

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
FIRST BUDGET HEARING – SEPTEMBER 13, 2011

The First Budget Hearing of Bal Harbour Village was held on Tuesday, September 13, 2011, in the Council Chambers at Bal Harbour Village Hall (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 6:01 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 Horvath, MMC, Village Clerk
Richard J. Weiss, Village Attorney

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Councilwoman Cohen.

3. ANNOUNCEMENT: Mrs. Horvath made the following announcement:

THE BAL HARBOUR VILLAGE ROLLED-BACK MILLAGE RATE IS 2.4468 MILLS. THE NEW PROPOSED MILLAGE RATE IS 2.4468 MILLS, WHICH IS EQUAL TO THE ROLLED-BACK RATE.

4. DISCUSSION OF PROPOSED TAX MILLAGE RATE AND PROPOSED BUDGET FOR FISCAL YEAR 2011/2012: Mr. Wallace reviewed a Powerpoint presentation. He noted that the tax rate would be lowered from 2.55 to 2.44, a solid waste fee would be implemented, the proposed budget was \$1.5 million less in expenditures than the prior year, and operating expenses would remain the same or be reduced.

Mayor Rosenfield opened the meeting for public discussion.

Dina Cellini, 211 Bal Cross Drive, requested that the Council place a cap on amounts for leased vehicles, that the legal fees be reduced if the amount budgeted had not been used in the prior year, to speak to Mr. Wallace regarding the holiday bonus from residents for employees, to budget more money for recycling education, the total amount for professional landscaping services and the possibility of resort tax paying for that, and reducing the large \$250,000.00 contingency for the Security District budget.

Mayor Rosenfield explained that the Gated Residential Section Advisory Committee, which

held several public meetings, had recommended the contingency amount. Ms. Cellini voiced concerns regarding the anticipated termination of four Public Works employees. Mayor Rosenfield explained that the Committee had requested bids from other companies to do the landscaping work and the lay-offs were in response to the reduced amount from a company to do the work in the gated area in lieu of Village employees. Ms. Cellini suggested that the Council use those employees for other landscaping work that The Brickman Company was currently providing for the Village (not the gated area). She requested that the Council take steps to insure the employability of the terminated Village employees with other companies.

Ms. Cellini requested that part of the budget from the Park/Recreation Department be under the Tourism Budget (resort tax) the same as the current year.

Neil Alter, 9801 Collins Avenue, questioned the amount of revenue that the residents would be responsible for, through the solid waste assessments. Mayor Rosenfield clarified that the residents had always paid for solid waste, as taxpayers. Mr. Wallace explained that the assessment would produce approximately \$700,000.00. He clarified that, without that assessment, the millage rate would have to be raised. Mr. Alter questioned if the Village intended to bid out those services. Mayor Rosenfield explained that the Council was waiting on a study to determine that. Mr. Alter noted that the Village may be able to save money by outsourcing. Mr. Wallace explained that the Village wouldn't know until a bid was awarded and services were outsourced. He noted that, if there was a savings, that amount would go towards reducing the assessment in the following year, since that money was restricted to solid waste. Mr. Weiss clarified that solid waste was currently paid from the residents through ad valorem taxes and this would be a substitute revenue source.

Mr. Alter questioned if the condominium sales at the St. Regis would benefit the Village. Mr. Wallace explained that money would not be counted until Fiscal Year 2013. He reported that the study that was done some time ago estimated \$2 million, but he doubted it would be the same amount now. Mr. Alter questioned if there would be future streams of revenue. Mr. Wallace advised that there would be, but not for Fiscal Year 2012.

Abe Gotman, 9601 Collins Avenue, questioned how the amount of \$236.00 was derived for the solid waste fee and the total amount of money the Village would receive. Mr. Wallace explained that the assessment was based upon a single family or multi-family unit. He clarified that it was previously paid for as part of the property taxes, but that it would now be billed separately. He noted that if solid waste was not billed separately, then the property taxes would have been higher. He estimated the total amount of the assessment to be \$688,000.00 and that the residents would only pay what it would cost the Village. Mr. Wallace explained that the Village would not be collecting solid waste for commercial properties and the Village would collect 10% on the solid waste franchise agreements, which would also lower the cost of the solid waste assessment.

Anamarie Kelly, 77 Camden Drive, questioned why the Police Department budget had not been reduced, since they were not allowed to patrol inside the gate, unless there was an agreement and the Village was paid for Police services. Mr. Weiss explained that the Police would be patrolling in the Security District and the agreements were in the process of being signed by the homeowners. He noted that there was also an agreement with the Civic Association. Ms. Kelly pointed out that there had to be an agreement with every homeowner, since the Civic Association didn't have any authority, per Mr. Weiss' opinion.

She questioned the percentage of the Police budget the gated area would be paying the Village for Police services.

Assistant Mayor Blachar requested that the reimbursement for library cards be increased to their present cost of \$100.00.

Assistant Mayor Blachar requested the return on investment for the Lobbyist Retainer for Ron Book and suggested that he be paid on an "as needed" basis instead. Mr. Treppeda will provide a report from Mr. Book. Chief Hunker noted that Mr. Book was instrumental in the red light camera program. Councilman Sanz agreed that the amount for Mr. Book should be looked at. Mayor Rosenfield noted that Mr. Book lobbied for many other municipalities also.

5. RESOLUTION/PUBLIC HEARING: The following resolution was read by title, by Mrs. Horvath:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2011/2012; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Rosenfield opened the public hearing.

Mr. Weiss noted that all comments made during the prior discussion would be incorporated into this item.

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

The motion carried (5-0) with the vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; thus becoming Resolution No. 2011-743.

6. ORDINANCE FIRST READING/PUBLIC HEARING: The following ordinance was read by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE ADOPTING A BUDGET FOR ALL VILLAGE FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; APPROPRIATING REVENUES AND OTHER FUNDS; AUTHORIZING EXPENDITURES; AND ESTABLISHING AN EFFECTIVE DATE.

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

Mayor Rosenfield opened the public hearing.

Dina Cellini, 211 Bal Cross Drive, questioned the dockage fees for both the Yacht Basin

and behind the Village Park. Mr. Treppeda explained that the submerged land lease was paid to the State, for the space behind the Park. Ms. Cellini suggested that the police boat be docked there, instead of at the Yacht Basin. Chief Hunker noted that the Park dock area was not secure, was open to the elements, etc. and was not developed enough to use for the police boat. Ms. Cellini suggested that docking the police boat there be looked into for the future.

Ms. Cellini requested clarification on the project that would move meters from back yards to front yards, in the gated area.

Bill Landis, Village Engineer - CAS & Associates, explained the plans to move the meters to the front yards, due to access problems to the rear of the properties.

Councilman Packer suggested that the meters be placed by the front side of the home, attached to the building. Mr. Landis explained that they would need to be placed in the public right of-ways. Mr. Wallace clarified that the item would require Council approval, at a future time, which would be the correct time to comment on the aesthetics, etc.

Neil Alter, 9801 Collins Avenue, suggested that the meter boxes be colored green.

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

The motion carried (5-0) with the vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes.

7. ANNOUNCEMENT: Mayor Rosenfield made the following announcement:

Bal Harbour Village has tentatively adopted a millage rate of 2.4468 mills. Property taxes will increase by 0%. A final hearing on the tentatively adopted millage rate and the budget will be held on September 20, 2011, at 6:00 p.m., in the Council Chamber at Bal Harbour Village Hall, 655-96th Street, Bal Harbour, Florida.

8. REQUEST FOR APPROVAL OF HEALTH, LIABILITY, AND WORKERS COMPENSATION INSURANCE PACKAGES FOR FISCAL YEAR 2011/2012: Mr. Treppeda explained the insurance proposals.

Lloyd Rhodes, The Rhodes Insurance Group – Village Agent, explained that the premium for United Healthcare/NHP, the Village's existing carrier, would be increased by 21% (\$130,000.00) for FY 2011/2012. He reported that in response to a Request for Proposals, Blue Cross/Blue Shield provided the best plans, with reduced premiums and improved benefits.

Mr. Treppeda requested approval for the Blue Cross/Blue Shield Plans.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve the Blue Cross/BlueShield HMO and POS Plans. The motion carried (5-0).

Mr. Treppeda requested approval of up to \$260,382.00 for Liability and Workers' Compensation Insurance, through either the Florida League of Cities or a lower bid.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve up to \$260,382.00 for an Agreement for Liability and Workers' Compensation Insurance with either the Florida League of Cities or PGIT, whichever amount is lower. The motion carried (5-0).

9. ORDINANCES SECOND READING/PUBLIC HEARINGS:

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, CREATING ARTICLE IX "ASSESSMENTS" OF CHAPTER 2 "ADMINISTRATION" OF THE BAL HARBOUR VILLAGE CODE; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS (THE "ASSESSMENTS") AGAINST REAL PROPERTY WITHIN THE INCORPORATED AREA OF BAL HARBOUR VILLAGE; PROVIDING FOR THE CREATION OF ASSESSMENT AREAS; ESTABLISHING THE PROCEDURES FOR IMPOSING ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON THE ADOPTION OF THE ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR AN ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES AND CLAIMS; PROVIDING PROCEDURES FOR COLLECTION OF ASSESSMENTS; PROVIDING A MECHANISM FOR THE IMPOSITION OF ASSESSMENTS ON GOVERNMENT PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield opened the public hearing.

Beth Bercowitz, 10150 Collins Avenue, reviewed the memo from the August 24, 2011 meeting and requested clarification of facilities services and programs. She requested to know what further assessments would be coming. Mr. Weiss reviewed the Ordinance and explained that it provided a procedure that the Council could use in the future (lighting, etc.), for any project that the Village wanted to do.

Councilwoman Cohen left the meeting.

Anamarie Kelly, 77 Camden Drive, questioned why the item was added to an existing Code section, instead of creating a new one. She requested the agreement with the Property Appraiser and Tax Collector that would give authorization to impose the ad valorem tax. She spoke in favor of the proper procedures being followed.

Councilwoman Cohen returned to the meeting. Assistant Mayor Blachar left the meeting.

Mr. Weiss clarified that the proper procedures for the Ordinance had been followed and noted that the Ordinance needed to be passed at the meeting, in order for the assessment to be placed on the tax bill in September.

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

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve the Ordinance. The motion carried (5-0) with the vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar absent; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; thus becoming Ordinance No. 2011-552.

Assistant Mayor Blachar returned.

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

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 16 "SOLID WASTE" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY AMENDING SECTIONS 16-1 "DEFINITIONS", 16-3 "PRIVATE COLLECTION PROHIBITED; EXCEPTION" AND SECTION 16-6 "LATE PAYMENT CHARGE, SPECIAL ASSESSMENT LIEN FOR DELINQUENT SOLID WASTE AND RECYCLING SERVICE FEES"; SO AS TO CONFORM WITH CREATION OF ARTICLE III OF THIS CHAPTER; CREATING ARTICLE III "COLLECTION FRANCHISE" PROVIDING FOR THE ISSUANCE OF SOLID WASTE COLLECTION FRANCHISES, REQUIRING A FRANCHISE FOR SOLID WASTE COLLECTION AT COMMERCIAL ESTABLISHMENTS; IMPOSING A FRANCHISE FEE FOR SOLID WASTE COLLECTION ACTIVITIES; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield opened the public hearing. Mr. Weiss explained the Ordinance.

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

Dina Cellini, 211 Bal Cross Drive, requested clarification. Mr. Weiss explained.

Mrs. Horvath clarified that it was the same Ordinance that was passed on first reading, with the start date being changed to October 1, 2011.

Ms. Cellini felt that the solid waste program for the residents was being dictated by the St. Regis. She noted that since the commercial properties were being handled differently then there would be less people to support the Public Works Department. She noted that the residents were being led down the path of outsourcing without having a say, because she thought that outsourcing would provide a better rate, which would force residents into outsourcing instead of supporting the Public Works Department. She requested that the franchise fee be increased, to offset the amount the residents would have to pay.

Mayor Rosenfield explained that the Council investigated the solid waste issue and the Village didn't have the equipment, trucks or space that would be needed by the St. Regis, etc. She explained that it was less expensive for the Village to allow the commercial properties to outsource. She explained that the Village would ask any private company to

hire the Village employees. She clarified that nothing was rushed into and the Council did care about the employees, as well as saving money.

Dr. Krop, 9601 Collins Avenue, questioned if the Council was discussing the \$730,000.00. Mr. Wallace noted that it was not and the item Dr. Krop was referring to was the solid waste ordinance, not the franchise ordinance.

Assistant Mayor Blachar questioned if 10% was a standard amount for a franchise fee. Mr. Wallace explained that it was, but the amount could be raised in the future. Assistant Mayor Blachar and Councilman Sanz discussed the amount being raised. Mr. Wallace felt that 10% was a fair amount to start with.

Neca Logan, 64 Camden Drive, questioned who would be responsible for the garbage on the beach. Mr. Treppeda explained that the Village Public Works Department would still pick up the garbage in the receptacles on the beach.

Neil Alter, 9801 Collins Avenue, suggested that the franchise fee be increased to 20%.

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

The motion carried (5-0) with the vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; thus becoming Ordinance No. 2011-553.

10. RESOLUTION/PUBLIC HEARING: The following resolution was read by title, by Mrs. Horvath:

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE ASSESSMENT ROLL; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the Resolution.

Mayor Rosenfield opened the public hearing.

Dr. Krop, 9601 Collins Avenue, requested clarification on the millage rate being decreased. Mr. Wallace explained that the millage rate would be decreased, but some residents would pay more and some would pay less. He discussed the affect on the millage rate if certain items were not done, including the solid waste assessment. Dr. Krop noted that his taxes were being raised by 12%. He noted that the Village should not just say that it was lowering the millage, but was also increasing the amount of money that residents would pay to the Village. He questioned the amount of income the St. Regis would provide and if the Village had a short term or long term problem. Mr. Wallace noted that it was a long term problem and explained that the solid waste needed to be removed from the

property taxes, which would have been higher if the Village didn't do this. Mr. Wallace was confident that the cost of garbage would be decreased. Dr. Krop noted that the Village's savings of \$723,000.00 was being paid by the residents. He discussed how the Village would be receiving more money in taxes next year and that should be considered before the assessment was done.

Councilman Packer understood, but noted that some people would be paying less. He noted that the Village didn't know what would happen with the economy. He explained that Mr. Treppeda proposed that the solid waste be done separately, to be in conformance with other municipalities and to create the ability to compare the Village's millage rate fairly. He noted that the Village would be receiving franchise and other fees from the commercial solid waste companies, which he estimated would lower the fee for residents next year.

Dr. Krop questioned if the Village knew what its income would be next year, due to the St. Regis hotel and condominiums coming on. Mr. Treppeda explained that projection was estimated in a different economy so the number would probably be different.

Dr. Krop requested that the Council reconsider the assessment and suggested that it be done next year, if needed. He suggested that the Village use the tourism money in more creative ways, to alleviate some of the Village's expenses.

Mayor Rosenfield pointed out that many residents applied to have their taxes reduced. She noted that the Village didn't have a final figure on that, but there would be significantly less income due to that. She explained that the Village couldn't predict the amount, because the Village didn't know what the County would do. Mayor Rosenfield explained that the Council removed the garbage fee from the Village taxes, in order to be in conformance with other municipalities.

Dina Cellini, 211 Bal Cross Drive, spoke against the assessment. She noted that the solid waste was removed from the budget so the Village didn't have to do cuts, there were increases in salaries at the same time \$770,000.00 was being removed from the budget, and the millage rate was lowered at the expense of residents paying an assessment that they didn't before. She suggested that the assessment be put off, paying the amount with money in the fund balance, and if the St. Regis money didn't add up as anticipated then the assessment could be considered.

Mayor Rosenfield spoke in favor of having extremely healthy reserves, for any pending disasters.

Neil Alter, 9801 Collins Avenue, requested projected revenue streams from the St. Regis. Mr. Wallace explained that could be quantified, once the St. Regis was fully operational. Councilman Packer pointed out that the St. Regis had requested a reduction on their assessments. Assistant Mayor Blachar noted that residents were also requesting that. She explained that the Village needed to rely on the present situation.

Councilwoman Cohen questioned the process if the assessment was implemented and the Council changed its mind next year. Mr. Wallace explained that it could be changed. He clarified that the assessment would come before the Council every year.

Councilman Sanz discussed looking at the budget and the expenses again, etc. Mr.

Wallace explained that there would be another public hearing on the budget.

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

The motion carried (5-0); thus becoming Resolution No. 2011-744.

11. ORDINANCE FIRST READING/PUBLIC INPUT: The following ordinance was read by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," CHAPTER 10 "MARINE STRUCTURES, ACTIVITIES AND WAYS," CHAPTER 11 "NUISANCES," AND CHAPTER 12 "OFFENSES," OF THE VILLAGE CODE OF ORDINANCES TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the Ordinance. The motion carried (5-0) with the vote as follows: Mayor Rosenfield yes; Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes.

12. ADJOURN: There being no further business to come before the Council, it was the consensus of the Council to adjourn. The meeting adjourned at 8:12 p.m.

Attest:


Ellisa L. Horvath, MMC, Village Clerk


Mayor Jean Rosenfield