

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – DECEMBER 15, 2011

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, December 15, 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 7:11 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 General Employees Retirement Board Meeting.

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

- 1.) Motion Approving Expenditure of Police Budgeted Funds (\$3,750.00)
- 2.) Motion Approving to Sell/Donate/Dispose Obsolete Public Works Equipment
- 3.) Motion Approving Expenditure of Additional Police Forfeiture Funds (\$5,000.00)

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to add the three requested items to the Consent Agenda. The motion carried (4-0).

Mr. Treppeda requested that the following item be added to the regular agenda:

- 1.) Appointment of Councilmember to serve as the Village's representative on the Miami-Dade County League of Cities Board

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to add the requested item to the Regular Agenda. The motion carried (4-0).

4. SPECIAL PRESENTATIONS:

Update on Legislative Issues – Ron Book, Village Lobbyist: Mr. Book explained his service as a Lobbyist on issues for the Village, including red light cameras and business tax receipts. He discussed his involvement in Tallahassee. He reported that gaming was not likely to pass this year.

Mr. Book discussed Congressional redistricting and reported that the Village would likely have a new representative. Mayor Rosenfield noted that the Village currently had two representatives. Mr. Book thought that the Village's representative would be Debbie Wasserman-Schultz and that the Village would lose Ileana Ros-Lehtinen.

Mr. Book discussed the House plans and reported that the Gwen Margolis seat could change. He discussed possible cuts to Medicaid, the K-12 budgets should be fine, and significant cuts to higher education.

Mayor Rosenfield questioned if Mr. Book lobbied on the redistricting issue. Mr. Book reported that he had not, but could, if given direction to do so. He noted that the Village should be concerned with the Senate redistricting.

Mr. Book explained that they were hired to represent the Village in Tallahassee and had also helped the Village with County items. He noted that he didn't limit the number of items that could be looked into.

Councilman Packer questioned if Mr. Book could be used to keep Ileana Ros-Lehtinen for the Village. Mr. Book advised that he could encourage that for the Village and agreed that the Village benefitted by having two Congressional representatives.

Mayor Rosenfield noted that the Village had never polled the residents to see what they would want. Councilman Packer spoke in favor of keeping Ileana Ros-Lehtinen. Mr. Book spoke on the value of having both a Democrat and a Republican, in Congress, representing the Village.

Mr. Book reported that Mr. Weiss worked closely with him on issues that came up in the legislature that could affect the Village.

5. CONSENT AGENDA:

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

Approval was requested for the following remaining items:

- Tab A: Approval of November 15, 2011 Regular Council Meeting Minutes
- Tab B: Approval of Expenditure of Police Federal Forfeiture Funds for the following items: State - \$5,000.00 Miami Police Athletic League, \$10,000.00 South Florida Crime Commission, and Federal - \$20,000.00 Training and Training Room Equipment
- Tab D: Approval of \$8,000.00 monthly in Resort Tax funds and renewal of the consulting agreement with Laura Davidson Public Relations for United States public relations services
- Tab E: Approval of Replacement of \$6,250.00 in Resort Tax funds for The Billy Goat (low bidder) to replace a dead Date Palm tree on 96th Street
- Tab F: Approval of \$49,517.99 for Change Order #3 for the Sewer Station #1 Submersible Pump Project

- Tab G: Ratification of the Expenditure of \$19,504.16 in Water and Sewer Funds for Kailas Corporation for emergency repairs to the Village's water system (water main break at the intersection of Harbour Way and Park Drive)
- Tab H: Authorization of Execution of the Interlocal Agreement with Miami-Dade County for provision of public transportation services for operation of the Village's bus service (the bus service is funded by the County's ½ cent sales tax)
- Tab I: Approval of \$77,563.33 in General funds, \$8,897.96 in Forfeiture funds, and \$3,673.04 in Tourism funds for General Employee annual performance bonuses for 2011
- Added Item 1: Approval of Expenditure of \$3,750.00 in Police Budgeted funds for the LEO Foundation Annual Awards Ceremony
- Added Item 2: Approval to Sell/Donate/Dispose Obsolete Public Works Department Equipment
- Added Item 3: Approval of Expenditure of \$5,000.00 in Police State Forfeiture Funds for a donation to the Police Officer Assistance Trust (POAT)

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

Tab C – Motion Approving Expenditure of Gated Residential

Section Funds: The request was for approval of \$9,660.00 in Gated Residential Section Funds for the following: \$1,980.00 (Brickman Group-low bidder) large tree removal and disposal, \$5,610.00 (Brickman Group) invasive vegetation removal, and \$2,070.00 (Brickman Group) daily debris removal.

Dina Cellini, 211 Bal Cross Drive, reported that the residents were outraged at the legal limbo in the gated area and the formula that was being used for the assessment. She suggested that Mayor Rosenfield attend the RAC (Gated Residential Section Advisory Committee) meetings.

Ms. Cellini spoke against the \$2070.00 cost for daily debris removal. She noted that Mr. O'Leary was supposed to find out if Brickman had removed the debris every three days, since she noticed that debris had been left for longer. She clarified that Brickman charged extra money to remove the debris daily and that the RAC did not agree to daily removal, but had agreed that the debris could stay for three days and didn't have to be removed daily. She objected to the cost, since Brickman should have been cleaning up, per the agreement, and was now overcharging.

Mayor Rosenfield explained that the Committee was responsible for handling the details of the agreement and noted that everyone in the community had the opportunity to volunteer for the Committee. She noted that she did not attend the RAC meeting, because it was the Council's responsibility to hear what the RAC presented to the Council.

Mr. Weiss pointed out that the RAC served as an advisory committee to the Council, so the Council had the ability to do whatever it wanted with the recommendations.

Gabriella Webster, 30 Park Drive, expected the assessment amounts to double, not triple, from the prior year. She spoke in favor of the contingency fund being a reserve fund, but specifically dedicated to items (hurricanes, etc.) and not to be used for pet projects or as a slush fund. She spoke in favor of the assessment formula being looked at and being based on square footage or property appraisal.

Mr. Treppeda reported that the RAC recommended speaking to Brickman to lower the amount for daily removal, which was reduced by 25% (new amount is \$2,070.00). He pointed out that Brickman had agreed to still remove the debris daily, not every three days.

Doug Rudolph, 212 Bal Bay Drive, pointed out that a few people were trying to represent the masses. He noted that there was no perfect way to handle the assessment, but that the Committee was trying. He discussed the fact that residents were complaining, instead of trying to help. He hoped that the Council would make decisions, based on the process.

Assistant Mayor Blachar reviewed the three recommendations from the Gated Residential Section Advisory Committee and requested that the items be approved.

Brian Mulheren, 10245 Collins Avenue, spoke against the issue being discussed at a Council meeting, since the area was private property. He suggested that there may be an ethics question, since Mr. O'Leary was working for the Village, as well as the gated area. He added that if the Police Department didn't have an agreement with the gated area, then they shouldn't be in there.

Councilman Packer noted that the gated area had a separate agreement with Mr. O'Leary.

Councilwoman Cohen reported that she attended the RAC meeting and noted that the Committee was appointed to make decisions for the gated area. She questioned why the items would then come before the Council and explained that it was unlikely that she would go against what the Committee recommended. Mr. Weiss explained that the Committee was an advisory committee to the Council. He hadn't researched to see if the Committee could be anything other than advisory, but could do so if requested.

Mayor Rosenfield requested that Mr. Weiss look into whether or not the Gated Residential Section Advisory Committee was required to be an advisory committee.

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

Betsey Bystock, 80 Park Drive, requested that the assessment formula be looked at again, since the way it was appropriated was not fair. She questioned if the residents on the west side should have to pay something, since they were allowed to access the area.

Assistant Mayor Blachar reported that the Committee agreed at the last meeting that they would look into the formula, in the future. She discussed other districts in the County that charged the same amounts to individual units as the homes, so reviewing the formula for the assessment may cause an increase to some of the multi-family units.

6. PUBLIC HEARINGS:

Quasi-Judicial Public Hearings: None.

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: The following Ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY AMENDING DIVISION 2 "POLICE" OF ARTICLE IV "OFFICERS AND EMPLOYEES" OF CHAPTER 2 "ADMINISTRATION" BY CREATING SECTION 2-111 "FINGER PRINTING"; CREATING A SERVICE CHARGE FOR THE PROVISION OF FINGER PRINTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 Councilman Packer 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; thus becoming Ordinance No. 2011-558.

Ordinances First Reading/Public Hearings: None.

Resolutions/Public Hearings: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: None.

8. RESOLUTIONS: The following Resolution was read, by title, by Mrs. Horvath:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, APPROVING AND RATIFYING THE MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE VILLAGE AND THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION; DIRECTING THE VILLAGE MANAGER TO EXECUTE THE MOU ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE MOU; AND PROVIDING FOR 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); thus becoming Resolution No. 2011-752.

9. REPORTS:

A. VILLAGE MANAGER:

Presentation and Discussion of Request for Proposals for Solid Waste, Bulk Waste and Recycling Collection Services – Marc Wexler, Village Consultant – Pro Resource Solutions LLC:

Mr. Wexler explained that he worked with Mr. Wallace (Finance Director) and Mr. Treppeda on the formulation for the RFP. Mayor Rosenfield explained that before the Village did anything it needed a proposal document, before going out to bid. Mr. Wexler reported that the purpose of the proposal was to look into the feasibility of contracting out solid waste, etc., which would not include commercial or construction debris. He reported that the beach, bus stops, and pet waste stations would continue to be handled by Village staff. He discussed changes to service, which would include the addition of 96 gallon rolled carts. Mr. Treppeda hoped to encourage recycling in the Village, by providing larger containers.

Mr. Wexler explained that the Village would be paid an annual administration fee of \$30,000.00. He discussed the request for three separate prices for the three areas (gated, oceanfront, and west side). He explained that request also included for the four to six displaced Village workers to be considered as hires.

Mr. Wexler explained the process, including a pre-bid meeting in January, with five weeks after the RFP, to receive the bids. He explained that he would review the qualification packages with Mr. Wallace and then the cost packages. He estimated a start date of April/May.

Mayor Rosenfield noted that the Village was not looking to eliminate anything for the residents. Councilman Packer agreed and explained that the Village should look at lowering the costs, with the same services. Mr. Wexler reported that the bid proposal listed the same services as the existing, with some items enhanced.

Mayor Rosenfield reported that the Village needed to know if reducing pick up of the Oceanfront buildings to four times a week, with larger containers, would be okay and if the larger containers would fit on the properties. Councilman Packer reported that the Manager at the Kenilworth would be happy with service three times a week and adding a trash compacter.

Mr. Treppeda requested input from the Council, since requesting the trucks to be out of the Village by 1:00 p.m. could raise the cost.

Leonard Robinson, Public Works Director, reported that the Village's trucks normally finished about 2:30 p.m.

Mr. Treppeda requested that the Council set a time that the trucks needed to be out of the Village. Assistant Mayor Blachar suggested 5:00 p.m. Councilman Packer suggested 2:30 p.m. to 3:00 p.m. **It was the consensus of the Council to set a time of 3:00 p.m.**

Dina Cellini, 211 Bal Cross Drive, requested the services listed in the RFP. She reported that the garbage pickup was now done by 2:30 p.m., but when more than one truck was used the gated area was done by 1:00 p.m. She spoke in favor of a 1:00 p.m. deadline.

Assistant Mayor Blachar didn't see the need for an earlier time, if it was going to cost more.

Mr. Robinson reported that on some days the trucks were done by 2:30 p.m. and on other days it was done by 12:30 p.m.

Mayor Rosenfield requested that costs be provided for both earlier and later times.

Mr. Wexler reviewed the service for the single family residences.

Councilwoman Cohen noted that gated area residents were not aware that they could call for bulk pick up. Mr. Treppeda reported the bulk pickup to be on Tuesdays and Thursdays. Mr. Robinson explained. Assistant Mayor Blachar was not aware that bulk pickup was available either.

Councilwoman Cohen questioned how lawn debris was handled. Mr. Robinson reported that if residents cleaned their own yard then that could be picked up at the curb. He added that debris from a gardener/lawn service would not be picked up.

Mr. Treppeda will send an information brochure out to the residents.

Brian Mulheren, 10245 Collins Avenue, addressed the Council.

Councilwoman Cohen left the meeting.

Mr. Mulheren suggested that pricing be obtained for the residents to place the carts out front at the curb and to also have an employee go to the backyard for it.

Mr. Treppeda reported that the Village would be proceeding with the advertising, based on the comments and after attorney review.

Councilwoman Cohen returned to the meeting.

Appointment of Councilmember to serve as the Village's representative on the Miami-Dade County League of Cities Board: Assistant Mayor Blachar offered to continue her service as the representative on the League Board.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to appoint Assistant Mayor Blachar to serve as the Village's representative on the Board. The motion carried (4-0).

B. VILLAGE CLERK:

Lobbyist Registration Report: As of December 15, 2011:
The list of lobbyists registered with the Village was provided in the agenda.

Selection of Regular Council Meeting Times for Calendar Year 2012: The Council considered times for the 2012 Council Meeting schedule.

Mayor Rosenfield suggested that the times be alternated between nights and mornings. Assistant Mayor Blachar didn't have any problem doing that. Councilwoman Cohen spoke in favor of night meetings and reported that some residents had noted that night meetings were easier for them.

A motion was offered by Mayor Rosenfield and seconded by Assistant Mayor Blachar to alternate the meetings between mornings and nights, to be published ahead of time. The motion did not pass (2-2), with Councilwoman Cohen and Councilman Packer voting against it.

A motion was offered by Councilman Packer to keep the meetings at 7:00 p.m., with the Council accommodating a special request, with advanced notice. The motion died, due to the lack of a second.

Mayor Rosenfield spoke on the importance of having scheduled times.

Councilman Packer suggested that the administration reschedule meetings on religious dates, so the next twelve months would be set. Mayor Rosenfield spoke against doing so.

Councilwoman Cohen suggested that the item be discussed at the next Council meeting, when all five members were present.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to schedule the January meeting for the third Tuesday of the month at 7:00 p.m., with a vote on the other meeting times when all five Councilmembers were in attendance. The motion carried (4-0).

Councilman Packer pointed out that people who worked would not be able to attend the morning meetings. He spoke in favor of keeping the meetings at 7:00 p.m. Councilwoman Cohen also spoke in favor of the meetings at 7:00 p.m.

Mayor Rosenfield and Mayor Blachar spoke in favor of alternating the times.

Brian Mulheren, 10245 Collins Avenue, spoke in favor of 7:00 p.m. meetings, not alternating the meetings, and changing the time for special meetings, if necessary.

Dina Cellini, 211 Bal Cross Drive, spoke against alternating the times and in favor of the 7:00 p.m. time, which worked for the majority of the residents.

Mayor Rosenfield discussed problems with changing meetings, for religious purposes. She spoke in favor of compromising and noted that the meetings were published a year in advance.

Gabriella Webster, 30 Park Drive, spoke in favor of the meetings being held during business hours and discussed the added expense of staff for night meetings.

C. VILLAGE ATTORNEY: Mr. Weiss reported that since he was involved with a lot of the solid waste companies, he would have another attorney (firm) review the Solid Waste Request for Proposals (RFP), for legal sufficiency. *It was the consensus of the Council for Mr. Weiss to have another attorney (firm) review the Solid Waste RFP.*

D. MAYOR AND COUNCIL:

Consideration of Annual Performance Bonuses for Village Manager and Village Clerk: The Council discussed providing a 5% annual performance bonus for Mr. Treppeda and Mrs. Horvath.

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

approve a 5% bonus for Mr. Treppeda and Mrs. Horvath. The motion carried (4-0).

10. OTHER BUSINESS:

Public Comment:

Gabriella Webster, 30 Park Drive, requested that the garbage trucks be done by 1:30 p.m., since alot of kids would be in the neighborhood after that time. She discussed the amount of traffic in the gated section. She noted that the backyard services for solid waste distinguished the Village employees from other service providers.

Dina Cellini, 211 Bal Cross Drive, questioned if bulk pick up would be part of the RFP, or if it would be handled by the Public Works Department. Mr. Wexler reported that bulk pickup was part of the RFP.

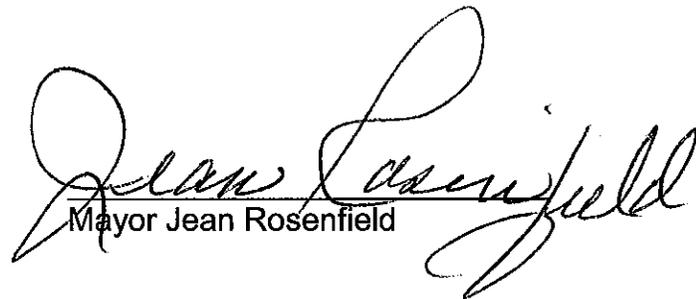
Brian Mulheren, 10245 Collins Avenue, spoke in favor of the Council considering religious holidays, when meetings were scheduled.

Councilman Packer reported that, in response to his request, the Village's bus was now going to Aventura Mall, instead of Lincoln Road, on Sundays.

Councilwoman Cohen suggested that the Village look into providing shuttle stop signs, to show where the Village's bus stopped. Mr. Treppeda will look into that.

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 9:09 p.m.

Attest:


Mayor Jean Rosenfield


Ellisa L. Horvath, MMC, Village Clerk