

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – FEBRUARY 21, 2006

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, February 21, 2006, at the Sea View Hotel (9909 Collins Avenue, Bal Harbour, Florida). The meeting was called to order at 9:11 a.m. by Mayor Roth. Those present were:

Mayor Seymour "Sy" Roth
 Assistant Mayor Howard J. Berlin
 Councilman Joel S. Jacobi
 Councilman Jean Rosenfield
 Councilman Jaime M. Sanz

Also present:

Alfred J. Treppeda, Village Manager
 Ellisa Horvath, CMC, Village Clerk
 Andrea Greenblatt, Administrative Assistant
 Stephen J. Helfman, Village Attorney
 Richard J. Weiss, Village Attorney

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

2. PLEDGE OF ALLEGIANCE: The Pledge was done at the Local Planning Agency meeting.

3. APPROVAL OF MINUTES:

A motion was offered by Councilman Jacobi and seconded by Councilman Sanz to approve the minutes of the December 20, 2005 Regular Council Meeting. The motion carried unanimously (5-0).

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve the minutes of the January 5, 2006 Special Council Meeting and the January 17, 2006 Regular Council Meeting. The motion carried unanimously (5-0).

4. PRESENTATIONS:

EMPLOYEE OF THE MONTH – JANUARY 2006: Public Service Aide Edward Akelaitis was presented with a plaque as the Employee of the Month for January 2006, in recognition of his efforts in dealing with a disturbed resident and relaying pertinent information to officers.

5. QUASI-JUDICIAL PUBLIC HEARING:

ORDINANCE SECOND READING/PUBLIC HEARING:

Mr. Helfman read the quasi-judicial announcement from the agenda and explained the procedure.

No ex-parte disclosures were noted by the Council.

Those planning to speak at the hearing were sworn in by Mrs. Horvath.

Mrs. Horvath read the following ordinance, by title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 9701 COLLINS AVENUE, BAL HARBOUR, FLORIDA, FROM OF (OCEAN FRONT) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield for discussion purposes.

Village Staff presented a summary of the application and their recommendations as follows:

Daniel Nieda, Building Official, read pages 11-13 (Executive Summary) of his report dated December 20, 2006, which is summarized as follows:

1. **Building Official's Report:** The Architectural Review Board has unanimously endorsed the Building Official's recommendation to approve the PD application.
2. **Comprehensive Plan:** The report prepared by Michael Miller Planning Associates, Inc. supports the petition to allow the rezoning of the Sheraton property from the OF Ocean Front District, to a PD Planned Development Zoning District.
3. **Traffic Volume Studies:** Tinter and Associates concurs with the traffic reduction findings documented in the traffic study prepared by the Applicant's traffic expert (Transportation Analysis Professionals, Inc.). The conclusion is that the proposed design will reduce traffic volumes. Mr. Tinter recommends that a signalization study be done to adjust the traffic signal at the entrance to the site, to reflect the new traffic flow patterns.
4. **Utility and Civil Engineering Design:** Craig A. Smith & Associates reports that the capacity for potable water supply, wastewater and solid waste disposal is sufficient for the St. Regis development. Craig A. Smith & Associates recommends upsizing and replacing certain water mains for fire flow and normal use. A utility easement must be established as part of the Development Agreement.
5. **Development Agreement:** Merrett Stierheim has been retained to assist the Village Manager in formulating the Development Agreement. Items for consideration include:
 - Provide 100% valet parking and assign tandem parking to specific condo units
 - Study traffic and upgrades for signalization at entrance to site
 - Create a utility easement along Collins Avenue and costs associated with upgrade water and wastewater transmission lines
 - Agreement to transplant plant material from the site onto the Beach Access Path. Requires DEP approval.

Michael Miller, Village Planner, reviewed his report. He noted that the proposed project is below the density allowed and complies with all the new land development regulations. Mr.

Miller compared the proposed project to the adjoining properties showing less density and less FAR. The building width would be 75% of the lot width (Majestic is 58% and Balmoral is 88%). He determined that the project is less intensive than the neighbors. Mr. Miller discussed the concurrency issues and summarized that the number of vehicular trips will be reduced. He noted that potable water and wastewater are found to be available, with some upgrades to certain pipes and pump sizes. Mr. Miller advised that staff reviewed the park/recreation issue and explained that the proposed Development Agreement includes a fee for the Village that exceeds what the County would require, for park impact fees. Mr. Miller reviewed the calculations for the park/recreation land. He noted that since the Comprehensive Plan was adopted, the Village has built two new parks (on the former water tower site and the former Public Works Director house) and based on that, there is enough land to serve the residents, with a surplus. Mr. Miller noted that he and Mr. Stierheim met with the following Miami-Dade County Officials: Dr. Barbara Falsey – Parks and Recreation Department Director, Randy Koper – Parks and Recreation Department, and Helen Brown – Planning and Zoning Department Senior Planner to review the calculations of park land. He reported that the County feels comfortable that the Village's adopted Plan and the lands calculated are credible. He noted that the Comprehensive Plan was adopted and found to be consistent with State law, by the Florida Department of Community Affairs. Mr. Miller explained that the County has changed the credit system over the years, but are convinced that the calculations and the park acreage are consistent with the Comprehensive Plan, which was fine with the County.

Merrett Stierheim, Village Consultant, could not find legitimate adverse problems caused by the project to the Village or its residents. He noted that the only issue is that some residents that use the Sheraton may not use the St. Regis (it's smaller and more expensive). Mr. Stierheim thinks that the project has been carefully designed. He discussed the significant financial implications of the project for the Village and reviewed his report. He discussed the following items covered in the Development Agreement:

- Payment of \$12,150,000.00 over the 3-year construction period;
- Ad valorem property taxes will never be less than the existing during the construction period and the value may increase;
- Payment of \$5.4 million in general fund revenue for resort tax funds lost during the construction period (revenue will not be less than the existing resort tax revenue and will increase 5% per year);
- Resort taxes for the St. Regis may be less (hotel is smaller, but room rates and food/beverage will be higher);
- Ad valorem revenue for the St. Regis is estimated to be from \$2.3-\$2.7 million (Bal Harbour's total current ad valorem revenue is \$5,131,000.00);
- Payment of \$6.75 million (includes inspection costs and utility tax revenue);
- Beautify public beach frontage or pay the Village \$250,000.00 for the Village to do so.

Mr. Stierheim noted that the Developer has also offered the Majestic and Balmoral \$2.5 million (\$1.25 million each) for inconvenience, etc. He discussed traffic and advised that there will be more parking spaces, less vehicles, less traffic movements, and less valet/pedestrian traffic. Mr. Stierheim advised that 100% occupancy for the condominiums was used for the traffic study, but he thinks the occupancy will be 30%-40%. He summarized that the project is to the Village's advantage. Mr. Stierheim reviewed the

design of the buildings and the landscaping.

Mr. Stierheim forwarded questions raised by Dina Cellini to Mr. Miller for. He advised that when the Village did the Concurrency Management System in November 1990, the County was using 50% private land for the calculation of park land. He reported that the Department of Community Affairs approved the Village's Plan and the County didn't object. He noted that the park land outlined in Mr. Miller's calculations was platted park in the 1940s. Mr. Stierheim is satisfied that the Council has all the facts and has confidence in what Mr. Miller has presented and recommended.

Mr. Stierheim discussed the residents using the project. He noted that the Planner has recommended that the Development Agreement address the issue of 3.1 acres of non-structured (3 swimming pools, landscaped area, etc.) areas that would be included in the calculation of private land, so the Village will be assured that land will be in perpetuity.

Carter McDowell, Bilzin Sumberg Baena Price & Axelrod - 200 South Biscayne Boulevard, representing the Applicant, noted that Mr. Stierheim's meeting with the Applicant was at a public meeting at Village Hall, which was noticed. He advised that they have submitted an executed agreement to the Village for approval. Mr. McDowell apologized for placing signage on the property that wasn't approved and noted that has been removed.

Mr. McDowell discussed the outstanding issues. He advised that Bal Harbour residents will have access to the property (restaurants, lobby lounge, signature wine bar, spa, meeting & banquet facilities) and will be provided with the Starwood Preferred Guest promotions and status points for all the Starwood properties, including the one in Bal Harbour. He noted that access to the pool and fitness facilities are not included, unless the resident is a hotel guest.

Mr. McDowell discussed preserving the park and open space on the site, which is included in the Development Agreement and is a covenant that runs with the land. He agreed to add language to the Agreement, but thinks that's already covered in it. Mr. McDowell noted that Mr. Olmedillo has reviewed Mr. Miller's work and concludes that Mr. Miller's analysis is correct.

Guillermo Olmedillo, 330 Greco Avenue #108 Coral Gables, Florida, on behalf of the Applicant, discussed his qualifications. Mr. Olmedillo concurs with Mr. Miller's latest report and noted that there is an ample supply of park and open space land.

Mayor Roth opened the public hearing.

The following spoke in favor of the application:

Neil Alter, resident – Balmoral Condominium, supports the project and is looking forward to a five-star hotel and lower taxes.

Stanley Whitman, Bal Harbour Shops, endorses the project that he thinks will reduce traffic, density, etc. and replace an aged beauty.

Nicole Grendamal, resident – Balmoral Condominium, thinks it's a beautiful hotel that

will be a nice neighbor.

Harry Stein, resident – Balmoral Condominium, thinks it's a good project that is a gift to the Village.

Enrique Daniel, resident – Balmoral Condominium #9G, supports the current project.

Dr. Jordan Cohen, resident – Balmoral Condominium, complimented the Village on the process and including the residents. He thinks it's a pretty project that will greatly benefit the Village and residents. Dr. Cohen strongly endorses the project.

Alvarro, resident – 290 Bal Bay Drive, is in favor of the project and thinks it's good for the Village.

The following spoke in opposition of the application:

Marjorie Schell, resident – Balmoral Condominium PH#17, is not against the project, but would like the center structure closer to Collins Avenue, instead of the ocean. She is concerned about water entering the subterranean garage and the lack of planting, to protect the property from the ocean.

Dina Cellini, resident – 211 Bal Cross Drive, doesn't think the meeting between Mr. Stierheim and the Applicant was properly noticed. She discussed her meeting with Helen Brown and Randy Koper (Miami-Dade County). She noted that Kevin Asher was sent by Barbara Falsey (Miami-Dade County) to attend the last Council meeting and questioned why he didn't attend the meeting with Mr. Miller and Mr. Stierheim. She discussed Mr. Miller's February 14th Memo, indicating that the Village never adopted subsequent modifications to the CMS, to include all of the qualifiers listed. Ms. Cellini submitted Bal Harbour Ordinance 356 (adopted November 13, 1990) and reviewed page 11. She noted that the Council adopted Administrative Order 4-85, as it may be amended from time to time. She indicated that that Mr. Miller's report regarding that is incorrect. Ms. Cellini also submitted a letter she sent to Mr. Stierheim, dated January 26, 2006.

Brian Mulheren, resident – 10245 Collins Avenue, would like an independent person to review the park land issue. He doesn't know how the Village can approve something before the Department of Environmental Protection does (to build on the coast line). He discussed traffic, fire protection, and EMS issues. He discussed the State hiring a consultant to review the traffic problem. He discussed construction issues at the Related Harbour House project. Mr. Mulheren suggested that the other buildings in the Village also receive something.

Melissa Ambernack, Clean Condos – 1680 Michigan, noted that they are concerned with the Village using the population from the 2000 Census, for the calculations for open space. They recommend that the Council review the wind impact study and plans for the beach path, before approving the project.

Charles Ilvento, resident – 10205 Collins Avenue, is not against the project, but is against the setbacks. He suggested a minimum 50-foot setback on each side, the ability to go higher, and more hotel units. Mr. Ilvento thinks that the following issues should be addressed: the traffic in-season (morning and night) and the emergency impact on the community (for hurricanes, etc.). He is concerned about the subterranean garage and

having to move cars after a heavy rain, due to flooding. Mr. Ilvento hopes that the project moves forward and requested consideration of the increased setback issue.

Mayor Roth opened the meeting to public discussion on the issue.

Dr. Michael Krop, resident – 9601 Collins Avenue and President of the Citizens' Coalition of Bal Harbour, noted that the Coalition is probably for the project, but would like to see some changes (setback, height). He discussed Mr. Whitman's plans for a high-rise hotel and a catering hall, which would increase traffic and people. Dr. Krop advised that the Coalition is more pleased with the Development Agreement for the project than the one for the One Bal Harbour project. He suggested that the Village consider purchasing the Church property, if it's for sale, to create a park or other facility, and not sell the Village Hall property.

Analisa Duncan, resident – Carlton Terrace and Church by the Sea Board Member, noted that the Church is not for sale.

Resident and President of the Hispanic Church at the Church by the Sea, noted that the Church is not for sale.

Mayor Roth closed the public hearing.

Mr. Stierheim explained to Ms. Cellini that Barbara Falsey decided who to bring to the meeting and that Mr. Asher works for Dr. Falsey. He noted for the record that he has no conflict and his integrity is sacred. Mr. Stierheim is against the implication that there is some collusion between him and Mr. Olmedillo, because there were no discussions with him on this issue. Mr. Stierheim doesn't anticipate a problem with the coastal development line, because it's less than every other building on the coast. He noted that if the State denies that, then it wouldn't go forward. Mr. Stierheim discussed fire protection and explained that the Development Agreement provides that the Fire Marshal has to approve the project. He discussed traffic and advised that studies by the Developer and the Village concur that there will be less traffic. Mr. Stierheim pointed out that the studies used a 100% occupancy for the calculations, which he thinks is more than what the occupancy will be (hotel will be 85% at most).

Mr. Nieda discussed his qualifications and responsibilities. He noted that it's his duty to protect the public welfare. He discussed inappropriate comments made regarding bribery and safety issues.

Mayor Roth noted that he voted against the project at the last meeting, not because he was opposed to the project, but due to the concurrency and the park/open space issue. He doesn't agree with using a formula that 50 percent of private property can be used as park land, but understands that it can be used. Mayor Roth has confidence in Mr. Stierheim and Mr. Miller that the plans meet the criteria. Mayor Roth is in favor of the project.

Councilman Rosenfield clarified that neither she nor Councilman Sanz were on the Council when the One Bal Harbour project was approved. She noted that Dr. Falsey advised that she was not aware of Mr. Asher attending the January Council meeting, to discuss park land. Councilman Rosenfield thanked Mr. Stierheim for his role in the process.

Mayor Roth discussed the Development Agreement for the One Bal Harbour project.

Assistant Mayor Berlin thanked Mr. Stierheim, Mr. Nieda, Mr. Miller, Mr. Treppeda, the Village Attorneys, the Applicant, and members of the public, for their input to the process. He thinks that will result in a great project for the community.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve. The motion carried unanimously, with the roll call vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye; thus becoming Ordinance Number 504.

The meeting was temporarily adjourned at 10:55 a.m. The meeting was reconvened at 11:02 a.m. The following were in attendance:

Mayor Seymour "Sy" Roth
Assistant Mayor Howard J. Berlin
Councilman Joel S. Jacobi
Councilman Jean Rosenfield
Councilman Jaime M. Sanz

Also present:

Alfred J. Treppeda, Village Manager
Ellisa Horvath, CMC, Village Clerk
Andrea Greenblatt, Administrative Assistant
Stephen J. Helfman, Village Attorney
Richard J. Weiss, Village Attorney

6. ORDINANCES SECOND READING/PUBLIC HEARING: Mrs. Horvath read the following ordinance, by title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 13 "PENSIONS AND RETIREMENT BENEFITS," SECTION 13-28 "RETIREMENT DATES AND RETIREMENT BENEFITS" BY PROVIDING THE VILLAGE MANAGER AND CERTAIN DUAL SERVICE EMPLOYEES A 2.5% ANNUAL COST OF LIVING ADJUSTMENT ("COLA"); BY AMENDING SECTION 13-42 "RETIREMENT DATES AND RETIREMENT BENEFITS" TO PROVIDE TO CERTAIN RETIRED POLICE OFFICER PARTICIPANTS A 2.5% ANNUAL COLA; BY AMENDING SECTION 13-46 "CONTRIBUTIONS" TO INCREASE THE PARTICIPANTS' CONTRIBUTION RATE TO 8% OF COMPENSATION; AND BY AMENDING SECTION 13-53 "DEFERRED RETIREMENT OPTION PLAN (DROP)" TO INCREASE PARTICIPATION PERIOD IN THE DROP FROM THREE TO FIVE YEARS AND TO PROVIDE DROP PARTICIPANTS WITH AN ELECTION REGARDING THEIR DROP ACCOUNT EARNINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to approve. The motion carried unanimously, with the roll call vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye;

thus becoming Ordinance Number 505.

7. ORDINANCES FIRST READING:

Mrs. Horvath read the following ordinance by title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION" BY CREATING SECTION 2-90 "OPTIONAL GROUP HEALTH INSURANCE PLAN"; PROVIDING COMPENSATION TO EMPLOYEES WHO WITHDRAW FROM PARTICIPATION IN THE VILLAGE GROUP HEALTH INSURANCE PLAN IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE VILLAGE'S THEN PREVAILING COST OF PROVIDING HEALTH INSURANCE COVERAGE TO AN INDIVIDUAL EMPLOYEE; PROVIDING FOR APPLICABILITY TO FUTURE MEMBERS OF COUNCIL; PROVIDING THAT THIS SECTION NOT BE APPLIED IN A MANNER CONTRARY TO CHAPTER 42 OF THE CODE OF FEDERAL REGULATIONS, SECTION 411.103; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

Mr. Treppeda explained the ability for employees to receive insurance coverage through a spouse, for less than covering dependents on the Village's plan. He reported that this offers the opportunity for employees to be reimbursed for that coverage. He noted that this would also entitle future Councilmembers to do the same.

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

Assistant Mayor Berlin discussed the elected official provision. He is against an improvement in benefits for the Council in this Ordinance, since he views it as a raise behind the scenes. Assistant Mayor Berlin, Mayor Roth, and Councilman Rosenfield currently do not have the Village's insurance. Assistant Mayor Berlin is okay with the provision for the employees of the Village, but doesn't think Councilmembers should be included in the cash option, unless it is addressed differently, with a special ordinance for them.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to amend the Ordinance, to delete any provisions dealing with Elected Officials. The motion carried with the roll call vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve the Ordinance as amended. The motion carried with the roll call vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye.

Mrs. Horvath read the following ordinance by title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 13 "PENSIONS AND RETIREMENT BENEFITS," SECTION 13-28 "RETIREMENT DATES AND RETIREMENT BENEFITS" BY LOWERING THE NORMAL RETIREMENT REQUIREMENTS BY 5 YEARS FOR EACH ELIGIBILITY CRITERION AND PROVIDING CERTAIN

RETIRED PARTICIPANTS A 2.5% ANNUAL COST OF LIVING ADJUSTMENT; AND BY AMENDING SECTION 13-32 "CONTRIBUTIONS" TO INCREASE EACH PARTICIPANT'S CONTRIBUTION RATE TO 6% OF HIS/HER COMPENSATION AFTER THE FIRST FULL PAY PERIOD FOLLOWING ADOPTION OF THIS ORDINANCE ON SECOND READING THROUGH SEPTEMBER 30, 2006, TO 7% FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007, AND TO 8% ON OCTOBER 1, 2007 AND THEREAFTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield for discussion purposes.

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

John McCann, Gabriel Roeder Smith - Performance Monitor for the General Employees Pension Fund, reviewed the Executive Summary dated December 31, 2005. He noted that there were no serious issues on the Compliance Report and explained that the word "policy" is used as a benchmark for the fund. Assistant Mayor Berlin pointed out that the target of 8% and the benchmark were not met. He reviewed page 4 and noted that the fund is paying for the investments to be managed by Northern Trust, which did worse than the index fund.

Mr. McCann believes the fee for Northern Trust is 55-60 basis points. Assistant Mayor Berlin noted that the plan is up 35 basis points, but is paying 55+ basis points. Mr. McCann reviewed the risk/reward graphs and noted that the fund is drifting into the aggressive quadrant. He reported that the Board needs to decide if Northern Trust is taking too much risk. Mr. McCann reviewed page 12 showing the equities at 17% higher than the standard policy. He reviewed page 13 and noted that Northern Trust received 16 more basis points than expected, for the amount of risk taken. He reported that the fund is 41.75% higher than the policy for the quarter. Mr. McCann discussed the Investment Policy Guidelines.

Chris Wallace, Finance Director, noted that the current investment policy is 65%-35%, with the maximum equity exposure at 65%. He reported that Northern Trust was advised that in November and December they exceeded the 65%, which was due to a large withdrawal for a lump sum distribution to a retired employee. He explained that Northern Trust is liquidating investments for that and are coming back down.

Mr. McCann advised that the decision is whether to pay fees to a manager or go indexing. Assistant Mayor Berlin noted that the fund is currently paying for a negative performance. He reviewed that if the Actuaries are using a policy of 8% in calculating an adequate balance for the fund and the fund is performing at 4% over a five year period, then the target is not met and the plan will be underfunded. He discussed the proposed benefit increases and how that will be paid for. He questioned if the Actuary considered the drop of funding performance, when the percentage of contribution needed was calculated. He noted that the Village has to contribute \$125,000 to keep the current plan even, without adopting the proposed changes. He doesn't agree with failing to meet the policy and thinks that an ordinance to increase benefits is a recipe for disaster. Assistant Mayor Berlin requested that Northern Trust address the Board and explain why the fund is paying for active management and getting inferior performance. He will approve the ordinance on first

reading, but wants Mr. Rizzo and Northern Trust to attend the next meeting and give assurances that the fund will be okay, with the proposed changes and the funding suggested.

Mr. McCann discussed the separation of the performance monitors from Gabriel Roeder Smith & Company. He explained that they are now GRS Asset Consulting Group, Inc. and the Board needs to approve the change, since they are a different entity (there's no legal relationship). Mr. McCann noted that the fees will be the same. Approval of the change will be placed on the next agenda. Assistant Mayor Berlin questioned if that has to go out to bid. Mr. Weiss will look into that, since it's a different entity. Assistant Mayor Berlin requested that Mr. McCann attend the next meeting. He also requested that future reports be in layman's language, with the good/bad news in bold/capital print.

A motion was offered by Assistant Mayor Berlin and seconded by Councilman Sanz to approve on first reading, with the concerns to be addressed. The motion carried with the roll call vote as follows: Mayor Roth aye; Assistant Mayor Berlin aye; Councilman Jacobi aye; Councilman Rosenfield aye; Councilman Sanz aye.

8. RESOLUTIONS/PUBLIC HEARINGS: None.

9. RESOLUTIONS: None.

10. LOBBYIST REGISTRATION REPORT – AS OF FEBRUARY 17, 2006: Mrs. Horvath reported that the following lobbyists are currently registered with Bal Harbour Village:

Stanley F. Whitman	Bal Harbour Shops, Ltd.
Cliff Schulman Greenberg Traurig, P.A.	Bal Harbour Shops
Mario Garcia-Serra Greenberg Traurig, P.A.	Bal Harbour Shops
Gary A. Poliakoff Becker & Poliakoff, P.A.	The Balmoral Condominium Association, Inc.
Keith M. Poliakoff Becker & Poliakoff, P.A.	Majestic Tower at Bal Harbour Condominium Association, Inc.
Carter N. McDowell Bilzin Sumberg Baena Price & Axelrod LLP	Sheraton Bal Harbour Joint Venture
Robert L. Krawcheck Bilzin Sumberg Baena Price & Axelrod LLP	Sheraton Bal Harbour Joint Venture
Michael Patrizio	WCI Communities
David Hart	WCI Communities
Steve Sorensen	WCI Communities

Mrs. Horvath reported that as of February 21, 2006, Guillermo Olmedillo for the Sheraton Joint Venture has been registered.

11. REPORTS AND RECOMMENDATIONS:

A. MAYOR AND COUNCIL:

B. VILLAGE ATTORNEY:

Verbal Report of Village Attorney on Status of Charter Amendment Petition Concerning Development of Properties: Mr. Weiss reported on the petition filed, seeking to place a measure on the ballot. He advised that due to recent case law and Florida Statutes, the petition that was filed is not legally sufficient to go on the ballot or the agenda.

Dina Cellini, resident – 211 Bal Cross Drive, advised that Mr. Gibbs sent a letter to Mr. Weiss noting that the Coalition is withdrawing the petition and are redrafting it. She advised that if the Council doesn't place the petition on the ballot for a special election itself, then the Coalition intends to re-circulate a new petition to force a special election.

C. VILLAGE MANAGER:

Request for Approval of Resort Tax Committee Recommendations: Mr. Treppeda reviewed the following list of recommendations that were unanimously approved by the Resort Tax Committee at the February 9, 2006 meeting, which are budgeted items:

1.)	Ocean Drive Advertorial Production	\$ 4,200.00
2.)	Sea View Hotel Travel Agent Educational Familiarization Tour II	\$ 7,700.00
3.)	Tourism Sales Mission to Boston	\$ 1,500.00
4.)	Ocean Drive Magazine Marketing Trade/ Sponsorship of Annual Gala in Bal Harbour	\$ 15,000.00

TOTAL: **\$28,400.00**

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

Re-Appointment of Lois Evans to the Bal Harbour Village Police Officers' Pension Plan Board: Mr. Treppeda reported that Ms. Evans is the fifth member of the Board, selected by the other four members and appointed by the Council.

Brian Mulheren, resident – 10245 Collins Avenue, questioned if the fifth member is required to be a Village resident.

Detective Paul Deitado, Police Pension Board Trustee, noted that the fifth member does not have to be a Village resident. Mr. Weiss agreed.

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

Request for Approval of Maintenance Agreement for Emergency Call Boxes: Mr. Treppeda requested \$8,613.00 for Telecom Engineering Consultants, Inc. to maintain 9 emergency call boxes (03/01/2006 – 02/28/2007). He also

requested authorizing the Village Manager to approval renewals, not exceeding the increase in the CPI, for the contract each year. Chief Hunker advised that the call boxes have been used in three life safety situations.

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

Request for Approval of Lease Agreements with Toshiba for Copy/Fax Machines for Receptionist and Building Department: Mr. Treppeda requested approval for a Network Printer & Scanner for the Building Department at \$189.35 per month (36 months) and for the Reception Desk at \$86.91 per month (36 months), which are both bid prices.

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

Discussion of a Village 60th Anniversary Event: Mr. Treppeda requested guidance on having a 60th Anniversary Event for Bal Harbour. Assistant Mayor Berlin doesn't think the event should be limited to 200 people. The Council discussed a beach party. The Council is against having an admission fee for residents.

Annabelle Dante, resident – Carlton Terrace, suggested having a party on the beach.

Jose Lima, Director of Tourism Marketing, suggested having the event in November, for planning purposes. Chief Hunker agreed that late November would be better, due to hurricanes. Mayor Roth suggested the weekend before Thanksgiving.

Mr. Lima and Ms. Kordalewski will work on a proposal.

Mutual Aid Agreement with the City of North Miami Beach: Mr. Treppeda explained that Chief Hunker is requesting approval of an Agreement with the City of North Miami Beach.

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

Authorization to Expend General Funds for Police Department
Items: Mr. Treppeda explained that Chief Hunker is requesting authorization for the following expenditures, from the General Fund:

1.)	LEO Awards Dinner	\$ 3,000.00
2.)	Terrorism Training	\$10,000.00
3.)	Police Academy Training	\$ 5,000.00
4.)	Antique Car Purchase	\$18,000.00
TOTAL:		\$36,000.00

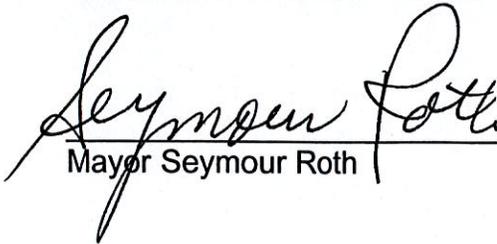
A motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to approve. The motion carried unanimously (5-0).

12. OTHER BUSINESS:

Dina Cellini, resident – 211 Bal Cross Drive, questioned the status of the Bal Harbour Shops' expansion and the Village's position on the Binding Letter Application. The Citizen's Coalition thinks that the Council should urge the Department of Community Affairs to require the Shops to proceed with the complete Development of Regional Impact process. Mr. Treppeda has not received any additional items and noted that the Department of Community Affairs is reviewing Mr. Whitman's application. He clarified that the Village has not taken a position. Mr. Miller noted that the DCA last wrote the applicant that their submittal was inadequate and he will be notified when they have a re-submittal. Ms. Cellini requested that Mr. Miller contact the DCA, since a new submittal was sent.

Brian Mulheren, resident – 10245 Collins Avenue, discussed the problems with the construction at the Harbour House. He thinks an off-duty officer and proper fencing are needed.

13. ADJOURN: There being no further business to come before the Council, a motion was offered by Assistant Mayor Berlin and seconded by Councilman Rosenfield to adjourn. The motion carried unanimously (5-0), and the meeting was adjourned at 12:10 p.m.


Mayor Seymour Roth

Attest:



Ellisa Horvath, CMC
Village Clerk