BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
SPECIAL MEETING – AUGUST 24, 2011

A Special Meeting of the Bal Harbour Village Council was held on Wednesday, August 24, 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 5:36 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
Assistant Mayor Joni D. Blachar
Councilwoman Patricia Cohen[1]
Councilman Martin Packer

Alfred J. Treppeda, Village Manager
Ellisa L. Horvath, MMC, Village Clerk
David Wolpin, Village Attorney
Matthew Pearl, 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 led by Assistant Mayor Blachar.

3. CONSENT AGENDA:

Dina Cellini, 211 Bal Cross Drive, requested the removal of Tab C.

Approval was requested for the following remaining items on the Consent Agenda:

Tab A: $21,000.00 in Police Forfeiture Funds (Islands Beach Bash PAL Police Athletic League Fundraising Event with proceeds to benefit the Surf-Bal-Bay Police Athletic League)

Tab B: $1,525.00 in Police Budgeted Funds (Additional Funds for Police Dispatcher Duarte to attend the Miami Police Department Police Academy, since the Broward County Police Academy Class was cancelled)

Tab D: Execution of Memorandum of Understanding with the Town of Surfside for Construction of the Sewer Force Main Pipe

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve the items on the Consent Agenda, except for Tab C. The motion carried (3-0).

1 Councilwoman Cohen arrived during discussion of Tab C on the Consent Agenda.

Tab C – Motion Approving Changes to Agreement with the MRW Group for Drug Task Force Consulting and Analysis: The request was for a change to the prior contract, which was approved at the July Council Meeting. The hourly amount for staff level work was corrected from $100.00 to $125.00 (as shown on page two).

Dina Cellini, 211 Bal Cross Drive, voiced concern regarding the increased hourly rate and noted that even if forfeiture funds were used that the expenditure should be looked at. She spoke against approving the increased amount and spoke in favor of keeping the hourly rate that was approved at the July meeting.

Mr. Treppeda clarified that forfeiture funds would be used and explained that the amount approved at the July meeting was a mistake on the original agreement.

Chief Hunker agreed that the amount was a typographical error and discussed the company's expertise. Mayor Rosenfield questioned the percentage of work that would be charged at the partner rate. Chief Hunker estimated that 70% would be at $125 and 30% would be at $250 (partner level).

Councilwoman Cohen arrived.

Chief Hunker explained that the cap was $55,000.00 per year. He spoke in favor of approving the corrected hourly rate.

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

4. ORDINANCES FIRST READING/PUBLIC INPUT: 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.**

Mr. Treppeda explained that the Ordinance was a master enabling ordinance, for solid waste collection.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer 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 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. Treppeda explained that the Ordinance would allow for the private collection of solid waste, for commercial properties.

Dina Cellini, 211 Bal Cross Drive, clarified that each commercial entity in the Village would be allowed to contract with their own private company. Mr. Treppeda agreed that could be done, as long as the company had a franchise agreement with the Village. Ms. Cellini thought that the portion that dealt with the residential non-commercial properties was premature, since it seemed that outsourcing would be approved. She noted that many residents were opposed to outsourcing the garbage. She suggested that the Council hear from the Village residents and receive the report regarding outsourcing, before it proceeded. She noted that staff made certain recommendations, but pointed out that staff did not live in the Village. Ms. Cellini noted that the residents liked the services that they received. She thought it was premature to pass an Ordinance in order to have legislation on the books, when the Village may decide that it didn't want to outsource the services. She questioned the Council's objectivity.

Mr. Treppeda explained that the Village could allow commercial properties to obtain private haulers, while still providing services to the residents through Village employees.

Chris Wallace, Finance Director, noted that the Ordinance didn't force outsourcing. He explained the demands from commercial properties and the Village's inability to provide the services that they needed. He added that the commercial properties would be better served by allowing them to use a private hauler, even if the Village chose to keep providing service for the residents.

Rick Hansen, Director of Engineering at St. Regis Bal Harbour, discussed the benefits of the St. Regis using a private company, which provided a green carbon-reducing program

and would enable them to receive the green palm rating from the State. He believed that the Shops also wanted to do the same thing.

Mayor Rosenfield clarified that the Ordinance didn't mean that the Village was changing the service to the residences and explained that the Village was still waiting for a report to determine that. She thought the comments regarding the Council not understanding or listening was unfair. She discussed the many ways that the residents could communicate with the Council. Mayor Rosenfield explained that no action would be taken on the residential service until final figures were provided. She added that the Council and its individual members were very conscientious.

There being no additional comments, the public hearing was closed.

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.

5. RESOLUTION: 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; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

6. OTHER BUSINESS:

Mr. Treppeda distributed and reviewed a temporary signage request for the St. Regis site.

Rick Hansen, Director of Engineering at St. Regis Bal Harbour, explained that the two recruitment signs would be four feet wide by six feet high.

Daniel Nieda, Building Official, recommended approval of the sign.

Dina Cellini, 211 Bal Cross Drive, suggested that the signs have less information to avoid accidents and that at least one be located at a stop light. Councilman Packer and Chief Hunker indicated that the signs were both located at stop lights.

Assistant Mayor Blachar hoped that preference for hiring would be given to Village residents. She suggested that the information be placed on the Village's cable channel, in the newsletter, and on the web site.

Mr. Wolpin explained that the Council could indicate they didn't have an objection to the signs, pending any formal process pursuant to the Village code.

The Council did not voice any objections to the signs.

Chief Hunker reported that the Village Police Department Annual Report was available.

Chief Hunker reported that the annual Police beach bash would be held on October 14, 2011. Mayor Rosenfield explained that the Police Athletic League would benefit from the funds raised.

Mr. Treppeda requested that the Village Attorney be directed to correct the language in the Ordinance (Tab F) prior to second reading, to make the effective date of the Ordinance October 1, 2011, in order to give the commercial properties time to comply with the Ordinance. ***It was the consensus of the Council for Mr. Wolpin to change the effective date of the Ordinance (Tab F) to October 1, 2011.***

Mark Wexler, Pro-Resource Solutions, reported that he was working on bid documents and the bid elements for the Village, which he expected to complete in the next couple of weeks.

Dina Cellini, 211 Bal Cross Drive, questioned the relevancy of Mr. Wexler's review for the commercial properties, since the Ordinance was passed. Mr. Wexler explained that his review had already included the commercial properties, which he was able to ascertain that the Village was unable to perform the services that they required. Ms. Cellini suggested that going forward that the commercial properties not be reviewed. Mayor Rosenfield discussed the importance of still including the commercial properties, since the Ordinance still needed to be reviewed for second reading, etc. and for review of the companies that the commercial properties hired. Mr. Wexler explained that his contract for the project was a fixed fee, so it wouldn't cost or save the Village money.

7. ADJOURN: There being no further business, ***the meeting was adjourned by consensus of the Council at 6:20 p.m.***

Mayor Jean Rosenfield

Attest:

Ellisa L. Horvath, MMC, Village Clerk