

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES

REGULAR MEETING – JANUARY 18, 2011

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, January 18, 2011, 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 7:20 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 General Employees Retirement Board Meeting.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Mr. Treppeda requested that the following two items be added to the Consent Agenda:

Item #1: Motion Authorizing Replacement of Doors at Village Hall and Annex Building
Item #2: Motion Designating Village Vehicle #230 as Surplus

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to add the two requested items to the Consent Agenda. The motion carried (5-0).

4. SPECIAL PRESENTATIONS:

Officers of the Month for December 2010: Chief Hunker introduced Captain Leo Quinn. Captain Quinn presented the Officers of the Month for December 2010 to Ramon Fernandez and George Waisman.

Chief Hunker recognized Village Attorney Doug Gonzalez for his work on the forfeiture fund and approving ways to spend the money to benefit the community.

Officer of the Year for 2010: Chief Hunker presented the Officer of the Year for 2010 to Detective Edwin Vargas. Detective Vargas thanked the Chief and recognized Captain Roye and Sgt. Deitado.

5. CONSENT AGENDA:

Brian Mulheren, 10245 Collins Avenue, requested that Tab C be removed.

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

Tab B: Minutes: December 21, 2010 Regular Council Meeting

Tab D: \$7,961.16 in Police Forfeiture Funds (\$5,586.16 Advance Public Safety Inc. Software, Hardware, and Maintenance for Officer Laptop Computers and \$2,375.00 Florida Integrated Systems Inc. Card Reader System for Specialized Drug Task Force Office)

Tab E: Approval to re-enter Mutual Aid Agreements with North Miami Police Department and the Biscayne Park Police Department

Tab F: Emergency Rental of Two Portable Sewer Pumps (\$26.88 per pump hour plus labor costs as incurred - Trio Development Corporation and \$1,500.00 per month plus set up costs of \$3,200.00 – C & I Construction & Design, Inc.) to be reimbursed by the St. Regis project

Added Item #1: \$8,480.00 for Construction Depot to replace the glass doors at the entrance to Village Hall and to the Police Annex Building

Added Item #2: Declare Vehicle #230 (Public Works Vehicle - 2001 GMC Sierra Truck) as surplus equipment for the purpose of selling the vehicle

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve Tab Items B, D, E, F, Added Item #1, and Added Item #2 on the Consent Agenda. The motion carried (5-0).

Tab C – Motion Approving Expenditure of Resort Tax Funds: The request was for the following items:

New York Media and Sales Trip in February	\$ 4,000.00
POW WOW Trade Show Participation	\$15,000.00
Sales and Media Trip to Conduct Events in Chile and Argentina	\$10,000.00
Postage Charges for Upcoming Mailings for Cultural Events	\$ 5,000.00
Renewal of Consulting Agreement with Heidi Barfels, Inc. For Special Events Production and Promotional Services (1 year)	\$35,000.00
Renewal of Consulting Agreement with Laura Davidson Public Relations (LDPR) for Public Relations Services (1 year)	\$84,000.00
New Bonus Structure for the Director of Tourism (30% of revenue increase per quarter)	

Brian Mulheren, 10245 Collins Avenue, spoke against the bonus structure, due to the financial restraints in the economy, and suggested that a better system be used. He questioned the amount that was expended and produced.

Mayor Rosenfield noted that Councilwoman Cohen and Councilman Packer also attended the Committee meeting. She noted that the structure was based on the return on

investment. She explained that it was a unanimous decision by the Committee to approve the bonus structure as presented, after a thorough discussion was held.

Assistant Mayor Blachar discussed the great job that Ms. Travis was doing and revenue produced as a result, but she spoke against the structure being based on 30%, especially including a new restaurant, etc. She suggested that it be based on 20% and that new restaurants not be included.

Councilman Packer discussed the fantastic job that Ms. Travis was doing and the revenue increases as a result. His understanding was that any new restaurant or hotel would not be included in the first year, but would be included the following year, for a comparison. Mr. Treppeda clarified that new restaurants at the Shops would be included in the amount, since new restaurants would draw business away from the existing ones, but the Quarzo and St. Regis and restaurants inside hotels would not be included. Councilman Packer clarified that the Committee voted in favor of the 30%, since that amount was standard for the industry.

Assistant Mayor Blachar suggested that a cap be provided on the bonus as well.

Neil Alter, 9801 Collins Avenue, questioned the base amount that the 30% was derived from. Mr. Treppeda explained that the resort tax collections would be looked at comparing the current year to the prior year, by quarter. Mr. Alter spoke against that technique and suggested that it be based on a starting point. Mr. Treppeda clarified that the starting point would be the revenue from the prior year. Mr. Alter clarified that there wasn't a correlation with the salary package. Mr. Treppeda agreed and explained that it was in conjunction with compensation for hotel sales people. Mr. Alter thought that the bonus was unsettling for a taxpayer. Mr. Treppeda explained that ad valorem dollars were not being used.

Mr. Wallace clarified that Ms. Travis' position was a sales/marketing job and the bonus would be based on a year over year increase/decrease. He believed that under the new method it would be less than a 10% raise (between .6% and 1.2% increase in sales for the hotels). He clarified that the people on the Committee who were in the industry considered 30% to be standard for the industry. Mr. Wallace clarified that it would replace the bonus structure that was in place before, which was unclear, included the St. Regis Development Agreement, and didn't have anything to do with marketing efforts. He noted that the Committee wanted the bonus to be based on sales efforts. He clarified that the bonus would be based solely on the marketing efforts of the Director.

Babak Raheb, 128 Balfour Drive, spoke against Ms. Travis being entitled to 30%, since the Village paid for marketing. He suggested a cap, if a bonus structure was approved. Mr. Wallace explained the existing bonus (10% of resort tax revenue including the St. Regis Development Agreement amount). He clarified that the Committee changed the bonus to a function of sales. He explained that new hotels and their restaurants would be delayed for a year, to have a year over year comparison. He noted that restaurants outside of the hotels would be included, due to cannibalization of the existing restaurants by the new ones. Mr. Raheb spoke in favor of providing a cap on the amount. Assistant Mayor Blachar agreed that there should be a cap.

Mr. Treppeda discussed different bonus scenarios.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to send the Bonus Structure back to the Resort Tax Committee to place a cap on the amount and to perhaps

change the percentage amount.

Councilwoman Cohen reviewed the scenarios and the difference between the 10% and 30% amounts. Assistant Mayor Blachar spoke in favor of a cap and suggested \$20,000.

The motion carried (4-1), with Assistant Mayor Blachar opposed.

A motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to approve the items in Tab C, except for the Bonus Structure. 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: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: None.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Quarterly Financial Update Provided by Finance Director

Christopher Wallace: Mr. Wallace reviewed his report.

Babak Raheb, 128 Balfour Drive, discussed revenue from the red light cameras and suggested re-negotiating with the vendor for the amount they received. Mr. Treppeda explained that the Statute covered the amount that the vendor received.

Chief Hunker reported that two additional cameras were being installed. He expected to have a better idea on the revenue in six months. He agreed that the State law dictated the amount that the vendor received, but noted that there would be a strong push for the municipalities to receive more.

Discussion of Excavation Markers: Mr. Treppeda requested that the Council consider directing the Village Attorney to prepare an Ordinance for first reading placing restrictions on excavation markings.

A motion was offered by Councilwoman Cohen and seconded by Councilman Packer to direct the Village Attorney to prepare an Ordinance. The motion carried (5-0).

B. VILLAGE CLERK:

Lobbyist Registration Report: As of January 18, 2011: A list of Lobbyists registered with the Village was provided in the agenda. Mrs. Horvath reported that Carter McDowell and Joseph Imbesi were in the process of renewing their registrations for 2011.

Consideration of Re-Appointment/Appointment of Resort Tax Committee Members: The Council considered re-appointing the following members of the Resort Tax Committee: Bruce Gelb, Michael M. Krop, Sandra S. Lansing, Richard Lodes, John Manrique, and Mayor Rosenfield. The Council will consider a replacement for Mr. Gateau, who resigned, once a name is submitted by the ONE Bal Harbour.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to re-appoint Bruce Gelb, Michael M. Krop, Sandra S. Lansing, Richard Lodes, John Manrique, and Mayor Rosenfield to serve a one-year term on the Resort Tax Committee.

Councilwoman Cohen questioned the process and requirements to appoint the members. Mayor Rosenfield explained prior notice requesting resumes. She explained that openings on the Committee normally happened from resignations, but noted that the Council could provide an Ordinance that placed term limitations. Councilman Packer suggested that the Committee come up with a procedure for member appointments. Councilwoman Cohen discussed the invaluable input by the current members, but thought that it would be nice to have new members, ideas, etc.

Assistant Mayor Blachar requested that it be indicated next to Mr. Gelb's name that he is in marketing, as well as being a resident.

The motion carried (5-0).

C. VILLAGE ATTORNEY:

Report Regarding Residential District Research: Mr. Weiss reviewed his report dated January 14, 2011, regarding the Ownership, Maintenance and Repair of Property within the Plat of RESIDENTIAL SECTION OF BAL HARBOUR, Plat Book 44, Page 98, Miami-Dade County, Florida.

Mr. Weiss questioned how the Council would like to proceed. Mayor Rosenfield requested that Mr. Treppeda look into the maintenance and access issues, to be discussed at another meeting.

Babak Raheb, 128 Balfour Drive, questioned if the Police had the authority to enter the Security District, since the streets were privately owned. Mr. Weiss explained that he was not in a position to answer that question, since he wasn't asked to look at that issue, but would look into that issue. Mr. Raheb suggested a fee for the Police to enter or for the people inside the gates to create their own security, etc. He noted that the Security District residents contributed 40% of taxes to the community and used less than 20% of the taxes. He suggested that the Village look into providing a separate account for that District to pay for those items that they will need. Mayor Rosenfield noted that Mr. Treppeda would look into the maintenance and access, while Mr. Weiss would look into the legality question. Mr. Raheb questioned the procedure if people in the District wanted to separate from the

Village. Mayor Rosenfield noted that would have to be looked into.

Daniel Holder, 24 Bal Bay Drive, clarified that the West side (of Collins Avenue) residents would have access to the roads and questioned if they would be considered adjacent properties, even though they were separated by the park area. Mr. Weiss clarified that ownership and usage rights of the roads were separate. He noted that the roads were owned by the adjacent property owners, but under the Plat the people on the West side had a perpetual easement to use the roads and the parks.

John Gelinas, 10210 Collins Avenue, questioned who owned the walls and noted that if nobody claimed the wall, then it would be abandoned. He reported that the Lanai survey proved that the Lanai did not own the wall. He added that the Lanai would tear the wall down, if they didn't get an answer within 15 days. Mr. Weiss didn't know who owned the wall, but knew that the Village didn't own the wall. He noted that the private property owners would need to deal with it as the owners. He reported that he had one survey that seemed to indicate that the Lanai wall was on the park property. He explained that determination was outside the purview of the Village. Mr. Weiss reported that the Village did not own the wall and did not have responsibility for it. Mayor Rosenfield requested that the issue of the wall be added to Mr. Treppeda's list of items to be looked at. Mr. Treppeda suggested that the Lanai get an attorney.

Anamarie Kelly, displayed pictures prior to the security gate in 1955, 1965, etc. She reported that each individual building unit built the wall behind their building and then the Civic Association tied them all together. She added that Mr. Whitman built his wall.

Nina Rudolph, 212 Bal Bay Drive, reported that the walls had been there since 1968.

Dina Cellini, 211 Bal Cross Drive, questioned if conclusion remained whether the park or street was located inside or outside of the gates. Mr. Weiss explained that the Plat didn't make a distinction. Ms. Cellini agreed that the park property and streets (Bal Cross Drive, etc.) outside the gates would be governed by the same conclusions as the ones inside the gates. She questioned if the Fairfield was the abutting owner of at least half of Bal Cross Drive. Mr. Weiss agreed that would be generally correct, but he would need to look at a specific property. Ms. Cellini discussed the two corner lots on Harbour Way that had participated in the repaving fund in the 1980s, but noted that the Fairfield Manor did not participate in that. It was her understanding when Miami Beach Heights developed the West side lots that there were requirements that the lots build a wall behind their building. She questioned if Mr. Weiss had found a document to that affect. Mr. Weiss questioned Ms. Cellini if she had a document showing that. Ms. Cellini thought that she had seen a document and would email it to Mr. Weiss if she found it. It was her understanding that Mr. Weiss concluded that the Village did not own the wall, but didn't say who owned the wall. Mayor Rosenfield agreed that was the conclusion. Ms. Cellini questioned if the Village had the authority to order the Security District to fix the wall or if the Village was not getting involved in that. Mayor Rosenfield explained that would be discussed after Mr. Treppeda looked into the issue. Ms. Cellini clarified that the survey included in Mr. Weiss' report indicated that the wall was on the park property, but did not say that the Lanai did not own the wall. Mr. Weiss clarified that the survey did not talk about ownership, only about location.

John Gelinas, 10210 Collins Avenue, noted that the wall was falling down and questioned who would be responsible for repairing the wall, if it was on the park property. Mayor Rosenfield clarified that the Village was not responsible, but was investigating the

issue and didn't have an answer.

Assistant Mayor Blachar noted that the Village Manager was directed to investigate the issue of the Lanai's concern to repair the wall. She suggested that the Lanai not do anything rash and that the issue be worked out in a rational manner. Mr. Gelinis voiced concern that the wall was a liability since it was falling down and questioned what they should do if it fell down and caused damage. Assistant Mayor Blachar thought that the Civic Association had offered to put up a fence, but the Lanai didn't want that. Mr. Gelinis reported that the Lanai didn't care what was there and just wanted the wall fixed or gone. He would be okay with a fence there. Mr. Treppeda reported the cost to be \$14,000 to remove the wall section behind the Lanai and install a chain link fence. He questioned approval by the Council to use Security District funds. Mr. Treppeda discussed the need for them to get an attorney. Assistant Mayor Blachar suggested that Mr. Treppeda meet with representatives from the West side and the Civic Association to come up with a conclusion. He noted that the wall did serve an important purpose to the Security District, because without it they would not be secure.

Doug Rudolph, 212 Bal Bay Drive, discussed the complexity of the issue and noted that if the Security District was impacted then the property values would decline. He suggested that Mr. Treppeda present a proposal to address everyone's concerns.

Stuart Sobel, 271 Bal Cross Drive and Bal Harbour Civic Association President, discussed the ramifications of the report and urged the Council to have continued deliberation in a constructive manner. He understood that the Lanai needed the wall to be repaired and agreed that issue should be expedited. He clarified that the Security District and the Civic Association were aware of the problem and would do what they could to address it. Mr. Sobel added that all of the walls had two sides and the owners on either side could address the problem. He discussed the possibility for the Lanai to fix the wall, which may be easier than the Civic Association or the Security District to find a way to raise the money and address the issue of who could really repair the wall. Mayor Rosenfield reported that the Lanai and the Civic Association met regarding the issue and urged them to have continued conversations to reach a conclusion.

Anamarie Kelly, discussed her residency in the District for 38 years. She requested that the law be followed and not the whims of the individuals who claimed to own it. She requested that the Village stop collecting fees, placing liens, issuing ego passes, etc. for the Security District. She reported that the vote was invalid for the creation of the Security District, based on the numbers of Tab 2 and Resolutions 464 and 264. Ms. Kelly requested that all police actions in the District also be stopped and discussed attorney general opinions, statutes, case law, etc. She also requested that the Village stop all negotiations with the Civic Association and nullify all easements and agreements with them. She requested that all expenditures for the Security District (landscaping, watering, maintenance, and police) also be stopped. Ms. Kelly requested that the Village provide retribution for all general public funds that were used for private property.

Assistant Mayor Blachar left the meeting.

Neil Alter, 9801 Collins Avenue, questioned the creation of the Security District and its authority. Mr. Weiss explained that he was not asked to give an opinion regarding the legality of the Security District. His position would be that the special assessment process and procedure was done many years ago, based on an opinion that the Village had the authority to do so. He clarified that it was a Village Ordinance and, absent a challenge, he

would rely on Mr. Gold's (prior Village Attorney and current Federal Judge) opinion and allow that to continue.

Assistant Mayor Blachar returned to the meeting.

Anthony Gillam, 9800 Collins Avenue - Fairfield Manor, discussed the street (Bal Cross Drive) in front of the Fairfield Manor and clarified that one side was the Fairfield Manor's side (residential) and the other was the Bal Harbour Shops' side (commercial). He questioned if there was any difference in the ownership of the abutting properties for the maintenance of the streets. Mr. Weiss explained that he would need to look at that in respect to any particular street, but in regards to ownership his opinion would be the same. He noted that the Shops were under the opinion that they owned up to the center line of the street.

Ted Stoppa, 77 Camden Drive, challenged the legality of the Security District. He reported that he was a Boardmember of the Bal Harbour Club at the time and he knew what happened. He explained that the Club was trying to make sure that the security fees were collected. Mayor Rosenfield pointed out that Mr. Stoppa was able to challenge that in court. Mr. Stoppa wanted it to be on record that he challenged it.

Brian Mulheren, 10245 Collins Avenue, thanked Councilwoman Cohen for bringing the issue up and the Council and Mr. Weiss looking into it. He discussed page 13, in regards to the district. Mr. Weiss explained the County procedures to create a County special taxing district and that the County had told Mr. Maley (Village Manager) that they couldn't create it under their structure, so then Mr. Gold (Village Attorney) created the Bal Harbour structure for the Security District to operate. Mr. Mulheren questioned if the Village had the authority to create that district. He discussed policing. He didn't think that the Village's Police had the authority to enforce regulations in the Security District and that the police should only be called in for police duties and emergencies. He spoke in favor of the Security District having their own security and noted that the Police should not be operating the security gate. Mr. Mulheren spoke in favor of the public knowing what was being spent and that they should be reimbursed. He spoke in favor of stopping the spending of taxpayer dollars for the Security District.

Mayor Rosenfield clarified that Mr. Treppeda would look into the issues of maintenance, access, and the wall.

Councilwoman Cohen clarified that she brought the issue up, due to the lack of landscaping in the Security District and the ability to improve that.

D. MAYOR AND COUNCIL:

Discussion of Vanpool Fee – Councilman Sanz: Mr. Treppeda discussed prior authorization by the Council to reinstitute the fee for the Vanpool participants, which he was in favor of. Councilman Sanz requested public input on the issue and the need for consistency among all Village employees. Mr. Treppeda explained the proposal for the Vanpool users to pay \$20 per pay period (\$2 per work day), to help with the cost of the program.

Mayor Rosenfield reported that the police and executives were provided vehicles, but that all the other employees provided their own transportation. She added that the Vanpool was set up as a convenience for employees and there was no discrimination. She discussed

the minimal charge that was suggested by Mr. Treppeda. Mr. Treppeda explained that the Vanpool program was run by the State and the County. He reported that the Village paid \$500 per month.

Dina Cellini, 211 Bal Cross Drive, suggested only imposing the charge until the Village was paid back the money for the excess mileage. She didn't think that the Village was treating the manner uniformly and discussed other staff members who had made a mistake by ordering the wrong bus, which resulted in a \$10,000 loss. She agreed that the riders should know that the conduct was not acceptable and the Village had to pay for that, but questioned charging them \$40 per month.

Mr. Treppeda reported that, in 2001, the Vanpool users paid \$23 per month, which was discontinued because the economy was great. He clarified that the amount was not a penalty, but would give the employees a stake in the success of the program.

Babak Raheb, 128 Balfour Drive, questioned the number of employees that participated in the Vanpool. Mr. Treppeda reported it to be five employees per van, with two vans. Mr. Raheb did not think that \$2 per day was a lot to pay for that. Mr. Treppeda clarified that he met with the Vanpool riders, who agreed to the amount. Councilwoman Cohen questioned the gas. Mr. Treppeda explained that the employees were responsible for the fuel. He offered to go back to the 2001 amount, if the Council felt that was more appropriate.

Brian Mulheren, 10245 Collins Avenue, discussed concern about the individual who misused the van. He spoke in favor of the employee who violated the program being held responsible, but not the other employees. He suggested that the Village make sure the vans were being used and that the program was worth it. Mr. Mulheren spoke against charging all of the Vanpool employees \$2.

Assistant Mayor Blachar agreed the issue was misuse, since the driver of the van went over the allotted 15,000 miles, by 6,000 miles. She felt that \$2 a day was very reasonable.

Dave Orner, 10245 Collins Avenue, suggested that the riders sign waivers that they were responsible. He discussed the liability for the Village for accidents. Mr. Treppeda explained that insurance was included in the cost that the Village paid.

No action was taken on the issue.

Discussion of Wall Behind the Lanai Condominium – Councilman Sanz: This item was previously discussed under the Village Attorney report.

Discussion of Sand Transfer Station Engineering – Councilman Packer: Councilman Packer requested clarification on the money appropriated at the last meeting for the permitting process, since some of the permits had already been issued.

Penny Cutt, Coastal Systems International Inc. Regional Manager Environmental/Permitting, explained that the proposal was to fully develop the permit sketches and studies required, etc. to get to the permit stage. She clarified that none of the permitting was in place. She added that the current permits were for other items, not for the Village's current effort to place sand on the beach.

Brian Flynn, DERM, explained that this permit for a large scale project would be in

addition to the permits that DERM had for small scale projects. He reviewed the proposal and noted that it was reasonably priced. He discussed State funding, which may reimburse 75%, but explained the uncertainty with new legislation, etc. Councilman Packer questioned the procedure for transferring the sand from the cut. Mr. Flynn explained that 100% funding from the Federal government was provided for that, which took place as needed (typically every two to three years). Mr. Flynn reported that he was working with the Army Corps of Engineers for a project at the end of 2012, which was subject to the same funding issues.

Brian Mulheren, 10245 Collins Avenue, spoke against spending the money for the permit, if the Village wasn't sure that it would have or get the funding for it. He noted that a project was scheduled for 2012 and spoke against spending the money now. He thought that a dredge was a big gamble.

Ms. Cutt explained that they provided a feasibility study for funding possibilities. She discussed the environmental agencies, which were looking very favorably at the Village's project, since it would be a natural bypass mimicking process. She added that the County, State and Federal agencies were also looking at the project very favorably and the likelihood of receiving permits was very high. She discussed different ways to move sand across the Inlet. Councilman Packer clarified that resort tax funds would be used, the funds may be reimbursed, and the Village wanted to have beautiful beaches.

Don Orner, 10245 Collins Avenue, suggested eliminating part of the jetty on the south side, since it was longer than the north side, and building a boardwalk for the sand to pass that area.

Ms. Cutt explained that the jetties were designed to stabilize the Inlet, etc. She clarified that it wasn't just the structures, but was also the depth, etc. She discussed re-evaluating the jetty, to provide a better capture area and prevent it from moving into the Inlet.

Discussion of Crosswalk at 96th Street and Harding Avenue –

Councilman Packer: Councilman Packer reported that DOT (Department of Transportation) was looking at the possibility of installing a crosswalk at 96th Street and Harding Avenue.

Beach Bicycle Path: Mayor Rosenfield requested that there be increased police presence, during the weekends behind the St. Regis, while the path was narrowed, in response to complaints of bicycles on the path riding recklessly.

10. OTHER BUSINESS:

Public Comment:

Dina Cellini, 211 Bal Cross Drive, requested that the results of the engineering report for the wall, which the Council requested that the Civic Association pay for, be presented at the next Council meeting. Mr. Treppeda explained that it was in the current agenda and the conclusion was that it would be as expensive to fix the wall as it would be to tear it down and rebuild it or provide another fence. Ms. Cellini questioned the foundation.

Dan Nieda, Building Official, reported that the Engineer was retained to see if the wall could be salvaged. He explained that the walls did not have a foundation, so the Engineer

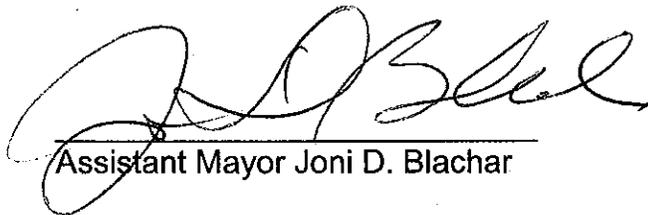
report included a design for a compatible wall, details, costs, etc.

Ms. Cellini discussed concern that the Village Attorney's report would result in increased fees for the Security District residents. She pointed out that she had requested a compromise years ago, which may have avoided the issues that were now being faced.

Assistant Mayor Blachar reported that the crosswalk in Surfside was removed to allow two lanes to turn onto Harding Avenue and questioned if that eased the traffic congestion. Mr. Treppeda reported that it did. Assistant Mayor Blachar noted that if that was changed, then that area would be congested again. Councilman Packer reported that the DOT (Department of Transportation) would be looking into the issue. Mr. Treppeda explained that DOT should have answer by the end of the month.

11. ADJOURN: There being no further business, the meeting was adjourned by consensus of the Council (5-0) at 9:49 p.m.

Attest:



Assistant Mayor Joni D. Blachar



Ellisa L. Horvath, MMC, Village Clerk