

> **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF A PARCEL OF LAND LOCATED AT 655 96TH STREET, BAL HARBOUR, FLORIDA, FROM "MUNICIPAL" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND 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 Assistant Mayor Blachar and seconded by Councilman Packer to defer the Ordinance to the next Council meeting. The motion carried (4-0), with the roll call vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz absent.

The following Ordinance was read, by title, by Assistant Mayor Blachar:

> **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING DIVISION 11, ARTICLE III, CHAPTER 21 OF THE VILLAGE CODE TO CREATE A NEW SECTION 21-322 "SITE PLAN REVIEW", PROVIDING FOR SITE PLAN REVIEW APPROVAL BY VILLAGE COUNCIL AFTER PUBLIC HEARING, INCLUDING APPLICABILITY OF REQUIREMENT, APPLICATION AND REVIEW PROCEDURE, AND DEVELOPMENT AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND 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 Assistant Mayor Blachar and seconded by Councilman Packer to defer the Ordinance to the next Council meeting. The motion carried (4-0), with the roll call vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz absent.

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

4. SPECIAL PRESENTATIONS: None.

5. CONSENT AGENDA:

Dina Cellini, 211 Bal Cross Drive, requested that Tab C be removed.

Mr. Treppeda requested that Tab G be removed.

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

Tab A: September 21, 2010 Regular Council Meeting Minutes

Tab B: $43,333.00 in Resort Tax Funds ($26,500 - Northeast United States/Canada Representative Suzanne Corbo Annual Action Plan/Budget, $11,060 Argentina Representative Carmen Florio Annual Action Plan/Budget, $5,773 Director of Tourism Marketing Bonus Pay Structure)

Tab D: $6,902.52 in Police Budgeted Funds ($6,902.52 lighting and striping for two Jeep Wrangler Saharas used by the Code Enforcement Officer and PSA)

Tab E: Mutual Aid Agreement with Miami Police Department

Tab F: $25,963.24 for Emergency Sewer System Repairs ($10,783.24 for Butler National Services to repair a pump at Sewer Station #1 and $15,180.00 for Shenandoah Construction to provide vacuum trucks during the recent sewer lining project)

Tab H: $18,027.50 (half of the $36,055.00 fee – the remainder to be paid by the State) and execution of the Janus Research Agreement to complete a Historic Structure Survey

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve the items on the Consent Agenda, except for Tabs C and G. The motion carried (4-0).

Tab C – Motion Approving Expenditure of Police Forfeiture Funds: The request was for $45,000 annually (for salary, training, fees, and equipment) for a 3-Year Agreement for a Part Time Accreditation Manager for the Police Department.

Dina Cellini, 211 Bal Cross Drive, discussed the budget dictating less consultants in order to save money. She questioned the cost of $135,000 for a part-time person and looking for another consultant that would cost less. She spoke against using the money just because it was from forfeiture funds. She spoke in favor of a bid process for the contract.

Mr. Treppeda advised that the person was a consultant, not an employee, and explained that it wasn't easy to find people that did accreditation work. Chief Hunker explained that the item was approved as a forfeiture request, which saved money since budgeted funds were not used. He explained the search process and looking at other consultants. Ms. Cellini questioned where the additional money requested would be used.

Captain Daddario explained that the money would be used for accreditation fees, computer equipment, conferences, meetings, etc.

Neil Alter, 9801 Collins Avenue, questioned if any of the Police employees could perform the job. Chief Hunker advised that they couldn't and explained the COLEA (Commission for Florida Law Enforcement Accreditation) process.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve Tab C. The motion carried (4-0).

Tab G – Motion Approving Lease Agreement for Building Department Vehicle: The request was to authorize the Village Manager to enter into a lease agreement at $395.00 per month for 48 months, with 1800 miles per month allowed.

Mr. Treppeda explained that under the direction of Assistant Mayor Blachar Mears Leasing had reduced the miles to 1000 per month, which resulted in a monthly payment of $375.00 for 48 months.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve Tab G as amended. The motion carried (4-0).

6. PUBLIC HEARINGS:

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: None.

Ordinances First Reading/Public Hearings: This item was discussed earlier in the meeting.

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

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, ESTABLISHING SANITARY SEWER AND WATER RATES FOR THE 2010/2011 FISCAL YEAR; ESTABLISHING 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 Resolution. The motion carried (4-0); thus becoming Resolution No. 2010-733.

7. ORDINANCES FIRST READING/PUBLIC INPUT:

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8 "ELECTIONS" OF THE VILLAGE CODE OF BAL HARBOUR VILLAGE, BY AMENDING SECTION 8-6 "PETITIONS OF CANDIDATES", SECTION 8-7 "DATE AND NOTICE OF ELECTION", SECTION 8-8 "CANVASSING OF ELECTION RETURNS; CERTIFICATES OF ELECTION", SECTION 8-9 "VACANCY IN CANDIDACY", SECTION 8-10 "NO EARLY VOTING"; TO PROVIDE FOR CHANGE OF VILLAGE COUNCIL REGULAR ELECTION DATE FROM APRIL OF ODD-NUMBERED YEARS TO NOVEMBER OF EVEN- NUMBERED YEARS TO COINCIDE WITH COUNTYWIDE GENERAL ELECTIONS; EXTENDING COUNCIL TERM OF OFFICE TO CONFORM TO REVISED ELECTION DATE SCHEDULE; REVISING QUALIFYING PERIOD FOR COUNCIL CANDIDACY TO CONFORM WITH CHANGE OF ELECTION DATE; EACH AS AUTHORIZED BY SECTION 100.3605(2), FLORIDA STATUTES; REVISING PROCEDURE CONCERNING ANY VACANCY IN CANDIDACY; FURTHER REVISING CHAPTER 8 "ELECTIONS" TO CONFORM TO ELECTION

DATE CHANGE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield opened the public hearing.

Anamarie Kelly, 77 Camden Drive, questioned what would happen to the people whose terms expired in April (2011). Mayor Rosenfield explained that their terms would be extended.

Dina Cellini, 211 Bal Cross Drive, clarified that all of the Councilmembers would serve an additional 18 months. Ms. Cellini discussed Section 8-10 (early voting) and questioned if there would ever be a council election that would not be a county-wide election. Mr. Weiss pointed out that there could be to fill a vacancy, etc. Ms. Cellini requested that the language be reviewed. Mr. Weiss will look at the language before second reading.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the Ordinance. The motion carried (4-0), with the roll call vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz absent.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Quarterly Financial Update Provided by Finance Director Christopher Wallace: Mr. Wallace reviewed the report provided in the agenda.

Mayor Rosenfield and the Council discussed the success of the MADD event.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of October 19, 2010: A list of Lobbyists registered with the Village was provided in the agenda.

C. VILLAGE ATTORNEY:

Update on Whitefly Issue: Mr. Weiss reported that the Village could enact an ordinance, but he felt the best way to deal with the issue was through code enforcement and the Village's Appearance Code. He suggested that the residents be put on notice that the Village would be citing violations. He clarified that the ideal was not to penalize people, but to make them aware of the problem. He spoke against the Village suggesting companies for residents to use.

Assistant Mayor Blachar requested that the issue be placed in the newsletter again.

Mr. Treppeda reported that the Village's code enforcement officers were aware of the

problem.

Oscar Patino, Village Code Enforcement Officer, discussed a County Ordinance preventing the planting of Ficus Benjamina and providing replacement planting recommendations.

Security District: Mr. Weiss advised that a report would be provided at the next meeting regarding the Security District, but would not be scheduled for discussion until the December meeting.

D. MAYOR AND COUNCIL:

Discussion of Attendance at the Florida League of Cities Legislative Conference – Councilwoman Cohen: Councilwoman Cohen requested to attend the Florida League of Cities Legislative Conference in Orlando in November. Councilman Packer was also interested in attending. The Council discussed the cost involved in attending.

A motion was offered by Mayor Rosenfield and seconded by Assistant Mayor Blachar to approve one Councilmember attending the Legislative Conference.

Councilman Packer voiced concern that it was unfair to only allow one member to attend and questioned who would choose the Councilmember that would go.

The motion carried (3-1), with Councilman Packer opposed.

10. OTHER BUSINESS:

Public Comment:

Abe Gotman, 9601 Collins Avenue, suggested that MADD add a "T" for their organization to campaign against texting while driving.

11. ADJOURN: There being no further business, ***a motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to adjourn. The motion carried (4-0) and the meeting adjourned at 10:00 p.m.***

Mayor Jean Rosenfield

Attest:

Ellisa L. Horvath, MMC, Village Clerk