

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**REGULAR MEETING – JULY 17, 2012**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, July 17, 2012, at the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 7:07 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

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Susan Packer.

**3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS:**

Mr. Weiss suggested that Tab M be deferred, in accordance with the action taken at the Local Planning Agency Meeting:

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING DIVISION 11, ARTICLE III, CHAPTER 21 OF THE VILLAGE CODE TO CREATE A NEW SECTION 21-322 “SITE PLAN REVIEW”; PROVIDING FOR SITE PLAN REVIEW, INCLUDING APPLICABILITY OF REQUIREMENT, APPLICATION AND REVIEW PROCEDURE, COST RECOVERY, AND DEVELOPMENT AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Weiss suggested that Tab N also be deferred:

**A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SECURITY AND LANDSCAPE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR, FLORIDA; DETERMINING THE COST OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS AND THE INITIAL SECURITY AND LANDSCAPE 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 Assistant Mayor Blachar and seconded by Councilman Packer to defer Tab M and Tab N. The motion carried (5-0).**

**4. SPECIAL PRESENTATIONS:** None.

**5. CONSENT AGENDA:**

Tab I was deleted, since no Council action was needed, as noted in the agenda.

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

Councilman Packer requested that Tab H be removed.

Mr. Treppeda requested that the following item be added: Motion Approving \$1,740.00 in Gated Residential Area Section Funds for Brickman Group to remove the hazardous tree located at the corner of Bal Cross Drive and Park Drive.

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

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

Approval was requested for the following items:

Tab A: June 19, 2012 regular Council Meeting minutes;

Tab B: Expenditure of Police Forfeiture Funds for the following item:  
**Federal:** \$475.00 monthly and execution of a two-year lease with Peterson's Harley-Davidson of Miami (North) for one Harley Davidson Road King Motorcycle for the Traffic Enforcement Division;

Tab C: Expenditure of Police Budgeted Funds for the following items:  
\$475.00 monthly (x 2) and execution of two-year leases with Peterson's Harley-Davidson of Miami (North) for two Harley Davidson Road King Motorcycles for the Traffic Enforcement Division;

Tab E: \$13,857.50 to Shenandoah Construction for emergency sewer repairs to the Village's Sewer Lift Station #2;

Tab F: \$3,087.10 and authorization for the Village Manager to enter into an agreement acceptable to the Village Attorney, if necessary, with High Tech Striping to resurface and restripe the West Municipal Parking Lot;

Tab G: \$21,390.00 in Beautification & Maintenance funds for Cardello Electric (low bidder) to replace 30 ballasts and 30 light fixtures, as they go bad, in the Date Palm lighting units on Collins Avenue;

Tab K: Execution of the Interlocal Agreement with Miami-Dade County, pending legal review, addressing the National Pollutant Discharge Elimination System;

Tab K1 (Item Added): \$1,740.00 for the Brickman Group, Ltd. To remove and grind the

stump for the remaining Buttonwood tree in the Gated Area at Bal Cross and Park Drive.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve the items on the Consent Agenda, except for Tabs D, H, and J. The motion carried (5-0).*

**Tab D – Motion Authorizing Execution of Agreement with Landscaping Associates, Inc. for Landscaping in the Gated Residential Section:**

The request was for authorization to execute the agreement with Landscape Associates for work in the Gated Residential Section. The bid was awarded at the June 2012 Council Meeting.

***Dina Cellini, 211 Bal Cross Drive***, spoke in favor of the landscaping agreement, but requested that the residents of the Gated Residential Section be indemnified. Mr. Weiss noted that the Village would have to ask the Contractor to do that. Assistant Mayor Blachar questioned if that would be necessary. Mr. Weiss pointed out that while the Contractor was required to have general liability insurance, there was no indemnity for the residents if they were sued by the Contractor, which wouldn't be likely (the Village would likely be the ones to be sued). Assistant Mayor Blachar suggested that Mr. Treppeda ask the Contractor and if they don't agree to indemnify the residents then it would have to go before the RAC (Gated Residential Section Advisory Committee) for direction. She clarified that the contract should be approved, subject to Mr. Treppeda receiving approval for the indemnity, and if approval is not received, then he is authorized to do what he sees fit, after a decision by the RAC.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve Tab D. The motion carried (5-0).*

**Tab H – Motion Approving Additional Trimming of Date Palms**

**along Collins Avenue:** The request was for approval of \$5,064.00 for the Brickman Group to perform additional trimming of the dates for 63 Medjool Date Palms, on Collins Avenue and 96<sup>th</sup> Street.

Councilman Packer proposed that the next contract include ongoing trimming of the dates, not just specifically twice a year. Mr. Treppeda will request that Brickman provide a cost to include removing the dates in the trees an unlimited number of times per year. Councilman Packer agreed, but requested that be done when the contract was up for renewal.

*A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to approve Tab H. The motion carried (5-0).*

**Tab J – Motion Approving Repairs to Trash Truck:** The request was for approval of \$7,000.00 for Petersen Industries to repair the trash truck.

***Brian Mulheren, 10245 Collins Avenue***, suggested that the work done by the truck be included in the Brickman contract, so the truck would not be needed. Mr. Treppeda pointed out that the Village would like to have some capability if a truck was needed. Mr. Mulheren noted that a truck could be rented or leased whenever necessary.

***Leonard Robinson, Public Works Director***, discussed the importance of the truck to assist with hurricane debris, etc. Mr. Treppeda appreciated Mr. Mulheren's comments, but

would only agree to doing so as long as the residents understood that the Village may not always be able to get a truck to rent, etc. Mr. Robinson estimated that the Village could use the current truck for another 10 years, if it was repaired.

**Nina Rudolph, 212 Bal Bay Drive**, spoke in favor of the truck, to pick up extra things to keep the Village beautiful.

**Neca Logan, 64 Camden Drive**, spoke in favor of keeping the truck, since a rented truck may not always be available.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve Tab J. The motion carried (5-0).*

**Motion Approving Expenditure of Police Forfeiture Funds:** The request was for approval of \$3,000.00 in federal forfeiture funds for Florida International University's ECO Academy Summer Camp.

**Jan Solomon, Florida International University Director of Development**, requested approval and explained the program. She noted that the money would provide eight scholarships for kids to attend the camp. She offered to place Bal Harbour's name and logo on FIU's Prestige Cultural Series.

Mr. Weiss requested a written recommendation from the Police Chief. Chief Hunker will provide the paperwork.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to add the item to the agenda. The motion carried (5-0).*

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve the added item. The motion carried (5-0).*

## **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:** Mrs. Horvath read the following Ordinance title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE I "IN GENERAL," SECTION 21-1 "DEFINITIONS AND RULES OF CONSTRUCTION" TO PROVIDE FOR A DEFINITION OF "PORTABLE STORAGE UNIT"; AMENDING ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," IN ORDER TO CREATE SECTION 21-364 "PORTABLE STORAGE UNITS" OF THE CODE OF ORDINANCES TO PROHIBIT THE PLACEMENT AND USE OF "PORTABLE STORAGE UNITS" WITHIN THE GATED RESIDENTIAL SECTION OF THE VILLAGE, AS SPECIFICALLY DEFINED IN THIS SECTION; PROVIDING FOR

**SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Rosenfield noted that the item was recommended for approval by the Local Planning Agency at the July 17, 2012 meeting.

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

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

Tab M was removed from the agenda at the beginning of the meeting.

**Resolutions/Public Hearings:** None.

**7. ORDINANCES FIRST READING/PUBLIC INPUT:** None.

**8. RESOLUTIONS:**

Tab N was removed from the agenda at the beginning of the meeting.

Mrs. Horvath read the following Resolution title:

**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.**

***Dina Cellini, 211 Bal Cross Drive***, noted that when the solid waste was assessed separately the Village was experiencing a revenue shortfall and was under the impression that the Council would reconsider absorbing the cost in the budget again, when the Village was doing better financially. She reminded the Council that the resolution would be for the upcoming year and was not a blanket statement that it would remain a separate assessment by the property tax appraiser.

Mr. Treppeda pointed out that 95% of the municipalities charged solid waste costs separately, which he recommended continuing to do. Ms. Cellini clarified that she was not suggesting that the millage rate or property tax be increased as a result, but to include the cost in the budget. She discussed the high contingency of \$800,000 and thought that there would be a place in the budget to absorb the cost. She was disappointed that the Village wasn't thinking about that. Mr. Treppeda clarified that he would never recommend that the Village put the cost for solid waste back into the millage rate.

*A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve the Resolution. The motion carried (5-0); thus becoming Resolution No. 2012-758.*

## **9. REPORTS:**

### **A. VILLAGE MANAGER:**

#### **Budget Report for Third Quarter (Fiscal Year 2011/2012)**

**Provided by Finance Director Christopher Wallace:** Mr. Wallace reviewed the update provided in the agenda.

***Ree Kelly, 77 Camden Drive,*** questioned the amount of savings in the budget for adherence to Florida Statute 316 (traffic control), since the Village would not be patrolling the Gated Residential Section. Mr. Treppeda clarified that the Village would be having police patrol in the residential area. Ms. Kelly spoke against the Village being able to do so, unless it was approved by 100% of the homeowners. Mr. Weiss clarified that the Attorney had been directed by the Council to look into the police being able to continue to patrol that area. He noted that if the Village couldn't find a way to do that, then the money would be saved. He added that until the Village could find a way that was defensible, it would not be providing the services in that area.

***Dina Cellini, 211 Bal Cross Drive,*** questioned the amount of reserves that were used to balance the budget for the current budget. Mr. Wallace reported that \$700,000.00 of reserves was used to balance the budget, but that \$700,000.00 had been set aside as an operating contingency. He reported that the contingency had not been used yet, so that may be used.

**Discussion and Approval of Proposed Millage Rate:** Mr. Wallace recommended that the rolled back rate of 2.2678 mills be used as the proposed millage rate for Fiscal Year 2012/2013. Mr. Treppeda noted that it was a reduction of 7.3%.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to approve a proposed millage rate of 2.2678 mills. The motion carried (5-0).*

### **B. VILLAGE CLERK:**

**Lobbyist Registration Report: As of July 17, 2012:** The list of Lobbyists registered with the Village was included in the agenda.

**Discussion of August Council Meeting:** The Council discussed whether or not to meet in August, pursuant to Village Charter Section 22.

*A motion was offered by Councilman Packer and seconded by Councilman Sanz to cancel the August Council Meeting. The motion carried (5-0).*

**Discussion of November 2012 Village Election:** Mayor Rosenfield reported that a Village Election would be held on November 6, 2012 for two of the Council seats. She reported that qualifying would be from August 13th through August 17th. She noted that those interested in serving on the Council must be a Village resident for at least one year. She explained that notification would be provided on Channel 77.

C. **VILLAGE ATTORNEY:** Mr. Weiss did not report on any items.

D. **MAYOR AND COUNCIL:**

**Discussion of Bus Shelters – Councilman Sanz:** Mr. Treppeda reported that the bus shelter permit had been pulled by the electrician, who would begin work once the rain stopped. He explained that the Federal Transit Authority needed to give final approval of the invitation to bid document, which was expected shortly. He noted that the bid would then be advertised. Mr. Treppeda noted that a lot of steps needed to be followed, in order to receive the federal funding.

***Brian Mulheren, 10245 Collins Avenue,*** questioned the delay on the shelters. Mr. Treppeda explained that they are waiting on the Federal Transit Agency and approval was expected any day.

Councilman Sanz clarified that the project would happen and the electrician would be working. He hoped that all the items would be done by the first week in August. Assistant Mayor Blachar recognized the efforts of Councilman Sanz in seeing that the project was done.

**Discussion of Bal Harbour Entrance Signs – Councilwoman Cohen:** Councilwoman Cohen discussed the need to enhance the Bal Harbour entrance signs. She presented a Powerpoint presentation showing the signs and examples of signs in other municipalities. Assistant Mayor Blachar discussed the thought to have the signs more similar to the tourism items. Councilwoman Cohen spoke in favor of a sign similar to the Village Hall sign, which was coral stone, and the thought to stay away from using anything with color.

***Nina Rudolph, 212 Bal Bay Drive,*** spoke in favor of nicer signs. She also spoke in favor of enhancing the center median to make it special, by enhancing the palms and other landscaping there. Councilman Packer agreed that the palms needed to be looked at.

***Dan Nieda, Building Official,*** suggested that the art proposals that were submitted a couple of years ago be looked at again. He suggested that the design/logo be coordinated with the Village letterhead.

Mayor Rosenfield noted that the logo designs submitted were not what the Village wanted. She suggested approaching the FIU (Florida International University) School of Architecture.

Councilwoman Cohen spoke in favor of the signs representing Bal Harbour, as an upscale community.

***It was the consensus of the Council to go to the FIU School of Architecture.***

Councilwoman Cohen suggested using a local architect. Mayor Rosenfield suggested that if the Council was not happy with suggestions by FIU then that could be done.

***Brian Mulheren, 10245 Collins Avenue,*** spoke in favor of repainting and adding lighting to the current signs, which he thought were more elegant than the other signs shown. He

agreed that the bushes in the center median needed to be shaped/trimmed more, or replaced. He also thought that the lighting should be replaced and enhanced.

Mr. Treppeda was directed to have a discussion with the Landscape Architect and Brickman, regarding the center median.

## **10. OTHER BUSINESS:**

### **Public Comment:**

**Dina Cellini, 211 Bal Cross Drive**, requested the identify of any new lobbyists for July. Mrs. Horvath reported that Howard J. Berlin had registered as a lobbyist for the Bal Harbour Shops. Ms. Cellini discussed the Village Lobbyist Ordinance and the possible ethics issues with Mr. Berlin, as a former Mayor, being registered as a lobbyist. Mr. Weiss explained that he had reviewed the Ordinance and the County Ethics Ordinance and reported that there wasn't anything wrong with Mr. Berlin being registered as a lobbyist now.

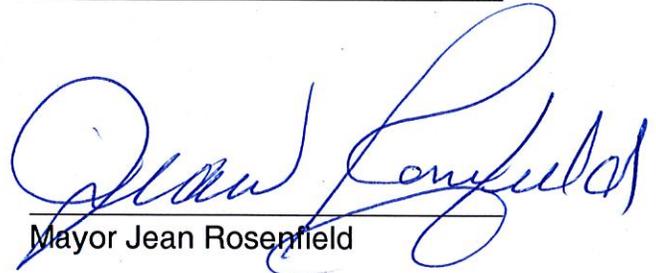
**Beth Berkowitz, 10160 Collins Avenue**, questioned the reason that the Ordinance for site plan review was removed from the agenda. Mayor Rosenfield explained that it was removed for further review.

**Doug Rudolph, 212 Bal Bay Drive**, thanked the Council and Village staff for their work.

Councilman Sanz agreed that the Village medians needed to be improved.

**11. ADJOURN:** There being no further business, a motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to adjourn. The motion carried (5-0) and the meeting was adjourned at 8:10 p.m.

Attest:



Mayor Jean Rosenfield



Ellisa L. Horvath, MMC, Village Clerk