

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES **REGULAR MEETING – OCTOBER 16, 2012**

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, October 16, 2012, 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 8:18 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 previously done at the General Employees Retirement Board Meeting.

Miami-Dade County Public Schools Assistant Superintendent Iraida Mendez-Cartaya: Assistant Superintendent Mendez-Cartaya reviewed a Powerpoint presentation. She requested support for the general obligation bond referendum, to benefit the schools, on the November 6th election ballot.

Steve Scheinman, 234 Bal Cross Drive, questioned what the State lottery had accomplished for the schools. Mayor Rosenfield suggested that the School Board be invited back to address that.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS:

Mr. Treppeda requested that the following item be added to the Consent Agenda: Motion approving funds for Southern Sewer Equipment to repair the street sweeper.

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

Mr. Treppeda requested that the Council substitute the distributed handout, for the one behind Tab B.

4. SPECIAL PRESENTATIONS:

Florida Representative Joseph A. “Joe” Gibbons: This item was discussed at the General Employees Retirement Board Meeting.

Miami-Dade County Public Schools Assistant Superintendent
Iraida Mendez-Cartaya: This item was discussed after the Pledge of Allegiance.

5. CONSENT AGENDA:

Councilman Packer requested discussion for Tab D.

Dina Cellini, 211 Bal Cross Drive, requested discussion for Tabs A and B.

Neil Alter, 9801 Collins Avenue, requested discussion for Tabs C and E.

Approval was requested for the following remaining items:

Tab F: \$17,690.00 (Beautification & Maintenance Fund) for 30 ballasts and 20 fixtures for the date palm lighting units from Cardello Electric;

Tab G: \$64,419.82 (Sewer Fund) for Kailas Contractors for utility adjustments at the end of the sewer force main to Miami Beach project;

Tab H: \$190,493.58 for emergency repairs to the water system by Kailas Contractors;

Tab I: \$15,982.23 for Change Order #2 for the Oceanfront Water Meter Replacement Project;

Tab J: Up to \$5,000.00 for Tinter Traffic, LLC to perform a traffic study for the proposed Consultatio project at the former Bal Harbour Club site;

Item Added: \$16,726.80 for Southern Sewer Equipment Sales to repair the street sweeper.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tabs F through J and the Added Item on the Consent Agenda. The motion carried (5-0).

Tab A – Motion Approving Expenditure of Police Forfeiture Funds: The request was for expenditure of forfeiture funds as follows: State (\$400.00 South Florida NOBLE and \$10,000.00 South Florida Crime Commission) and Federal (\$13,980.00 Code Red Emergency Communications Network).

Dina Cellini, 211 Bal Cross Drive, requested information on the Code Red program. Chief Hunker spoke in favor of approval and explained the process to notify residents of pertinent information. Ms. Cellini questioned if the residents had the option not to participate in the program. Mr. Treppeda noted that numbers could be removed. Chief Hunker agreed and noted that cell phone numbers could also be added. He further explained that the system notification would be via telephone, not email.

Neil Alter, 9801 Collins Avenue, requested the cost. Mr. Treppeda reported the cost to be \$13,980.00. Mr. Alter questioned the amount in the forfeiture reserves. Chief Hunker will have the auditor provide an amount, but noted that there was enough money to cover the requested expense.

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

Tab B – Motion Approving Amended Memorandum of Understanding with Glades County Sheriff’s Office: The request was for approval of the Memorandum of Understanding with Glades County Sheriff’s Office for the Glades-Bal Harbour (GBH) Task Force.

Dina Cellini, 211 Bal Cross Drive, questioned how the makeup of the task force would be affected by Police PBA (union) negotiations. Chief Hunker explained that the task force included two Village officers (union members) and two contract employees who were not union members or in the pension. He added that the four Glades County employees did not have anything to do with the Village PBA or pension.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve Tab B (the substituted agreement). The motion carried (5-0).

Tab C – Motion Approving Expenditure of Resort Tax Funds: The request was for approval of the following items recommended by the Resort Tax Committee:

\$14,545.00	United States Sales Action Plan for 2013
\$42,600.00	Brazilian Sales Action Plan for 2013
\$27,410.00	Argentinean/Chilean Sales Action Plan for 2013
\$29,470.00	Mexico Sales Action Plan for 2013
\$ 2,500.00	New York City Media Trip
\$ 2,500.00	Montreal Media Trip
\$35,500.00	International Luxury Travel Market (ILTM) Trade Show
\$16,500.00	POW WOW
\$15,000.00	Sales and Marketing Retreat
\$79,853.52	Movies on the Beach
\$20,000.00	Destination Fashion
\$50,000.00	Contribution to the Greater Miami Convention and Visitor’s Bureau

Contract Renewals for: Bal Harbour Marketing Representatives (LDPR, Suzanne Corbo, JGPR, Mara Franco, DLX, Marcia Chiota, Spoke Communications, and Janna Safanova), Unscripted Art Series Curator (Claire Breukel), and Bal Harbour Tourism Bus (Limousines of South Florida)

Neil Alter, 9801 Collins Avenue, questioned the amount of money in the Resort Tax fund.

Mr. Treppeda will provide Mr. Alter with the figures, after the meeting.

Carolyn Travis, Director of Tourism Marketing, reported that there was over \$2 million in fund balance.

Mayor Rosenfield invited the public to attend the Resort Tax Committee meetings.

A motion was offered by Councilman Sanz and seconded by Councilman Packer to approve Tab C. The motion carried (5-0).

Tab D – Motion Approving Recommendations of the Gated Residential Section Advisory Committee: The request was for approval of the following items recommended by the Gated Residential Section Advisory Committee:

\$7,690.00 for maintenance of trees in the Gated Section; and

Approve the Portable Storage Unit Ordinance at second reading, but change the definition of Portable Storage Unit by removing the word “enclosed” from the definition; and

Direct the Village Attorney to draft an Ordinance to prohibit playground and recreation equipment, except basketball hoops and backboards, from being permanently installed in or left overnight in the front yard of residences in the Gated Area from sundown until sunrise each day.

Councilman Packer noted that a number of residents had requested that the recommendations be discussed.

Yankee Andrusier, 150 Camden Drive, questioned why the playground equipment was an issue.

Assistant Mayor Blachar explained that the Committee had recommended the items listed. Councilwoman Cohen noted that the Committee determined the items that should be addressed behind the gates, which she didn't feel the Council should go against.

Mr. Andruiser didn't understand the urgency and added that there were a lot of young families in the Gated Section and some of them didn't have room in the back yard for playground equipment.

Assistant Mayor Blachar explained that this would let people know that they needed to leave room in the backyard, for the swing sets, etc., when they built their homes.

David Schottenstein, 70 Camden Drive, questioned if the Ordinance would force people to remove items that they already had. Mr. Weiss noted that would be up to the Council. Assistant Mayor Blachar noted that the Committee didn't address whether or not the Ordinance should be retroactive. Mr. Schottenstein understood if the Council wanted the Ordinance for the future, but requested that it not be retroactive.

Dan Nieda, Building Official, reported that there were no current regulations for swing sets, in the Village Code, that could be enforced.

Councilman Packer suggested that prior swing sets be grandfathered in.

Nina Rudolph, 212 Bal Bay Drive, suggested that the Ordinance go back to the Committee, to include more items. She spoke in favor of stricter regulations behind the gates.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve \$10,340.00 for Maintenance of Trees in the Gated Section. The motion carried (5-0).

The Council considered the request to approve the Ordinance for Portable Storage Units,

with the recommendation to remove the word "enclosed" in the definition. Mr. Weiss explained that the Council would be considering the Ordinance for second reading later in the agenda and could make that change then.

The Council considered the request to prepare an Ordinance prohibiting playground and recreation equipment, with some exceptions, in front yards.

Councilwoman Cohen discussed some of the lots having larger front yards with landscaping, so the items would not be visible. Assistant Mayor Blachar explained that the Committee had voted for the restriction for front yards, because the landscaping could die, etc. Councilman Packer agreed with Councilwoman Cohen that if it was properly hidden that would be okay.

The Council noted that the prior amount approved for Maintenance of Trees in the Gated Section for \$10,340.00 was incorrect and the proper amount should have been \$7,690.00.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to reconsider the vote for Maintenance of Trees in the Gated Section. The motion carried (5-0).

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve \$7,690.00 for Maintenance of the Trees in the Gated Section. The motion carried (5-0).

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to accept the Committee's recommendation to direct the Village Attorney to prepare an Ordinance addressing the playground and recreation equipment.

Assistant Mayor Blachar noted that the Committee would discuss at their next meeting, whether or not the Ordinance should be retroactive.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of Assistant Mayor Blachar's recommendation, to discuss the retroactive issue at the next Committee meeting. She spoke in favor of accepting the Committee's recommendation. She noted that the Committee did consider other items and the consensus of the Committee was that all recreational and playground equipment should be removed from the front lawn, after sundown.

Doug Rudolph, 212 Bal Bay Drive, spoke in favor of moving forward with an Ordinance.

Dan Holder, 24 Bal Bay Drive and RAC member, explained that the Committee included all of the items that it thought was appropriate and urged the Council to move forward with an Ordinance.

Councilwoman Cohen questioned if tennis courts were allowed in the front yard.

The motion carried (5-0).

Tab E – Motion Approving Amendment Three to Limousines of South Florida Agreement for Operation of Bal Harbour Circulator Bus: The request was to give authorization to the Village Manager to execute Amendment #3, to the agreement with Limousines of South Florida, for circulator bus service (for the Village bus).

Neil Alter, 9801 Collins Avenue, requested a cost and benefit analysis, since the bus was often empty. Mr. Treppeda reported that logs could be provided showing the ridership and explained that the bus was funded by CITT (sales tax), not taxpayer dollars.

Mr. Alter apologized that he thought that the item was for the tourism bus.

A motion was offered by Councilman Sanz and seconded by Councilman Packer to approve Tab E. The motion carried (5-0).

6. PUBLIC HEARINGS:

Quasi-Judicial Public Hearings:

Consideration of a Request from Joseph M. Imbesi – Flamingo Way Enterprises LLC (200 Bal Bay Drive – Yacht Basin, Bal Harbour, FL) for a new Bal Harbour Yacht Club Dock Master Building. Pursuant to Village Code Section 21-146.2, development of any new Private Recreation Facility or alteration, addition or modification to an existing Private Recreation Facility may only be permitted in accordance with a site plan (including a landscaping plan) approved by the Village Council, after a public hearing: Mr. Weiss explained the procedures for the quasi-judicial process. No disclosures were made by the Council. Those planning to speak at the hearing were sworn in by Mrs. Horvath.

Daniel Nieda, Building Official, reviewed his report, which is summarized as follows: The application is for a new 340 square foot dock master structure (one story), at the Bal Harbour Yacht Basin. The Applicant has agreed to file a waiver of plat for Tract "E" to establish the address of a proposed home at the same site as 183 Bal Bay Drive and to allow the rest of Tract "E" and the dock master structure to be designated as 200 Bal Bay Drive. The Architectural Review Board reviewed the item at their September 5, 2012 meeting and proposed that the structure be favorably considered with certain modifications. Those modifications include use a low-keyed design, drop the height back to 10 feet, delete the five foot continuous hedge (used as a buffer from the right-of-way) from the landscape plan since it would obscure views to the waterway, clad the building base with a keystone finish, and use sand set pavers for the master access road and entrances from Bal Bay Drive. Mr. Nieda recommended that the Application be favorably recommended to the Village Council as proposed.

Mr. Weiss requested that any approval include a condition. Tony Recio read the following condition into the record: no building permits for any new structure shall be permitted on the lot, until such time as the Land Exchange Agreement, previously approved by the Village Council, pursuant to Resolution Number 2012-754, is executed by the Owner and closing, as defined in the Agreement, has occurred.

Eduardo Calil, Architect – Calil Architects, reviewed the project. He explained that the current dock master structure did not have a bathroom and the new facility did.

Mayor Rosenfield opened the public hearing.

Joseph Imbesi – Flamingo Way Enterprises LLC, 200 Bal Bay Drive, discussed the

project's intent to beautify the area and the new location to provide the dock master with a clear view of the boats in the marina.

Mr. Recio read the condition again. Mr. Imbesi noted that the building had nothing to do with the land swap.

Assistant Mayor Blachar questioned why the Land Exchange Agreement had not been signed.

Mr. Imbesi explained that he wasn't originally aware of a re-platting process, for the house. He agreed to pay the Village's legal bills, as well as his own, but had since found out that the cost would be more than originally thought. He felt he was being taken advantage of, so he didn't want to go forward because of the situation. He explained that the dock master had relied on the Beach Club, for bathroom facilities. He noted that it was more important for the dock master to have a bathroom, than it was for him to build his house. He added that he didn't want to hold up the dock master building.

Mr. Imbesi continued that he wanted to proceed with the dock master building, but he had to change the address of the house, in order for the dock master building to use the 200 Bal Bay Drive address. He noted that he would sign the Agreement, before the next meeting, but he wanted to discuss the attorney fees and make sure that he understood the amount.

Mr. Weiss reported that Mr. Imbesi had approached the Village regarding a land swap. He added that the Village agreed to accommodate Mr. Imbesi, but didn't feel that the Village should be out any money. He explained that an estimate of how much the fees would be was not discussed, but they drafted and negotiated an agreement. He added that there were other fees including environmental, title, etc. He explained that the item was added to the March agenda and the Council approved the land swap, which included Mr. Imbesi paying the Village Attorney fees and costs. Mr. Weiss explained that his bill was 25% of what the firm normally billed a private client. He noted that they tried to accommodate Mr. Imbesi and he hadn't signed the Agreement, so he could walk away and the Village would be stuck with the fees incurred, as a result of the land swap. Mr. Weiss didn't understand why Mr. Imbesi would object to the condition, if he intended to sign the Agreement. He noted that if Mr. Imbesi didn't want to do the land swap, then the Village would be okay with it and deal with the pump station. He didn't think that it was an unreasonable condition to request that Mr. Imbesi sign the Agreement, before building on the property.

Mr. Imbesi thought that the language meant any other building other than the proposed dock master building. He noted that the Village's gate and wall to the Village pump station was on his property, so it was the Village's mistake. He noted that he has been cutting the grass and the Village had taken six to seven feet of his property. He clarified that the ingress/egress to the pump station was on his property, so the Village had to drive over his property, to access the pump station. He added that he was paying for the Village's mistake.

Assistant Mayor Blachar noted that Mr. Imbesi would benefit from the land swap, which would allow for a bigger house. She added that the Village didn't need to swap land and could move the wall and change the entrance/exit to the pump station.

Mr. Imbesi requested the opportunity to speak to Mr. Weiss about the attorney fees. Mr. Weiss noted that Mr. Imbesi had already agreed to pay the fees, which were reasonable.

He clarified that the Village hadn't done anything wrong, but tried to accommodate Mr. Imbesi. Mr. Weiss thought that it was a reasonable condition.

Mr. Imbesi spoke against the condition, since the building had nothing to do with the land swap.

Assistant Mayor Blachar spoke in favor of taking the Village Attorney's advice, to include the stated condition.

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

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve the item, with the condition as noted by the Attorney. The motion carried (5-0).

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: The following Ordinance was read, by title, by Mayor Rosenfield:

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.

Mr. Treppeda explained that the Gated Residential Section Advisory Committee had recommended that the word "enclosed" be removed from the definition.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the Ordinance, with the removal of the word "enclosed" in the definition.

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

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; and Mayor Rosenfield yes; thus becoming Ordinance No. 2012-564.

Ordinances First Reading/Public Hearings:

Mr. Weiss noted that the comments from the Local Planning Agency Meeting would be incorporated by reference, into the Council minutes, for the three Ordinances.

The following Ordinance was read, by title, by Mr. Weiss:

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; AMENDING SECTION 21-320 OF THE VILLAGE CODE TO CLARIFY THE APPLICABILITY OF COUNCIL REVIEW OF A TRAFFIC STUDY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilman Packer and seconded by Councilwoman Cohen to approve.

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

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; and Mayor Rosenfield yes.

Mr. Weiss noted that the word "may" would be changed to "shall" prior to second reading, which was recommended at the Local Planning Agency meeting.

The following Ordinance was read, by title, by Mayor Rosenfield:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING SECTION 21-316 OF THE VILLAGE CODE TO AMEND THE LIST OF USES AND SET FORTH PERMITTED AND CONDITIONAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve.

Mayor Rosenfield opened the public hearing.

Amy Huber – Shubin & Bass, Attorney for the Bal Harbour Shops, requested clarification on the recommendation at the Local Planning Agency meeting and that it would not allow an Apple (electronic) store of 10,000 square feet (which was allowed in the alternative version).

Mayor Rosenfield agreed that the original version, not the alternative version, was recommended for approval by the Local Planning Agency. She clarified that a large electronic store could be allowed, but would have to go through a review process.

Councilman Packer didn't think that the Council should determine that a 10,000 square foot store could or couldn't be put in the Shops. He spoke against limiting someone in the Business District.

Mr. Recio explained that the Local Planning Agency had recommended that the original Ordinance be approved that electronic stores of 2,000 square feet be allowed, as a permitted use, and anything over that square footage would go through a site plan review process. He reviewed the alternative language provided, which would allow an electronic store up to 10,000 square feet, as a permitted use, provided that it wasn't located closer

than 1,000 feet to an existing electronic store.

Matthew Lazenby, Bal Harbour Shops, requested a more liberal Ordinance and explained that certain retailers wouldn't want to divulge their plans ahead of time, so the review process required for a larger electronic store would interfere with that and discourage them from coming to the Shops.

Beth Berkowitz, 10160 Collins Avenue, spoke against approval of a large electronic store, due to its large impact to the residents and traffic.

Steve Greenberg, 9800 Collins Avenue, discussed concerns regarding increased traffic, decreased property values, increased crowds, and overnight waiting for a new electronic release, etc.

Councilman Packer didn't think that the Shops would jeopardize their reputation or ruin their other stores, by overshadowing them with one particular retailer. He spoke in favor of giving some sort of freedom to a retailer and not to have so many restrictions of the items inside their walls, to a certain extent.

Assistant Mayor Blachar voiced concern for the residents, increased crowds, increased noise, increased traffic, and the need for increased security. She requested additional public input. She clarified that the Village was not saying that it wasn't allowed, but was providing a review process for those types of stores. She spoke in favor of approving the original Ordinance, as recommended by the Local Planning Agency.

Councilman Sanz agreed that the Village was not saying it wasn't allowed, but wanted it to go through a process. He noted that they wanted the Shops to be successful, but needed to think about the residents.

Councilman Packer spoke against the Village having so much input, on the stores inside the walls of the Shops.

Dr. Abraham Gotman, 9601 Collins Avenue, questioned how the Shops would allow that electronic retailer at the Shops, since that store was already at the Aventura Mall. He explained that the Shops had allowed a lot of their stores to leave, because they weren't allowed to have another store nearby. He spoke against the Village becoming a metropolis.

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

Assistant Mayor Blachar was more concerned with the impact on the Village residents than the livelihood of the Shops. She clarified that the Ordinance was about what was and wasn't allowed at the Shops and the process they should go through. She suggested that Councilman Packer review the Ordinance again and consider the implications and the impacts to the Village.

Councilman Packer thought that Assistant Mayor Blachar was against progress and the comments were in response to the Shops expansion. Assistant Mayor Blachar disagreed that she was against progress or the expansion.

Mayor Rosenfield was not opposed to a large electronic store, but didn't want huge crowds from a technology release. She pointed out that the traffic was not increased due to Bal

Harbour, but was from surrounding areas. She would like additional public input and spoke in favor of voting for the original Ordinance (not the alternative version).

Councilman Sanz agreed that the Council was not against it, but wanted additional public input and discussion.

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; and Mayor Rosenfield yes.

The following Ordinance was read, by title, by Mayor Rosenfield:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," AMENDING ARTICLE I "IN GENERAL" SECTION 21-1 "DEFINITIONS" REGARDING DEFINITIONS OF PERMITTED USES LISTED IN THE ZONING DISTRICT REGULATIONS; AMENDING ARTICLE III "DISTRICT REGULATIONS" DIVISION 10 "OF OCEAN FRONT DISTRICT," SECTION 21-281 "PERMITTED USES" AND SECTION 21-299 "PD PLANNED DEVELOPMENT DISTRICT" OF THE CODE OF ORDINANCES IN ORDER TO AMEND THE PERMITTED USES WITHIN THESE DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Weiss explained that changes would be made, in accordance with the Local Planning Agency recommendations, prior to second reading.

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

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

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; and Mayor Rosenfield yes.

Resolutions/Public Hearings: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: None.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Budget Report for Fourth Quarter (Fiscal Year 2011/2012)
Provided by Finance Director Christopher Wallace: Mr. Wallace reviewed the report provided in the agenda.

Request for Approval of Proposal for Village Engineer to

Prepare Utility Infrastructure Evaluation and Master Plan for Water/Sewage/Drainage – Greg Jeffries, Craig A. Smith & Associates: Greg Jeffries, CAS & Associates, reviewed the proposal from CAS, for the Utility Infrastructure Evaluation and Master Plan for the water, sewer, and drainage improvements, including roadway restoration. The proposal cost was \$85,775.00, to be divided equally between the water/sewer fund and the general fund.

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

Mr. Jeffries clarified that the streets in the Gated Section would be repaved, as an incidental part of the process of the project, so the residents in the Gated Section would not pay for that.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of October 16, 2012:

The list of Lobbyists registered with the Village was included in the agenda.

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

D. MAYOR AND COUNCIL:

Discussion of Bus Shelters – Councilman Sanz:

Councilman Sanz requested an update on the bus shelter project. Mr. Treppeda reported that the Village was working with the low bidder, for the bus shelters. He recommended that, due to the holiday season and the public art project, the shelters be started in January 2013. **It was the consensus of the Council to start the project in January 2013.**

Councilman Sanz commended Carolyn Travis, Director of Tourism Marketing, on the art project.

Mayor Rosenfield reported that the art installation for the public art project would be done on Thursday.

Councilman Packer reported that the SunTrust Bank site was for sale. He requested that the Council direct the Village Attorney and Village Manager to see if the site could be acquired by the Village. He suggested the site for Village Hall. He reported that Mr. Whitman had already made a bid on the site.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to instruct the Village Attorney and Village Manager to proceed to see if the SunTrust property could be acquired. The motion carried (5-0).

Mr. Weiss requested direction from the Council on how serious it was regarding the SunTrust site, since Mr. Whitman had already made a bid. He will look into it and request Council authorization, to make a specific offer on the property.

Councilman Packer discussed the need for more Village property.

Councilwoman Cohen noted that if the Village didn't acquire the property, then there wasn't

much that restricted what could be done on that property.

Mr. Weiss requested that the Council consider the public process that it would want to follow, before acquiring the SunTrust property.

The Council discussed eminent domain.

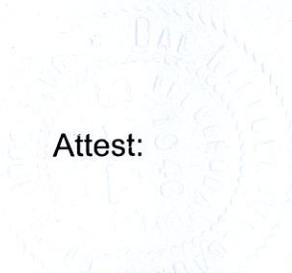
10. OTHER BUSINESS:

Public Comment:

Dan Holder, 24 Bal Bay Drive, requested that Village staff speak to the St. Regis and other oceanfront condominiums about putting/leaving their beach chairs in the surf or too close to the shore, preventing people from being able to walk by. Mr. Treppeda will speak to the St. Regis and the other buildings. He noted that the beach would be larger, after the renourishment project.

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 10:54 p.m.*

Attest:



Ellisa L. Horvath, MMC, Village Clerk
Mayor Jean Rosenfield