

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – JULY 19, 2011

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, July 19, 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 7:02 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

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 Council Budget Workshop Meeting.

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

4. SPECIAL PRESENTATIONS: None.

5. CONSENT AGENDA:

Dina Cellini, 211 Bal Cross Drive, requested the removal of Tabs C, D, and H.

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

Tab A: May 31, 2011 Special Council Meeting
June 21, 2011 Council (Budget) Workshop Meeting
June 21, 2011 Regular Council Meeting
June 29, 2011 Special Council Meeting
July 13, 2011 Special Council Meeting

Tab B: \$68,212.12 in Police Federal Forfeiture Funds (\$17,530.00 for VIEVU Personal Body Cameras for Officers, \$5,737.12 for GYM SOURCE Police Gym Equipment, \$5,272.50 for Franklin Investigations, Inc., \$3,750.00 PNSI 2 Terrabyte Networkstorage Server, \$25,985.00 for DGG Taser & Tactical Supply, \$2,000.00 for Conference Room Television, \$3,000.00 for FIU ECO Academy Summer Camp, \$4,937.50 for MRW Group Drug Task Force consulting and analysis).

Tab E: \$20,000.00 in Budgeted Funds for The Brickman Group, LTD. to purchase and install 4,000 sea oat plantings on the beach

Tab F: \$61,600.00 for Change Order #2 for the Collins Avenue Sanitary Force Main Improvements Project to hire Infinite Source Communications Group, a public relations and community outreach firm, as a sub-consultant to TB Landmark Construction Inc., as required by the City of Miami Beach as a permit condition

Tab G: \$29,868.82 in Water/Sewer Funds for Kailas Corporation for an Emergency Repair for the Sewer Main Break at 96th Street and Byron Avenue

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

Mayor Rosenfield introduced **Jan Solomon, FIU**. Ms. Solomon thanked the Council for supporting the cultural series. Mayor Rosenfield explained that forfeiture funds were used.

Tab C – Motion Approving Gated Residential Section Advisory

Committee Recommendations: The request was for the following recommendations made by the Committee: (1) to utilize a private company to perform landscaping work within the District and (2) to have the Village place assessment charges for this District directly on the individual property owner's tax bill.

Dina Cellini, 211 Bal Cross Drive, requested clarification on the amount that would be charged for the services that would be provided to the District by the Village. Mr. Treppeda explained that the \$30,000 for the Village's services would remain the same. Mr. Weiss explained that a Village Attorney would attend the meetings on an "as needed" basis as requested, at an hourly rate. Ms. Cellini questioned if a vendor had been selected for the landscaping services. Mr. Treppeda explained that would be discussed at the next RAC meeting when the proposed budget was reviewed, several companies had been requested to provide bids by Mr. O'Leary (Village Landscape Architect), and the service was not required to be bid out.

Anamarie Kelly questioned the authority the Village had to set up any Committee for the Security District. She discussed plat 44-98 and discussed ownership. She noted that Miami Beach Heights owned the parks and land, did not deed the property, and only gave use and right to enjoyment. She questioned how anyone was taxed or assessed for something they didn't own, who granted the easements to FPL/cable, if they had the right to grant those easements, and if they had the right to put the gate up. She requested a response. Ms. Kelly requested the Council emails to see who they responded to, since she hadn't received one.

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

Tab D – Motion Authorizing Execution of Severance

Agreements: The request was to authorize the Village Manager to enter into six-week severance agreements with Public Works employees, to be identified through a process in consultation with the Public Works Director, Finance Director, and the Village Attorney.

Dina Cellini, 211 Bal Cross Drive, questioned the need for authority now to execute the agreements, since nothing had been decided regarding solid waste. She spoke against execution of the agreements, since the Council didn't know which employees, and suggested that the issue be tabled until after the budget hearings in September. Mr. Treppeda explained that based on statutes, notice (based on age) needed to be given to the employees and the Council didn't normally meet in August. Councilman Packer questioned if the item was approved if the effective date could be delayed so that the Council could consider the results of the survey (solid waste). Mr. Weiss explained that layoffs were being planned, in response to the RAC recommendation for the landscaping within the gated section to be privatized. He explained that the company was being determined and it would then come back to the Council for contract approval, and a start date would be provided to avoid duplication of paying Village employees and a new company. He explained that if the Council changed its mind and the Village continued doing the landscaping work with Village employees, then the agreements wouldn't be executed. He reported that the Council accepted the RAC recommendation that the landscaping would be privatized. Mr. Treppeda reported that a new company would start October 1, 2011. Mr. Weiss explained that the Village Manager needed the authorization now, since notice needed to be given to the employees. Ms. Cellini questioned if the Village would be paying the company starting October 1, 2011, because she thought that the residents would be. Mr. Weiss clarified that the Village would pay and then be reimbursed by the special assessment. Ms. Cellini spoke against giving employees notice before the Council had a chance to rethink the entire philosophy. Mr. Weiss explained that a decision had been made on privatizing the landscaping for the gated residential area. Ms. Cellini noted that it hadn't been decided if the Village would reduce the Brickman contract, to allow Village employees to do some of the work instead (not within the gated area). Mr. Weiss explained that if the Village did decide to do that during the process, then the agreements could be rescinded.

A motion was offered by Councilwoman Cohen and seconded by Assistant Mayor Blachar to approve Tab D. The motion carried (4-0).

Tab H – Motion Authorizing Funds for Studies Related to PBA

Negotiations: The request was to expend up to \$20,000.00 in General Funds for completion of studies on pensions, in preparation for the negotiations with the Police Benevolent Association for a new Collective Bargaining Agreement, as directed at the July 12, 2011 Executive Session.

Dina Cellini, 211 Bal Cross Drive, requested clarification. Mr. Treppeda explained that the Actuary would provide a study for cost savings measures, for the police pension plan, which would take a couple of weeks.

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

6. PUBLIC HEARINGS:

Quasi-Judicial Public Hearings: None.

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:

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 13 "PENSIONS AND RETIREMENT BENEFITS" ARTICLE II "EMPLOYEE'S PENSION PLAN" OF THE VILLAGE CODE TO COMPLY WITH THE INTERNAL REVENUE CODE BY AMENDING SECTION 13-28 "RETIREMENT DATES AND RETIREMENT BENEFITS"; SECTION 13-31 "TERMINATION OF EMPLOYMENT"; SECTION 13-35 "AMENDMENT, TERMINATION AND DISCONTINUANCE OF PLAN"; AND SECTION 13-38 "MISCELLANEOUS PROVISIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield opened the meeting to public input. There being no comments, Mayor Rosenfield closed the public input.

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.

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 5.5 "APPEARANCE CODE," ARTICLE II "APPEARANCE PLAN," SECTION 5.5-5 "CRITERIA FOR APPEARANCE" OF THE VILLAGE CODE OF ORDINANCES PROVIDING FOR ROOF FINISHES CONSISTENT WITH BUILDING ARCHITECTURE AND ALLOWING FLAT ROOFS ON SINGLE FAMILY STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield opened the meeting to public input.

Dina Cellini, 211 Bal Cross Drive, requested that the Architectural Review Board provide a formal recommendation regarding the proposed Ordinance, before consideration by the Council.

Dan Nieda, Building Official, explained that the issue began at an Architectural Review Board meeting, when an owner requested the use of a flat roof, which the Village did not allow. He explained that the Board had felt that their hands were tied because flat roofs were not allowed. He clarified that the Board was in favor of allowing flat roofs.

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

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar 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:

Presentation of Results of Cost Saving Option Studies for General Employees Pension Plan – Jim Rizzo, GRS – Plan Actuary: Mr. Rizzo reviewed the Plan Re-Design Study 2, dated July 15, 2011, included in the agenda. The study looked at the following options for the Pension Plan: existing employees in the current plan with new employees entering the Florida Retirement System (FRS), all employees in the current plan with changed provisions for new employees, freeze current plan benefits with all employees enrolling in the FRS, and all employees in the current plan with changed provisions for all employees. He explained that the Village could not take away what the employees had already earned.

Mr. Rizzo reviewed page 9. Mr. Weiss clarified that it showed a reduction of \$275,000.00 if the Village froze the existing plan and all employees entered the Florida Retirement System (FRS).

Mr. Rizzo reviewed page 4, which showed a Village contribution of \$361,228.00 under the current plan, with no changes. He reviewed page 7, which showed a Village contribution of \$99,707.00, if all members entered the Florida Retirement System.

Mayor Rosenfield discussed other municipalities struggling, due to pension costs.

Dan Holder, 24 Bal Bay Drive, requested clarification on the State fund. Mr. Weiss explained that the contribution was 3% for all members of the Florida Retirement System. Mr. Rizzo clarified that would only be the employee contribution, not the Village contribution. Mr. Holder discussed the affects of the economy on County, State and local employees. He noted that public sector employees had been paid less than the private sector for many years, because they received higher benefits. He suggested that the salaries be compared to private employees, if the benefits were changed.

Neil Alter, 9801 Collins Avenue, questioned how the Village attained the 7 ½ percent. Mr. Rizzo reported that the Village's history was above a 7 ½ percent return. Mr. Treppeda discussed the portfolio.

Mr. Weiss clarified that if the assumption was lowered then more money would be needed to make the plan sound. Mr. Rizzo spoke in favor of the plan being conservative.

Anamarie Kelly recommended that the Council bring in Mr. Rizzo for additional information.

Budget Report for Third Quarter (Fiscal Year

2010/2011) Provided by Finance Director Christopher Wallace: Mr. Wallace reviewed the report provided in the agenda.

Discussion and Approval of Proposed Millage Rate: Mr. Wallace suggested a rolled-back rate of 2.44 to generate the same tax dollars, if adjustments weren't made to the tax base. He explained that if a special assessment was not levied for solid waste then the Village would need to use reserves or increase the millage rate. He clarified that once the millage rate was set it could not be increased, but it could be decreased.

Assistant Mayor Blachar discussed a higher millage rate, in case the Village didn't outsource solid waste. Mr. Weiss explained that the way that the money was collected was a separate decision than the way the solid waste would be collected (in-house or outsourced). He explained that whether or not the Village put the collection on the tax bill or as an assessment it would be a wash. He noted that outsourcing solid waste could be a savings. He clarified that if the Council didn't want to separate the collection of solid waste fees as an assessment, then a higher millage should be set and a tax increase would be advertised.

Assistant Mayor Blachar spoke in favor of the solid waste being billed separately.

Dina Cellini, 211 Bal Cross Drive, questioned the amount of the solid waste assessment, if it was done separately. Mr. Wallace estimated it to be \$630,000.00, divided among all of the property owners (estimated more than \$100.00 per property owner). Ms. Cellini noted that the Village was creating a fiction by keeping the millage rate low and assessing the property owners separately. Mr. Treppeda explained that separating the solid waste fees would bring the Village in line with other municipalities. Ms. Cellini spoke in favor of leaving the Village's options open. Councilman Packer noted that it would be the same amount of money whether or not it was done as a separate assessment. He pointed out that there could be a savings if the collection of solid waste was outsourced. Mr. Weiss clarified that with a separate assessment the total amount would not change, but individual bills could be different than what they currently pay. Mr. Wallace explained that it may be based on property value or on the amount of garbage that is collected, etc.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to accept a 2.44 rolled-back millage rate. The motion carried (4-0).

B. VILLAGE CLERK:

Discussion of August Council Meeting: The Council discussed whether or not to meet in August, since the Village Charter provided that the Council could forego meeting that month.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to cancel the August Council Meeting, subject to the Mayor and Village Manager scheduling a meeting in August, if deemed necessary. The motion carried (4-0).

Selection of Budget Public Hearing Dates: The Council discussed dates/times for the Budget Hearings.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to

schedule the First Budget Hearing for September 13, 2011 at 6:00 p.m., the Second Budget Hearing for September 20, 2011 at 6:00 p.m., and the Regular Council Meeting for September 20, 2011 following the Second Budget Hearing. The motion carried (4-0).

Lobbyist Registration Report: As of July 19, 2011: A list of Lobbyists registered with the Village was provided in the agenda.

C. **VILLAGE ATTORNEY:** No items.

D. **MAYOR AND COUNCIL:**

Discussion of Florida League of Cities Conference –

Councilwoman Cohen: The Council discussed whether or not members should be allowed to attend the annual conference, since it was in Orlando. Mayor Rosenfield explained that the Council attended the conferences when they were held in South Florida. Councilwoman Cohen requested to attend the conference in Orlando.

A motion was offered by Assistant Mayor Bluchar and seconded by Councilwoman Cohen to approve up to \$1,000.00, based on actual expenses, for Councilwoman Cohen to attend the Florida League of Cities Conference in Orlando. The motion carried (3-1), with Councilman Packer voting no.

10. OTHER BUSINESS:

Public Comment:

Dina Cellini, 211 Bal Cross Drive, questioned if the rolled-back rate was implemented last year. Mr. Wallace advised that it was. Ms. Cellini noted that the Council balanced the budget on the same amount of tax dollars as the previous years. She explained that if the solid waste assessment was not implemented, then the Village would be \$600,000.00 in the red in order to have the rolled-back rate. Mr. Wallace agreed. Ms. Cellini noted that the Village was creating a new way of assessing the solid waste, in order to balance the budget based on the same dollars as last year. Mr. Wallace disagreed and explained. Ms. Cellini noted that if the amount for the solid waste was in the general fund and the Council wanted to balance the budget then it would have to work harder to try to cut expenses. She didn't see the same focus on cutting expenses because Mr. Wallace moved the solid waste over as an assessment and removed the burden of the Council to look at other areas to cut the budget. She requested that it be explored again at the hearings. Mayor Rosenfield explained that the Council was looking at long-term items to cut expenses such as pensions, health care, personnel elimination, etc.

Mr. Treppeda explained that none of the departments were increasing anything and a lot of the revenues had been decreased. Mayor Rosenfield pointed out that the Council was looking seriously at the budget and was trying not to cut services, etc.

Mr. Treppeda discussed training for the Council iPads. The Council discussed setting parameters of the use of the iPads. Mr. Treppeda was directed to bill the Councilmembers if use of their iPads exceeded the monthly allowance. Mr. Weiss discussed the public records law.

Anamarie Kelly requested the agreement for the Village Police boat to patrol in the ocean. She questioned if the Village would accept the liability of issuing permits to the false owners of her property, etc. Chief Hunker reported that the Village had several mutual aid agreements that gave the Village jurisdiction and clarified that the Police did respond to incidents on the ocean with other departments.

Mr. Treppeda reported that no cost of living had been budgeted for police and general employees, but that may be revisited after negotiations.

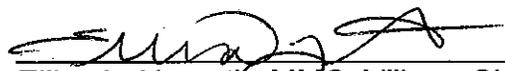
Councilman Packer complemented the Village Manager and Public Works Director on the improvement of the graffiti (utility markings) on the sidewalks.

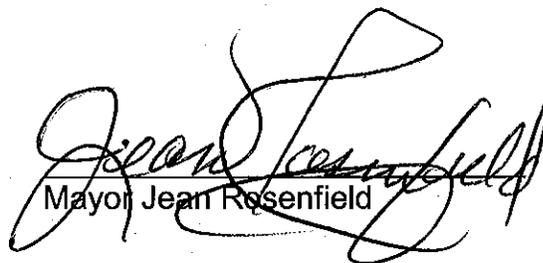
Penny Sepler, 10275 Collins Avenue, reported that under the bridge the word "strictly" was mis-spelled on the parking enforcement signs and the beach access sign was pointed to the parking lot instead of to the access.

Dan Holder, 24 Bal Bay Drive, noted that since the Village chose the rolled-back option it didn't have the option to keep Village employees for the garbage. Mr. Treppeda disagreed and explained that the Village still had that option. Mr. Holder requested that Chief Hunker be directed to look into security issues with having an outside company provide garbage services. Mr. Treppeda explained that security requirements would be outlined in the bid process.

11. ADJOURN: There being no further business, a motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to adjourn. The motion carried (4-0) and the meeting was adjourned at 8:50 p.m.

Attest:


Ellisa L. Horvath, MMC, Village Clerk


Mayor Jean Rosenfield