

# BAL HARBOUR

- V I L L A G E -

Mayor Jeffrey P. Freimark  
Vice Mayor Seth E. Salver  
Councilman David J. Albaum  
Councilman Buzzy Sklar  
Councilman David Wolf

Village Manager Jorge M. Gonzalez  
Village Clerk Dwight S. Danie  
Village Attorneys Weiss Serota  
Helfman Cole & Bierman, P.L.

## **Bal Harbour Village Council**

Regular Meeting Agenda

June 18, 2024

At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

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*This meeting will be conducted in person. The meeting will also be broadcast on our website at <https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/>. Members of the public are also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

*BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience  
[The Bal Harbour Experience.pdf](#)*

### **CALL TO ORDER/ PLEDGE OF ALLEGIANCE**

### **REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS**

### **PRESENTATIONS AND AWARDS**

- PA1** Pride Month - Proclamation
- PA2** Bal Harbour Commendable Student Award - Anna Rodriguez-Pardo
- PA3** Rotary Club of Bal Harbour 7th Annual 5K Race/Walk - Commendation
- PA4** Miami-Dade Fire Rescue - Presentation
- PA5** Park & Recreation Month - Presentation  
[Attachment - Park & Recreation Month - July 2024 ADA.pdf](#)

### **CONSENT AGENDA**

#### **C6 - COUNCIL MINUTES**

[VillageCouncil-RegularCouncilMeetingMinutes\\_May21\\_2024.pdf](#)

#### **C7 - CONSENT AGENDA RESOLUTIONS**

## R5 - ORDINANCES

- R5A** Ordinance - Amend Noise Regulations  
AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 11 "NUISANCES," ARTICLE II "NOISE" OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.  
[Item Summary - Noise Regulations v2.pdf](#)  
[Memorandum - Noise Regulations v2.pdf](#)  
[Ordinance - Noise Regulations v2.pdf](#)

## R7 - RESOLUTIONS

- R7A** Approving Oceana Development Agreement Amendment  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.  
[Item Summary - Oceana Development Agreement Amendment ADA.pdf](#)  
[Memorandum - Oceana Development Agreement Amendment ADA.pdf](#)  
[Resolution - Oceana Development Agreement Amendment ADA.pdf](#)  
[Attachment - First Amendment to Oceana Development Agreement ADA.pdf](#)  
[Attachment - Enea - Oceana Concept Presentation ADA.pdf](#)
- R7B** Authorizing Security and Landscape Assessment  
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; PROVIDING FOR A MAXIMUM RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.  
[Item Summary - Security and Landscape Assessment ADA.pdf](#)  
[Memorandum - Security and Landscape Assessment ADA.pdf](#)  
[Resolution - Security and Landscape Assessment ADA.pdf](#)
- R7C** Authorizing Solid Waste Assessment  
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 VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; PROVIDING FOR A MAXIMUM ASSESSMENT RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

[Item Summary - Solid Waste Assessment ADA.pdf](#)

[Memorandum - Solid Waste Assessment ADA.pdf](#)

[Resolution - Solid Waste Assessment ADA.pdf](#)

**R7D** Accepting EY Tourism Strategic Plan

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE TOURISM STRATEGIC PLAN DEVELOPED BY ERNST & YOUNG (EY) FOR BAL HARBOUR VILLAGE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Tourism Strategic Plan Final Report ADA.pdf](#)

[Memorandum - Tourism Strategic Plan Final Report ADA.pdf](#)

[Resolution - Tourism Strategic Plan Final Report ADA.pdf](#)

[Attachment - Bal Harbour Village Tourism Strategic Plan EY 2024 ADA.pdf](#)

**R7E** Approving Sister City International Agreement

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE VILLAGE MANAGER TO WORK WITH SISTER CITIES INTERNATIONAL TO ENTER INTO A SISTER CITIES AGREEMENT BETWEEN BAL HARBOUR VILLAGE AND HOF HACARMEL REGIONAL COUNCIL OF THE STATE OF ISRAEL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Sister Cities Agreement ADA.pdf](#)

[Memorandum - Sister Cities Agreement ADA.pdf](#)

[Resolution - Sister Cities Agreement ADA.pdf](#)

[Attachment - Sister Cities International Overview ADA.pdf](#)

**R7F** Accepting the Village Attorney's Annual Report

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE ANNUAL REPORT OF THE VILLAGE ATTORNEY AND APPROVING AN INCREASE IN COMPENSATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Village Attorney Annual Report ADA.pdf](#)

[Memorandum - Village Attorney Annual Report ADA.pdf](#)

[Resolution - Village Attorney Annual Report ADA.pdf](#)

[Attachment - Village Attorney Annual Report 2023.pdf](#)

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

### **R9A - PUBLIC COMMENT**

### **R10 - VILLAGE MANAGER REPORT**

## **R11 - VILLAGE CLERK REPORT**

### **R11A** Lobbyist Report

[R11A1\\_Lobbyist Registration Report as of June 11\\_2024.pdf](#)

## **R12 - VILLAGE ATTORNEY REPORT**

### **R12A** Monthly Attorney Report

[May 2024 - Monthly Attorney Report - ADA.pdf](#)

## **END OF REGULAR AGENDA**

## **ADJOURNMENT**

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees.

The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall.

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.



# BAL HARBOUR

- VILLAGE -

Park and Recreation Month  
July 2024

A vertical teal-colored bar on the left side of the slide, featuring a complex geometric pattern of overlapping circles, squares, and lines in various shades of teal.

# Park and Recreation Month

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- Celebrated in the United States since 1985
- Through efforts by NRPA, the U.S. House of Representatives passed an official resolution in 2009.
- Promotes building strong, vibrant and resilient communities through the power of parks and recreation.
- 2024 Theme - #WhereYouBelong - highlighting all the ways parks and recreation builds belonging in communities across the country.



**WHERE  
YOU  
BELONG**

**NRPA'S PARK AND RECREATION MONTH**

# PARK AND RECREATION MONTH - JULY

## *Summer Passport to Recreation*

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Participate in at least 3 demos during the month of July, and receive a 20% discount on any one (1) fall class enrollment.

## *Complimentary Demo Classes*

### **Toddler**

- Art Class - TBA
- Dance Class - July 11
- Soccer Stars - July 19

### **Youth**

- Basketball - July 22
- Dance Class - July 11
- Taekwondo - July 24
- Yoga, Art & Meditation - July 16

### **Adult and Senior**

- Painting (55+) - July 15
- Pickleball Clinic - July 17, 31
- Restorative Yoga - July 12
- Zumba Gold - July 25



# PARK AND RECREATION MONTH - JULY

## *Complimentary Demo Classes*

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# PARK AND RECREATION MONTH - JULY

## *Adult & Seniors Programs*

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## *Buy One Get One Free!*

During the month of July, enroll\* in any adult and/or senior recreation class and get a second class (of equal or lesser value) COMPLIMENTARY!

- Art, Painting for Longevity (NEW) *Mondays*
- Mat Pilates, *Fridays*
- Strength & Flexibility, *Mondays*
- Tai Chi, *Tuesdays or Thursdays*
- Yoga, *Wednesdays*
- Yoga, Chair, *Thursdays*
- Zumba, *Tuesdays*
- Zumba Gold, *Thursdays*



\* This does not apply for complimentary demo classes.



# BAL HARBOUR

- VILLAGE -

RECREATION, ARTS & CULTURE DEPARTMENT

[balharbourfl.gov](http://balharbourfl.gov) | 305.993.7444 | [recreation@balharbourfl.gov](mailto:recreation@balharbourfl.gov)



# BAL HARBOUR

- V I L L A G E -

Mayor Jeffrey P. Freimark  
Vice Mayor Seth E. Salver  
Councilman David J. Albaum  
Councilman Buzzy Sklar  
Councilman David Wolf

Village Manager Jorge M. Gonzalez  
Village Clerk Dwight S. Danie  
Village Attorneys Weiss Serota  
Helfman Cole & Bierman, P.L.

## **Bal Harbour Village Council**

Regular Meeting Minutes

May 21, 2024

At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

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*This meeting was conducted in person. The meeting was also broadcast on our website at <https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/>. Members of the public were also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

**CALL TO ORDER/ PLEDGE OF ALLEGIANCE** - Mayor Freimark called the meeting to order at 7:12 P.M. following the Local Planning Agency Meeting.

The following were present:

Mayor Jeffrey P. Freimark  
Vice Mayor Seth E. Salver  
Councilman David J. Albaum  
Councilman David Wolf  
Councilman Buzzy Sklar

Also present:

Jorge M. Gonzalez, Village Manager  
Dwight S. Danie, Village Clerk  
Susan Trevarthen, Village Attorney

The Pledge of Allegiance was led by Mayor Freimark.

## **REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS**

Councilman Sklar requested that Agenda Item C7A be pulled from the Consent Agenda to be considered at the end of the Regular Agenda.

## **PRESENTATIONS AND AWARDS**

- PA1** Jewish American Heritage Month - Proclamation
  - > Maor Elbaz Starinsky - Consul General
  - > Brian Siegal - Regional Director American Jewish Committee

Councilman Freimark introduced Consul General Maor Elbaz-Starinsky and Dana Kamilar, American Jewish Committee, then read a proclamation commemorating Jewish American Heritage Month.

Maor Elbaz-Starinsky thanked the Mayor and the Council for inviting him to attend the meeting. He said that Israel is a proud, prosperous, sovereign and successful country and that its relationship with the US remains strong.

Ms. Kamilar thanked the Mayor and the Council saying her organization was honored and happy to have a community like Bal Harbour to champion the values that they fight so hard to protect.

Mayor Freimark then read a statement saying that antisemitic incidents have risen and underscoring the importance of the national strategy to counter antisemitism, which focuses on increasing awareness, enhancing security, countering antisemitic normalization, and building cross-community solidarity.

#### **PA2** Peace Officers Memorial Day and Police Officer Week - Proclamation

Mayor Freimark read a proclamation for Peace Officers' Memorial day and Police Officer Week, after which Bal Harbour Police Chief Raleigh Flowers acknowledged the officers that had fallen in the line of duty, Lt. Robert Staab and Ofc. John Melendez, and then introduced Cynthia Rivera, sister of Ofc. Melendez and presented her with commemorative shirt. He then presented a video of Bal Harbour's first Police Memorial Bike Ride.

#### **PA3** National Public Works Week - Proclamation

Mayor Freimark read a proclamation for National Public Works Week and acknowledge the dedicated staff of the Bal Harbour Public Works Department. John Oldenburg, Director of Public Works and Beautification Department, thanked the Mayor, Village Council and residents of Bal Harbour for their continued support.

#### **PA4** The Government Finance Officers Association (GFOA) Award - Presentation

This item was combined heard with Agenda Item R7A.

### **CONSENT AGENDA**

#### **C6 - COUNCIL MINUTES**

##### **C6A** April 9, 2024 Bal Harbour Village Council Regular Meeting Minutes

## **C7 - RESOLUTIONS**

- C7A** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT HARBOUR RESTAURANT PARTNERS LLC, DBA MAKOTO APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO TO EXTEND THE RESTAURANT'S 4COP LICENSE TO THE TERRACE AREA ACROSS FROM RESTAURANT IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

This item was pulled from the Consent Agenda and considered at 8:14 PM after Councilman Sklar had recused himself and left the dais.

Mr. Gonzalez introduced the item. There were no comments from the public.

**MOTION: A Motion to approve the Resolution was moved by Mayor Jeffrey Freimark and seconded by Vice Mayor Seth Salver.**

**VOTE: The Motion passed by unanimous voice vote (4-0) with Councilman Sklar not being present.**

- C7B** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND SOUTHERN ASPHALT ENGINEERING, INC., FOR THE RESTORATION OF THE JOGGING PATH, AS DETAILED WITHIN PROPOSAL NO. 20240069, IN THE AMOUNT NOT TO EXCEED SIXTY -TWO THOUSAND TWO HUNDRED NINETY-NINE DOLLARS (\$62,299); INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY ALLOCATION IN THE AMOUNT OF FIVE THOUSAND SIX HUNDRED SIXTY-FOUR DOLLARS (\$5,664), ROUNDED UP TO THE NEAREST DOLLAR; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

- C7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE FLORIDA THANKING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS FOR PASSING RESOLUTION 281-24, COMMENCING THE PROCESS FOR CREATING A PUBLICLY-ACCESSIBLE WEBSITE FOR THE POSTING OF NOTICES AND ADVERTISEMENTS BY MUNICIPAL GOVERNMENTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 50.0311; URGING THE MAYOR OF MIAMI-DADE COUNTY TO MEET THE NINETY-DAY IMPLEMENTATION GOAL SET FORTH IN THE RESOLUTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: A Motion to approve the Consent Agenda was moved by Councilman Buzzy Sklar and seconded by Mayor Jeffrey Freimark.**

**VOTE: The Motion passed by unanimous voice vote (4-0) with Councilman Wolf being not present.**

## **R5 - ORDINANCES**

**R5A** AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE I "IN GENERAL", "SECTION 19-7 "PARKING OF COMMERCIAL VEHICLES AND VEHICLES DISPLAYING SIGNAGE" OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this ordinance would amend the commercial vehicle ordinance to align it with the recently-passed noise ordinance to include all Federal Holidays as the listed prohibition dates.

Deputy Police Chief, Mauricio Escarra, said that the ordinance would add four additional days to the list of dates and that the ordinance would take effect on June 1, 2024.

There were no comments from the public.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman Buzzy Sklar and seconded by Councilman David Wolf.**

<b>ROLL CALL</b>	<b>VOTE</b>
Mayor Jeffrey P. Freimark	<b>Yes</b>
Vice Mayor Seth E. Salver	<b>Yes</b>
Councilman David J. Albaum	<b>Yes</b>
Councilman Buzzy Sklar	<b>Yes</b>
Councilman David Wolf	<b>Yes</b>

**VOTE: The Motion passed by unanimous roll call vote (5-0).**

**R5B** AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION



OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF MOTORIZED VEHICLES AND DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that for second reading he had removed the prohibition on sidewalks due the Village's jurisdiction being unclear. He said that he had inserted the prohibition on the Cutwalk to the Jetty and on the pedestrian path south of the Oceana.

Deputy Police Chief Escarra added that a fifty-dollar fine was recommended for a first violation and there would be a sixty-day education period and proper signage.

Councilman Sklar said he was in agreement with the removal of the sidewalks until legal counsel could provide clarity on the Village's jurisdiction.

Councilman Wolf said he was in agreement with the removal of the sidewalks and asked if there had been consideration of segregating a portion of the beach path for electric vehicles. Councilman Sklar said that going forward that would be the easiest cure, and that consideration of this had been put on hold pending the creation of a master plan.

Vice Mayor Salver added that it is a lot more difficult to navigate the walking path, especially those with strollers, than on the hard pack. He recommend that there should be a holistic approach.

Patricia Cohen, 10275 Collins Avenue, suggested removing some of the hedges and widening the beach access path to allow a dedicated space for electric vehicles.

Penny Sepler, 10275 Collins Avenue, said that banning electric vehicles on the beach path would shift this traffic to the sidewalks and streets, and would create more of a problem. She agreed with creating a meandering path.

Neca Logan, 64 Camden Drive, said she agreed with shifting this traffic to the sidewalks and streets would not solve the problem. She added that creating more shade on the walking path would shift foot traffic off of the hard pack.

Mayor Freimark said that a more strategic approach was needed including review of all paths. He said he was concerned with shifting traffic to the sidewalks and streets.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman Sklar.**

**The motion died for lack of a second.**

## **R7 - RESOLUTIONS**

- R7A** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023, RELATING TO THE ANNUAL AUDIT PERFORMED BY THE VILLAGE'S INDEPENDENT AUDITOR, RSM US LLP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item and introduced Robert Feldman and Anil Harris from RSM who provided their report on the Annual Comprehensive Financial Report. Mr. Feldman commended Chief Financial Officer Claudia Dixon and her staff for receiving a Certificate of Achievement for Excellence in Financial Reporting for the ninth consecutive year.

Mr. Harris presented highlights of the audit saying that an unmodified opinion had been issued and there had been no audit adjustments or disagreements with management.

There were no comments from the public.

**MOTION: A Motion to approve the Resolution was moved by Vice Mayor Seth Salver and seconded by Councilman David Wolf.**

**VOTE: The Motion passed by unanimous voice vote (5-0).**

- R7B** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FISCAL YEAR 2023-24 BUDGET; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Gonzalez introduced the item saying that it closes the fiscal year and amends items that carry forward into 2024, and provides for the disposition of the year-end surplus. He said the General Fund non-capital budget closed with a ten million dollar surplus.

Ms. Dixon said the Fiscal Year 2023 ended with a positive position in all funds. She then provided an overview of revenue and expenditure authority by fund. She then provided fund performance snapshots in terms of revenue in excess of expenditure of the General Fund (\$26.7 thousand), the Resort Tax Fund (\$1.7 million), the Security and Landscape Assessment Fund (\$844 thousand), and the Water and Sewer Utility Fund (\$1.4 million).

Mr. Gonzalez said that monies carried forward are from multi-year projects that had been approved that are yet to be spent and carried into the next fiscal year, and he

recommended that for the remaining balance of \$8.4 million, \$2 million added to the Capital Reserve and \$6.4 or the Undesignated Fund Balance.

Mayor Freimark commended Ms. Dixon for her stellar knowledge and grasp of the entire financial process.

**MOTION: A Motion to approve the Resolution was moved by Councilman David Wolf and seconded by Vice Mayor Seth Salver.**

Patricia Cohen, 10275 Collins Avenue, recommended that materials that are being presented should be projected in a manner that members of the public are able to read.

**VOTE: The Motion passed by unanimous voice vote (5-0).**

**R7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND BRIGHTVIEW LANDSCAPE SERVICES INC., FOR THE PROVISION OF VILLAGE WIDE LANDSCAPE MAINTENANCE AND BEAUTIFICATION SERVICES; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND BRIGHTVIEW LANDSCAPE SERVICES INC., FOR THE PROVISION OF LANDSCAPE MAINTENANCE AND BEAUTIFICATION SERVICES WITHIN THE GATED RESIDENTIAL COMMUNITY; AT ESTABLISHED RATES, IN THE AMOUNT NOT TO EXCEED ANNUAL BUDGETARY ALLOCATIONS FOR ALL MATERIALS AND RELATED SERVICES AS DEFINED WITHIN THE AGREEMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that several years ago the outsourcing of landscaping services had been spit into two separate contracts to clearly delineate the services in the Gated Community, which is funded by a special assessment, separate from the rest of the Village. He said five companies responded and an evaluation committee with representation from the Civic Association ranked the lowest and best selected firm.

Mr. Oldenburg provided overview of the process saying that in this RFP there had been an addition of a cost differential for battery operated equipment and organic pesticides and fertilizer. He said quarterly cleaning of the Jetty, and more frequent maintenance of and stations and trash receptacles had also been included.

He said he was confident that the selected firm could do the work per specifications.

Patricia Cohen, 10275 Collins Avenue, asked what percentage of chemicals currently being used are organic and how would one request more trash receptacles for the beach. Mr. Oldenburg said that regulations pertaining to the beach require environmentally

friendly methods, but this contract would ensure it everywhere. He said he would speak with Ms. Cohen regarding additional trash receptacles.

**MOTION: A Motion to approve the Resolution was moved by Mayor Jeffrey Freimark and seconded by Councilman David Wolf.**

**VOTE: The Motion passed by unanimous voice vote (5-0).**

**R7D** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH AAMUSICIANS (D/B/A BEACHSIDE EVENTS) FOR EVENT PRODUCTION IN THE AMOUNT OF \$95,000; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this item was to fund the Independence Day Celebration and other events for the remainder of the fiscal year. He added that the Village has been satisfied with the vendor's performance. Sylvia Flores, Director of Recreation, Arts and Culture, said that the vendor, Beachside Events, has been responsive, flexible and work very well with the Village and that she would like to continue working with them.

There were no comments from the public.

**MOTION: A Motion to approve the Resolution was moved by Vice Mayor Seth Salver and seconded by Mayor Jeffrey Freimark.**

**VOTE: The Motion passed by unanimous voice vote (5-0).**

**R7E** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the agreement that has been reached with the Oceana wherein they will put \$200 in escrow for the improvement of the crescent area and access path, until after they have concluded their construction of exterior improvements, and \$2 million for municipal purposes which is earmarked for a Jetty play area.

Micky Marrero, attorney for the Oceana added that the timeline for payment of the \$2 million was dependent on the issuance of a special assessment.

Neca Logan, 64 Camden Drive, said she would like to have swings installed in the play area.

Patricia Cohen, 10275 Collins Avenue, suggest providing shade and comfortable benches in the crescent area.

Penny Sepler, 10275 Collins Avenue, agreed with Ms. Cohen in the need for comfortable seating.

**MOTION: A Motion to approve the Resolution was moved by Mayor Jeffrey Freimark and seconded by Councilman David Albaum.**

**VOTE: The Motion passed by unanimous voice vote (5-0).**

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

**R9A** Discussion Item - Proposed Ordinance Amendments Related to Fair Housing Opportunities - Village Manager Jorge M. Gonzalez

Mr. Gonzalez introduce the item saying that this discussion item was to present findings by the Village's zoning consultant, Michael Miller, on improving the Village Code to enhance greater opportunity for workforce/affordable housing. He said he was presenting this to Council for consideration and to obtain direction for proceeding.

Ms. Trevarthen said that the code currently allows for guest houses and accessory dwelling but the language is antiquated. She said the proposed changes would include modernizing the language changing the word 'servants' to 'workers', clarify language for minimum floor area requirements, considering allowing encroachment into side setbacks and rear setbacks, and considering allowing higher structures. She also said there would be consideration for allowing incentives for affordable housing including a reduced FAR, reduced parking requirements, increased maximum lot coverage and allowing accessory quarters to occupy a greater lot coverage.

Vice Mayor Salver said he had reservations that these changes may allow for exploitation within homes zoned single-family, adding that he could envision a value to the homeowner, but no value for workforce housing. Councilman Sklar said he agreed with Vice Mayor Salver.

Councilman Wolf said that these were good overarching concepts but that he was unclear to what the nuts-and-bolts mean. He said that this didn't make sense for the gated community.

There was a general consensus to provide direction to the Manage to bring something back to the Council for its discussion and consideration.

**R9B- PUBLIC COMMENT**

Patricia Cohen, 10275 Collins Avenue, said the Village needs to be careful of allowing any encroachment into the setback within the Gated Community, and urged the Council to limit what is currently being allowed.

**R10 - VILLAGE MANAGER REPORT**

**R11 - VILLAGE CLERK REPORT**

**R11A** Lobbyist Report

**R12 - VILLAGE ATTORNEY REPORT**

**R12A** Monthly Attorney Report

Ms. Trevarthen announced that she would be asking for an attorney client session regarding Case # 2024-001246-CA-01 for the discussion of litigation expenditures and a possible settlement.

**END OF REGULAR AGENDA**

**ADJOURNMENT** - The meeting was adjourned at 8:14 PM.

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Mayor Jeffrey Freimark



Attest:

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Dwight S. Danie, Village Clerk

# BAL HARBOUR

- V I L L A G E -

## COUNCIL ITEM SUMMARY

**Condensed Title:**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 11 "NUISANCES," ARTICLE II "NOISE" OF THE CODE OF ORDINANCES. (FIRST READING, READOPTION)**

**Issue:**

Shall the Village Council amend Chapter 11 "Nuisance," Article II "Noise" of the Code to align the regulations for the B District with the rest of the Village to address quality of life concerns?

**The Bal Harbour Experience:**

Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community

**Item Summary / Recommendation:**

On December 18, 2018, at the Regular Council Meeting, the Village Council approved amendments to Section 11-32 which regulates construction noise in the Business District.

On June 20, 2023, the Village Council approved amendments to Chapter 11 of the Village Code, which regulates nuisances such as construction noises, and prohibited exterior construction noises on Saturdays. Additionally, the proposed amendments only applied to the residential areas of the Village. The regulation of these activities in the "B" Business District listed in Section 11-32 of the Village Code were not affected by these amendments.


On April 9, 2024, the Village Council unanimously adopted amendments to Section 11-32 of the Village Code, to bring the B District into alignment with the rest of the Village and provide a respite from noisy work. This action was based on feedback from the community, who have expressed a desire not to have construction noise during the weekends or during hours which affect the overall quality of life for residents. This was also more relevant as the construction activity associated with the Bal Harbour Shops expansion had shifted from 96<sup>th</sup> Street to the north, in much closer proximity to the residential community.

**Actions Since April 9, 2024, Approval**

In a second lawsuit recently filed by the Bal Harbour Shops, multiple challenges are raised to this Ordinance. One is a technical argument that the Ordinance should have been adopted in a different manner as provided in Section 166.041(4), Florida Statutes. No changes to the April 9 Ordinance are proposed. The proposed readoption of the Ordinance is being pursued in an abundance of caution, and to moot any arguments over the method of adoption without conceding that there was any deficiency in the first adoption. These amendments apply to noise generated on the Shops property, and noise related to the 2017 expansion addressed by the existing Development Agreement between the Village and the Shops.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE ON FIRST READING.**

**Sign off:**

<b>Director Title</b>	<b>Chief of Police</b>	<b>Village Manager</b>
<b>Director Name</b>	<b>Raleigh M. Flowers, Jr.</b>	<b>Jorge M. Gonzalez</b>
		

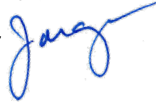
# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: June 18, 2024

SUBJECT: **AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 11 "NUISANCES," ARTICLE II "NOISE" OF THE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING, READOPTION)**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending approval of this Ordinance on First Reading, with enforcement deferred until the court rules on the current challenge.

At the April 9, 2024 Village Council meeting, the Council unanimously adopted amendments to Section 11-32 of the Village Code, to bring the B District into alignment with the rest of the Village and provide a respite from noisy work. This action was based on feedback from the community, who have expressed a desire not to have construction noise during the weekends or during hours which affect the overall quality of life for residents. This was also more relevant as the construction activity associated with the Bal Harbour Shops expansion had shifted from 96<sup>th</sup> Street to the north, in much closer proximity to the residential community.

### **Reason for Proposed Readoption**

In a second lawsuit recently filed by the Bal Harbour Shops, multiple challenges are raised to the April 9 Ordinance. One is a technical argument that the Ordinance should have been adopted in a different manner, pursuant to Section 166.041(4), Florida Statutes. No changes to the April 9 Ordinance are proposed. All of the amendments to the noise regulations in the April 9 Ordinance are essential to the public health, safety, or welfare. The proposed readoption of the Ordinance is being pursued in an abundance of caution, and to moot any arguments over the method of adoption without conceding that there was any deficiency in the first adoption. These amendments apply to noise generated on the Shops property, and noise related to the 2017 expansion addressed by the existing Development Agreement between the Village and the Shops. None of these amendments to the noise regulations conflict with the law and policies governing the 2017 DA, and none prevent development of the land uses, intensities, or densities under the 2017 DA.



The Council had provided for a courtesy period for implementation of these amendments to be in effect until June 1, 2024. Because of the requirements of the statute under which the lawsuit was filed (Section 166.0411(1), Florida Statutes), the Village will continue to suspend enforcement of the amendments following readoption, until the court has resolved that issue.

## **BACKGROUND**

On June 20, 2017, at the Regular Village Council meeting, the Village Council approved an amendment to the Code of Ordinances by adopting regulations for construction noise in the Business District. This initial ordinance placed the onus strictly on the property owner for all violations related to construction noise. The ordinance provided for specific decibel levels and times during which construction noise is prohibited. However, the ordinance also allows for construction activities that occur “completely within the exterior walls of a building” to occur within those prohibited times as long as the activities do not exceed 55 decibels. This allows construction noise to occur continuously.

On December 18, 2018, at the Regular Council Meeting, the Village Council approved amendments to Section 11-32 which regulates construction noise in the Business District. The amendments are highlighted in the bullets below:

- Created relevant definitions.
  - The amendment created definitions so that regulatory distinctions can be drawn between the property owner, the Permit Applicant, and the Violator.
  - The Permit Applicant is defined as the person who hired or will serve as the contractor or company to perform the construction activities.
  - The Violator is the general contractor, subcontractor, company, or person performing the construction activities in violation of the provisions of the noise ordinance.
- Provided for mitigation to address community complaints through coordination of meetings between the owner and the affected residents. The Village Manager may also impose reasonable conditions or request further noise mitigation. The owner may appeal to the Village Manager’s imposed conditions or noise mitigation requests to the Village Council.
  - The amendment added the Permit Applicant and/or Violator to the meeting process as well, and to allow the Owner’s representative to attend.
- Established a procedure for applicants to request permission from the Village Manager to exceed the permitted decibel levels after demonstrating a need.

At the Village Council Retreat last year, the Village Council expressed concerns about construction noises being a nuisance on Saturdays. These concerns were shared with the Council by their constituents, and they are reflective of the impact of construction noise on the everyday lives of residents. The Council provided direction to explore amending the

current ordinance which allows for exterior construction from Monday through Saturday from 8:30 a.m. through 5:30 p.m., excluding certain holidays. The work being conducted on Saturdays, while permitted by the code, was still affecting the overall quality of life for residents who generally utilize the weekend to enjoy time with their families and for religious observances. The desire to provide a respite from noisy work was addressed through the following amendments to the Village Council.

On June 20, 2023, the Village Council approved amendments to Chapter 11 of the Village Code, which regulates nuisances such as construction noises, and prohibited exterior construction noises on Saturdays. The approved amendment allowed for landscaping work and activities of similar intensity to landscaping to continue to occur on Saturdays. Additionally, the proposed amendments only applied to the residential areas of the Village. The regulation of these activities in the "B" Business District listed in Section 11-32 of the Village Code were not affected by these amendments.

Unfortunately, this created an inconsistent and ambiguous condition. In addition, the concern about construction noise on Saturdays remains partially unresolved. The proposed amendments to Section 11-32 of the Village Code seek to bring the Business District into alignment with the rest of the Village. This action is based on feedback from the community, who have expressed a desire not to have construction noise during the weekends or during hours which affect the overall quality of life. This is also more relevant to the Business District now, as the construction activity associated with the Bal Harbour Shops expansion has shifted from 96<sup>th</sup> Street to the north in much closer proximity to the residential community. As a result, the Village has recently received complaints associated with construction noise from the community. Moreover, as we strive to provide an enhanced quality of life for all residents during the weekend, the utilization of two different construction noise standards throughout the Village makes the attainment of this goal untenable and hard to manage.

On February 20, 2024, the Village Council considered the proposed amendments at the Regular Council meeting. The proposed amendments were passed on First Reading by a vote of 5-0. As part of the public comment associated with this item, a suggestion was made to further amend this code to prohibit construction noise on all federal holidays, as opposed to the seven (7) federal holidays currently prohibited, in addition to Good Friday, Yom Kippur, and Rosh Hashanah. Currently, there are a total of ten (10) holidays outlined in the code on which construction noise is restricted.

On April 9, 2024, the Council considered this Ordinance and adopted it by a vote of 5-0. The Council also provided for a courtesy period for implementation of these amendments to be in effect until June 1, 2024.

It is important to recall that in 2017, the Village entered into a development agreement with Bal Harbour Shops, LLLP for the expansion and development of the Bal Harbour Shops (the "2017 DA"). The properties subject to the 2017 DA are within the "B" Business District of the Village. All of the amendments to the noise regulations in the April 9 Ordinance are

essential to the public health, safety, or welfare, and apply to all properties in the B Business District, including any and all developments that are subject to a development agreement such as the 2017 DA. None of these amendments to the noise regulations conflict with the law and policies governing the 2017 DA, and none prevent development of the land uses, intensities, or densities under the 2017 DA.

In a second lawsuit recently filed by the Bal Harbour Shops, multiple challenges are raised to the April 9 Ordinance. One is a technical argument that the Ordinance should have been adopted in a different manner, pursuant to Section 166.041(4), Florida Statutes. No changes to the April 9 Ordinance are proposed. All of the amendments to the noise regulations in the April 9 Ordinance are essential to the public health, safety, or welfare. The proposed re-adoption of the Ordinance is being pursued in an abundance of caution, and to moot any arguments over the method of adoption without conceding that there was any deficiency in the first adoption. These amendments apply to noise generated on the Shops property, and noise related to the 2017 expansion addressed by the existing Development Agreement between the Village and the Shops. None of these amendments to the noise regulations conflict with the law and policies governing the 2017 DA, and none prevent development of the land uses, intensities, or densities under the 2017 DA.

Because of the requirements of the statute under which the lawsuit was filed (Section 166.041(1), Florida Statutes), the Village will continue to suspend enforcement of the amendments following re-adoption, until the court has resolved that issue.

### **ANALYSIS**

Section 11-32, as adopted, deems violations as irreparable in nature as a matter of law, delineates enhanced enforcement penalties within the Business District, and incorporates procedures and standards to address any violation.

The proposed amendments to Section 11-32 are as follows:

The first amendment updates the prohibited hours of construction to eliminate work currently allowed on Saturdays and provide for an end time of 9 p.m. for activities that occur completely within the exterior walls of a building. The 9 p.m. time is consistent with the hours allowed for interior work for the rest of the Village. The amendments do not seek to alter the allowable decibel levels for the Business District.

(b) *Regulations.* Construction Noise in the "B" Business District shall conform to the following regulations:

(1) *Prohibited Hours of Construction:* Construction Noise is prohibited from 6:00 p.m. ~~Friday~~ ~~Saturday~~ through 8:30 a.m. Monday, and all day on federally recognized holidays, ~~New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day, Good Friday, Yom Kippur, and Rosh Hashanah, and Christmas Day.~~ Construction activities that occur completely within the exterior walls of a Building may occur ~~within the prohibited hours of~~

~~construction from 6:00 p.m. through 9:00 p.m. Monday through Friday, so long as Construction Noise does not exceed 55 decibels when measured from a Noise Receptor Site.~~

- (2) *Permitted Decibel Levels:* The Permitted Decibel Level of Construction Noise shall not exceed the following limits during the specified times, when measured from a Noise Receptor Site:
- a. *Night:* 55 decibels ~~for all hours outside of those defined as Day in subsection b. from 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday, and~~
  - b. *Day:* 80 decibels from 8:30 a.m. to 6:00 p.m., Monday through Friday, ~~and from 10:00 a.m. to 4:00 p.m. Saturday.~~

The second proposed amendment pertains to the enforcement section of this code. The amendment does not seek to change the schedule of civil penalties within the Business District. The amendment does add the Property Owner to every step of the civil penalties. The Code currently only provides for the Violator and Permit Applicant to be cited and only provides for the Property Owner to have a penalty imposed after continued or recurring violations. The addition of the Property Owner to the violation is consistent with how noise violations are handled throughout the rest of the Village. This provides for a mechanism through which the Village may assess liens if penalties are not complied. This amendment also increases the amount of time needed for the civil penalties to reset for recurring violations from six (6) months to twelve (12) months.

(e) *Enforcement.* This section shall be enforced by the Village Manager in accordance with the following procedures and standards. The Village finds that Construction Noise violations are irreparable or irreversible in nature as a matter of law, and the penalties for such violations are established as follows in accordance with F.S. § 162.09(2).

(1) *Verbal warning.* If the Village Manager finds a violation of this section, he or she shall issue a verbal warning to the Violator, Permit Applicant, and Property Owner requiring immediate correction of the violation.

(2) *Civil penalties.*

- a. *First citation.* If the violation is not corrected immediately after issuance of the verbal warning, the Village Manager shall issue a citation requiring immediate correction of the violation, shall impose fines in the amount of \$500.00 against ~~both~~ the Violator, ~~and~~ Permit Applicant, and ~~shall notify the~~ Property Owner ~~of the violation.~~
- b. *Second citation.* If the violation is not corrected immediately after issuance of the first citation, or the violation recurs within a 60-day period, the Village Manager shall issue a second citation requiring immediate correction of the violation, shall impose fines in the amount of \$1,000.00 against ~~both~~ the Violator, ~~and~~ Permit Applicant, and ~~shall notify the~~ Property Owner ~~of the violation.~~

- c. *Third citation.* If the violation is not corrected immediately after issuance of the second citation, or the violation recurs within a 60-day period, the Village Manager shall issue a third citation requiring immediate correction of the violation, shall impose fines in the amount of \$2,500.00 against ~~both the Violator, and Permit Applicant, and shall notify the Property Owner of the violation.~~
  - d. *Continuing or recurring violations.* In the event that the violation continues after or recurs within 60 days of issuance of the third citation, the Village Manager ~~shall revoke the ability of both the Violator and Permit Applicant to make any Construction Noise between 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday for seven consecutive days, and may impose an additional penalty of \$5,000.00 against both the Violator, and Permit Applicant, and Property Owner. The Village Manager may revoke the ability of both the Violator and Permit Applicant to make any Construction Noise between 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday for periods of time in excess of seven consecutive days, in the event that the Violator or Permit Applicant has more than three violations in a six-month period of time and the Violator or Permit Applicant has failed to address and resolve the violations. In such event, the Village Manager may also impose a penalty of \$5,000.00 against the Property Owner if the Property Owner is not the Permit Applicant.~~
  - e. *Future violations.* If no other violation occurs for ~~six~~ twelve consecutive months after a violation is complied, the enforcement procedures of this subsection shall reset as to all parties and any future violations will again result first in a verbal warning, followed by the escalating progression of citations and penalties as set forth in subsections a–e.
- (3) *Criminal penalties.* In addition to or in lieu of the civil penalties set forth above, with respect to any of the provisions of this section, the Violator may be arrested and punished by imprisonment in the county jail for a period not to exceed 60 days.

The third amendment allows for noises associated with landscaping to continue as is allowed in the residential districts of the Village.

(3) The regulations of this subsection shall not be interpreted to apply to noise arising from landscaping activities.

The fourth and final amendment changes the holidays on which construction noise is prohibited from specific holidays to federally recognized holidays. This change adds Martin Luther King, Jr. Day, Presidents Day, Juneteenth Independence Day, and Columbus Day to the holidays which are already restricted in the code. Good Friday, Yom Kippur, and Rosh Hashanah would remain as days on which construction noise is prohibited. This change would increase the number of total holidays on which

construction noise is prohibited from ten (10) to fourteen (14). A change of this nature would be applied to all zoning districts within the Village.

These changes could be accomplished as follows:

**Sec. 11-31. - Certain Noises restricted to specified hours.**

(a) *Regulated Noises.* Noises, other than those enumerated in section 11-29 because of their nature and characteristics, shall be grouped as follows for the purpose of control and restriction:

\* \* \*

(b) *Prohibited Times.*

(1) The Noises set forth in subsection (a)(1) of this section are hereby prohibited at any location and at any hour on Saturdays and Sundays and on federally recognized holidays, ~~New Year's Day, Christmas Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day,~~ Good Friday, Yom Kippur, and Rosh Hashanah, and on Mondays through Fridays from 5:30 p.m. to 8:30 a.m., except as provided in subsections (d) and (e) of this section.

(2) The Noises set forth in subsection (a)(2) of this section are hereby prohibited at any location and at any hour on Sundays and on federally recognized holidays, ~~New Year's Day, Christmas Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day,~~ Good Friday, Yom Kippur, and Rosh Hashanah, and on Mondays through Saturdays from 5:30 p.m. to 8:30 a.m., except as provided in subsections (d) and (e) of this section.

\* \* \*

**Sec. 11-32. Construction Noise in the "B" Business District.**

\* \* \*

(b) *Regulations.* Construction Noise in the "B" Business District shall conform to the following regulations:

(1) *Prohibited Hours of Construction:* Construction Noise is prohibited from 6:00 p.m. Friday Saturday through 8:30 a.m. Monday, and all day on federally recognized holidays, ~~New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day,~~ Good Friday, Yom Kippur, and Rosh Hashanah, ~~and Christmas Day.~~ Construction activities that occur completely within the exterior walls of a Building may occur within the prohibited hours of construction from 6:00 pm. through 9:00 p.m. Monday through Friday, so long as Construction Noise does not exceed 55 decibels when measured from a Noise Receptor Site.

- (2) *Permitted Decibel Levels*: The Permitted Decibel Level of Construction Noise shall not exceed the following limits during the specified times, when measured from a Noise Receptor Site:
- a. *Night*: 55 decibels for all hours outside of those defined as Day in subsection b.~~from 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday, and~~
  - b. *Day*: 80 decibels from 8:30 a.m. to 6:00 p.m., Monday through Friday; ~~and from 10:00 a.m. to 4:00 p.m. Saturday.~~

The Council provided direction at the June 20, 2023, Council Meeting regarding the changes to the code which prohibited construction noise on Saturdays in the rest of the Village. In that instance there was a courtesy period which ran from the approval of the amendments on Second Reading on June 20, 2023, through August 31, 2023. This provided for seventy-two (72) days to allow for education on the new changes and to give time for the vendors to adjust their projects accordingly, because the elimination of currently available workdays may affect the timeline and scheduling of certain projects and vendors. At the April 9, 2024, Village Council meeting the Council similarly directed that enforcement of the Ordinance begin on June 1, 2024.

Additionally, the amendments to restrict construction noise on federal holidays necessitated amending Section 19-7 of the Village Code, which regulates parking of commercial vehicles. The amendment to Section 19-7 brought all the restricted holidays into alignment, and was approved at the May 21, 2024 Village Council meeting.

### **Reason for Proposed Readoption**

In a second lawsuit recently filed by the Bal Harbour Shops, multiple challenges are raised to the April 9 Ordinance. One is a technical argument that the Ordinance should have been adopted in a different manner, pursuant to Section 166.041(4), Florida Statutes. No changes to the April 9 Ordinance are proposed. All of the amendments to the noise regulations in the April 9 Ordinance are essential to the public health, safety, or welfare. The proposed readoption of the Ordinance is being pursued in an abundance of caution, and to moot any arguments over the method of adoption without conceding that there was any deficiency in the first adoption. These amendments apply to noise generated on the Shops property, and noise related to the 2017 expansion addressed by the existing Development Agreement between the Village and the Shops. None of these amendments to the noise regulations conflict with the law and policies governing the 2017 DA, and none prevent development of the land uses, intensities, or densities under the 2017 DA.

The Council had provided for a courtesy period for implementation of these amendments to be in effect until June 1, 2024. Because of the requirements of the statute under which the lawsuit was filed regarding the April 9 noise ordinance, the Village will continue to

suspend enforcement of the amendments following readoption, until the court has resolved that issue.

### **THE BAL HARBOUR EXPERIENCE**

The approval of these amendments would meet *The Bal Harbour Experience* by enhancing *the Beautiful Environment of the Village* by allowing for additional days during which noisy work is restricted, thereby increasing the quality of life. These amendments are essential to the public health, safety, and welfare of residents.

### **CONCLUSION**

The proposed amendments were already adopted by Village Council action for the residential districts on June 20, 2023. The amendments for the Business District sought to bring the noise regulations in line with the rest of the Village. The desire was to provide a respite from noisy work, which affects the overall quality of life for residents. The Administration recommended approval and the Village Council unanimously approved the amendments on April 9, 2024, with the June 1, 2024 deadline to enforce the amendments.

A second lawsuit was recently filed by the Bal Harbour Shops, challenging the manner of adoption of the April 9 Ordinance as provided in Section 166.041(4), Florida Statutes. No changes to the April 9 Ordinance are proposed. All of the amendments to the noise regulations in the April 9 Ordinance are essential to the public health, safety, or welfare. The proposed readoption of the Ordinance is being pursued in an abundance of caution, and to moot any arguments over the method of adoption without conceding that there was any deficiency in the first adoption. These amendments apply to noise generated on the Shops property, and noise related to the 2017 expansion addressed by the existing Development Agreement between the Village and the Shops. None of these amendments to the noise regulations conflict with the law and policies governing the 2017 DA, and none prevent development of the land uses, intensities, or densities under the 2017 DA.

The Council had provided for a courtesy period for implementation of these amendments to be in effect until June 1, 2024. Because of the requirements of the statute under which the lawsuit was filed, the Village will continue to suspend enforcement of the amendments following readoption, until the court has resolved that issue.

It is recommended that the proposed Ordinance be approved for readoption on First Reading, with enforcement deferred until the court rules on the current challenge.



**ORDINANCE NO. 2024\_\_\_\_**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 11 "NUISANCES," ARTICLE II "NOISE" OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of Bal Harbour Village ("Village") seeks to amend regulations related to certain noises on in the "B" Business district; and

**WHEREAS**, with the transition of construction activity from the 96<sup>th</sup> Street parking garage to the north, the noise impacts of construction are now much closer to the neighboring single family residential neighborhood to the north for the first time, and the Village has received an increase in noise complaints related to this construction; and

**WHEREAS**, in 2023, the Village amended the noise regulations applicable everywhere other than the B Business District to prohibit construction noise on Saturdays, and the Village desires to bring the noise regulations in the B Business District into alignment with those of the rest of the Village; and

**WHEREAS**, the Village further seeks to more closely align the process for enforcement of noise requirements with that followed in the remainder of the Village; and

**WHEREAS**, based on feedback received, the Village Council further desires to expand the holidays on which construction noise is prohibited throughout the Village to include all federally recognized holidays along with those already listed in the Code; and

**WHEREAS**, the Village finds that these changes will improve the quality of life for its residents and are essential to the public health, safety and welfare; and

**WHEREAS**, this Ordinance was originally adopted on April 9, 2024, with a scheduled implementation date of June 1, 2024; and

**WHEREAS**, the readoption of the Ordinance is in an abundance of caution because of a recently filed lawsuit from the Bal Harbour Shops, challenging the method of adoption as provided in Section 166.041(4), Florida Statutes, in order to moot any arguments over the method of adoption without conceding that there was any deficiency in the first adoption; and

**WHEREAS**, no changes to the April 9 Ordinance are proposed, and the Village will refrain from enforcement of the amendments pursuant to Section 166.0411(1), Florida Statutes, until that portion of the lawsuit is determined by the court; and

**WHEREAS**, the 2017 Development Agreement between the Village and Bal Harbour Shops (the "2017 DA") governs a development project within the B Business District in the Village; and

**WHEREAS**, none of these amendments are in conflict with the laws and policies governing the 2017 DA and none prevent development of the land uses, intensities, or densities in the 2017 DA; and

**WHEREAS**, based on the public hearing previously held on the April 9 Ordinance adopting these amendments, the public health, safety, and welfare of the Village's residents requires that the April 9 amendments to the noise regulations apply to the 2017 DA and to the expansion to the Bal Harbour Shops it governs, as well as to the operation of the existing Shops development.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended - Chapter 11.** That Chapter 11 "Nuisances", Article II "Noise" of the Code of Bal Harbour Village, Florida, is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 11 - NUISANCES**

\* \* \*

**ARTICLE II. - NOISE**

**Sec. 11-31. - Certain Noises restricted to specified hours.**

(a) *Regulated Noises*. Noises, other than those enumerated in section 11-29 because of their nature and characteristics, shall be grouped as follows for the purpose of control and restriction:

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

\* \* \*

(b) *Prohibited Times.*

(1) The Noises set forth in subsection (a)(1) of this section are hereby prohibited at any location and at any hour on Saturdays and Sundays and on federally recognized holidays, ~~New Year's Day, Christmas Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day,~~ Good Friday, Yom Kippur, and Rosh Hashanah, and on Mondays through Fridays from 5:30 p.m. to 8:30 a.m., except as provided in subsections (d) and (e) of this section.

(2) The Noises set forth in subsection (a)(2) of this section are hereby prohibited at any location and at any hour on Sundays and on federally recognized holidays, ~~New Year's Day, Christmas Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day,~~ Good Friday, Yom Kippur, and Rosh Hashanah, and on Mondays through Saturdays from 5:30 p.m. to 8:30 a.m., except as provided in subsections (d) and (e) of this section.

\* \* \*

**Sec. 11-32. Construction Noise in the "B" Business District.**

(a) *Definitions.* For the purposes of this section, the following terms will have the following prescribed meaning unless the context indicates otherwise:

- (1) *Permit Applicant* means the person who hired or will serve as the contractor or company to perform the construction activities.
- (2) *Noise Receptor Site* means a Lot which is the recipient of Construction Noise emanating from outside of the Lot's property line or, in the event that the Lot is part of an approved site plan, outside of the boundary of the site plan, regardless of whether that Lot is located in the Village.
- (3) *Permitted Decibel Level* means the maximum decibel level permitted for Construction Noise.
- (4) *Violator* means the general contractor, subcontractor, company, or person performing the construction activities in violation of the provisions of this Section.

(b) *Regulations.* Construction Noise in the "B" Business District shall conform to the following regulations:

- (1) *Prohibited Hours of Construction:* Construction Noise is prohibited from 6:00 p.m. ~~Friday Saturday~~ through 8:30 a.m. Monday, and all day on federally recognized holidays, ~~New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Memorial Day, Veteran's Day,~~ Good Friday, Yom Kippur, and Rosh Hashanah, ~~and Christmas Day.~~ Construction activities that occur completely within the exterior walls of a Building may occur ~~within the prohibited hours of construction~~ from 6:00 pm. through 9:00 p.m. Monday through Friday, so long as Construction Noise does not exceed 55 decibels when measured from a Noise Receptor Site.

- (2) *Permitted Decibel Levels:* The Permitted Decibel Level of Construction Noise shall not exceed the following limits during the specified times, when measured from a Noise Receptor Site:
- a. *Night:* 55 decibels for all hours outside of those defined as Day in subsection b. ~~from 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday, and~~
  - b. *Day:* 80 decibels from 8:30 a.m. to 6:00 p.m., Monday through Friday, ~~and from 10:00 a.m. to 4:00 p.m. Saturday.~~
- (3) The regulations of this subsection shall not be interpreted to apply to noise arising from landscaping activities.

\* \* \*

(e) *Enforcement.* This section shall be enforced by the Village Manager in accordance with the following procedures and standards. The Village finds that Construction Noise violations are irreparable or irreversible in nature as a matter of law, and the penalties for such violations are established as follows in accordance with F.S. § 162.09(2).

(1) *Verbal warning.* If the Village Manager finds a violation of this section, he or she shall issue a verbal warning to the Violator, Permit Applicant, and Property Owner requiring immediate correction of the violation.

(2) *Civil penalties.*

- a. *First citation.* If the violation is not corrected immediately after issuance of the verbal warning, the Village Manager shall issue a citation requiring immediate correction of the violation, shall impose fines in the amount of \$500.00 against ~~both the Violator, and Permit Applicant, and shall notify the Property Owner of the violation.~~
- b. *Second citation.* If the violation is not corrected immediately after issuance of the first citation, or the violation recurs within a 60-day period, the Village Manager shall issue a second citation requiring immediate correction of the violation, shall impose fines in the amount of \$1,000.00 against ~~both the Violator, and Permit Applicant, and shall notify the Property Owner of the violation.~~
- c. *Third citation.* If the violation is not corrected immediately after issuance of the second citation, or the violation recurs within a 60-day period, the Village Manger shall issue a third citation requiring immediate correction of the violation, shall impose fines in the amount of \$2,500.00 against ~~both the Violator, and Permit Applicant, and shall notify the Property Owner of the violation.~~
- d. *Continuing or recurring violations.* In the event that the violation continues after or recurs within 60 days of issuance of the third citation, the Village Manager ~~shall revoke the ability of both the Violator and Permit Applicant to make any Construction Noise between 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday for seven consecutive days, and may impose an additional penalty of \$5,000.00 against both the Violator, and Permit Applicant, and Property Owner. The Village~~

~~Manager may revoke the ability of both the Violator and Permit Applicant to make any Construction Noise between 6:00 p.m. Monday through Thursday to 8:30 a.m. the following day, and from 6:00 p.m. Friday to 10:00 a.m. Saturday for periods of time in excess of seven consecutive days, in the event that the Violator or Permit Applicant has more than three violations in a six-month period of time and the Violator or Permit Applicant has failed to address and resolve the violations. In such event, the Village Manager may also impose a penalty of \$5,000.00 against the Property Owner if the Property Owner is not the Permit Applicant.~~

- e. *Future violations.* If no other violation occurs for ~~six~~ twelve consecutive months after a violation is complied, the enforcement procedures of this subsection shall reset as to all parties and any future violations will again result first in a verbal warning, followed by the escalating progression of citations and penalties as set forth in subsections a–e.
- (3) *Criminal penalties.* In addition to or in lieu of the civil penalties set forth above, with respect to any of the provisions of this section, the Violator may be arrested and punished by imprisonment in the county jail for a period not to exceed 60 days.

\* \* \*

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become and be made a part of the Bal Harbour Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflict.** That all Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions, or parts of resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 18<sup>th</sup> day of June, 2024.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman, P.L.

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### Issue:

Should the Village Council approve the first amendment to the development agreement regarding Oceana after holding the second public hearing required by statute?

### The Bal Harbour Experience:

- Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community  
 Other: \_\_\_\_\_

### Item Summary / Recommendation:

The Oceana was approved in 2013 with a development agreement which called for it to make its restaurant available to Village residents. The Village recently became aware that the Oceana had not made its restaurant open to Village residents in accordance with the development agreement requirement.

In order to resolve the dispute related to the Oceana Development Agreement while avoiding litigation and still providing improvements and facilities for the benefit of Village residents, the Council requested in their February meeting the drafting of a potential amendment. The proposed First Amendment removes the disputed references in section 17 of the agreement providing access to amenities and instead requires - through the addition of section 15.6 - that Oceana fund and provide landscape improvements to the easements located at the west and south edges of the property in an amount not to exceed \$200,000, and to provide a \$1,000,000 contribution to the Village.

On May 21, 2024, at the Regular Village Council Meeting the Council conducted a public hearing and unanimously approved First Amendment and scheduled the Resolution and First Amendment for approval at the June Council meeting, after holding the second public hearing required by statute. It is recommended that the proposed resolution be approved.

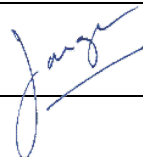
**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

	Village Clerk	Village Manager
	Dwight S. Danie	Jorge M. Gonzalez

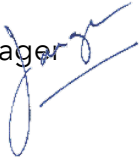


# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: June 18, 2024

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending that the Village Council approve the first amendment to the development agreement regarding Oceana after holding the second public hearing required by statute.

### **BACKGROUND**

The Oceana was approved in 2013, pursuant to a planned development approval and development agreement. That agreement called for the Oceana to make its restaurant available to Village residents as follows:

**Section 17. Use Restrictions.** Residential units shall be prohibited from being leased or otherwise rented for a period of less than six (6) consecutive months, with a limitation of a maximum of two leases per year. Non-residential or recreational uses that are not accessory to the residential uses and are not operated as part of a club where membership is required shall be open to Village residents. Any members-only club shall open membership to Village residents according to the same general membership terms afforded to the regular members.

The Village recently became aware that the Oceana had not made its restaurant open to Village residents in accordance with the DA requirement. This was confirmed by the attorney for the developer during the process of reviewing the recent Carlton Terrace redevelopment. The Village Attorney reached out to the condo association attorney to inform them of the issue and seek a resolution. They had no knowledge of the issue and needed additional expertise, and therefore hired Mickey Marrero with the Law Firm of Bercow, Radell, Larkin, Fernandez & Tapanes to assist them in reviewing all the documentation and analyzing the options.

After the building was built, it was turned over to the condo association. The condo association representatives have advised that they were never told of this requirement, and



it was never implemented. They have also indicated that many of their residents bought in the building specifically on the understanding that none of the facilities were open to anyone other than building residents and are concerned about any proposal to change that understanding.

Therefore, the Village Manager, Village Attorney, and condo association representatives have engaged in a process of documenting and understanding the DA requirement and seeking options for compliance. Depending on what is agreed to, that option will likely need to be returned to the Council for a development agreement amendment.

This issue was discussed at the Council retreat in February, including the association's proposal to provide alternative improvements for the benefit of the Village. Originally under discussion were the following improvements:

- Substantially improve the beach walk from Collins Ave. with additional landscaping and other amenities for the benefit of Village residents using this path to get to the beach.
- Substantially improve the front public easement area with additional landscaping and other amenities to make the space more usable and pleasant for village residents.
- Design and construct a high-quality playground at the south-east rear corner of the development, accessible via the residents' key fob.

The Oceana retained Enea to work on these changes, and indicated they are willing to design and construct high quality improvements for these areas serving Village residents.

While the Council inquired about the possibility of Village residents using Oceana's tennis courts, the association considered and rejected the proposal because according to Oceana representatives, the courts are continually in use by building residents and because of their concern over allowing outsiders into the private property.

In the course of meeting with Oceana representatives and discussing these matters, the Village inquired whether Section 17 of the Development Agreement was necessary to support the use of underground parking for this building. More specifically, were any of the Oceana amenities required to be open to the public in order to allow the underground parking, as discussed in relation to recent redevelopment in the Village? After fleshing out the issues with the Village, Oceana hired special counsel in Washington, DC who specializes in FEMA matters to provide additional information. Oceana was ultimately able to provide historical documentation that its structure is located in Zone X, and therefore the FEMA rules regarding the ability to use underground parking do **not** apply to this site. That conclusively resolves any question as to the propriety of the existing underground parking.

Therefore, an amendment to Section 17 of the Development Agreement can be considered by the Village. Oceana proposes to amend Section 17 to remove the condition regarding amenities being open to Village residents, and instead voluntarily proffer the

following benefits to the Village, via a Development Agreement amendment. Oceana is proposing to commit sufficient funding in the amount of \$1 million to accomplish the following:

- Beach walk: In studying the options for improvements, Enea identified severe constraints on enhancing the beach walk from Collins Ave. with amenities for the benefit of Village residents using this path to get to the beach. While the landscaping can be refreshed and improved to a degree, a 25-foot wide fire lane easement prevents all but the most minimal improvements to the vast majority of the path. Enea has designed improvements that comply with the fire lane restrictions.
- Front crescent: Enea has developed concepts for enhancing the front public easement area with additional landscaping and other amenities to make the space more usable and pleasant for Village residents. These include seating and an enhanced pad on which the Village can continue to display public art.
- Playground: Enea's studies demonstrated that there is not enough space for a playground to be placed where originally contemplated, on the southeast corner of its property, due to DERM requirements for the dune system there. However, Oceana remains committed to funding a high-quality playground to be located on Village property nearby, and Enea has developed concepts for it.

At the November 21, 2023 Village Council meeting, the Council discussed this matter and formally requested Oceana make adjustments to their proposed voluntary proffer. These adjustments include a commitment to a full \$1 million contribution to Bal Harbour Village aimed at supporting local community initiatives such as, but not limited to, the jetty enhancements. This contribution will be in addition to the redesign and enhancement of the front crescent along Collins Avenue to emphasize landscaping and functional improvements, and whatever improvements to the beach access pathway can be accommodated given its dual purpose as a fire lane.

The Council also requested that Oceana consider a program whereby Bal Harbour Village residents could have access to the beach chair and umbrella amenities provided by Oceana. Oceana's representatives indicate that they are willing to satisfy most of the Council's additional requests. However, they have evaluated the proposed beach chair access program, and indicated that the association's board could not support it given the sentiment of the unit owners.

At the February 20, 2024 Council meeting, the Village Council conducted a final discussion of these matters with Oceana's counsel, and directed the Administration to work with the Village Attorney to bring back an amendment to the Development Agreement to implement the proposed solution.

Based on the direction received at the February Council meeting, the Administration worked with the Village Attorney's Office to negotiate and draft a First Amendment to the Oceana Development Agreement. The First Amendment removes the disputed references

to providing access to amenities via a club, and instead requires Oceana to fund and provide landscape improvements to the easements located at the west and south edges of the property in an amount not to exceed \$200,000, and to provide a voluntary contribution towards local community initiatives.

Notice of the First Amendment has been published and mailed to affected property owners in accordance with the requirements of Section 163.3225, Florida Statutes.

The previously provided background material is included again below, for ease of reference. Oceana's attorney Mickey Marrero will again be at the Council meeting.

## **ANALYSIS**

The key parts of the proposed amendment to the Development Agreement are as follows:

*15.6 **Additional Voluntary Contribution.** The Association agrees to fund landscape improvements to the crescent-shaped area in the front of the Property, facing Collins Avenue, and along the south easement ("the Landscape Improvements," collectively as depicted on the attached Exhibit "A", subject to the approval of the Village Manager or his designee. Such improvements shall not exceed \$200,000 in costs. The estimated funds for these improvements shall be deposited in the Village Attorney's escrow account within 90 days of the recording of this First Amendment. The installation of the improvements shall commence no later than 30 days from the completion of the Association's building and garage repairs expected to commence in 2024.*

*Additionally, the Association agrees to provide a \$1,000,000 contribution to the Village to use for any municipal purpose permitted under Section 166.021, Florida Statutes (the "Voluntary Contribution"). Such contribution shall be made to the Village within 60 days of the recording of this First Amendment. An extension of 30 days may be approved by the Village Manager at the request of the Association, upon the showing of good cause.*

*17. **Use Restrictions.** Residential units shall be prohibited from being leased or otherwise rented for a period of less than six (6) consecutive months, with a limitation of a maximum two leases per year. ~~Non-residential or recreational uses that are not accessory to the residential uses, and are not operated as part of a club where membership is required shall be open to Village residents. Any members-only club shall open membership to Village residents according to the same general membership terms afforded to regular club members.~~*

The effect of the language is to assure that Village residents will receive alternative benefits, including enhancements to the easements at the east and south edge of the Oceana property as well as significant contributions towards Village projects such as the jetty. It allows a complete resolution of this inquiry to the mutual benefit of the Oceana and the Village, without resort to litigation.

**THE BAL HARBOUR EXPERIENCE**

The approval of the First Amendment would meet *The Bal Harbour Experience* by enhancing *the Beautiful Environment of the Village* by improving the landscaped areas on the west and south edges of Oceana and by providing for enhancements to other Village projects, thereby increasing the quality of life.

**CONCLUSION**

The proposed First Amendment resolves the controversy over the Oceana Development Agreement by providing alternative improvements and facilities for the benefit of Village residents and avoids litigation. On May 21, 2024, at the Regular Village Council Meeting the Council conducted a public hearing and unanimously approved First Amendment and scheduled the Resolution and First Amendment for approval at the June Council meeting, after holding the second public hearing required by statute. It is recommended that the proposed resolution be approved.

Attachments:

1. First Amendment to Oceana Development Agreement
2. Exhibit A Landscape Improvements (Enea presentation)

**RESOLUTION NO. 2024-\_\_\_\_**

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on March 25, 2013, the Village Council approved a Development Agreement (the "Original Agreement") with Consultatio Bal Harbour, LLC, the original developer and predecessor in interest to Oceana Bal Harbour Condominium Association, Inc. (the "Association"), to allow the development of Oceana, a multifamily condominium (the "Project"); and

**WHEREAS**, subsequent to completion, the Village identified the Project's non-compliance with Section 17, "Use Restrictions," of the Original Agreement, specifically concerning the failure to grant Village residents access to certain amenities as initially envisaged at the Project's approval; and

**WHEREAS**, the Association disputes the Village's interpretation of Section 17 and further disputes the Village's position that the Project is not in compliance with Section 17; and

**WHEREAS**, in order to resolve the issue, the Village and the Association have agreed to enter into a first amendment to the Original Agreement, in substantially the form attached hereto as Exhibit "A" (the "First Amendment"); and

**WHEREAS**, the Village Council conducted two public hearings and provided the requisite published and mailed notice, as provided by Section 163.3225, Florida Statutes, and desires to approve the First Amendment and authorize the Village Manager to execute it; and

**WHEREAS**, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Approval of the First Amendment.** That the First Amendment to the Original Agreement between the Association and Bal Harbour Village, Florida, attached as Exhibit "A," together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney, is approved.

**Section 3. Implementation.** That the Village Manager and Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the First Amendment.

**Section 4. Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 18<sup>th</sup> day of June, 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

## FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This First Amendment to Development Agreement (“**First Amendment**”) dated \_\_\_\_\_ is between **OCEANA BAL HARBOUR CONDOMINIMUM ASSOCIATION INC.**, a Florida not for profit corporation (“**Association**”) and **BAL HARBOUR VILLAGE, FLORIDA** (“**Village**”), a Florida municipal corporation.

### RECITALS

Association is the representative entity of the fee simple condominium owners (the “**Owners**”) of the following described real property (“**Property**”) located at 10201 Collins Avenue, in Bal Harbour Village, Miami-Dade County, Florida:

All units of Oceana Bal Harbour Condominium, according to the Declaration of Condominium recorded in Official Records Book 28907, at Page 932, of the Public Records of Miami-Dade County, Florida.

On August 15, 2012, CONSULTATIO BAL HARBOUR LLC, a Florida limited liability company (“**Consultatio**”), filed an application with the Village to rezone the Property from OF (Ocean Front) to PD (Planned Development) (“**Application**”) in order to develop the Property as a mixed use multifamily condominium, restaurant, spa, health and beach club project (“**Project**”).

As a condition to the approval of the Application, and pursuant to Section 21-299 of the Village Zoning Code (“**Zoning Code**”), Consultatio and Village entered into a Development Agreement dated March 25, 2013, and recorded on April 1, 2013, in Official Records Book 28556, Page 2419, of the Public Records of Miami-Dade County, Florida (“**Original Agreement**”).

The Project was completed and turned over from Consultatio to the Owners. Village has since discovered and placed Association on notice of the Project’s failure to comply with Section 17 “Use Restrictions” of the Original Agreement by failing to provide the Village residents access to certain amenities as contemplated at the time of approval of the Project.

Association disputes the Village’s interpretation of Section 17 and further disputes the Village’s position that the Project is not in compliance with Section 17, and the parties have agreed to enter into this First Amendment to the Original Agreement to resolve this issue.

The Original Agreement, as amended by this First Amendment, will be referred to herein as “**Original Agreement**” or “**Agreement**.”

### AGREEMENT

In consideration of the mutual covenants contained in this First Amendment, the parties agree as follows:

1. **Recitals.** The recitals set forth above are true and correct and are incorporated into the Agreement.
2. **Defined Terms.** All terms used in this First Amendment which are defined in the Agreement will have the meaning set forth in the Agreement, unless the term is redefined by this First Amendment. New terms used in this First Amendment are defined in the paragraphs where they are first used.
3. **Revisions to Original Agreement.** A new Section 15.6 is added to the Agreement, and Section 17 of the Agreement is amended as follows:

15.6 **Additional Voluntary Contribution.** The Association agrees to fund landscape improvements to the crescent-shaped area in the front of the Property, facing Collins Avenue, and along the south easement (“the Landscape Improvements,” collectively as depicted on the attached Exhibit “A”, subject to the approval of the Village Manager or his designee. Such improvements shall not exceed \$200,000 in costs. The estimated funds for these improvements shall be deposited in the Village Attorney’s escrow account within 90 days of the recording of this First Amendment. The installation of the improvements shall commence no later than 30 days from the completion of the Association’s building and garage repairs expected to commence in 2024.

Additionally, the Association agrees to provide a \$1,000,000 contribution to the Village to use for any municipal purpose permitted under Section 166.021, Florida Statutes (the “Voluntary Contribution”). Such contribution shall be made to the Village within 60 days of the recording of this First Amendment. An extension of 30 days may be approved by the Village Manager at the request of the Association, upon the showing of good cause.

17. **Use Restrictions.** Residential units shall be prohibited from being leased or otherwise rented for a period of less than six (6) consecutive months, with a limitation of a maximum two leases per year. ~~Non-residential or recreational uses that are not accessory to the residential uses, and are not operated as part of a club where membership is required shall be open to Village residents. Any members-only club shall open membership to Village residents according to the same general membership terms afforded to regular club members.~~

4. **Default and Remedies.** If Association fails to fulfill any obligation or covenant set forth in this Agreement, Village will be entitled to exercise any or all remedies available under this Agreement, or at law or in equity.
5. **Notices.** All notices, demands, requests and other communications required under the Agreement must be given in writing and may be delivered by (i) hand delivery, with a receipt issued by the party making such delivery; (ii) certified mail, return receipt requested, or (iii) a nationally recognized overnight delivery service which



provides delivery confirmation. Notice will be deemed to have been given upon receipt or refusal of delivery. All notices, demands, requests and other communications required under this Agreement may be sent by facsimile or electronic mail provided that the facsimile or electronic communication is followed up by notice given pursuant to one of the three methods in the preceding sentence. Any party may designate a change of address by written notice to the other party, received by such other party at least ten days before the change of address is to become effective.

6. **Notice to Association.** Notice to Association under the Agreement must be sent to:

Oceana Bal Harbour Condominium Association Inc.  
Attn: Board President c/o Property Manager  
Telephone: (786) 623-4305  
Facsimile:  
Email:

**With a copy to:**

Haber Law, LLP  
Attn: Rebecca Casamayor, Esq.  
Telephone: (305) 379-2400  
Facsimile: (305) 379-1106  
Email: [RCasamayor@haber.law](mailto:RCasamayor@haber.law)

Bercow Radell Fernandez  
Larkin + Tapanes  
Attn: Mickey Marrero, Esq.  
Telephone: (305) 377-6238  
Facsimile: (305) 377-6222  
E-mail: [MMarrero@brzoninglaw.com](mailto:MMarrero@brzoninglaw.com)

6.1. **Notice to Village.** Notice to Village under the Agreement must be sent to:

Bal Harbour Village  
655 96th Street  
Bal Harbour, FL 33154  
Attn: Village Manager  
Telephone: 305.866.4644  
Email: [jgonzalez@balharbour.org](mailto:jgonzalez@balharbour.org)

**With a copy to:**

Weiss Serota Helfman Cole & Bierman, P.L.  
Coral Gables, Florida 33134  
Attention: Maria Currais  
Telephone: 305.854.0800  
Facsimile: 305.854.2323  
Email: [mcurrais@wsh-law.com](mailto:mcurrais@wsh-law.com)

7. **Miscellaneous Provisions.**

- 7.1. **Amendments.** No amendment to the Agreement will be binding on any party unless in writing and signed by all parties.
- 7.2. **Attorneys' Fees.** In the event either party to the Agreement institutes legal proceedings in connection with the Agreement, the prevailing party will be entitled to recover all reasonable attorneys' fees and expenses and court costs, including, without limitation, all paralegal fees, and all fees, taxes, costs and expenses incident to trial, appellate, bankruptcy and post-judgment proceedings.
- 7.3. **Authority.** Pursuant to Section 23 of the Agreement, Association represents that it has full right, power and authority to enter into this First Amendment and to perform its obligations and agreements hereunder, and that the person(s) executing the Agreement for Association on behalf of Owners is/are duly authorized to do so.
- 7.4. **Counterparts.** This First Amendment may be signed in counterparts, each one of which is considered an original, but all of which constitute one and the same instrument. This First Amendment is effective only after execution and delivery by the parties.
- 7.5. **Entire Agreement.** The Original Agreement, as amended by this First Amendment, and the exhibits constitute the sole agreement of the parties with respect to its subject matter. Any prior written or oral agreements, promises, negotiations, representations or communications not expressly set forth in the Agreement are of no force or effect.
- 7.6. **Governing Law.** The Agreement shall be construed in accordance with, and governed by the laws of the State of Florida.
- 7.7. **Ratification of Original Agreement.** Association and Village ratify and confirm all of the requirements, conditions, terms, and provisions of the Agreement, as amended by this First Amendment. If there is any conflict between the provisions of the Agreement and First Amendment, the provisions of this First Amendment will prevail.
- 7.8. **Recording.** Association shall record this First Amendment in the Public Records of Miami-Dade County, Florida, at Association's expense. The Association must provide a copy of the recorded First Amendment to Village within two weeks after recording.
- 7.9. **Successors and Assigns.** The provisions of the Agreement are binding upon the Association, the Owners and their respective successors and assigns, and inure to the benefit of Village.
8. **Waiver of Jury Trial.** EACH PARTY IRREVOCABLY AND UNCONDITIONALLY WAIVES, TO THE FULLEST EXTENT PERMITTED BY

APPLICABLE LAW, ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN ANY LEGAL ACTION, PROCEEDING, CAUSE OF ACTION OR COUNTERCLAIM ARISING OUT OF OR RELATING TO (a) THE AGREEMENT, INCLUDING ANY EXHIBITS, OR SCHEDULES ATTACHED TO THE AGREEMENT; (b) ANY OTHER DOCUMENT OR INSTRUMENT NOW OR HEREAFTER EXECUTED AND DELIVERED IN CONNECTION WITH THE AGREEMENT; OR (c) THE TRANSACTIONS CONTEMPLATED BY THE AGREEMENT. THIS WAIVER SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THE AGREEMENT.

**[SIGNATURE BLOCKS ON FOLLOWING PAGES]**

IN WITNESS WHEREOF, Village and Association have executed this First Amendment on the dates set forth below their respective signatures.

**Witnesses:**

**OWNER:**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

**OCEANA BAL HARBOUR  
CONDOMINIUM ASSOCIATION, INC.,** a  
Florida corporation not for profit

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me \_\_\_\_ in person or \_\_ by remote notary on \_\_\_\_\_, 2024, by \_\_\_\_\_ as \_\_\_\_\_ of **OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.**, a Florida corporation not for profit, on behalf of the corporation. He/She is ( ) personally known to me or has ( ) produced a valid driver's license as identification.

Notary Public: \_\_\_\_\_  
Sign Name: \_\_\_\_\_  
Print Name: \_\_\_\_\_

My Commission Expires:

NOTARIAL SEAL

IN WITNESS WHEREOF, Village and the Association have executed this First Amendment on the dates set forth below their respective signatures.

Witnesses:

**VILLAGE:**

**BAL HARBOUR VILLAGE**

\_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Jorge M. Gonzalez, Village Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

ATTEST:

Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Dwight Danie, Village Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE VILLAGE ONLY:

Weiss Serota Helfman Cole & Bierman, P.L., Village Attorney

By: \_\_\_\_\_

Name: \_\_\_\_\_

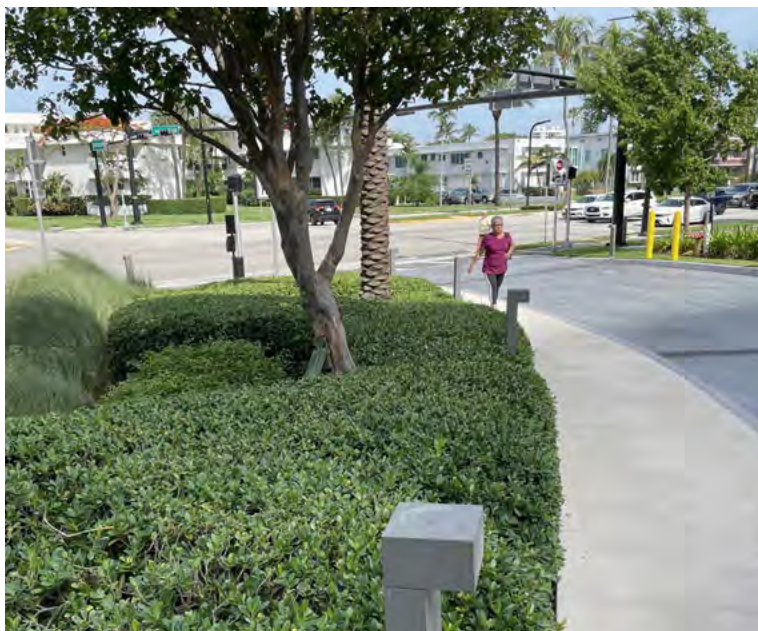
Title: \_\_\_\_\_

**EXHIBIT "A"**

**Landscape Improvements Area**

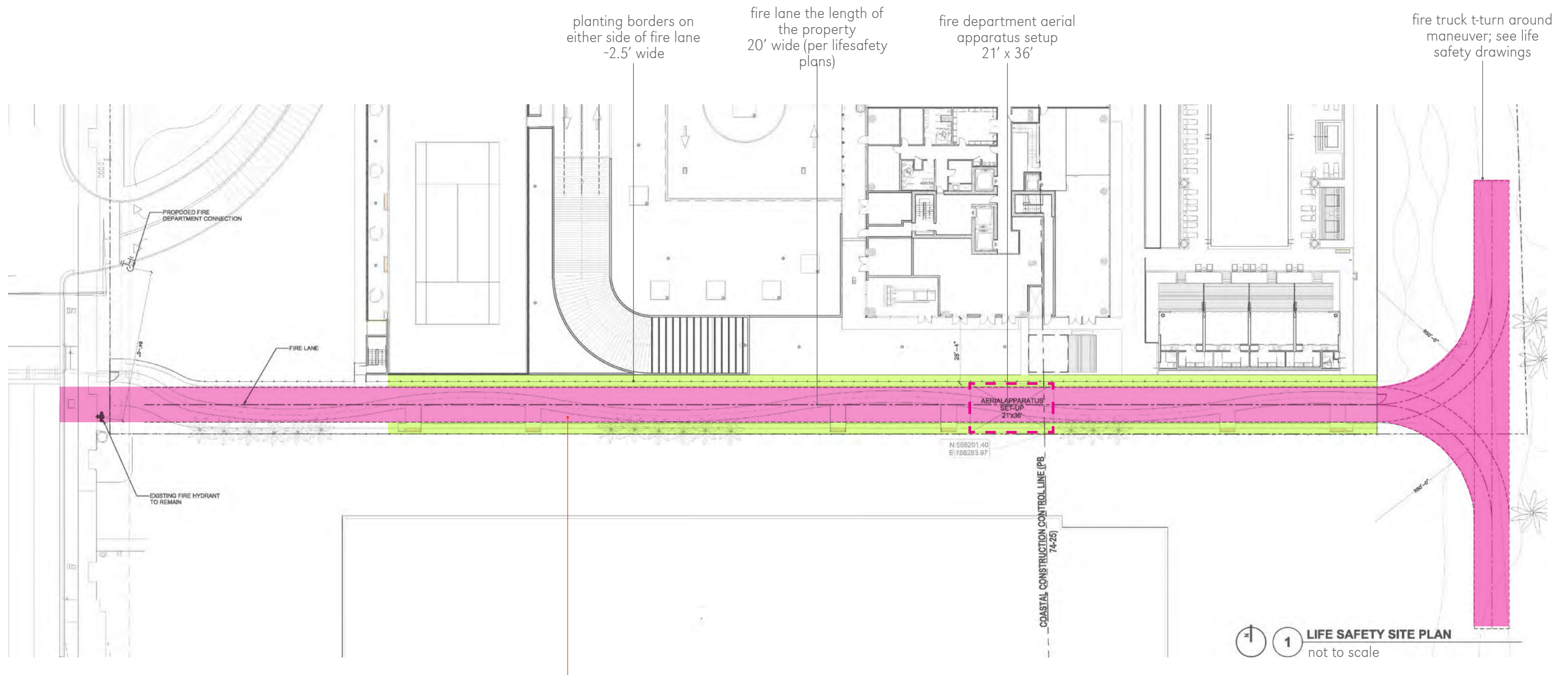
oceana

concept presentation - 09.08.2023  
bal harbour, florida










20' wide fire lane must be maintained unobstructed of any vertical elements (per the Florida Fire Prevention Code NFPA 1: 18.2.3.4.1.2), fixtures, or structures to allow passage by the fire department; refer to life safety drawings. Any modifications to be coordinated and approved with Fire Department.



entry sculpture garden    beach garden - west    beach garden - east    50' 



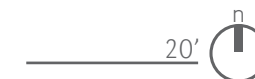
beach garden







20' wide fire lane must be maintained unobstructed of any vertical elements, fixtures, or structures to allow passage by the fire department (per the Florida Fire Prevention Code NFPA 1: 18.2.3.4.1.2); refer to life safety drawings. Any modifications to be coordinated and approved with Fire Department.





coastal construction control line (CCCL). significant development east of the CCCL requires permitting and approval with the Florida Department of Environmental Protection

fire truck t-turn; must remain unobstructed. refer to life safety drawings.

\*any modification to existing beach dune planting and beach promenade must be coordinated with and approved by the Florida Department of Environmental Protection (FDEP) and the Village of Bal Harbour





Bal Harbour's former Waterfront Park playground. Image from Google Earth.



The under-construction playground at Waterfront Park, west of Bal Harbour Shops on Bal Bay Drive. Play components include multiple climbing towers (3-4), slides, and bridges.

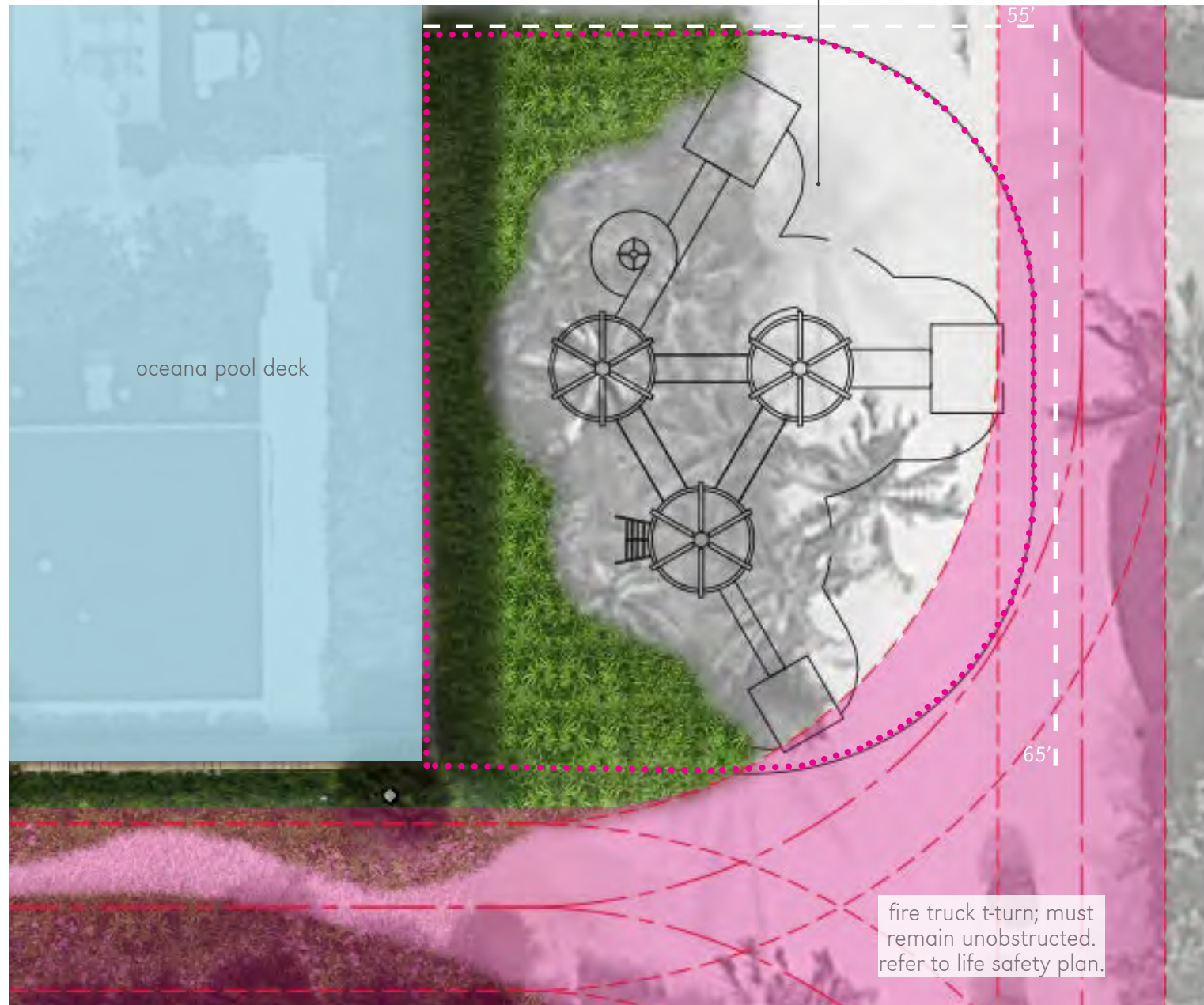


\*any modification to existing beach dune planting and beach promenade must be coordinated with and approved by the Florida Department of Environmental Protection (FDEP) and the Village of Bal Harbour



Size comparison of Bal Harbour's former Waterfront Park playground with the Oceana site. Image from Google Earth.

play structure with safety barrier  
(within existing dune planting\* and  
Bal Harbour beach promenade;  
interferes with fire lane)



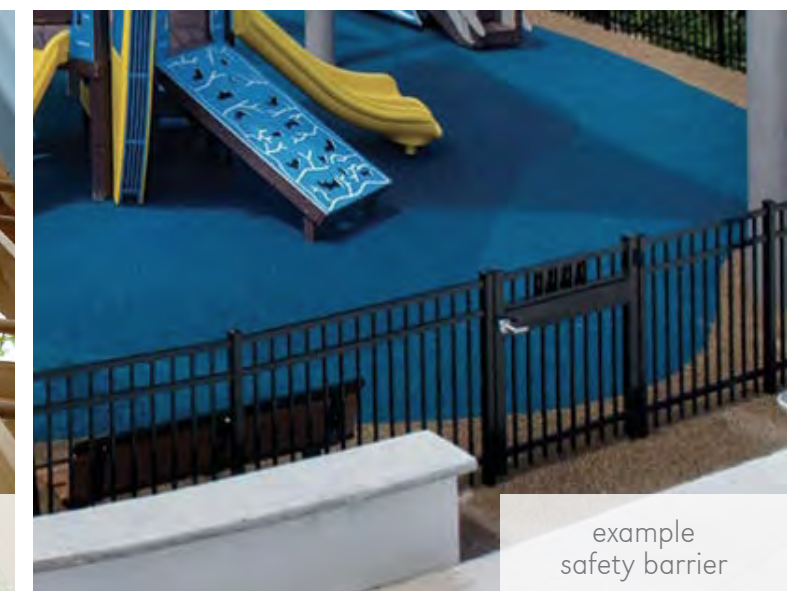
\*any modification to existing beach dune planting and beach promenade must be coordinated with and approved by the Florida Department of Environmental Protection (FDEP) and the Village of Bal Harbour



example  
play structure



example  
play elements



example  
safety barrier

Proposed play structure, including components seen at the new Waterfront Park playground: multiple climbing towers (3-4), slides, and bridges.

entry sculpture garden





specimen flowering trees  
 public sculpture in gravel  
 layers of grasses and shrubs



note: the sculpture image indicated on this sheet is for demonstrative purposes only. sculpture selections are by others.





20' wide fire lane must be maintained unobstructed of any vertical elements (per the Florida Fire Prevention Code NFPA 1: 18.2.3.4.1.2), fixtures, or structures to allow passage by the fire department; refer to life safety drawings. Any modifications to be coordinated and approved with Fire Department.

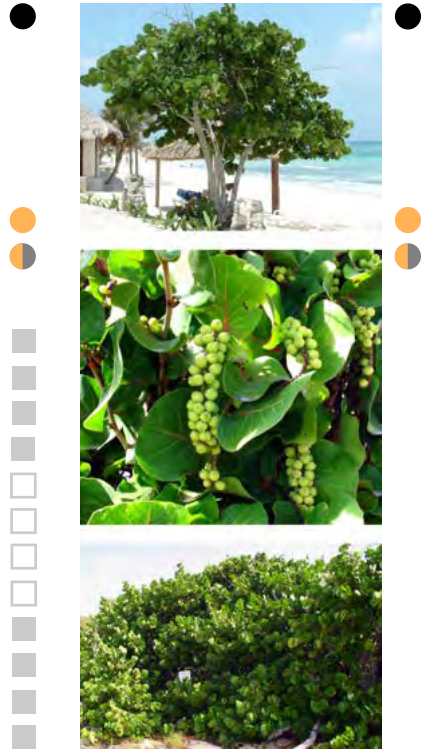


TREES + PALMS

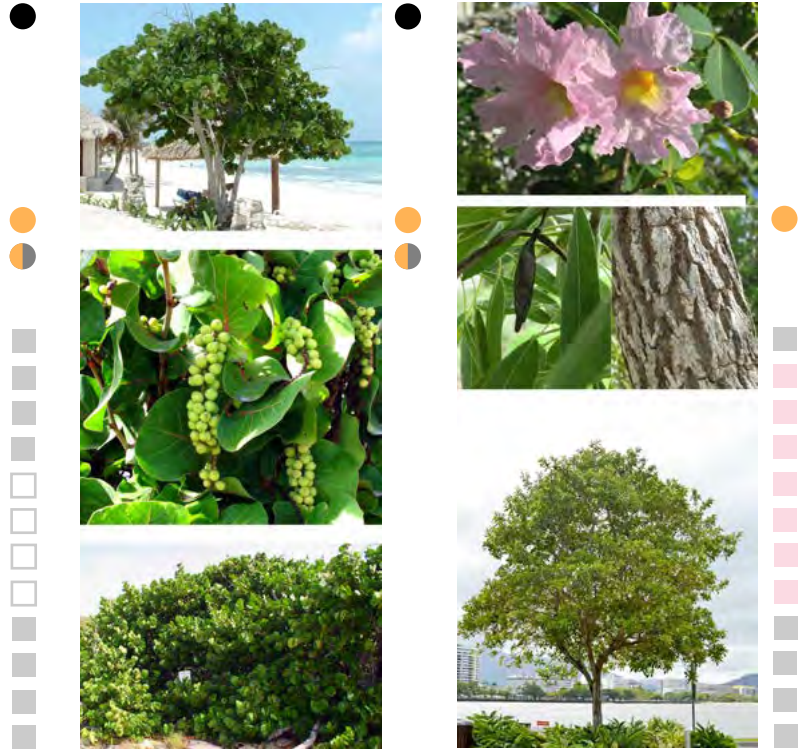
Pitch Apple  
*(Clusia rosea)*



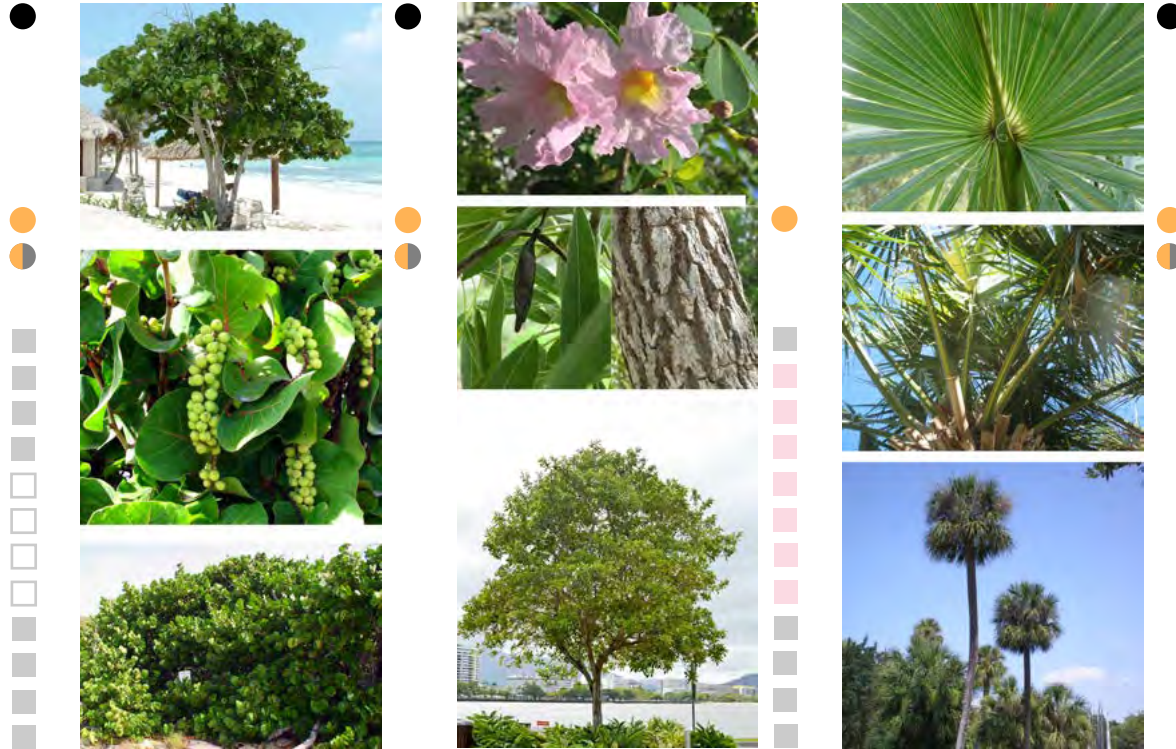
Seagrape  
*(Coccoloba uvifera)*



Pink Trumpet Tree  
*(Tabebuia heterophylla)*



Cabbage Palm  
*(Sabal palmetto)*



Coconut Palm  
*(Cocos nucifera)*



## LEGEND

light range

- florida native
- full sun
- partial shade
- shade

yearly blooming chart

- jan
- feb
- mar
- apr
- may
- jun
- jul
- aug
- sep
- oct
- nov
- dec

SHRUBS + GROUNDCOVERS

Small Leaf Clusia  
*(Clusia guttifera)*



Petite Pink Oleander  
*(Nerium oleander 'Petite Pink')*



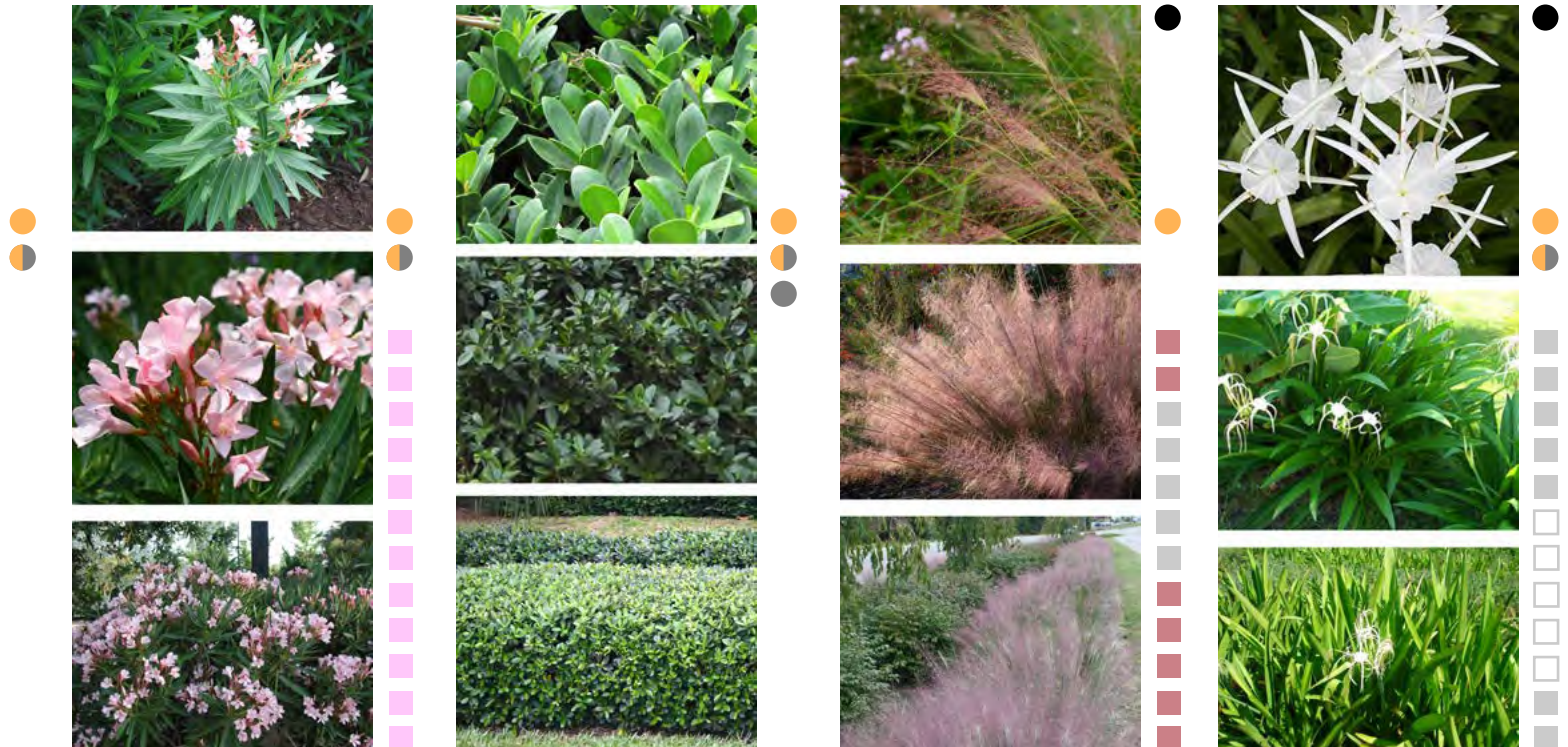
Green Island Ficus  
*(Ficus microcarpa)*



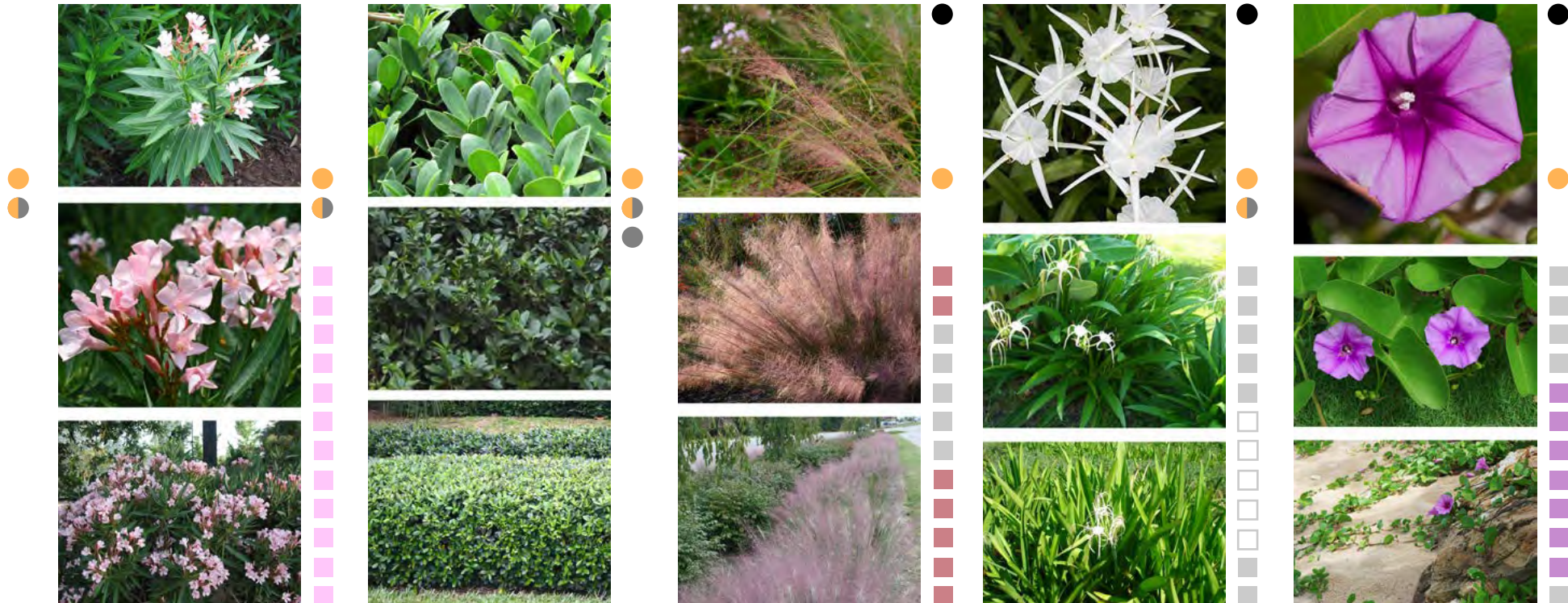
Muhly Grass  
*(Muhlenbergia capillaris)*



Spider Lily  
*(Hymenocallis latifolia)*



Railroad Vine  
*(Ipomoea pes-caprae)*



Powderpuff Mimosa  
*(Mimosa strigillosa)*





thank you





# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION SETTING THE METHOD OF ASSESSING COSTS AND DIRECTING THE PREPARATION OF THE ASSESSMENT ROLL RELATING TO THE PROVISION OF SECURITY AND LANDSCAPE SERVICES, FACILITIES AND PROGRAMS IN THE GATED RESIDENTIAL SECTION OF BAL HARBOUR VILLAGE, FLORIDA.**

### Issue:

Should the Village Council direct the preparation of the Security and Landscape Assessment Roll and approve the initial assessment for FY 2024-25?

### The Bal Harbour Experience:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Beautiful Environment | <input checked="" type="checkbox"/> Safety           | <input type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input type="checkbox"/> Destination & Amenities          | <input checked="" type="checkbox"/> Unique & Elegant | <input type="checkbox"/> Resiliency & Sustainable Community          |
| <input type="checkbox"/> Other: _____                     |  |  |

### Item Summary / Recommendation:

At its most recent meeting, the Bal Harbour Civic Association requested that the Council set the assessment for Fiscal Year 2024-2025. It is recommended that the Council approve the request and set the initial Assessment for FY 2024-25, at a proposed rate of \$6,500 for each Single-Family Residential Unit, \$3,250 for each Unimproved Property, and \$26,000 for each Private Recreational Facility. The current fiscal year rates are \$7,000, \$3,500 and \$28,000, respectively.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**


### Advisory Board Recommendation:

N/A

### Financial Information:

	Amount	Account	Account #
	\$1,479,098	Assessment	11-29-325200

### Sign off:

	<b>Chief Financial Officer</b>	<b>Village Manager</b>
	<b>Claudia Dixon</b>	<b>Jorge M. Gonzalez</b>
		

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: June 18, 2024

SUBJECT: **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.**

### **ADMINISTRATIVE RECOMMENDATION**

At its most recent meeting, the Bal Harbour Civic Association requested that the Council reduce the assessment for Fiscal Year 2024-2025. It is recommended that the Council approve the request, direct the preparation of an initial Security and Landscape Assessment Roll for the FY 2024-25, and approve the Security and Landscape Assessment Rate sufficient to provide services within the gated community throughout the coming fiscal year. The proposed assessment rate as requested by the BHCA for FY 2024-25 would be \$6,500.00 for each Single-Family Residential Unit, half that number, \$3,250.00, for each Unimproved Property and \$26,000.00 for each Private Recreational Facility. The current fiscal year rates are \$7,000, \$3,500 and \$28,000, respectively. Budgeted at ninety-five percent, for 239.53 units, it is estimated that these rates will generate approximately \$1,479,098.

### **BACKGROUND**

In FY 2012, the Village began the use of the tax bill method of collection for the imposition and collection of annual Security and Landscape Assessments for the provision of security and landscape services, facilities or programs against certain properties located within the gated residential section of the Village. As authorized by Section 18-121 of the Village Code, the Uniform Method of Collection is used to facilitate collection through the tax bills for the assessment.

The Security and Landscape Assessment provides for the maintenance of the security wall surrounding the Assessment Area, the maintenance and operation of the security gate; the

provision, whether direct or indirect, of security personnel to operate the security gate; the provision, whether direct or indirect, of landscaping services (including the care, maintenance, replacement, installation of landscape materials on swales, medians, open space and parks), and paving and repaving of the roads within the Assessment Area. We added pavement as an eligible expense in Fiscal Year 2020-2021.

On January 30, 2018, the Village Council approved a Settlement Agreement between the Village and Bal Harbour Yacht Club, Inc.; Flamingo Way Enterprises, LLC; Park Preservation, LLC; Bal Harbour Civic Association, Inc.; and FSH Bal Harbour, LLC. In this agreement, the Village committed to continue to assess and collect the Village's security and landscape assessments for the gated portion of the residential section of Bal Harbour (the "Gated Community") to October 1, 2019, and for an additional period of eight years. At the June 16, 2020 Village Council meeting, amendments to the Milestone Agreement were approved by the Village Council. The amendment restated certain obligations, clarified responsibilities and extended the end date for collection of the assessment through FY 2047.

## **ANALYSIS**

### **MEETING WITH COMMUNITY REPRESENTATIVES**

We met with the gated community on two occasions to go over their budget, the expected expenses and to discuss the appropriate rate for the assessments for FY 2025. The gated community has requested that the assessment rate be set at for FY 2025 at \$ 6,500.00 for each Single-Family Residential Unit, half that number, \$3,250.00, for each Unimproved Property and \$26,000.00 for each Private Recreational Facility. The requested rates should be sufficient to fully fund the anticipated recurring operations (including a Property Manager program and an enhanced security program) and will allow for the consideration of certain capital improvement type expenditures (i.e., reserves for future paving related repair and replacement; and the development of a capital program) for the coming year. Milling and repaving of the roads in the north phase of the assessment area was completed in early November 2023. The milling and repaving of the phase 5a locations along Park Drive will begin this fall after the curb and gutter work is complete, with the paving scheduled for completion in mid-December 2024. The remaining south phase of the assessment area will begin upon completion of the remaining utility work in that area in late FY 2025, early FY 2026.

The action before you now is to approve the assessment rate sufficient to provide for services, for the coming fiscal year. The Proposed FY 2024-25 Budget for the Security and Landscape assessment will be presented in conjunction with the items at the first budget hearing in September. The Final Assessment Resolution must be adopted no later than September 15, 2025.

### **THE BAL HARBOUR EXPERIENCE**

Approving the initial assessment rate will ensure the Security and Landscape Assessment will be sufficient to provide services within the gated community throughout the coming

fiscal year resulting in both a Beautiful Environment as well as enhanced Safety. In addition, the security measures result in a greater sense of Exclusivity & Access.

**CONCLUSION**

As requested by the BHCA, adoption of this resolution is recommended to direct the preparation of an initial Security and Landscape Assessment Roll for FY 2024-25 and approve an initial assessment rate equal to \$6,500.00 for each Single-Family Residential Unit, \$3,250.00 for each Unimproved Property, and \$26,000.00 for each Private Recreational Facility, an amount sufficient to provide for security and landscape program services for the coming fiscal year

Attachments:

1. Resolution Appendix A - Form of Notice to be Published

RESOLUTION NO. 2024-\_\_\_\_

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; PROVIDING FOR A MAXIMUM RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Village Council (the "Council") of Bal Harbour Village, Florida (the "Village"), via Ordinance No. 2012-562, previously adopted Section 18-121 "Uniform Method of Collection of Security and Landscape Special Assessments" of Chapter 18 of the Village Code, which authorizes the use of the Uniform Method of Collection for the imposition and collection of annual Security and Landscape Assessments for the provision of security and landscape services, facilities or programs against certain properties located within the gated residential section of the Village (the "Assessment Area"), as described in Exhibit "A", a copy of which is attached hereto and incorporated herein); and

**WHEREAS**, the imposition of Security and Landscape Assessments for the provision of security and landscape services, facilities or programs is an equitable and efficient method of allocating and apportioning Security and Landscape Costs among parcels located in the Assessment Area; and

**WHEREAS**, the Council desires to continue the use of the Uniform Method of Collection of the annual Security and Landscape Assessments within the Assessment Area, in accordance with Village Ordinance No. 552, which is codified as Article IX ("Assessments" of Chapter 2) "Administration" of the Village Code (the "Master Assessment Ordinance"), and Section 18-121 "Uniform Method of Collection of Security and

Landscape Special Assessments” of Chapter 18 of the Village Code, for the Fiscal Year beginning on October 1, 2022, and

**WHEREAS**, the Bal Harbour Civic Association, Inc. has requested the assessment rate for FY 2025 be set at \$6,500.00 for each Single-Family Residential Unit, half that number, \$3,250.00, for each Unimproved Property and \$26,000.00 for each Private Recreational Facility; and

**WHEREAS**, the Village may establish a Maximum Assessment Rate, which is the maximum assessment rate in which the Village may impose without the need for providing mailed notice pursuant to the Uniform Assessment Collection Act (as defined in the Ordinance).

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Authority.** This resolution is adopted pursuant to the provisions of Article IX of Chapter 2 and Section 18-121 of Chapter 18 of the Village Code, and Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**Section 2. Purpose and Definitions.** This resolution constitutes the Initial Assessment Resolution as defined in the Master Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Master Assessment Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

**“Assessed Property”** means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the service, facility or program identified in the Initial Assessment Resolution.

**“Assessment Area”** means the gated residential section of the Village as described in Exhibit “A”, attached hereto.

**“Building”** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind.



**“ Dwelling Unit ”** means a Building, or a portion thereof, which is located upon Residential Property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only. The term Dwelling Unit shall include individual units located within Multifamily Residential Establishments.

**“ Improved Property ”** means all property within the Assessment Area on which a Building or other improvements have been placed or constructed.

**“ Maximum Assessment Rate ”** means the maximum rates established under Section 5(D) herein for Security and Landscape Program Assessments.

**“ Multifamily Residential Establishment ”** means any structure other than a Single Family Residential Unit which is used, or constructed for use, as a multiple dwelling facility. Multifamily Residential Establishments shall include, without limitation, rooming houses, tourist courts, trailer parks, apartment buildings with rental or cooperative apartments, or multiple-story condominiums with common means of ingress and egress.

**“ Private Recreational Facility ”** means a privately owned facility located within the Assessment Area that is designed to provide recreational and social activities for its users and may include boat docks, tennis courts, swimming pools and buildings directly related to and supportive of the recreational activities.

**“ Residential Property ”** means all Improved Property containing a Single Family Residential Unit or Multifamily Residential Establishment.

**“ Single Family Residential Unit ”** means any structure which is used, or constructed for use, as a single-family dwelling, duplex or townhouse, and which is located on a single lot, parcel or tract of land. The term “ Single Family Residential Unit ” shall not include any Multifamily Residential Establishment.

**“ Security and Landscape Program Assessment Roll ”** means the Assessment Roll as defined in the Ordinances (Master Assessment Ordinance and Village Code Section 18-121) relating to the Security and Landscape Program Assessments.

**“ Security and Landscape Program Assessment ”** means an Assessment, as defined in the Master Assessment Ordinance, lawfully imposed by the Village against Assessed Property to fund all or any portion of the cost of the provision of Security and Landscape

services, facilities, or programs (the "Security and Landscape Program") providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

**"Security and Landscape Program Cost"** means the amount necessary to fund the Village's provision of the Security and Landscape Program that are allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village, or through contractual arrangements with the Village relating to the provision of security services, facilities or programs within the Assessed Area; (B) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village or through contractual arrangements with the Village relating to the provision of landscaping services (including the care, maintenance, replacement, and installation of landscape materials on swales, medians, open space and parks) within the Assessed Area; (C) the cost of any indemnity or surety bonds and premiums for insurance; (D) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (E) the cost of computer services, data processing, and communications; (F) the cost of training, travel and per diem; (G) the recovery of unpaid or delinquent fees or charges advanced by the Village and due to the provision of Security and Landscape services, programs or facilities allocable to specific parcels; (H) the cost of engineering, financial, legal or other professional services; (I) all costs associated with the structure, implementation, collection, and enforcement of the Security and Landscape Program Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (J) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Security and Landscape Program Assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the Village Council; (K) a reasonable amount for contingency to provide for Security and Landscaping services within the Assessed Area of the Village during hurricanes or other extreme weather events; (L) a reasonable amount for contingency and anticipated delinquencies and uncollectible Security and Landscape Program Assessments; (M) expenditures made in the defense or

support of the Security and Landscape Program and (N) reimbursement to the Village or any other person for any monies advanced for any costs incurred by the Village or such person in connection with any of the foregoing items of Security and Landscape Cost.

**“Security and Landscape Program”** means the maintenance of the security wall surrounding the Assessment Area, the paving and repaving of the roads serving the Assessment Area, the maintenance and operation of the security gate; the provision, whether direct or indirect, of security personnel to operate the security gate; the provision, whether direct or indirect, of landscaping services (including the care, maintenance, replacement, and installation of landscape materials on swales, medians, open space and parks) within the Assessment Area.

**“Improved Property”** means all property within the Assessment Area on which a Building or other improvements have been placed or constructed, or for which a building permit for a Principal Building, as defined in Chapter 21 of the Village Code of Ordinances, has been issued and remains valid.

**Section 3. Legislative Determinations of Special Benefit and Fair Apportionment.** It is hereby ascertained, declared and determined that the Security and Landscape Program provides a special benefit to the Assessed Property based upon the following legislative determinations:

#### **General**

(A) Upon the adoption of this Initial Assessment Resolution determining the Security and Landscape Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 2-372 of the Village Code are hereby ratified and confirmed.

(B) Pursuant to Section 18-121 of the Village Code, the Village has the general authority to impose fees for the provision of the Security and Landscape Program within its jurisdiction.

(C) The imposition of a recurring annual Security and Landscape Program Assessments is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the Security and Landscape Costs experienced by the Village for the provision of the Security and Landscape Program within the Assessment Area.

### **Special Benefit**

(D) The Security and Landscape services, facilities, and programs furnished by the Village possess a logical relationship to the use and enjoyment of the Assessed Property by providing: (1) Security and Landscaping services, facilities, and programs to the Owners and occupants of Assessed Property, (2) better service to Owners and tenants, (3) the enhancement of the aesthetic appeal and enjoyment of Assessed Property, and (4) the protection of property values and the health and safety of the Owners and occupants of Assessed Property resulting from the uniform delivery and availability of such services, facilities, and programs.

(E) The provision of comprehensive Security and Landscape services, facilities and programs furnished by or through the Village to Assessed Property enhances and strengthens the relationship of such services and programs to the use and enjoyment of Assessed Property within the Village.

### **Apportionment**

(F) The size or value of Assessed Property does not determine the scope and cost of the Security and Landscape Program to be provided to such property. The use of Security and Landscape services, facilities, and programs is primarily driven by the existence of a Dwelling Unit or Private Recreational Facility, but also applies to Unimproved Property to a lesser extent.

(G) Apportioning the Security and Landscape Costs for Security and Landscape services provided to Residential Units within the Assessment Area on a per Dwelling Unit basis to Single Family Residential Properties as identified in Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Security and Landscape Costs. Unimproved Property shall be assessed at 50% of the rate established for Single Family Residential Properties. Private Recreational Facilities shall be assessed at 400% of the rate established for Single Family Residential Properties.

(H) Apportioning the Security and Landscape Costs for Security and Landscape Services provided to Multifamily Residential Establishments within the Assessment Area on a Dwelling Unit basis as identified in the Tax Roll data base, is required to avoid cost

inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Security and Landscape Costs. Unimproved Property shall be assessed at 50% of the rate established for Single Family Residential Properties and Private Recreational Facilities shall be assessed at 400% of the rate established for Single Family Residential Properties in order to ensure there is a fair and reasonable apportionment of Security and Landscape Costs. Each Multifamily Residential Establishment shall be assessed at a rate which is the sum of (a) the Single Family Residential Unit rate for the first unit in the Multifamily Residential Establishment and (b) the product of 40% of the Single Family Residential Unit Rate multiplied by the number of remaining units in the Multifamily Residential Establishment. Each Dwelling Unit within a Multifamily Residential Establishment shall be apportioned an equal share of the Multifamily Residential Establishment rate. The Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Single Family Residential Unit, for each Unimproved Property, and on each Multifamily Residential Establishment shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

**Section 4. Security and Landscape Services, Facilities and Programs.**

(A) Upon the imposition of Security and Landscape Program Assessments for the provision of Security and Landscape services, facilities or programs against Assessed Property located within the Assessment Area, the Village shall cause Security and Landscape services, facilities or programs to be provided to such Assessed Property. Security and Landscape Costs shall be paid from proceeds of the Security and Landscape Program Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Village's provision of Security and Landscape services, facilities or programs in an amount not less than the Security and Landscape Program Assessment upon such parcel computed in the manner set forth in this Initial Assessment Resolution.

**Section 5. Determination of Security Cost and Landscape Cost; Establishment of Initial Security and Landscape Program Assessments.**

(A) The Security and Landscape Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2024, is \$1,479,098. The approval of this Initial Assessment Resolution determines the amount of the Security and Landscape Cost.

(B) For the Fiscal Year in which Security and Landscape Service Assessments for the provision of Security and Landscape services, facilities or programs are imposed, the Security and Landscape Cost shall be allocated among all Assessed Property within the Assessment Area, based upon the number of Dwelling Units for such parcels. The portion of the Security and Landscape Service Assessment attributable to the cost of providing security and landscape services is \$6,500.00 for each Single Family Residential Unit, \$3,250.00 for each Unimproved Property and \$26,000.00 for each Private Recreational Facility. Each Multifamily Residential Establishment shall be assessed at a rate which is the sum of (a) the Single Family Residential Unit rate for the first unit in the Multifamily Residential Establishment and (b) the product of 40% of the Single Family Residential Unit Rate multiplied by the number of remaining units in the Multifamily Residential Establishment. Each Dwelling Unit within a Multifamily Residential Establishment shall be apportioned an equal share of the Multifamily Residential Establishment rate.

(C) The rate of the Security and Landscape Program Assessments established in this Initial Assessment Resolution shall be the rates applied by the Village Manager in the preparation of the initial Security and Landscape Program Assessment Roll for the Fiscal Year commencing October 1, 2024, as provided in Section 6 of this Initial Assessment Resolution.

(D) In order to provide for increases in Security and Landscape Program Costs subsequent to the Fiscal Year commencing October 1, 2024, a Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Single Family Residential Unit, for each Unimproved Property, on each Multifamily Residential Establishment and the Private Recreational Facility shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

**Section 6. Security and Landscape Program Assessment Roll.**

(A) The Village Manager is hereby directed to prepare, or cause to be prepared, an initial Security and Landscape Program Assessment Roll for the Fiscal Year beginning October 1, 2024. Such initial Security and Landscape Program Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Village conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each Assessed Property as shown on the Tax Roll, (3) the amount of the initial Security and Landscape Program Assessment for Security and Landscape services, facilities or programs, and (4) an accounting demonstrating the amount of the Security and Landscape Program Assessment attributable to the cost of providing security and landscaping services, facilities and programs. The initial Security and Landscape Program Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Security and Landscape Program Assessment Roll be in printed form if the amount of the Security and Landscape Program Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Security and Landscape Program Assessment for each parcel of Assessed Property shall be computed by multiplying the applicable assessment rate by the number of Dwelling Units on the Assessed Property in accordance with Section 5 (B) above.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Security and Landscape Program Assessments for the provision of Security and Landscape services, facilities or programs (1) is a fair and reasonable method of apportioning the Security and Landscape Cost among parcels of Assessed Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Security and Landscape services, facilities or programs which are allocable to specific parcels of Assessed Property.

**Section 7. Authorization of Public Hearing.**

There is hereby established a public hearing to be held at \_\_\_\_\_ P.M., on \_\_\_\_\_, the \_\_\_\_ day of September 2024, in the Village Council Chamber, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving and considering any comments on the Security and Landscape Program Assessments from affected property owners, including establishing the Maximum Rates.

**Section 8. Notice by Publication**

The Village Clerk shall publish a notice, as required by Section 2-384 of the Village Code, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than \_\_\_\_\_, 2024 in a newspaper generally circulated in the Village.

**Section 9. Notice by Mail.**

The Village Manager shall ensure that proper and timely notice is provided to the Owners of Assessed Property in a manner consistent with the requirements of the Village’s Master Ordinance and Section 197.3632, Florida Statutes.

**Section 10. Adjustment of Public Hearing Date.**

In the event that the public hearing date or time which is provided for herein is revised because of scheduling or other conflicts, the Village Manager shall revise or direct the revision of the required public notices to conform to the revised date and time of the public hearing.

**Section 11. Effective Date.**

This Initial Assessment Resolution shall take effect immediately upon its passage and adoption and shall serve to ratify any action earlier taken by the Village in furtherance of the purposes of this Resolution.

PASSED AND ADOPTED this 18<sup>th</sup> day of June, 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.



**APPENDIX A**

**FORM OF NOTICE TO BE PUBLISHED**

To Be Published by \_\_\_\_\_, 2024

**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR SECURITY AND LANDSCAPE PROGRAM SPECIAL ASSESSMENTS**

Notice is hereby given that the Village Council of Bal Harbour Village, Florida, will conduct a public hearing to consider continuing to impose security and landscape special assessments against residential properties located within the Gated Residential Section of the Village, as described in Exhibit "A" attached hereto, and to authorize the continued collection of such assessments on the tax bill for the fiscal year beginning October 1, 2024, and future fiscal years.

The security and landscape special assessments will be imposed to fund the cost of providing security and landscaping services, facilities and programs provided to such properties. The Security and Landscape Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning on October 1, 2024 is \$1,479,098.

The hearing will be held at \_\_\_\_\_ **P.M., on \_\_\_\_\_, the \_\_\_ day of September, 2024, in Council Chamber**, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving public comment on the proposed assessments, and to impose the assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Village Council within 20 days of this notice. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Village Clerk at (305) 866-4633, at least two days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Village Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

The security and landscape assessments will be computed by multiplying the number of dwelling units on each parcel by the applicable rate of assessment. The annual rate of assessment for the upcoming fiscal year shall be \$6,500.00 for each Single Family Residential Unit, \$3,250.00 for each Unimproved Property and \$26,000.00 for each Private Recreational Facility. The Maximum Rates shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise. Each Multifamily Residential Establishment shall be assessed at a rate which is the sum of (a) the Single Family Residential Unit rate for the first unit in the Multifamily Residential Establishment and (b) the product of 40% of the Single Family Residential Unit Rate multiplied by the number of remaining units in the Multifamily Residential Establishment. Each Dwelling Unit within a Multifamily Residential Establishment shall be apportioned an equal share of the Multifamily Residential Establishment rate. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the Village Clerk, located at Village Hall, 655 - 96th Street, Bal Harbour, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2024, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Village at (305) 866-4633, Monday through Friday between 9:00 a.m. and 5:00 p.m.

**[INSERT MAP OF VILLAGE WHICH DEPICTS THE GATED RESIDENTIAL SECTION]**

VILLAGE CLERK  
BAL HARBOUR VILLAGE, FLORIDA

**EXHIBIT "A"**  
**GEOGRAPHIC BOUNDARIES OF ASSESSED AREA**

A portion of territorial boundaries of the municipality of Bal Harbour Village, in the County of Miami-Dade and State of Florida, described as follows:

- a. Lots 1 through 3, Block 12A, Resubdivision of Residential Section of Bal Harbour, Plat Book 53, page 15.
- b. All of Blocks 1, 2, 3, 4, 5 and 6, Residential Section of Bal Harbour, Plat Book 44, page 98.
- c. All of Blocks 9, 10, 11 and 12, Residential Section of Bal Harbour, Plat Book 44, page 98.
- d. Tract E, Residential Section of Bal Harbour, Plat Book 44, page 98.

(Excluding Lots 1 and 2 of Block 1 and Lot 3 of Block 12 A of District 3 as such District 3 is described in Village Code Sec. 18-111(a)(3)).



# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed 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.

### Issue:

Should the Village Council direct the preparation of the Solid Waste Assessment Roll and approve the initial Solid Waste Assessment for FY 2024-25?

### The Bal Harbour Experience:

Beautiful Environment     Safety     Modernized Public Facilities/Infrastructure  
 Destination & Amenities     Unique & Elegant     Resiliency & Sustainable Community  
 Other: \_\_\_\_\_

### Item Summary / Recommendation:

It is recommended that the Council approve the initial Solid Waste Assessment for FY 2024-25 at a rate of assessment equal to \$312.83 for each Dwelling Unit with a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit. This rate provides for Solid Waste and Recyclable Materials collection and disposal services to residential customers; which is an increase from the current year rate of \$297.93 and \$636.76 to account for the contractually obligated Consumer Price Index ("CPI") adjustment, to fully cover administrative support costs and to avoid the negative impact to the general fund as a result of rising internal costs.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Advisory Board Recommendation:

N/A

### Financial Information:

	Amount	Account	Account #
	\$963,447	Solid Waste Assessment	01-34-325200

### Sign off:

	Chief Financial Officer	Village Manager
	Claudia Dixon	Jorge M. Gonzalez
		

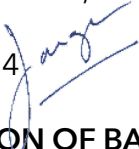
# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: June 18, 2024 

SUBJECT: **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 VILLAGE, 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.**

### **ADMINISTRATIVE RECOMMENDATION**

It is recommended that the Council approve the initial Solid Waste Assessment for FY 2024-25 at a rate of assessment equal to \$312.83 for each Dwelling Unit within a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit. This rate provides for Solid Waste and Recyclable Materials collection and disposal services to residential customers; which is an increase from the current year rate of \$297.93 and \$636.76 to account for the contractually obligated Consumer Price Index ("CPI") adjustment, to fully cover administrative support costs and to avoid the negative impact to the general fund as a result of rising internal costs.

### **BACKGROUND**

To provide solid waste and recyclable materials collection and disposal services, the imposition of an annual Solid Waste Service Assessment was implemented as an equitable and efficient method of allocating and apportioning solid waste costs among parcels of assessed property by Ordinance No. 2011-552. Adoption of this initial assessment resolution provides for the determination of Solid Waste Costs and the identification of the assessed property for inclusion in the assessment roll for the provision of solid waste services.

### **ANALYSIS**

Based on 3,019 units, the rate of \$312.83 for each Dwelling Unit within a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit will generate approximately \$963,447 budgeted at ninety-five percent to provide for solid waste collection services through FY 2024-25 using the tax bill method of collection.

In September of 2017, a renewed agreement between Bal Harbour Village and Progressive Waste Solutions of FL, Inc., was approved by Council extending through 2025. This agreement provided for the delivery of solid waste services, inclusive of service improvements, at rates fixed pursuant to the 2012 agreement through September 30, 2019, and CPI adjustments beginning October 1, 2019 and each year thereafter. This provides certainty for solid waste service delivery and future year costs for the Village.

The Final Assessment Resolution must be adopted no later than September 15, 2024. The required public hearing for the final solid waste assessment will coincide with the Village's first public budget hearing no later than September 15, 2024.

### ***THE BAL HARBOUR EXPERIENCE***

Approving the initial assessment rate will ensure the Solid Waste Assessment is sufficient to provide Solid Waste and Recycling Materials collection and disposal services to residential customers throughout the coming fiscal year, resulting in a Resilient and Sustainable Community.

### **CONCLUSION**

Adoption of this resolution is recommended to direct the preparation of an initial Solid Waste Assessment Roll for FY 2024-25 and approve an initial assessment rate equal to \$312.83 for each Dwelling Unit within a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit, an amount sufficient to provide for solid waste and recyclable materials collection and disposal services for the coming fiscal year.

### **Attachments:**

1. Resolution Appendix A - Form of Notice to be Published

RESOLUTION NO. 2024-\_\_\_\_

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 VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; PROVIDING FOR A MAXIMUM ASSESSMENT RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Village Council (the "Council") of Bal Harbour Village, Florida (the "Village"), currently provides for the imposition of annual Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs against certain Assessed Property within the Village; and

**WHEREAS**, the continued imposition of a Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs for Residential Properties is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property located in the Village; and

**WHEREAS**, the Council desires, as provided herein, to continue an annual Solid Waste and Recyclable Materials assessment program within the Village, using the Uniform Method of Collection for the Fiscal Year which commences on October 1, 2024.

**WHEREAS**, pursuant to the provisions of the Ordinance, the Village may establish a Maximum Assessment Rate, which is the maximum assessment rate in which the Village may impose without the need for providing mailed notice pursuant to the Uniform Assessment Collection Act (as defined in the Ordinance); and

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Authority.** This resolution is adopted pursuant to the provisions of Section 16-5 of the Village Code, and Article IX of Chapter 2 of the Village Code



(collectively, the "Ordinance"), and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**Section 2. Purpose and Definitions.** This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

**"Assessed Property"** means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the service, facility or program identified in the Initial Assessment Resolution.

**"Biohazardous Waste"** means any waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts, laboratory and veterinary waste which contains human disease-causing agents, used disposable sharps, human blood, and human blood products and body fluids, and other materials which represent a significant risk of infection to persons outside of the generating facility.

**"Building"** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a Building.

**"Commercial Establishment"** means any structure used or constructed for use for business operations. For purposes of this article, hotels, hotel-condominiums and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multifamily residential establishment.

**"Construction Debris"** means materials generally not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, or roofing material, pipe, gypsum wallboard, and lumber. Construction Debris shall include materials from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, stumps, and other vegetative matter which

normally results from land clearing or land development operations for a construction or home improvement project.

**"Dwelling Unit"** means a Building, or a portion thereof, which is located upon Residential Property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only. The term Dwelling Unit shall include individual units located within Multifamily Residential Establishments.

**"Garbage"** means every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruit or vegetables, and decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ carrying insects.

**"Hazardous Waste"** means waste which requires special handling, including, but not limited to explosives, wet cell lead acid batteries, pathological wastes, radioactive materials, acidic, caustic, toxic, highly flammable chemicals, paints, petroleum products or cleaning fluids.

**"Improved Property"** means all Residential Property within the incorporated area of the Village on which a Building or other improvements have been placed or constructed, which improvements result in such property generating Solid Waste or being capable of generating Solid Waste.

**"Maximum Assessment Rate"** means the maximum rates established under Section 5(D) herein for Solid Waste Service Assessments.

**"Multifamily Residential Establishment"** means any structure, other than a Single-Family Residential Unit, which is used, or constructed for use, as a multiple dwelling facility. Multifamily residential establishments shall include, without limitation, rooming houses, tourist courts, trailer parks, apartment buildings with rental or cooperative apartments, or multiple-story condominiums with common means of ingress and egress. The term Multifamily Residential Establishments shall not include buildings operated as hotel-condominiums. Hotel-condominiums constitute Commercial Establishments hereunder.

**"Noncombustible Refuse"** means refuse materials that are unburnable at ordinary incinerator temperature, eight hundred (800) degrees to eighteen hundred (1800) degrees, such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

**"Prohibited Waste"** means any Noncombustible Refuse, Hazardous Waste, Biohazardous Waste, or Special Waste.

**"Recyclable Materials"** means materials which would be Garbage, commercial refuse, industrial refuse or rubbish but for the fact that it is usable and/or has commercial value.

**"Residential Property"** means all Improved Property containing a Single-Family Residential Unit or Multifamily Residential Establishment.

**"Single Family Residential Unit"** means any structure which is used, or constructed for use, as a single-family dwelling, duplex or townhouse, and which is located on a single lot, parcel or tract of land. The term "Single Family Residential Unit" shall not include any Multifamily Residential Establishment.

**"Solid Waste"** includes Garbage, Trash, Yard and Garden Waste, White Goods, or other discarded material resulting from normal housekeeping activities, and shall exclude Prohibited Waste. The term Solid Waste shall also include debris that accumulates on property within the Village during hurricanes and other extreme storm events.

**"Solid Waste Assessment Roll"** means the Assessment Roll as defined in the Ordinance relating to the Solid Waste Service Assessments.

**"Solid Waste Service Assessment"** means an Assessment, as defined in the Ordinance, lawfully imposed by the Village against Assessed Property to fund all or any portion of the cost of the provision of Solid Waste and Recyclable Materials collection and disposal services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

**"Solid Waste Cost"** means the amount necessary to fund the Village's collection and disposal of Solid Waste and the recycling activities of Recyclable Materials that are

allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village, or through contractual arrangements with the Village relating to Solid Waste and Recyclable Materials collection and disposal services, facilities or programs; (B) the cost of any indemnity or surety bonds and premiums for insurance; (C) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (D) the cost of computer services, data processing, and communications; (E) the cost of training, travel and per diem; (F) the recovery of unpaid or delinquent fees or charges advanced by the Village and due for Solid Waste and Recyclable Materials management and disposal services, programs or facilities allocable to specific parcels; (G) the cost of engineering, financial, legal or other professional services; (H) all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Service Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (I) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Solid Waste Service Assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the Village Council; (J) a reasonable amount for contingency to provide for clearing, removing and disposal of debris accumulated on property within the Village during hurricanes or other extreme weather events; (K) a reasonable amount for contingency and anticipated delinquencies and uncollectible Solid Waste Service Assessments; and (L) reimbursement to the Village or any other Person for any monies advanced for any costs incurred by the Village or such Person in connection with any of the foregoing items of Solid Waste Cost.

**"Special Waste"** means Solid Waste that requires special handling and management, including, but not limited to, asbestos, whole tires, used tires, used oil, lead acid batteries, and Biohazardous Wastes and shall include items that exceed any size limitations for Yard and Garden Waste or other bulk trash.

**"Trash"** means refuse, accumulations of paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than

garbage, which are usual to housekeeping and to the operation of stores, offices and other business places; and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water breeding insects. Trash shall not include Noncombustible Refuse.

**"Unimproved Property"** means any vacant lot located within the Village.

**"White Goods"** means discarded appliances, including but not limited to stoves, refrigerators, dishwashers, washing machines, dryers, water heaters, air conditioners, and heating units.

**"Yard and Garden Waste"** means grass, leaves, tree or shrubbery cuttings incidental to the care of lawns and gardens. This includes large tree or shrubbery cuttings including tree limbs and logs less than four (4) inches in diameter and no more than five (5) feet in length, stumps less than fifteen (15) inches in diameter or fifty (50) pounds in weight and palm fronds, but excluding debris from unimproved lots, soil and sod.

**Section 3. Legislative Determinations of Special Benefit and Fair Apportionment.** It is hereby ascertained, declared and determined that the Solid Waste Costs provide a special benefit to the Assessed Property based upon the following legislative determinations:

#### **General**

(A) Upon the adoption of this Initial Assessment Resolution determining the Solid Waste Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 2-372 of the Village Code are hereby ratified and confirmed.

(B) Pursuant to Section 16-5 of the Village Code, the Village has the general authority to impose fees for the collection and transport of Solid Waste and Recyclable Materials generated within its jurisdiction to appropriate disposal facilities.

(C) The existence of any Building or other improvement on Improved Property results in such property generating Solid Waste and Recyclable Materials or being capable of generating Solid Waste and Recyclable Materials.

(D) The imposition of a recurring annual Solid Waste Service Assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover

the Solid Waste Costs experienced by the Village for the provision of Solid Waste collection services to Residential Property within the area assessed.

### **Special Benefit**

(E) The Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs furnished by the Village possess a logical relationship to the use and enjoyment of Assessed Property by providing: (1) Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs to the Owners and occupants of Residential Property for proper, safe, and cost effective disposal of Solid Waste and Recyclable Materials generated on such property, (2) better service to Owners and tenants, (3) the enhancement of environmentally responsible use and enjoyment of Residential Property, and (4) the protection of property values and the health and safety of the Owners and occupants of Residential Property resulting from the uniform delivery and availability of such services, facilities, and programs.

(F) The provision of comprehensive Solid Waste and Recyclable Materials collection and disposal services and programs furnished by or through the Village to Assessed Property enhances and strengthens the relationship of such services and programs to the use and enjoyment of Assessed Property within the Village.

### **Apportionment**

(G) The size or value of Assessed Property does not determine the scope and cost of Solid Waste and Recyclable Materials collection and disposal services to be provided to such property. The use of Solid Waste and Recyclable Materials collection and disposal services, facilities, and programs is driven by the existence of a Dwelling Unit.

(H) Apportioning the Solid Waste Costs for Solid Waste and Recyclable Materials collection and disposal services provided to Single Family Residential Units within the incorporated area of the Village on a per Dwelling Unit basis to single family residential properties as identified in Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs.

(I) Apportioning the Solid Waste Costs for Solid Waste and Recyclable Materials collection and disposal services provided to Multifamily Residential Establishments within the incorporated area of the Village on a Dwelling Unit basis as identified in the Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs.

(J) The owners of Commercial Properties shall obtain Solid Waste and Recyclable Materials collection services from an authorized franchisee of the Village at their own expense. The Village shall not provide for the collection of Solid Waste and Recyclable Materials from Commercial Properties located within the Village. Accordingly, Commercial Properties shall not be assessed pursuant to this Resolution.

**Section 4. Solid Waste and Recyclable Materials Collection and Disposal Services.**

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs against Assessed Property located within the Village, the Village shall cause Solid Waste and Recyclable Materials collection and disposal services, facilities or programs to be provided to such Assessed Property. Solid Waste Costs shall be paid from proceeds of the Solid Waste Service Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Village's provision of Solid Waste and Recyclable Materials collection and disposal services, facilities or programs in an amount not less than the Solid Waste Service Assessment upon such parcel computed in the manner set forth in this Initial Assessment Resolution.

**Section 5. Determination of Solid Waste Cost; Establishment of Initial Solid Waste Service Assessments.**

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2024, is \$963,447. The approval of this Initial Assessment Resolution determines the amount of the Solid Waste Cost.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs are

imposed, the Solid Waste Cost shall be allocated among all Assessed Property within the Village, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$312.83 for each Dwelling Unit within a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit for Solid Waste and Recyclable Materials collection and disposal services is hereby approved for the Fiscal Year beginning October 1, 2024.

(C) The rate of the Solid Waste Service Assessments established in this Initial Assessment Resolution shall be the rates applied by the Village Manager in the preparation of the initial Solid Waste Assessment Roll for the Fiscal Year commencing October 1, 2024, as provided in Section 6 of this Initial Assessment Resolution.

(D) In order to provide for increases in Solid Waste Costs subsequent to the Fiscal Year commencing October 1, 2024, a Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Multifamily Residential Establishment and for each Single-Family Residential Unit on each parcel shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

**Section 6. Solid Waste Assessment Roll.**

(A) The Village Manager is hereby directed to prepare, or cause to be prepared, an initial Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2024. Such initial Solid Waste Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Village conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each Assessed Property as shown on the Tax Roll, and (3) the amount of the initial Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs. The initial Solid Waste Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Solid Waste Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the applicable assessment rate by the number of Dwelling Units on the Assessed Property in accordance with Section 5 (B) above.



(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs (1) is a fair and reasonable method of apportioning the Solid Waste Cost among parcels of Assessed Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs which are allocable to specific parcels of Assessed Property.

**Section 7. Authorization of Public Hearing.**

There is hereby established a public hearing to be held at \_\_\_\_\_P.M., on \_\_\_\_\_, the \_\_\_ day of September 2024, in the Village Council Chamber, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving and considering any comments on the Solid Waste Service Assessments from affected property owners, including the proposed Maximum Assessment Rate.

**Section 8. Notice by Publication.**

The Village Clerk shall publish a notice, as required by Section 2-384 of the Village Code, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than \_\_\_\_\_, 2024 in a newspaper generally circulated in the Village.

**Section 9. Notice by Mail.**

The Village Manager shall ensure that proper and timely notice is provided to the Owners of Assessed Property in a manner consistent with the requirements of the Village's Ordinance and Section 197.3632, Florida Statutes.

**Section 10. Adjustment of Public Hearing Date.**

In the event that the public hearing date or time which is provided for herein is revised because of scheduling or other conflicts, the Village Manager shall revise or direct the revision of the required public notices to conform to the revised date and time of the public hearing.

**Section 11. Effective Date.**

This Initial Assessment Resolution shall take effect immediately upon its passage and adoption and shall serve to ratify any action earlier taken by the Village in furtherance of the purposes of this Resolution.

PASSED AND ADOPTED this 18<sup>th</sup> day of June, 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

**APPENDIX A**

**FORM OF NOTICE TO BE PUBLISHED**

To Be Published by \_\_\_\_\_, 2024

**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF  
SOLID WASTE AND RECYCLABLE MATERIALS SERVICE SPECIAL  
ASSESSMENTS**

Notice is hereby given that the Village Council of Bal Harbour Village, Florida, will conduct a public hearing to consider continuing to impose solid waste and recyclable materials special assessments against residential properties located within the incorporated area of the Village and to authorize the continued collection of such assessments on the tax bill for the fiscal year which commences on October 1, 2024 and future fiscal years.

The solid waste service assessments will be imposed to fund the cost of solid waste and recyclable materials collection and disposal services, facilities and programs provided to such properties. The solid waste cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning on October 1, 2024 is \$963,447.

The hearing will be held at \_\_\_\_\_**P.M.**, on \_\_\_\_\_, the \_\_\_\_ **day of September, 2024, in Council Chamber**, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving public comment on the proposed assessments and to impose the assessment. All affected property owners have a right to appear at the hearing and to file written objections with the Village Council within 20 days of this notice. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Village Clerk at (305)866-4633, at least two days prior to the date of the hearing.

**Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Village Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.**

The solid waste service assessments will be computed by multiplying the number of dwelling units on each parcel by the applicable rate of assessment. The annual rate of assessment for the upcoming fiscal year shall be \$312.83 for each Multifamily Residential Establishment's Dwelling Unit within a multifamily residential building and \$668.60 for each Single-Family Residential Unit Dwelling Unit on each parcel. The Maximum Assessment Rate shall not exceed annually (5%) five percent from the prior fiscal year's annual assessment rate; unless notified otherwise. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the Village Clerk, located at Village Hall, 655 - 96th Street, Bal Harbour, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2024, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Village at (305) 866-4633, Monday through Friday between 9:00 a.m. and 5:00 p.m.

**[INSERT MAP OF VILLAGE]**

**VILLAGE CLERK  
BAL HARBOUR VILLAGE, FLORIDA**

# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION ACCEPTING AND APPROVING THE TOURISM STRATEGIC PLAN DEVELOPED BY ERNST & YOUNG (EY) FOR BAL HARBOUR VILLAGE.**

### Issue:

Should the Village Council approve a Resolution to accept and approve the Tourism Strategic Plan for Bal Harbour Village developed by EY?

### The Bal Harbour Experience:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Beautiful Environment   | <input checked="" type="checkbox"/> Safety           | <input type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities | <input checked="" type="checkbox"/> Unique & Elegant | <input type="checkbox"/> Resiliency & Sustainable Community          |

### Item Summary / Recommendation:

At the 2023 Council Retreat, the Village's tourism and public relations efforts were identified as a priority. The Council asked for the development of a Tourism Strategic Plan to address the Village's future tourism efforts. The Village contracted with EY who began its work in October 2023 and concluded in February 2024 presenting the initial findings to the Village Council at 2024 Retreat. EY's framework was developed using a participative process, based on active engagement of relevant stakeholders, with a focus on: (1) changes in and evolution of the tourism environment, (2) emerging short/long-term strategic issues, (3) implications for tourism development, and (4) leveraging the Village's tourism brand to expand economic investments. Throughout the process employed by EY, their team leveraged a multi-pronged approach to data gathering and analysis, with particular emphasis on community outreach and feedback. This included stakeholder engagement, geolocation data, market and internal data and destination benchmarking. This led to the development of a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis summarizing findings from data gathering, site visits and stakeholder interviews which resulted in the development of the key strategic recommendations: (1) Tourism Data Analytics; (2) Tourism Operations and Marketing; (3) Tourism Partnerships; (4) Event Facilitation and Development; (5) Experiential Facilitation and Development; and (6) Tourism Product. Given the recommendations made, the Village has been proactive in taking steps to ensure that our tourism efforts remain focused on achieving our goals. The adoption of this strategic plan will help further refine and guide the Village's tourism strategies and goals.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Advisory Board Recommendation:

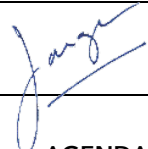
The Resort Tax Committee reviewed and discussed with the EY team the proposed Tourism Strategic Plan for Bal Harbour Village.

### Financial Information:

Amount	Account	Account #
N/A	Resort Tax Fund	

### Sign off:

<b>Assistant Village Manager</b> Ramiro J. Inguanzo	<b>Chief Financial Officer</b> Claudia Dixon	<b>Village Manager</b> Jorge M. Gonzalez
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# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: June 18, 2024

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING AND APPROVING THE TOURISM STRATEGIC PLAN DEVELOPED BY ERNST & YOUNG (EY) FOR BAL HARBOUR VILLAGE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending approval of this Resolution.

### **BACKGROUND**

At the February 2023 Village Council Retreat, the Village Council identified the Village's tourism and public relations efforts as a priority item for the Village to focus on. The Council asked for the development of a Tourism Strategic Plan as a way to address the future of the Village's tourism efforts. On April 21, 2023, the Village issued a Request for Proposals (RFP) 2023-02 for qualified and experienced firms to develop an integrated comprehensive strategic plan to continue to drive tourism in Bal Harbour Village by creating a framework to support the short and long-term success and resilience of Bal Harbour Village's tourism industry. At the July 18, 2023 Village Council meeting, the Village Council passed a Resolution authorizing the Village Manager to negotiate with the top-ranked firm of Ernst & Young (EY) for the development of a tourism strategic plan. At the September 19, 2023 Village Council Meeting, the Village Council approved a Resolution authorizing an agreement with EY in the amount of \$235,000 for the development of the Tourism Strategic Plan for Bal Harbour Village.

EY is a large, well-established firm with a world-wide presence and access to a vast network of data and clients. EY has a practice focused on Travel, Tourism, Hospitality & Real Estate based in Miami with a team that has local presence devoted to both public-sector tourism and destination development as well as private-sector real estate and hospitality. This team has performed similar work for entities such as the Greater Miami Convention & Visitors Bureau, over 50 other national tourism organizations and tourist destinations, as well as with private companies such as real estate developers, hotel brands and cruise lines. The EY team is also connected to the Greater Miami real estate and hospitality market and has performed advisory work in a variety of relevant competencies for many of the regions' leading hotels, commercial/retail and tourist attractions.

EY began its work in October 2023 and concluded in February 2024, subsequently presenting the initial findings to the Village Council at the Village Council Retreat.

By way of further background on the Village's tourism efforts, the resort tax revenue collected by the Village has continued to increase year after year, with Fiscal Year (FY) 2021-2022 collecting the highest amount of resort tax revenue in the Village's history, attributed to the results of the post-pandemic climate. In FY 2022-2023, the collections were slightly less than what was collected in FY 2021-2022 but resulted in the second highest total amount collected in the Village's history. For the first half of the FY 2023-2024, resort tax collections are in a similar trajectory as the past two previous fiscal years. Although the Village continues to see increases in the resort tax collected, the tourism industry as a whole continues to change and evolve in the post-pandemic world and even though our tourism model has been successful in meeting the Village's goals, we believe that the approval and adoption of a Tourism Strategic Plan will further and comprehensively align our efforts to ensure the continued success of our tourism efforts.

Bal Harbour Village is one of only three Miami-Dade County municipalities, along with the City of Miami Beach and the Town of Surfside, to levy a resort tax, and in doing so takes advantage of the benefits derived from this revenue source. This includes the reinvestment in the promotion of tourism and enhancing tourist eligible activities throughout the Village as well as efforts related to the beautification and maintenance of the Village in areas visited by tourists. The Village levies a Resort Tax of four (4) percent of the amount received for the occupancy of a room in any hotel, motel, or apartment house. In addition, it levies two (2) percent on retail sales of all items of food or beverages, alcoholic or otherwise, sold at retail for consumption on the premises, at any place of business within the Village.

The Village's Tourism Department is responsible for the marketing, PR and branding efforts of the Village as a destination, including promoting Bal Harbour's unique lifestyle, culinary and hotel offerings, and increasing Bal Harbour's brand equity, awareness and preference amongst tourists, travel professionals and potential residents in key feeder markets throughout the Americas, Europe and other parts of the world. The focus of the Tourism Department is to position the Village as a premier luxury and lifestyle destination worldwide. This is achieved by continuing to re-invest and strengthening the awareness of Bal Harbour Village, building demand for the destination from both tourists and potential residents, and generating business for our restaurants, hotels and partners.

The Tourism Department accomplishes these goals in a number of ways, including: (1) coordinating a digital advertising campaign to promote the Village as a tourism destination; (2) representation in key strategic domestic and international markets, using contracted professionals in these key markets, including in the following countries: Argentina, Brazil, Canada, Chile, Mexico and the U.S; (3) coordinating press and familiarization ("FAM") trips to Bal Harbour from key markets; (4) a recurring partnership with the Greater Miami Convention and Visitors Bureau (GMCVB) for joint efforts to attract visitors to Bal Harbour; and (5) developing special event programming and opportunities to enhance *The Bal Harbour Experience* for both our visitors and our residents.

To provide additional background, in 2013, the Village embarked on an effort to further evolve and enhance the Bal Harbour Village brand as a result of the continued vibrant growth of our area as a world-class global destination at that time. This resulted in an updated brand identity system and style guidelines reflective of the Village's updated brand positioning. The Village contracted with Partners & Napier, an integrated marketing firm whose expertise lies in the development of luxury brands, to clearly identify the Village's target audience, brand pillars (what the Bal Harbour Village brand stands for) and brand essence. This effort resulted in the Village contracting with Chandelier Designers for the development of an updated and comprehensive graphic presence and look for the Village. In addition, it also resulted in the creation of a style manual to which established guidelines for the consistent usage of the Village's new look were to be used for both the Village and our tourism efforts. Given that it has been nearly 10 years since this process was undertaken, the timing was right for the development of a strategic plan to guide us through the next few years.

The tourism goals of Bal Harbour Village are centered on enhancing our local community and increasing the overall benefit and economic impact generated by the tourism industry. These goals include: (1) increase traveler spending and tax revenues in Bal Harbour Village; (2) increase travel interest/demand year-round in Bal Harbour Village; (3) elevate Bal Harbour's recognition as an international tourism destination; (4) maximize marketing return on investment; and (5) support appropriate events in Bal Harbour Village.

### **ANALYSIS**

The adoption and implementation of a Tourism Strategic Plan for the Village will help further refine and guide the strategies and goals already executed by Bal Harbour Village and the Tourism Department. The framework of this Strategic Plan was developed using a participative process, based on active engagement of many relevant stakeholders to our community, including elected officials, members of the Village's Resort Tax Committee, representatives from hotels and restaurants in Bal Harbour, the Bal Harbour Shops, tourism entities such as the Greater Miami Conventions and Visitors Bureau, and from other relevant public and private representatives, with a focus on: (1) changes in and the evolution of the Bal Harbour tourism environment, (2) emerging short and long-term strategic issues, (3) implications for tourism development in Bal Harbour, (4) and leveraging Bal Harbour's tourism brand to expand economic and real estate investments and opportunities in Bal Harbour Village.

Throughout the process employed by EY, their team leveraged a multi-pronged approach to data gathering and analysis, with particular emphasis on community outreach and feedback. This included stakeholder engagement, geolocation data, market and internal data, and destination benchmarking. Six (6) key areas that support the tourism economy in the Village were then identified and then used to define the framework to build the analysis. These six (6) include: (1) Visitor profile and destination performance; (2) Lodging;



(3) Retail, Food & Beverage; (4) Attractions, Events and Experiences; (5) Governance; and (6) Identity, Branding and Marketing. This then led to the development of a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis summarizing findings from data gathering, site visits and stakeholder interviews. This then led to the development of the following key strategic recommendations around six (6) components of the Village's Tourism Strategic Plan:

1. Tourism Data Analytics
2. Tourism Operations and Marketing
3. Tourism Partnerships
4. Event Facilitation and Development
5. Experiential Facilitation and Development
6. Tourism Product (public spaces)

Throughout the benchmarking exercise, EY identified other leading international and domestic destinations to understand how these destinations address certain issues and challenges. These destinations included: La Croisette in Cannes, France; Forte dei Marmi, Lucca, Italy; Monte Carlo, Monaco; and domestically in: Aspen, Colorado; Beverly Hills, California; Carmel by the Sea, California; The Hamptons, New York; Scottsdale, Arizona; and Palm Beach, Florida. These destinations were selected based on a variety of factors appropriate to Bal Harbour Village, including: luxury, seasonality, high-end retail, beach/recreational community, exclusivity (unique), strong brand, size, and proximity to a large market/airport/urban core. In addition, the communities identified also share the following common themes that are important in Bal Harbour Village:

1. Offer diverse, signature, recognizable events that attract travelers year-round;
2. Have established partnerships with other destinations domestically and internationally to drive marketing efforts, share best practices;
3. Provide a variety of lodging options, including a diversified luxury segment that is updated and relevant and caters to the discerning luxury traveler;
4. Evolving experiences that continue to align with changing industry trends and that put forward year-round activities that drive revenue and minimize the impact of seasonality.

EY noted that as the luxury travel industry continues to evolve, with discerning travelers seeking more immersive, unique and personalized experiences, Bal Harbour Village will need to take certain trends into account. Luxury travel is experiencing a global upsurge with demand for exclusive, personalized and unique experiences and with travelers seeking more than just opulent accommodations. And experiential travel continues to emerge, with travelers seeking immersive encounters that foster deeper connections with destinations and cultures. Specific to the South Florida region, the greater Miami continues to grow as a sought-after destination, with a surge in visitors and the ongoing series of major events in the area. However, as the greater Miami continues to enhance its

allure, these areas outside of Bal Harbour Village will compete for visitors, especially those areas adding luxury accommodations, a thriving culinary scene featuring Michelin-starred restaurants and diverse food experiences, and newly emerging destinations and neighborhoods that are enriching the cultural, culinary and retail landscape.

As part of the development of the strategic plan, EY conducted a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis that resulted in the following findings:

### Strengths

Bal Harbour Village maintains a strong destination management foundation based on relationships, market efforts and a distinguished luxury brand and market position. Some of the specific strengths identified for Bal Harbour Village are:

1. Strong Positioning and Brand Identity - Bal Harbour Village's brand identity is robust, epitomizing sophistication, luxury and a refined coastal lifestyle, fostering an emotional connection with visitors.
2. Iconic Retail Destination - The Bal Harbour Shops which stands as an iconic luxury retail destination, drawing local, domestic and international visitors for its upscale shopping experience, driven by a tenant-base of globally renowned fashion, jewelry, accessory and home and lifestyle retailers.
3. Beach and Well-manicured Grounds - Bal Harbour features a captivating outdoor venue with its beautiful beach and well-manicured grounds, creating a natural and enchanting setting. In addition, the Village is undergoing new public capital developments, including a new waterfront park and community center and the upcoming jetty project.
4. Widely Recognized Luxury Hospitality Brands - Bal Harbour Village is home to two (2) widely recognized luxury hospitality brands.
5. Food & Beverage Scene - Several well-known restaurants are in the Village that appeal to guests, visitors, shoppers, residents and Miami-area locals.
6. Proximity, Association and Strong Relationships with Greater Miami Stakeholders - Bal Harbour Village has established strong partnerships within the destination and with key relevant organizations and neighboring cities.
7. Strong Connections with Market Representatives - The Bal Harbour Village Tourism Department has cultivated strong connections with marketing professionals and representatives in international markets, facilitating transparent communication in each respective key market.
8. Full Calendar of Events - The greater Miami area hosts many large signature events and Bal Harbour Village actively executes a full calendar of events to contribute to the region's vibrant cultural scene.

### Weaknesses / Areas for Improvement

Bal Harbour Village may face challenges not only related to evolving industry trends but also unique to our destination itself. Some of these areas for improvement include:

1. Limited data analytics capabilities to guide strategic decision making and support investment and understand the return on that investment.
2. Target metrics and goals are not in place in the relationships with in-destination marketing and PR Reps, so the Village has no insight into what they get for their investment and even represent only a single asset in destination.
3. Events process limitations in the Village and on the beach.
4. Events are primarily attended by residents and locals.
5. Greater Miami area is a destination for European visitors which are not a significant source market for Bal Harbour, particularly from the United Kingdom and France.
6. No global partnerships with other destination or tourism organizations.
7. Tourism Department will need supplemental resources to execute on a strategic growth plan.
8. Limited activities for children at the hotels and Bal Harbour Shops.
9. The hotel food and beverage offerings have limited attractions to external patrons beyond its reach to hotel guests.
10. Traffic congestion continues to be an issue impacting guest experiences as well as residents' lifestyle.
11. Ongoing and future construction at the Bal Harbour Shops and the impacts to the community and area.
12. State and County regulations on public spaces limit opportunities to create, host and promote experiences.

### Threats

Strategic opportunities must recognize existing and future limitations on destination management and operations. Some of these threats in Bal Harbour Village include:

1. Luxury lodging products face increasing competition from a deep pipeline of exclusive luxury products along Miami Beach from globally recognized brands such as Aman and Rosewood.
2. Seasonality of visitors to Bal Harbour Village with visitation experiencing higher decreases when compared to other areas in the greater Miami area.
3. Bal Harbour Village has a reputation of being slower-paced or for older people as described by some stakeholders. It may struggle to have that same liveliness or excitement factor as other destinations that is needed to attract younger crowds.
4. EY has analyzed hundreds of guest reviews for hotels in Bal Harbour with negative comments posing a threat to future bookings as many prospective guests rely on guest reviews before booking.
5. No unilateral control over influencing the development and curation of new amenities and attractions.

### Recommendations

EY recommends a holistic set of prioritized recommendations targeting key areas of destination management to compete with evolving trends and enhance visitation to Bal Harbour Village. Prioritization of and investment in strategic recommendations should consider level of effort, overall destination benefit and the impact on other initiatives. Following EY's site visit to Bal Harbour Village, analysis of available data, collection of supplementary data, primary and secondary research and conversations with more than 40 stakeholders, EY has identified key findings, opportunities and priorities. Based on these findings, EY built six strategic recommendations around the following components:

1. *Tourism Data Analytics* - Bal Harbour Village currently has limited access to visitor and destination performance data, relying on an incomplete combination of data from digital marketing efforts, the Greater Miami Conventions & Visitors Bureau and Resort Tax collections in the Village. Given this, the strategic recommendation is to invest in a tourism data analytics vendor. Investment in a robust set of recurring and dynamic visitor data related to key performance indicators is necessary to make strategic decisions, track and monitor progress against goals and objectives. Leading destinations leverage a diverse set of dynamic and real-time data to understand the nuances of the destination and visitor, and ultimately drive metric-based strategic decision making. These various data sources help destinations target source markets more narrowly, define existing visitor profiles and align targeted marketing not only to their existing visitor but to aspirational visitors as well. This use of data analytics can also provide insights into visitor spend by source market and type of spend - identifying the most lucrative source markets and destination itineraries. Data can also help inform events and experiences to target the right visitor at the right time to optimize attendance and engagement. There are a variety of ways in which to acquire this data, from the most robust recurring subscription-based dashboards to a more piecemeal approach of acquiring data at certain intervals, either quarterly or annually. The acquisition of data should be the highest priority for the Village as it will drive analysis and decision making related to future strategic decisions around marketing, events and partnerships.
2. *Tourism Operations and Marketing* - Bal Harbour's use of in-destination marketing representatives for key source markets aligns with best practices in the industry, but currently there is no mechanism to understand the impact of these efforts and the return on the investment. Additionally, while most marketing representatives are promoting the entire destination, in at least one instance they only market specific assets. On the digital marketing side, the Village is currently running ad campaigns which gather data on total impressions (views) and conversion rate (actions taken after viewing the ad). To get a better return on investment (ROI) on the Village's existing efforts, the establishment of parameters utilizing data analytics to establish baseline visitation metrics across identified Key Performance Indicators (KPIs) to develop goals and monitor progress against these goals. In addition, it is recommended that new source markets, particularly in the United Kingdom and France, be explored and identify the right approach to tapping into these markets.

Furthermore, it is recommended that the Village invest further in existing digital marketing campaigns to broaden exposure with the intended audience, which can be accomplished by engaging with digital media providers to refine the strategy and understand the value of expanding the budget (ROI and how it will be tracked). This can be accomplished by the Tourism Department engaging with third party market representatives in existing and potential markets.

3. *Tourism Partnerships* - Bal Harbour Village has strong local relationships with destination stakeholders as well as a collaborative relationship with the Greater Miami Conventions and Visitors Bureau. Additionally, the Village should explore "Sister City" relationships with appropriate and relevant markets. It is common practice for destinations to create partnerships that lead to the sharing of marketing and branding, collaboration of joint events, exchange of visitors (particularly with those cities that have offsetting high seasons) and sharing of best practices related to destination management. These partnerships are cultivated locally, domestically and globally and exist between destinations and between destinations and other tourism organizations. This can be accomplished through the Sister Cities International Program which provides a framework to create and cultivate those relationships. Potential and recommended partners include: Cannes, France; Forte dei Marmi, Lucca, Italy; Monte Carlo, Monaco; and domestically, Aspen, Colorado; Carmel by the Sea, California; Beverly Hills, California; Scottsdale, Arizona; and East Hampton, New York. In addition, the relationship with the Greater Miami Convention & Visitors Bureau should be leveraged further by exploring additional opportunities to collaborate. By doing so, Bal Harbour Village would have several domestic and global destination partners to leverage for best practices, event and visitor promotion and collaboration on marketing efforts resulting in new target markets and repeat visitation.
4. *Event Facilitation and Development* - Bal Harbour Village hosts and promotes a full calendar of events occurring in the Village, additional events are held and promoted by the Bal Harbour Shops and the hotels. Most of these events target residents or local visitors and do not generally drive significant interest or spend from broader domestic and international communities. However, the greater Miami area is host to a number of globally recognized annual events that drive overnight visitation. A strategic recommendation in this area would be to curate an annual signature event during off-peak times designed to drive overnight visitation and align with and promote Bal Harbour's identity. Such events can be achieved either through an affiliated event with one of Miami's existing global events or through the full curation of an entirely new event. In addition, the Village should enhance the promotion of smaller events to draw local hotel visitors and attract broader intentional visitation from the greater Miami area. Leading destinations use events to drive repeat visitation and reinforce their brand identity. Curating and hosting signature events in Bal Harbour Village can strengthen the Village's brand, however, limited venues, infrastructure, costs and resources make this a difficult option in Bal Harbour Village. However, hosting an event tied to one of the larger events already

taking place in the South Florida area could be a viable alternative to drive overnight visitation, enhance the brand and expose new visitors to Bal Harbour while limiting investment and commitment.

5. *Experiential Facilitation and Development* - Given the size of Bal Harbour Village and the residential aspect of the community, issues arise for hotel operators and other vendors in creating an experience or event for visitors. Destinations often curate unique and exclusive experiences to differentiate their visitor experience and build interest, intrigue and demand in the destination. In most instances, the destination is not the creator of these experiences, but rather supports the development through approvals and promotion of the end-product through various marketing and communication channels. Establishing open lines of communication and collaborative efforts between the hotels, Bal Harbour Shops, and Village officials resulting in more unique experiences for visitors is recommended in order to try to achieve this goal.
6. *Tourism Product* - Bal Harbour Village has limited input on investment in the Bal Harbour Shops and hotels. However, the Village has control over certain assets such as the Bal Harbour Waterfront Park and Community Center and the proposed new Jetty project. The Village should explore opportunities to better activate Bal Harbour Village's public spaces, drawing in visitors and building stronger tourism products and marketing opportunities to drive visitation to the hotels, the Bal Harbour Shops and the restaurants in the Village. While the Village does not control these key tourism products, the continued marketing and promotion of the destination will encourage continued investment by ownership in these assets. The new jetty project is an ideal opportunity to create an iconic public space that can be used to curate high-end, unique experiences for visitors to Bal Harbour Village.

#### Steps Taken by the Village

Given the recommendations made by EY, the Village has been proactive in taking steps to ensure that our tourism efforts remain focused on achieving our goals. These steps include the following:

1. Given the limited access to visitor and destination performance data, EY assisted the Village in identifying several vendors that specialize in tourism data analytics. Of these vendors, we have been speaking with the company that works with the Greater Miami Convention and Visitors (GMCVB) while also speaking with the GMCVB to see if there is a possibility for the Village to partner with the GMCVB. Our conversations with the GMCVB and this vendor are ongoing at this time, and we hope to be able to access the data they are already collecting while also designing a platform that would allow us to review and generate reports specific to the Village which would include domestic and international visitation data, visitor spend data, and website and social media tracking. As stated earlier, the acquisition of this data is a top priority for the Village as it will drive analysis and decision making related to future strategic decisions around marketing, events and partnerships.

2. The development of tourism partnerships is ongoing. On the June 18, 2024, there is a Resolution approving moving forward with the establishment of a Sister Cities Agreement with the Hof HaCarmel Regional Council in Israel, a key market for Bal Harbour Village. The Village has already also begun exploring these types of relationships with other key markets focusing on those identified by EY and we plan to pursue these strategic partnerships in the short and long term. By doing so, the Village will have destination partners to work with on best practices, event and visitor promotion and collaboration on marketing efforts resulting in new target markets and repeat visitation.
3. Village Staff and the EY team have been working with the Village's in-destination marketing representatives on the identification and establishment Key Performance Indicators (KPIs) to develop goals for the next fiscal year and monitor progress against these goals, utilizing data analytics to establish the baseline visitation metrics. A collective meeting with all of the Village's marketing representatives will take place June 24-26, 2024, along with the EY team to finalize this process and have it in place in time for FY 2024-25. In addition, Village staff has worked with the GMCVB to identify and connect with appropriate representatives in United Kingdom and France to explore and identify approaches and strategies to better connect and brand to luxury travelers in these markets.
4. Village staff have met with hotel representatives to explore unique experiences for visitors, particularly as they relate to water sports and other recreational activities on the beach. We have also been working with hotel representatives to create a process which would allow hotel guests to access Village amenities in the Bal Harbour Waterfront Park. Both these efforts are ongoing and have yet to be finalized.

### **THE BAL HARBOUR EXPERIENCE**

The Village's tourism efforts promote Bal Harbour Village as a desirable destination by highlighting the four pillars of *The Bal Harbour Experience* which distinguishes Bal Harbour from competing destinations. Specifically, the Resort Tax Fund supports and funds all of the following elements of *The Bal Harbour Experience*: Beautiful Environment, Destination & Amenities, Unique & Elegant, and Safety.

### **CONCLUSION**

Approval of this Resolution is recommended to accept and adopt the Tourism Strategic Plan for Bal Harbour Village so that the Village's Tourism Department can continue to prioritize and enhance the Village's tourism and public relations efforts. The adoption and implementation of a Tourism Strategic Plan for the Village will help further refine and guide the strategies and goals already executed by Bal Harbour Village.

### **Attachments:**

1. Bal Harbour Village Tourism Strategic Plan

RESOLUTION NO. 2024-\_\_\_\_

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE TOURISM STRATEGIC PLAN DEVELOPED BY ERNST & YOUNG (EY) FOR BAL HARBOUR VILLAGE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, at the February 2023 Village Council Retreat, the Village Council identified the Village’s tourism and public relations efforts as priorities, requesting the development of a Tourism Strategic Plan to address the future of the Village’s tourism efforts; and

**WHEREAS**, the Village issued a Request for Proposals (“RFP”) for qualified and experienced firms to develop an integrated comprehensive plan for tourism (the “Plan”) in the Village; and

**WHEREAS**, at the July 18, 2023 Village Council meeting, the Village Council passed a Resolution authorizing the Village Manager to negotiate with Ernst & Young (“EY”), as the top-ranked firm to develop the Plan; and

**WHEREAS**, at the September 19, 2023 Village Council meeting, the Village Council authorized the agreement with EY to develop the Plan; and

**WHEREAS**, this Council has determined that it is in the best interest of the Village to accept and adopt the Tourism Strategic Development Plan prepared by EY.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Tourism Strategic Development Plan Accepted.** That the Tourism Strategic Development Plan developed and submitted by Ernst & Young is hereby accepted.

**Section 3. Implementation.** That the Village Manager is hereby authorized to take all actions necessary to implement the purposes of this Resolution.



**Section 4. Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 18<sup>th</sup> day of June 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.



# Strategic Tourism Plan - Bal Harbour Village

Prepared for: Bal Harbour Village

**Reliance Restricted**

23 February 2024 | Version 1.2 (Draft)



## Reliance Restricted

Ramiro J. Inguanzo  
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## Strategic Tourism Plan - Bal Harbour Village

**DRAFT**

Dear Mr. Inguanzo,

Ernst & Young LL (EY) has performed certain advisory services, as described in our Statement of Work (SOW) dated 20 September 2023 (and presented as an appendix to this document), in connection with the development of a Tourism Strategic Plan (Project) for Bal Harbour Village (Bal Harbour, BH, the Village). We leveraged a multi-pronged approach to data gathering and analysis, with a particular emphasis on community outreach and feedback to develop a forward-looking strategic framework for Bal Harbour's tourism economy as it looks to continue growth over the short-, mid- and long-term.

Our results are intended to present a recommended action plan with specific recommendations for the Village to enhance events, experiences, infrastructure, investment, partnership and tourism governance.

### Purpose of our report and restrictions on its use

The engagement was performed in accordance with the terms from our SOW and Master Services Agreement (together the "Agreement") dated 20 September 2023, and the tasks completed were limited to those defined in the SOW and described herein.

The accompanying report (Report) has been prepared by EY, from information and material supplied by the Bal Harbour Village (the Client; the Village), stakeholder interviews and publicly available data for the sole purpose of assisting the Client. The Report contains our findings from our procedures and is intended for the internal use only of the Client. This Report cannot be used for any other purpose.

It has been a pleasure assisting you with this assignment. Please do not hesitate to contact Robbie Karver or Ryan Foster with any questions or comments regarding this Report.

Very truly yours,

**DRAFT**

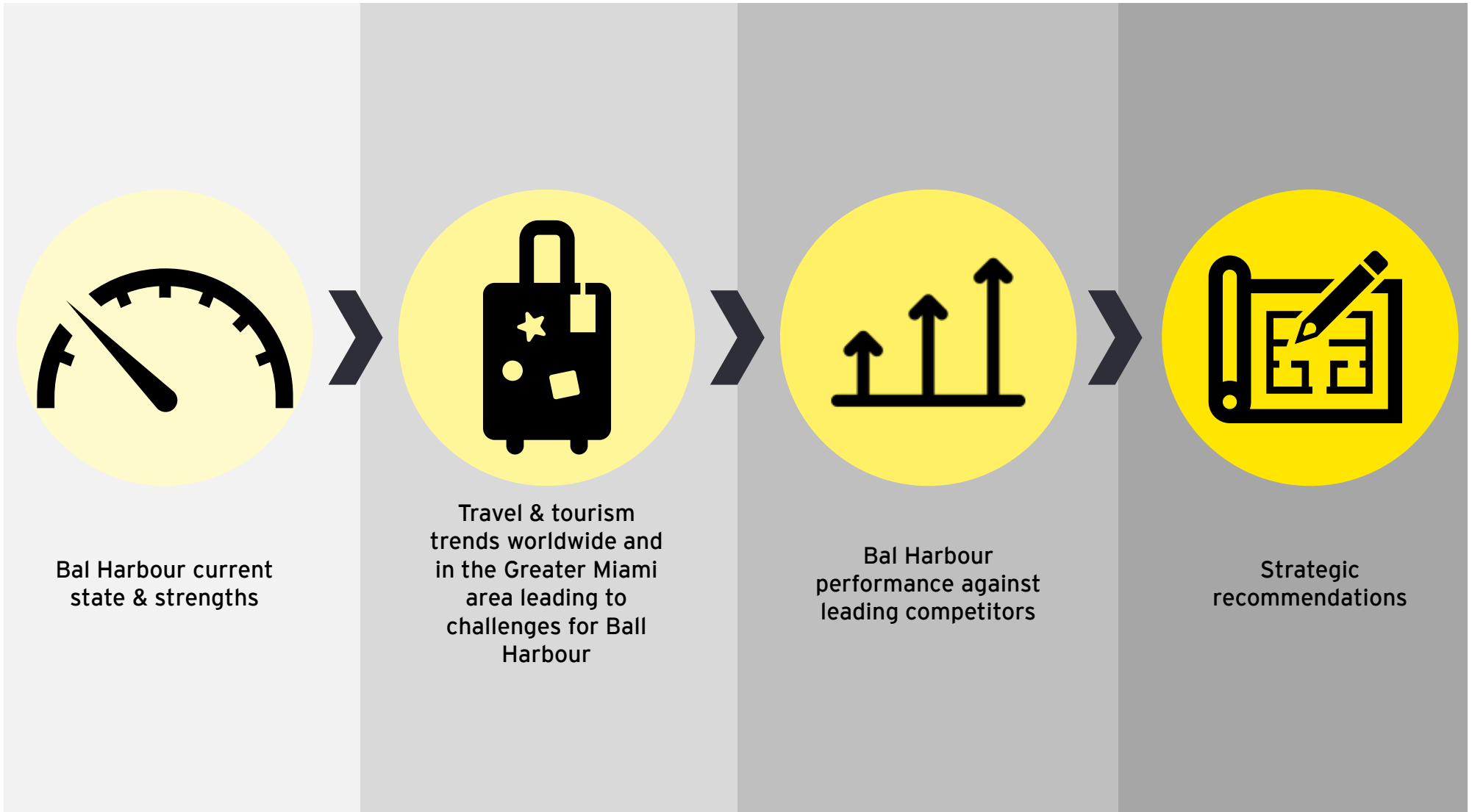
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# 1

# Executive Summary

# Overview of the executive summary and project approach



# Bal Harbour Village maintains a strong destination management foundation based on relationships, marketing efforts and a distinguished luxury brand and market position

Bal Harbour has a strong positioning and brand recognition as a luxury destination anchored by shopping and luxury accommodations. In recent years, the Village has experienced record resort tax collection.

**Positioning**

The Bal Harbour brand has a distinguished position in the market as a premier luxury destination with high-end shopping, lodging and other luxury amenities. Bal Harbour offers world-class shopping at the renowned Bal Harbour Shops, showcasing high-end fashion and gourmet dining options. Bal Harbour stands as an epitome of elegance, with nearby destinations such as Surfside marketing their proximity to Bal Harbour as their own key selling point.



**Presence in the right markets**

From a sales and marketing perspective, Bal Harbour already has presence in the right markets. This ensures the Village is able to reach the target demographic of potential visitors.



**Record Resort Tax**

Bal Harbour collected almost \$6 million in resort tax dollars in 2022 and 2023 respectively - which is higher than any previous year. The climb in resort tax collectors speaks to Bal Harbour's ability to effectively attract discerning travelers who are willing to spend in the Village. Additionally, the influx in collections allows for more financial resources to be reinvested in tourism.



**Strong relationships with stakeholders**

The Village maintains close relationships with internal and external stakeholders, such as the hotels, the restaurants and other local organizations such as the GMCVB, which is critical to its promotion as a destination within a destination (greater Miami/South Florida).



**Additional positives and strengths for Bal Harbour:**



Proximity and association with Greater Miami



Global access through Miami International Airport



Desirable weather and climate



As the industry continues to evolve, with discerning travelers seeking more immersive, unique and personalized experiences, Bal Harbour faces challenges in maintaining competitiveness

### Global hospitality, travel & tourism trends



Luxury travel is experiencing a global upsurge, characterized by an increasing demand for exclusive, personalized, and unique experiences. Discerning travelers are seeking more than just opulent accommodations; they crave tailored journeys that cater to their individual preferences and desires.



Experiential travel has also emerged as a dominant trend in the tourism industry, with travelers seeking immersive encounters that foster deeper connections with destinations and cultures.

### Greater Miami market trends & disruptors

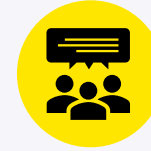


The greater Miami area is growing as a sought-after destination with a surge in visitor numbers and the arrival of major events such as F1, the FIFA Soccer World Cup and the Super Bowl.



The addition of luxurious accommodations like Aman, alongside a thriving culinary scene featuring Michelin-starred restaurants and diverse food experiences, further enhances its allure. Additionally, newly emerging destinations and neighborhoods within Greater Miami, such as the Design District and Faena district, are enriching the cultural, culinary, and retail landscape, providing visitors with an array of enticing options to explore.

### Challenges and threats for Bal Harbour



Lodging

Guests' reviews indicate there are opportunities for improving the luxury lodging product and experience. However, Bal Harbour tourism team lacks control of these amenities.



Regulations

State and county regulations on public spaces limit opportunities to create, host, and promote experiences that would cater to groups and help curb seasonality.



Traffic

Traffic congestion (including ongoing construction from private developers) continues to be an issue impacting guest experience as well as residents' lifestyle.



Seasonality


Bal Harbour sees a more significant fluctuation in seasonality when compared to other areas in Greater Miami given in part to limited product offering and limited events for groups.



Amenities

No unilateral control over influencing the development and curation of new amenities and attractions (e.g., culinary); healthy dialogue between public and private entities is critical for cohesive experience and marketing the destination.

# To compete with evolving trends and enhance visitation to Bal Harbour, we present a holistic set of prioritized recommendations targeting key areas of destination management



**Tourism data analytics**




- Engage with a tourism data analytics vendor




**Tourism operations and marketing**




- Consider return on investment (ROI) on existing efforts
- Identify new source markets
- Enhance digital marketing campaign

**Tourism partnerships**




- Explore national and global partnership opportunities
- Continue to engage with local and regional partnerships (particularly the GMCVB)

**Event facilitation and development**




- Leverage existing Miami events to host a related signature Bal Harbour event
- Enhance promotion of smaller events

**Experiential facilitation and development**



- Increase communications between key tourism professionals (e.g., hotels, market reps, etc.)

**Tourism product (public spaces)**



- Activate existing public spaces
- Prioritize the visitor experience in future developments
- Continue marketing and promotion of key assets



The background of the slide is an aerial photograph of a coastal city. In the foreground, there is a wide, sandy beach that curves along the shoreline. The water is a vibrant turquoise color, transitioning to a deeper blue further out. Several high-rise apartment buildings with glass facades are visible, some with balconies. The sky is a clear, pale blue with a few wispy clouds. A large, semi-transparent number '2' is overlaid on the left side of the image.

# 2 Project Background

# Project Background

EY has been hired to develop a strategic plan to continue driving tourism to Bal Harbour Village by creating a framework to support the short-and-long-term success and resilience of Bal Harbour’s tourism industry. The framework will guide the strategies and goals executed by Bal Harbour Village and its Tourism Department.

- Bal Harbour Village is one of only three Miami-Dade County municipalities, along with the Town of Surfside and the City of Miami Beach, to levy a resort tax and benefit from this revenue source. This revenue is reinvested in the promotion of tourism and enhancing tourist activities as well as efforts related to the beautification and maintenance of the Village in areas visited by tourists.

**The tourism goals of Bal Harbour Village include:**

 Increase traveler spending and tax revenues	 Support current and future events in the Village
 Increase travel demand year-round	 Elevate recognition as an international tourism destination
 Maximize marketing return on investment	 Preservation of its identity

- The Bal Harbour tourism department is responsible for marketing and branding efforts to position the Village as a premier luxury lifestyle destination worldwide. This is achieved by continuing to re-invest and support the Village by strengthening the awareness of its brand and identity, building demand for the destination from both tourists and potential residents, and generating business for Village partners.

This project aims to provide the Village with insights to enhance future preparedness by analyzing market trends and implementing destination best practices. It will identify necessary tools for informed strategic decision-making, explore leading practices in destination management and foster a deeper understanding of the visitor profile while considering the community's collective preferences and priorities.



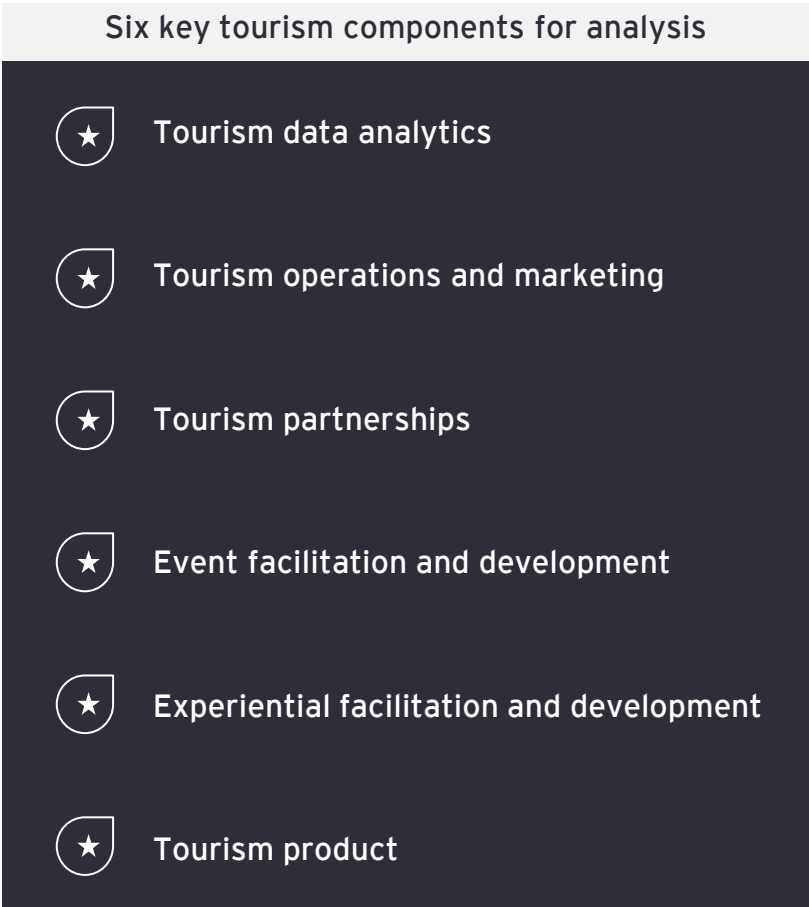
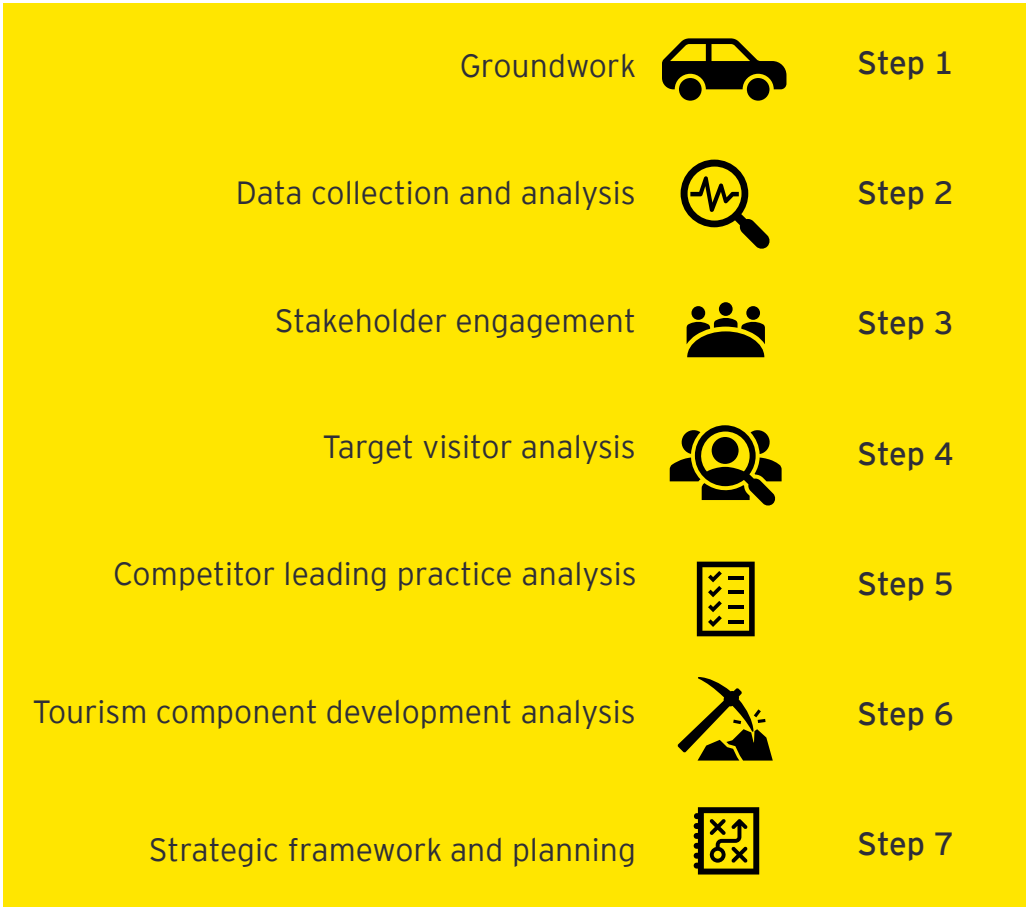
The background of the slide is an aerial photograph of a coastal city. In the foreground, there is a sandy beach with some people and umbrellas. The water is a clear, vibrant turquoise. Behind the beach, there is a dense cluster of modern high-rise apartment buildings with glass facades. In the distance, more city buildings and a body of water are visible under a clear blue sky.

# 3

## Our Approach

# Our Approach

Our strategic tourism advisory process included seven steps that were performed over the course of 16 weeks. We deduced six key tourism components on which analysis was focused to drive the strategic framework and plan. Analysis of these components were prioritized in our research and stakeholder engagement throughout.



# Our Approach

We leveraged a multi-pronged approach to data gathering and analysis, with a particular emphasis on community outreach and feedback through over 40 discussions, including:

## Stakeholder Engagement

- **Internal:** Members of city government, tourism department, Mayor, council members, recreation, arts & culture, market reps/PRs, digital media), among others.
- **External:** Representatives from key tourism products and assets (e.g., Bal Harbour Shops, hotels, restaurants), members of the real estate community (e.g., real estate developers, real estate brokers) and tourism industry partners (e.g., GMCV&B, Surfside Tourism Department).

## Geolocation data

- Leveraged the GPS devices from cell phones for navigation and other location-based services, tourists and profile of the current visitor:
  - Source markets
  - Recurring or first-time visitor
  - Activities engaged in during visit (e.g., mall, beach, hotel/resort)
  - Length of stay
  - Location of overnight stay (e.g., Bal Harbour, Sunny Isles, Miami Beach, etc.)
  - Impact of seasonality

## Market and internal data

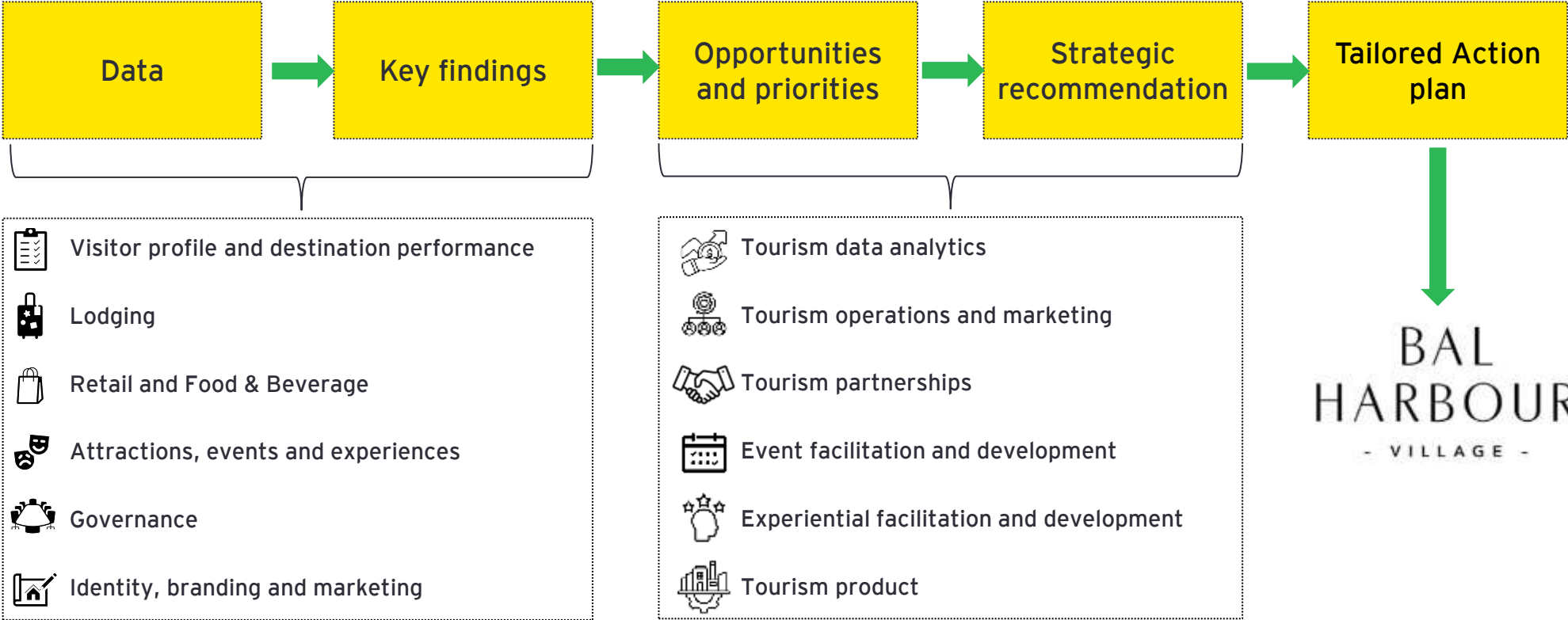
- **Internal:** Read and analyzed existing documents from the Village, (e.g., programs, branding guidelines, tourism organization operating model, inventory of current tourism assets).
- **External:** Referenced publicly available data and EY proprietary data to identify regional, national and global tourism trends and insights.

## Destination Benchmarking

- Joint selection of relevant destinations.
- Primary and secondary research to identify leading practices implemented by competitor tourism organizations.
- Identified successes and challenges for integration into Bal Harbour Village strategic roadmap.

# Our Approach

Throughout the data collection process, EY identified six key areas that support the tourism economy in the Village and defined the framework to build the analysis. Subsequently, EY considered the opportunities and priorities based on six key tourism components. Finally, six strategic recommendations were suggested and introduced into an action plan to be executed by the Village.





# Our Approach

Activities Completed		Primary Research (n ~ 40)	
Scope of Work	Status		
<ul style="list-style-type: none"> <li>Conduct a site visit to the Village</li> <li>Analyze Bal Harbour amenity inventory</li> <li>Collect and analyze data</li> <li>Conduct 40 stakeholder interviews</li> <li>Develop SWOT analyses</li> <li>Perform a competitive benchmarking exercise</li> <li>Develop a strategic tourism plan</li> </ul>	Completed	<ul style="list-style-type: none"> <li>Community Stakeholders</li> <li>Hoteliers, Restaurateurs &amp; Bal Harbour Shops Reps</li> <li>Other Business Stakeholders</li> <li>Real Estate Developers &amp; Brokers</li> <li>Marketing &amp; Sales Professional</li> <li>Council Members</li> <li>Tourism Industry Partners</li> </ul>	

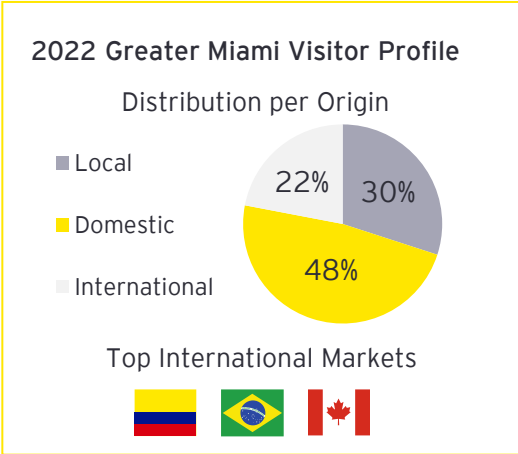
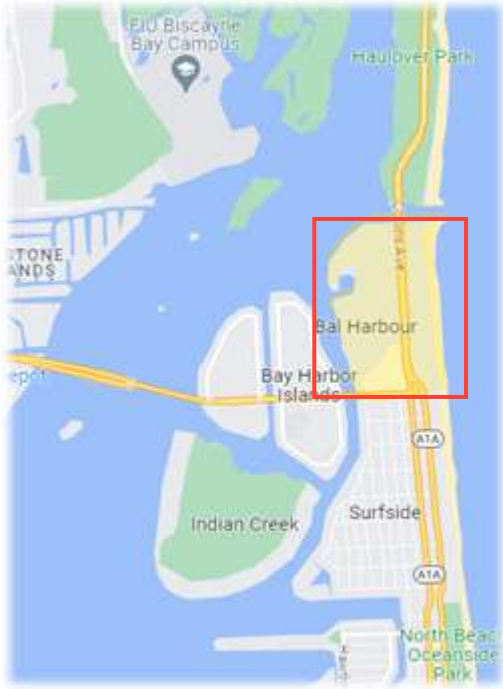
Secondary Research		
<ul style="list-style-type: none"> <li>Aspen Airport</li> <li>Aspen Chamber Resort Association</li> <li>Aspen Snowmass</li> <li>Aspen Times</li> <li>Bal Harbour Shops</li> <li>Bal Harbour Village</li> <li>Bal Harbour Hotels</li> <li>Bureau of Labor Statistics</li> <li>Booking.com</li> <li>Cannes Office de Tourisme</li> </ul>	<ul style="list-style-type: none"> <li>City of Aspen</li> <li>Condé Nast Traveler</li> <li>Costar</li> <li>Côte d'Azur France Tourism Board</li> <li>Expedia</li> <li>Experian</li> <li>Fort Lauderdale International Airport (FLL)</li> <li>Geolocation data</li> <li>Google reviews</li> <li>Greater Miami Convention &amp; Visitors Bureau (GMCVB)</li> </ul>	<ul style="list-style-type: none"> <li>Le Palais des Festivals et des Congrès</li> <li>Mairie de Cannes</li> <li>Marketing data provided by StepMiles</li> <li>Miami International Airport (MIA)</li> <li>Michelin Guide</li> <li>Sister Cities International</li> <li>Surfside Tourism Plan</li> <li>The US Census Bureau</li> <li>TripAdvisor</li> <li>Visit Florida</li> </ul>

The background of the slide is an aerial photograph of the Bal Harbour coastline. It shows a curved beach with turquoise water on the left, a row of high-rise apartment buildings in the middle, and a clear blue sky above. A large, semi-transparent number '4' is overlaid on the left side of the image.

# 4 Bal Harbour Tourism Product Overview

# As Miami’s tourism economy continues to thrive, this is the time for Bal Harbour Village to further position itself to capture its fair share of Greater Miami’s tourism growth

- ▶ As a coastal municipality of Miami Dade County, Bal Harbour Village is known for its beaches, contemporary luxury shopping and dining, and a serene, quaint and laid-back environment. Strategically located, within ~15 miles from the two key international airports, it attracts local visitors as well as domestic and international tourists that arrive to the Greater Miami area and visit Bal Harbour for its unique characteristics seen as a complement to the normal hustle and bustle of metropolitan Miami-Dade county.
- ▶ Miami has recently seen unprecedented growth as US residents migrate south from key east and west coast northern source markets seeking a better quality of life, warmer climate and lower taxation. During the COVID-19 pandemic, an even larger influx of high-income individuals from the Northeast US migrated to Florida due to the relaxed regulations and enhanced work-from-home settings.
- ▶ In 2022, visitation in the Greater Miami region exceeded 2019 levels, indicating a full recovery post COVID-19. However, not every municipality saw an increase in visitors (as a percentage of total visitors) according to the GMCVB.
- ▶ As Greater Miami continues growing, municipalities (e.g., Wynwood, Brickell, Downtown Miami) are focusing on strategically developing tourism demand generators in order to better attract and capture their share of local, domestic and global tourists visiting the region. Consequently, it has become imperative for Bal Harbour to think strategically about defining its own approach to maintaining and growing its share of visitation as the regional tourism economy continues to thrive.



### Key Statistics

**26.5 million**  
Greater Miami & Miami Beach Visitors 2022 (9.7% increase from 2019)

**\$20.8 billion**  
Total visitor spend 2022 (16.2% and 8.0% increase from 2019 and 2021 respectively)

**17.1 million**  
Hotel room nights sold in 2022 (6.5% and 12.7% increase from 2019 and 2021 respectively)

**3.3%**  
Florida population increase from April 2020 to July 2022

*Sources: Greater Miami Convention & Visitors Bureau (GMCVB), United States Census Bureau*

Bal Harbour Village is a beautiful beachfront community that boasts privacy, security and luxury - all within a few minutes from the key attractions of the Greater Miami area

**Tourism Infrastructure**



**Location & Transportation**

- ▶ The Village has strong airlift, located ~15 miles from the two international airports (MIA, FLL)
- ▶ MIA is served by over 80 airlines and services 167 domestic and international destinations
- ▶ Freebee is a city-sponsored free car transportation service offering residents and hotel guests access to 10 points of interest in/near Bal Harbour



**Outdoor Infrastructure**

- ▶ The Village is comfortable year-round due to the temperate climate during the winter
- ▶ The Village has pedestrian sidewalks, a public beach, mile-long beach path, marina (private), and two assets underdevelopment - the Waterfront Park & Community Center and The Jetty
  - The new community center and waterfront park with playground equipment and greenspace will open in 2024 solely for residents to enjoy.
  - The Jetty is a project by architectural design firm Mikyoung Kim. When completed, it will be a dynamic boardwalk path with an eclectic design. Construction is expected to begin in 2024.



**Tourism Infrastructure**

- ▶ Bal Harbour has two luxury lodging options and two independent options
- ▶ The Village boasts ultra-high-end retail and dining at the Bal Harbour Shops



**Demographic Information**

Number of Residences	Number of Annual Visitors
≈3,300 <sup>1</sup>	≈1.8M - 2.1M* <sup>2</sup>

- ▶ Bal Harbour real estate is among the most desirable in Florida as the Village has only 179 single family homes. Local brokers indicate real estate values have gone up by 300% in the last 10 years, compared to 194% in the surrounding Miami area.
- ▶ The Village beachfront is dominated by condo buildings, while the other side has single-family homes. Condos provide 5-star amenities and direct beach access.

1- Number of USPS registered addresses. 2- Number of visitors does not include residents/second homeowners.

**Key Tourism Amenities**

Hotels	Restaurants	Spas	Shops
4	12	2	99

- ▶ Bal Harbour attracts an affluent clientele of high-net-worth individuals and- (HNWI) and ultra high-net-worth individuals (UHNWI).
- ▶ Average Hotel ADR\*: \$700-\$800 | Average Hotel Occupancy\*: 60%-65%
- ▶ Bal Harbour and its neighbor Surfside achieve the highest ADR in the Miami area, and significantly outperform the average.

\* EY estimate

Key Stakeholders: GREATER MIAMI COMPETITIVE & ECONOMIC DEVELOPMENT AUTHORITY | BAL HARBOUR SHOPS | STREGIS | THE RITZ-CARLTON | Beach Haus | SEA VIEW HOTEL

# Bal Harbour offers a variety of upscale amenities for tourists including high-end retail, luxury lodging, dining, outdoor recreation and event spaces

## Evolution of Bal Harbour as a destination

- ▶ In 1965, the Bal Harbour Shops opened, putting Bal Harbour on the Greater Miami map. Sixty years later, the Bal Harbour brand is still largely driven by its retail presence. The Shops carry great significance in the luxury world, synonymous with other ultra-luxury shopping destinations throughout the world.
- ▶ The second inflexion point for the Village was the arrival of two recognized brands - St. Regis and Ritz-Carlton in 2011 and 2016, respectively. The St. Regis and Ritz-Carlton hotels carry the legacy of the luxury brands that discerning consumers know and love, backed by the resources and global reach of the parent company Marriott International.
- ▶ The Bal Harbour brand is built on the back of its luxury brands - both retail and lodging as well as the access to one of the most private beaches across Greater Miami.

Amenity Categories	Count in BH
 Hotel/Lodging - accommodations for overnight guests	4
 F&B Outlet - bars, restaurants and cafes	13
 Attractions/Amenities - areas used by guests and residents, such as hotel spas and beaches	4
 Recreation* - outdoor spaces for guests and residents	4
 Retail/Shopping - areas with stores and shopping	1
 Event Space* - space for residents and/or guests to hold events, such as the community center and hotel meeting space	3
 Parking - car spaces open to public visitors	~ 3,600



\*Grey color denotes assets that are currently under development and will be delivered in the future.

The background of the slide is an aerial photograph of a coastal city. In the foreground, there is a sandy beach with some people and umbrellas. The water is a clear, light blue-green color. In the middle ground, there are several high-rise apartment buildings with balconies. In the background, more buildings and a body of water are visible under a clear sky.

# 5 Current Market Assessment

1. Visitor profile and destination performance
2. Lodging
3. Retail and Food & Beverage
4. Attractions, events and experiences
5. Governance
6. Identity, branding and marketing

# Market Assessment Overview - Current State Analysis of Bal Harbour

Throughout the data collection process, EY identified six key areas that support the tourism economy in the Village and defined the framework to build the analysis. EY has interviewed stakeholders related to each of these categories as well as collected data to assess the current state of the destination. Additionally, we have compared the offering to neighboring as well as competitive destinations within the Greater Miami region.



# Market Assessment Overview - Visitor profile and destination performance

EY has assessed the current state of the tourism economy in the Village as well as defined certain characteristics to help understand the visitor profile. EY has leveraged various data sources such as GMCVB, geolocation data, stakeholders' interviews.

## 1. Visitor profile and destination performance





# Greater Miami visitation patterns offer insights into potential target source markets for Bal Harbour

**≈ 1.8M - 2.1M**  
**Estimated Annual Visitation**  
*(excluding Bal Harbour residents and 2<sup>nd</sup> homeowners)*

85%-95%

Daily



Avg. length of stay  
2-4 hours

5%-15%

Overnight



International

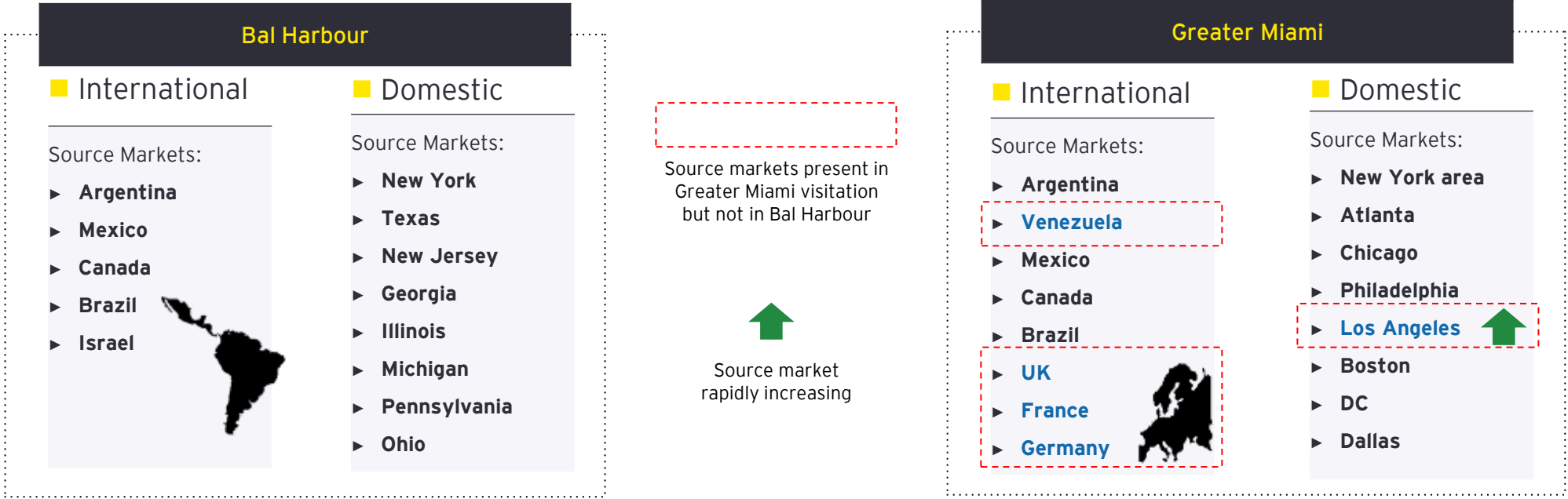
Avg. length of stay  
4-7 days

Domestic

Avg. length of stay  
3-6 days

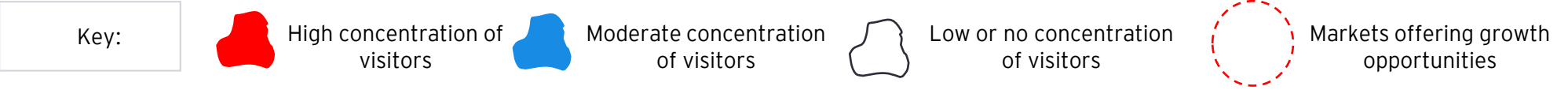
Florida

Avg. length of stay  
2-4 days



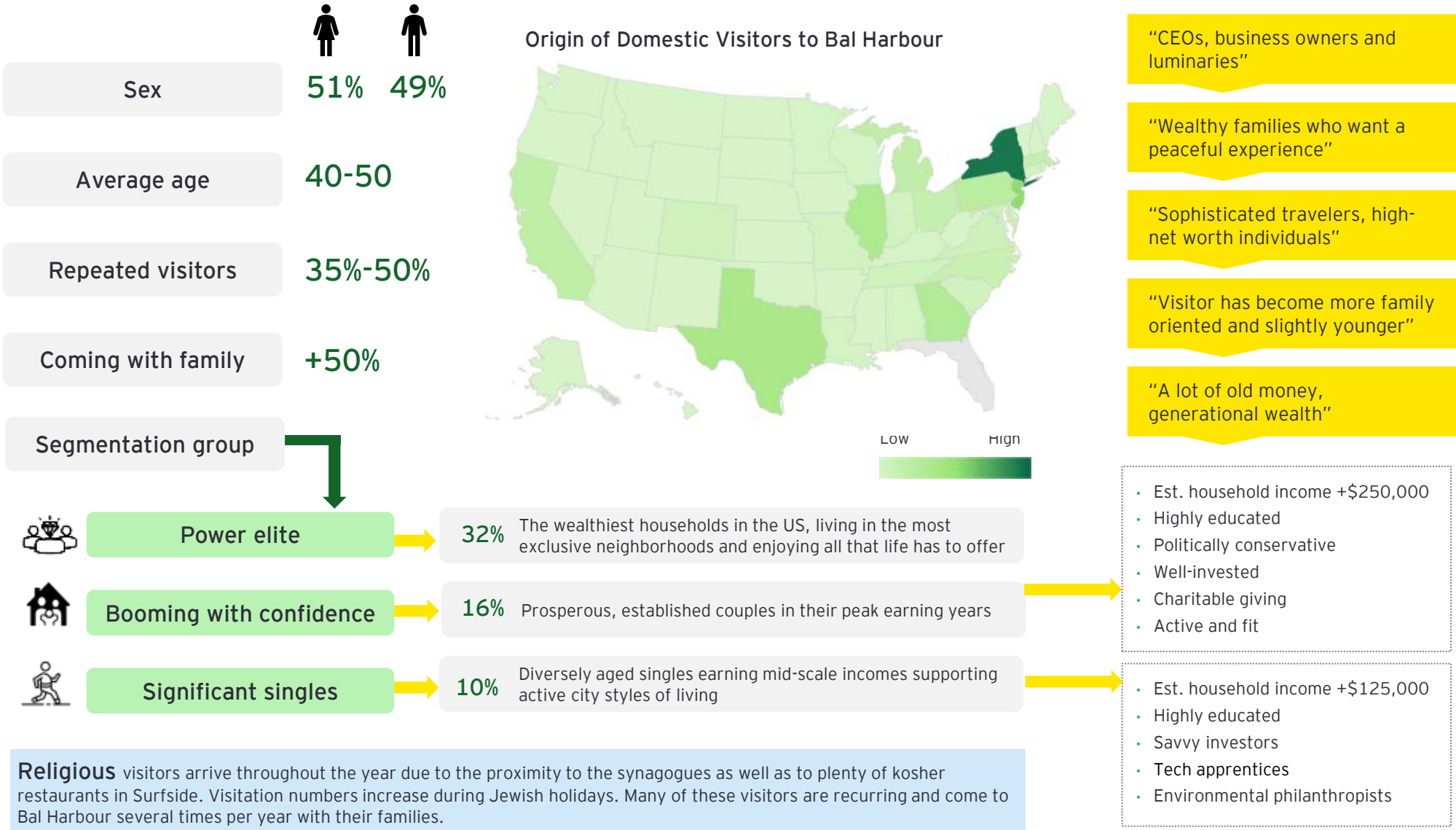
\*EY conclusions derived from the following data sources: GMCVB, geolocation data, stakeholders' interviews, market research.

European markets offer growth opportunities to expand Bal Harbour’s international visitation, and some key stakeholders suggest exploring key Middle Eastern markets.



Source: EY analysis

# Almost a third of Bal Harbour’s domestic overnight visitors originate from communities with high concentration of “power elite”



**Religious** visitors arrive throughout the year due to the proximity to the synagogues as well as to plenty of kosher restaurants in Surfside. Visitation numbers increase during Jewish holidays. Many of these visitors are recurring and come to Bal Harbour several times per year with their families.

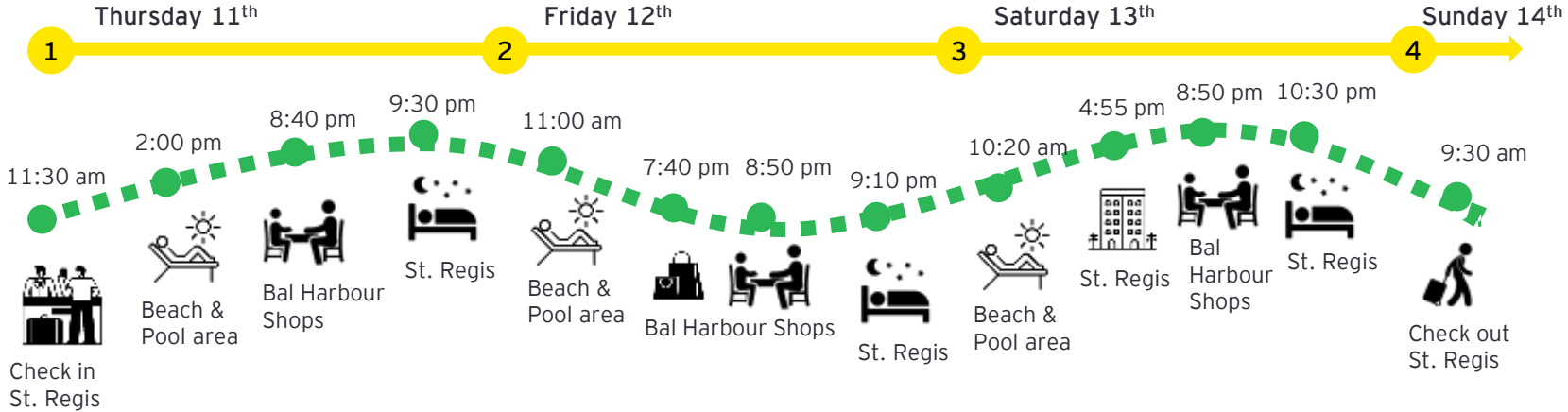
Source: Geolocation data, Experian/Mosaic Dominant Distributions (2023 estimates), Stakeholders interviews, EY Research

# Visitor journey data emphasizes the limited options outside the beach and the Shops, which might be preferable for some, but younger active travelers seek a variety of experiences

- Visitor coming from: Rockland County, New York, USA
- Date of visit: 11<sup>th</sup> to 14<sup>th</sup> August 2022
- Length of stay : 3 nights



- Daily visitors arrive mainly for dining and shopping, with peak hours observed from 4 pm to 8 pm.
- Visitor numbers peak on Saturdays and Sundays, while the lowest visitor count is usually observed on Tuesdays.

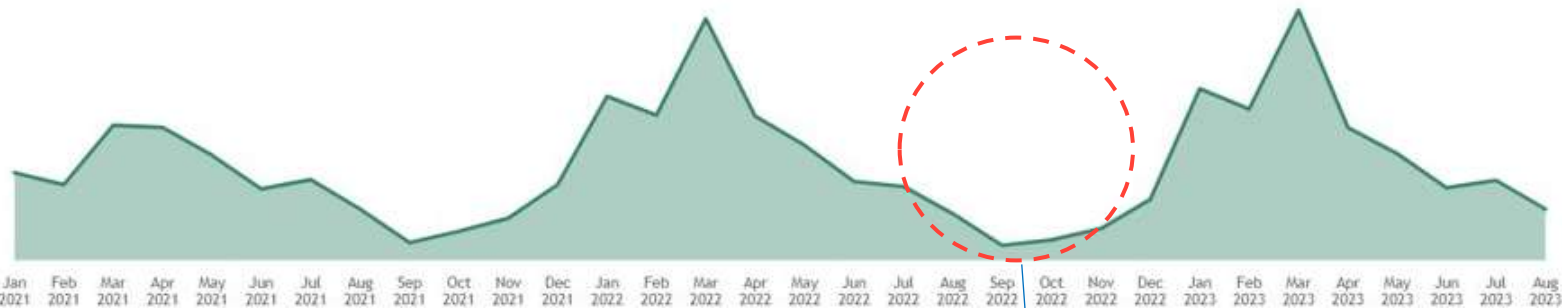


Source: Geolocation data, Stakeholders interviews

# Greater Miami’s consistent visitation suggests opportunities for Bal Harbour to lessen the impact of its seasonality

**Domestic + International Visitation - January 2021 through September 2023**

### Bal Harbour



### Greater Miami





Where stimulation of visitation during low season was successful

Over 20 years ago, GMCVB introduced Miami Spice Months to stimulate residents and visitors to dine in affiliated restaurant's and thus mitigate the impact of low visitation. The program grew from 16 restaurants to over 300 in 2023 and takes place annually during August and September. Following the success of the program, GMCVB launched two other initiatives: Miami Spa Months (July and August) and Miami Attraction & Museum Months (April and May).

Source: EY research, GMCVB

# Hotels drive more than 70% of the resort tax collection and those funds are reinvested in the promotion of tourism, enhancement of tourist activities and in the Village' beautification

Bal Harbour Village levies a resort tax of:

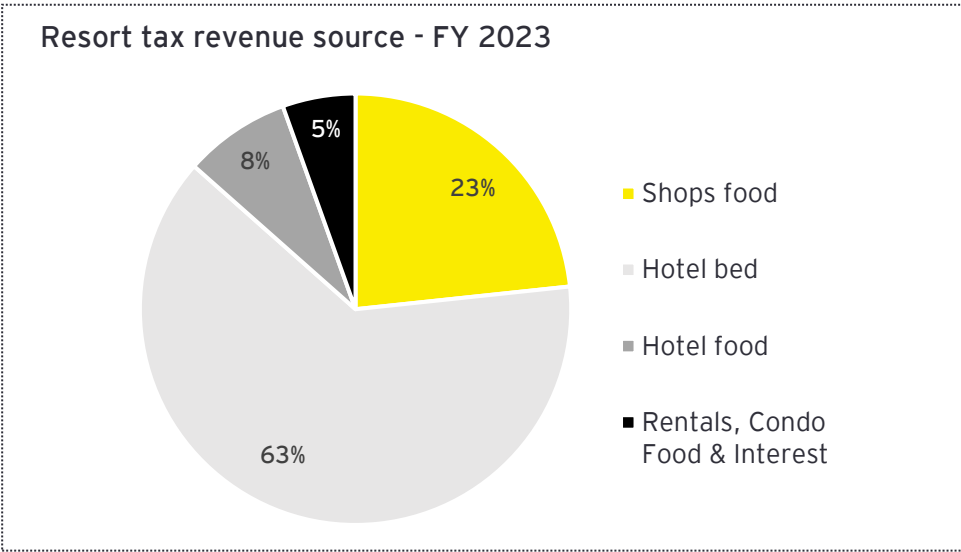
-  • 4% of the amount received for the occupancy of a room in any hotel, motel, or apartment house; and
-  • 2% on retail sales of all items of food and beverages sold at any place of business within the Village.

**Resort tax revenues are reinvested in the promotion of tourism, enhancement of tourist activities and in efforts related to the beautification and maintenance of the Village in areas visited by tourists.**

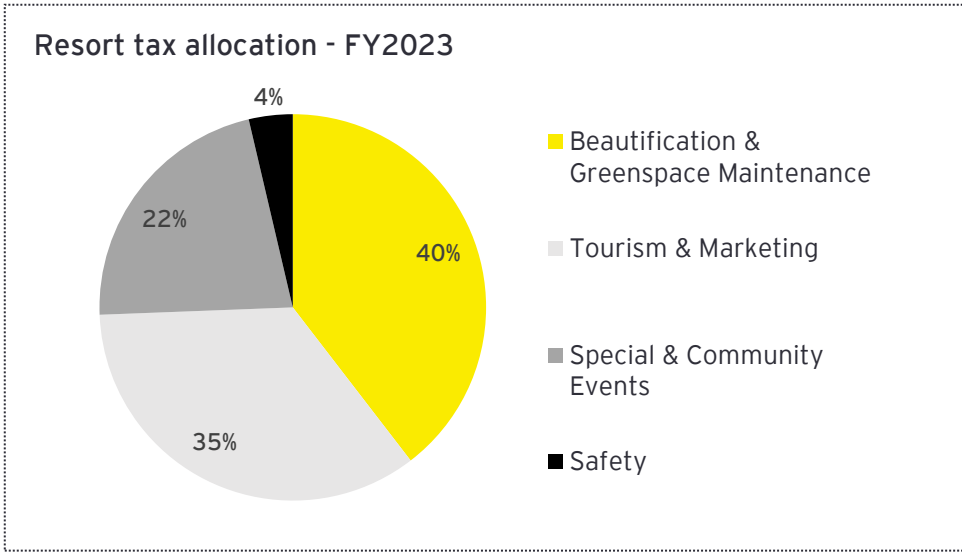


2023 Fund balance allocated to the following capital projects

- Jetty / Cutwalk \$4,000,000
  - 96<sup>th</sup> Street Plaza \$200,000
  - Beachside Landscape \$50,000
- \*FY 2023 Budget*

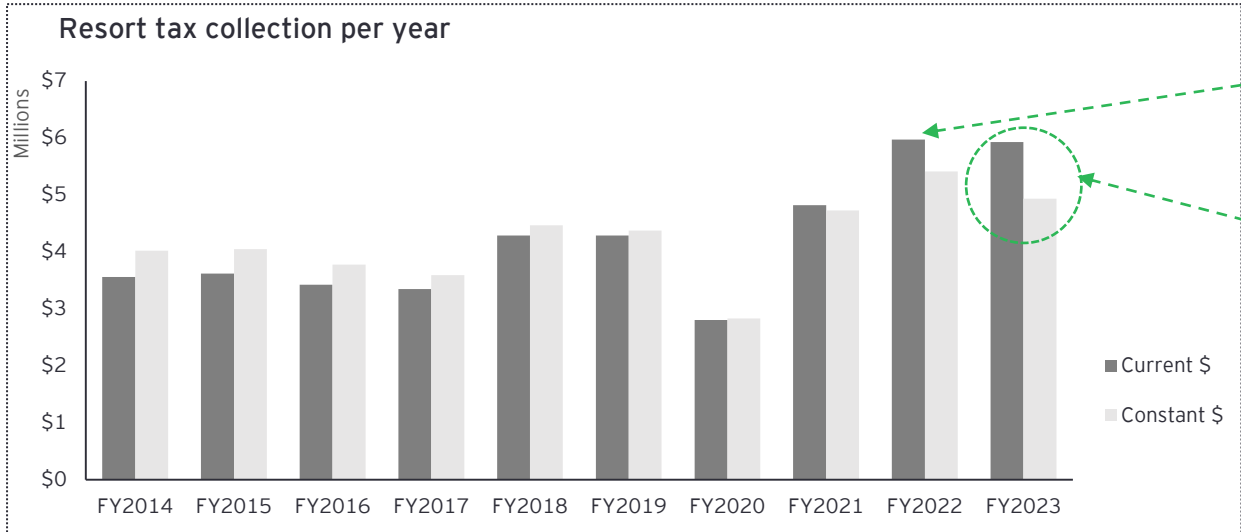


Hotels drive more than 70% of the tax collection with rooms being the largest source of revenue. Revenue collected through food is higher at the BH shops than at the F&B outlets at the hotels.



In terms of operating budget, Beautification & Greenspace Maintenance and Tourism & Marketing are the main activities funded. In addition, there is a fund balance to be used to capital projects.

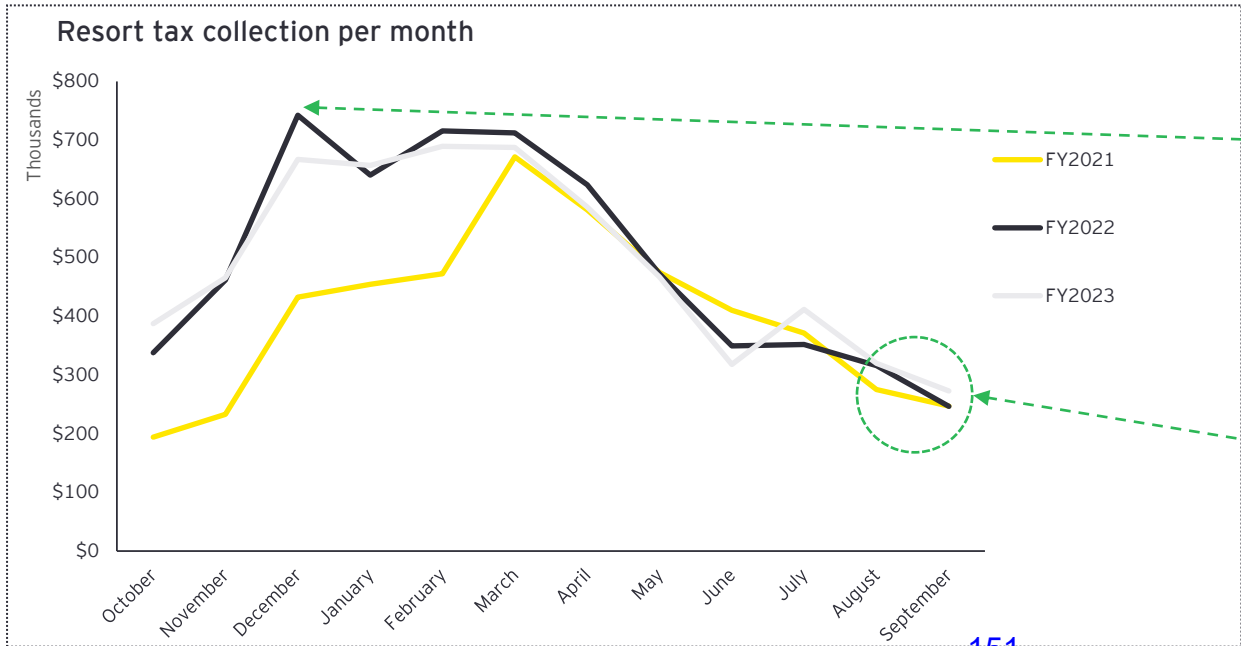
# FY 2022 was a record year in terms of resort tax collection driven by increase in rooms sold and rates in Greater Miami driven by growth in preference for unique luxury experiences



FY 2022 was a record year in terms of resort tax collection.

FY 2023 collection was very close to prior year levels (1% below), however, when adjusted by inflation, it decreased by 9%. It should be noted that during 2023 a new F&B outlet opened at the BH Shops and the Beach Haus completed its expansion bringing additional hotel inventory to the Village.

GMCVB announced **“unmatched visitor growth and economic impact in 2022”**. Hotels sold more rooms and saw an increase in rates of 14% YOY, leading to an increase in gross hotel revenue of 29% driven by **“willingness among visitors to invest in unparalleled hospitality and luxury experience”**.



Collection peaks in December and starts decreasing in March.

The lowest collection is during August and September in line with the holidays and the hurricane season.

Source: Client Provided, GMCVB

# Key Findings & Observations - Visitor profile and destination performance



**Key Findings:** Bal Harbour sees an estimated annual visitation ranging from 1.8 to 2.1 million. Over 85%, are daily visitors arriving mainly for dining and shopping, with peak hours observed from 4 pm to 8 pm on weekends. A significant portion of domestic overnight visitors originate from areas where the power elite is concentrated. In terms of international visitation, marketing efforts are strategically targeting key markets.

## Key Observations



Data is limited when it comes to discerning visitor profile and visitation trends which represents a challenge strategic decision-making.



The Bal Harbour Shops attract more repeat visitors than other luxury retail malls in the region, such as the Miami Design District and Brickell City Center.



Greater Miami area is a destination for European visitors; however, Europe is not a significant source market for Bal Harbour.



Bal Harbour earns the highest Average Daily Rate in the Greater Miami area alongside Surfside.



The seasonality of Bal Harbour's tourism creates an opportunity, particularly from August to October, when there is a notable decrease in visitor numbers at the same time that the Greater Miami area experiences more consistent visitation.



While FY 2022 marked a record year for resort tax collection, represented by an increase in rooms sold and rates, driven by growth in preference for luxury experiences.



Lowest visitor count is usually observed on Tuesdays, while Saturdays and Sundays are the peak days of the week.



Bal Harbour Hotels play a pivotal role in resort tax, driving over 70% of tax collection, with rooms being the primary revenue source.



# Market Assessment Overview - Lodging

EY has assessed the current state of the lodging in the Village as well as compared it with the offering in neighboring communities alongside the beach within Greater Miami. EY has leveraged various data sources such as GMCVB, Costar, hotel websites, guest reviews from various platforms and stakeholders' interviews. Additionally, EY conducted site visits to Bal Harbour hotels as well as Surfside, Sunny Isles and Miami Beach properties.



## 2. Lodging

# Bal Harbour’s pristine beach setting, private address and renowned retail offerings present a desirable ecosystem for globally recognized luxury lodging options

## Bal Harbour Lodging

Bal Harbour accommodates a wide range of preferences with its diverse price points and service levels. Additionally, amenities like the restaurants, bars, spa and cabanas, are accessible to both guests and non-guests, enriching the overall experience.

Bal Harbour boasts the highest Average Daily Rate (ADR) in the Greater Miami area alongside Surfside.



- ▶ **The St. Regis** has been described as Bal Harbour’s “crown jewel” luxury lodging property.

- ▶ **The Ritz-Carlton** offers a reclusive stay for guests with luxury amenities.

- ▶ **The Sea View** is a historic property built in 1947 with beach access and outdoor pool. The property is partially residential, and as a result does not operate as a typical hotel.



- ▶ **Beach Haus** operates as an extended stay. The property features 33 and 63 units in two towers. A third tower will be completed in Q1 2024, adding 36 units.

## Key Strengths

Bal Harbour's hotels have key selling points that distinguish them in the market.



Beach



Location




Address



Brands

- ▶ The pristine beachfront setting offers a luxurious and tranquil retreat due to low visitation as public parking is limited.
- ▶ The prime location, coupled with proximity to the renowned Bal Harbour Shops, provides guests with convenient access to upscale shopping and dining.
- ▶ The Bal Harbour address denotes exclusivity, seclusion and privacy
- ▶ The brand recognition associated with Bal Harbour's hotels contributes to their appeal, ensuring guests are drawn to trusted names that align with the destination's reputation for sophisticated luxury.

 Short term rentals such as Airbnb and VBRO are not allowed in Bal Harbour Village. This decreases competition for existing lodging in the Village.

# While Bal Harbour’s location and amenities offer hotels a market advantage, visitors indicate there are opportunities for improving the luxury lodging product and experience

## Bal Harbour Lodging



## Guest Reviews

“This place changed and has deteriorated. I've been coming here every year since the second year they opened.” - Google review, May 2023

“This is one of my least favorite fine hotels and resorts because of the service. The location is great and the rooms are spectacular. But the service is not in line with the category of this hotel. You have to make a line standing up for check in. The whole process of obtaining a room and then checking out is far from streamlined. Also, in-room dining starts after 5pm so good luck getting ice or anything if you are stuck in a conference call and cannot leave your room...” - Google review, March 2023

“Nice hotel but doesn't feel like a 5-star... it is not even slightly competitive with service levels at genuinely 5-star groups like Mandarin Oriental or Shangri-La.” - TripAdvisor, Sep 2023



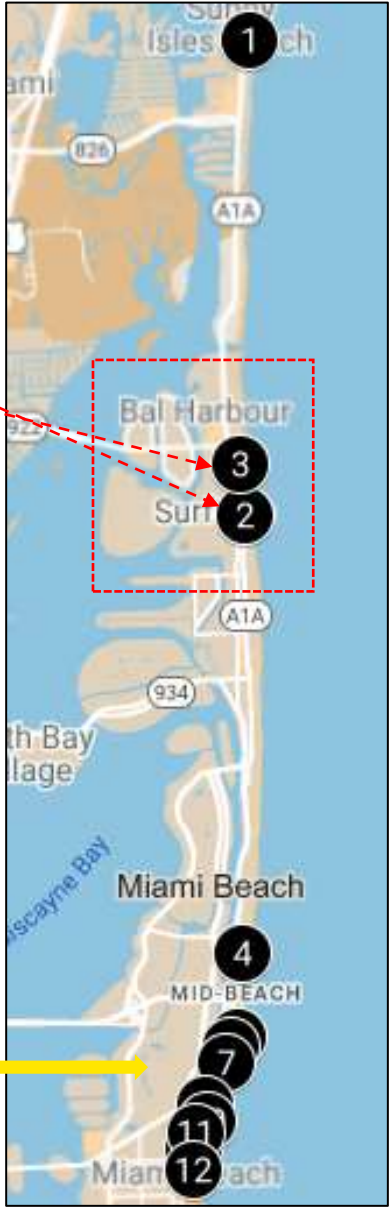
“The hotel itself is nice, but definitely needs a facelift.” - TripAdvisor, Jan 2023

"We were very disappointed that the food served at The Ritz was very poor. Modernizing the hotel amenities and adding more restaurants and bars to give guests other options would certainly help the hotel be competitive. If asked, “Would I stay here again?”....unfortunately, will have to say no because there are much better options." - Expedia, Nov 2023

“This hotel is overpriced. The location is fantastic. Restaurants are ok, (nothing more) and service is mediocre. It was a cold front and heater was needed (not usual for Miami) but with the price paid the hotel, should have a functioning heater! (Didn't work) Many small details didn't work, overall way below the 5-star standards.” - TripAdvisor, Feb 2023

The Greater Miami Beach oceanfront has a robust and expanding selection of luxury hotels, with two leading options located within walking distance of Bal Harbour's key tourism drivers

Hotel	Location	Year Built	# of Keys
1 Acqualina Resort	Sunny Isles	2006	97
2 Four Seasons at The Surf Club	Surfside	2017	103
3 Grand Beach Hotel	Surfside	2014	70
4 Eden Roc Miami Beach	Miami Beach	1955	415
5 Aman Miami Beach	Miami Beach	Exp. 2024	56
6 Faena Hotel	Miami Beach	2015	179
7 The Miami Beach EDITION	Miami Beach	1957	294
8 1 Hotel South Beach	Miami Beach	2008	446
9 Rosewood The Raleigh	Miami Beach	Exp. 2025	60
10 W South Beach	Miami Beach	2008	346
11 Setai Hotel Miami	Miami Beach	2004	150
12 The Ritz-Carlton South Beach	Miami Beach	1953	376



Selected due to proximity to Bal Harbour's main attractions

Most of the luxury oceanfront product concentrates in the northern part of South Beach and south of Mid-Beach from 21<sup>st</sup> to 32<sup>nd</sup> streets

# The luxury room product in Bal Harbour competes with modern, highly-rated Surfside hotels in close proximity to the Village and its amenities

## Competitive Lodging in Surfside

As a destination, Bal Harbour is missing out on crucial occupancy in its hotels, covers in its restaurants, and resort tax dollars to such guests that choose to stay at these properties over Bal Harbour hotels.



- The Four Seasons at The Surf Club is located less than a mile from Bal Harbour and markets itself for having close access to the Shops. The hotel has four robust F&B outlets that draw outside visitors and hotel guests.
- The property has been consistently mentioned in interviews with stakeholders and even by guests while reviewing Bal Harbour hotels in online platforms. One guest who visited the Ritz-Carlton commented:

*Visitors can take advantage of Bal Harbour's key attractions and amenities without actually staying in the Village and contributing to the resort tax.*



*"Unless a renovation occurs, we won't be back. Four Seasons Surfside is probably a better bet." - TripAdvisor, Jul 2023*

- The Grand Beach Hotel located at 0.4 miles from Bal Harbour Shops (10-minute walk) offers a product at a similar price point than the Sea View. However, the hotel was built in 2013 and features a modern design and décor, exemplary guest service, a spa, various F&B options and meetings and event space.
- Further analysis of reviews indicates that many guests who stay at this property take advantage of the proximity to BH and visit the Shops.

## Key Takeaways

The above properties have a significant competitive edge over BH hotels given their robust F&B programs, modern guest rooms, amenities and competitive nightly rates.

# The current inventory of luxury accommodations along the beach offers state-of-the-art amenities and experiences

## Properties Proximate to Bal Harbour


**1. Four Seasons Surfside**


 **\$1,101 to \$3,045 per night**


 Located 0.7 miles from Bal Harbour

 Michelin-starred restaurant, sunrise beach picnics, mixology experiences, excursions

**2. Acqualina**

 **\$700 to \$1,499 per night**


 Located 3.8 miles from Bal Harbour


 Curated experiences including scuba diving, painting classes, 4.5 acres of beach




## Miami Beach Properties


**3. Faena**

 **\$791 to \$1,439 per night**

 Two-award winning restaurants, bar with live music, cabaret theater, beauty salon, holistic healing space, decadent interiors and art pieces, event space, fashion boutiques

**4. The Setai**

 **\$788 to \$1,440 per night**

 Elevated culinary experiences including beachfront restaurant, three infinity pools, venue spaces, Palm Angels x Setai bath amenities



## Key Takeaways

Based on EY's insights into the Miami market, stakeholder discussions, and online guest reviews, the properties above excel due to their strong F&B programs, contemporary guest rooms and extensive amenities. As a result, there is an opportunity for Bal Harbour's oceanfront hotels to enhance their appeal, possibly through renovations and programming updates, to better compete with the neighboring properties that boast modern features.

*Note: EY selected the lowest rate available on the internal booking platforms for the following four dates in 2024: February 1, May 1, August 1 and November 1 for each hotel above. The search was conducted on 12/6/23. No discounts or special rates were utilized.* **158**

# Bal Harbour luxury hotels offer a variety of experiences, but feedback and customer reviews suggest they lack competitiveness with new product in the market

Market research indicates there are better experiences offered at comparable beachfront hotels. Given that Bal Harbour is positioned as one of most elegant and luxurious areas in Greater Miami, there is an opportunity to bring new experiences such as a state-of-the-art spa or culinary activities to cater not only the target BH visitor but also the growing population of affluent individuals in Greater Miami.

## Bal Harbour Spas

- ▶ **The Spa at the St. Regis** - full-service spa with 11 treatment rooms, sauna, steam room offering signature services in a serene atmosphere.
- ▶ **Exhale at the Ritz-Carlton** - waterfront spa offering a suite of private therapy rooms, and men’s and women’s sauna and steam rooms.

Guests’ reviews indicate that spa facilities in both properties are not meeting expectations when considering brand standards. Additionally, both spas do not feature mixed-amenities, meaning that couples visiting the spa cannot spend time together if enjoying the facilities.

*“In comparison to other spas I've visited, the difference in quality and value was staggering. I can confidently assert that, given the choice between this spa and another, I would not consider returning to this establishment.” - The Ritz-Carlton Bal Harbour, TripAdvisor, Sep 2023*

*“What needs immediate attention: The Spa – The spa is transactional and nothing about it is special... I would compare it to Massage Envy at a mini mall. The Lounge was the most uncomfortable sterile, spa lounge I've ever seen... There is nothing relaxing, cozy or memorable about it.” - The St. Regis Bal Harbour, TripAdvisor, Aug 2022*

## Competitor Hotel Spas in Miami

- |                           |                                    |
|---------------------------|------------------------------------|
| 1 The Standard Spa        | 3 Tierra Santa Healing House Faena |
| 2 The Spa at Four Seasons | 4 Carillon Wellness Resort         |

## Bal Harbour Experiences





- ▶ **The St. Regis** - Oceanfront day villas, private dining, Champagne Sabering ritual, live music at the St. Regis Bar (Thursday, Friday and Saturday)
- ▶ **The Ritz-Carlton** - Cabanas, Couture Concierge, Photography Concierge, Cigar Pairings, live music at ocean front restaurant (Saturday)

Guests’ reviews indicate that services and experiences in both properties are not meeting expectations when considering brand standards. Additionally, experiences such as live music at the bar are not well-promoted, not driving external visitation which prevents a lively and entertaining atmosphere to be reached.

*“Live band in the St Regis bar on Sat night was a nice touch..” - The St. Regis Bal Harbour, TripAdvisor, July 2022*

*“We expected the fancy bar in the lobby like other Ritz Carlton's but not at this one. The bar is hidden down a hall and seemed quite small.” - Ritz-Carlton Bal Harbour, TripAdvisor, March 2022*

## Luxury hotel experiences

 Invitation only bar with live music	 Beach activities
 Dining under the stars	

# The luxury lodging product in Bal Harbour will face challenges with the arrival of new luxury hotels that will cater to the increasing demand for personalized and unique experiences

## Luxury Product Entering the Market




**Aman Miami Beach:** The Aman Miami Beach hotel will be completed in 2024. This property follows in the footsteps of the Aman New York - which was a highly anticipated hotel that currently earns one of the highest ADRs in NYC. The Aman brand has generated significant buzz with recent openings in iconic spaces through the world.



**Rosewood The Raleigh:** The Raleigh will join Rosewood's collection of luxury hotels and resorts. The concept will include restoration of the property's iconic swimming pool, the famed gathering places - the Martini Bar and Tiger Room and a modern spa.


The strength of the Rosewood brand in concert with the tasteful restoration of historical F&B establishments is expected to garner great excitement in the Miami market.

Luxury travel is experiencing a global upsurge, characterized by an increasing demand for exclusive, personalized, and unique experiences. Discerning travelers are seeking more than just opulent accommodations; they crave tailored journeys that cater to their individual preferences and desires.

 Stretching north from 32<sup>nd</sup> to 36<sup>th</sup> streets between the Atlantic Ocean and Indian Creek, **Faena District** is one of the up-and-coming areas in Greater Miami. The area has become a cultural destination with the Faena Hotel and Branded Residences, as well as culinary, art, culture and fashion offerings.

	Exp. Completion Date	# of Keys	Distance from BH
Aman Miami Beach	2024	56	5.6 miles
Rosewood The Raleigh	2025	60	6.8 miles

 The proposed hotels will offer new, ultra-luxury lodging product. Bal Harbour risks losing room nights to these properties. If Bal Harbour loses guests to these new accommodations, it misses out on critical resort tax dollars.

 If guests no longer stay in Bal Harbour hotels, this could create a domino affect. Visitors who do not stay in Bal Harbour hotels may not spend as much time in the Shops and may not visit the restaurants.



# Key Findings & Observations - Lodging

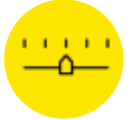


**Key Findings:** Bal Harbour's oceanfront hotels may benefit from modernization to align more closely with the offerings of properties in neighboring areas. Construction of new luxury properties in Miami Beach could introduce increased competition, potentially impacting demand for existing accommodations in Bal Harbour.

## Key Observations



Bal Harbour boasts a strong collection of luxury lodging brands, which enhances its appeal to discerning clientele.



Bal Harbour accommodates a wide range of preferences with its diverse price points and service levels.



The luxury hotels face a challenge stemming from the need for renovation. Addressing this aspect is crucial to ensuring a modern and appealing room product.



The private beach location further elevates the desirability of the area, providing guests with a unique and premium experience.



When compared to newer product in neighboring areas, guest reviews indicate facilities the luxury hotels do not meet the expected standards - specifically for the brand they carry.



The F&B programming at the luxury hotels mainly caters to hotel guests and has limited appeal to outside visitors.



The utilization of the beach, a key asset, is currently limited. Enhancing beach activation strategies could unlock the full potential of this luxury coastal location.



There are limited entertainment amenities and services to extend dwelling time for guests (i.e., lounge, renovated cocktail bar, paddle boards).

# Market Assessment Overview - Retail and Food & Beverage

EY has assessed the current state of the Retail and Food & Beverage offering in the Village as well as compared it with the offerings in selected communities within the Greater Miami region. EY has leveraged various data sources such as GMCVB, guest reviews from various platforms, Michelin Guide and stakeholders' interviews. Additionally, EY conducted site visits to Bal Harbour Shops, the restaurants as well as to other luxury shopping destinations within Greater Miami.



### 3. Retail and Food & Beverage

# The Shops at Bal Harbour, characterized by dozens of iconic high-fashion brands, are the Village’s key driver of visitation

Bal Harbour Shops is the only retail outlet in the Village and is a nationally and internationally renowned luxury mall, anchored by two major tenants: Saks Fifth Avenue and Neiman Marcus. The open-air shopping mall opened in 1965 and over time has seen multiple expansions, the most recent one to be completed in 2024 will add 241,600 SF of retail space, 12 new restaurants and expanded parking garage.

- The latest expansion was driven by the evolution of brick-and-mortar luxury retail which has shifted towards offering “experiential” spaces, thus requiring larger retail areas and a more diverse F&B offering.
- The expansion comes at a crucial time, as Miami has recently seen the development of the Miami Design District (MDD), a new luxury retail destination sharing a relatively similar tenant base and F&B programming, including Michelin-starred restaurants, upscale bars and lounges.
- MDD’s strength lies in the larger retail spaces available and high TI allowances which have led it to become one of the US’ retail destination with the most flagship stores along with Rodeo Drive in LA and Madison Avenue in New York.
- The expansion will strategically position Bal Harbour Shops to remain a leading luxury retail and F&B destination, as it will increase its offering and enable retailers to have larger physical footprints.
- The expansion project was and remains contentious among residents as they fear potential increased visitation would further congest traffic.



**Key Takeaways**

- ▶ Bal Harbour has become an iconic retail destination in Miami and the US, widely popular for its pleasant, lush environment, koi ponds, protected open-air lay-out, and approximately 100 luxury retail tenants.
- ▶ Bal Harbour Shops is the main demand driver, attracting local and international visitors for its upscale shopping experience and F&B outlets. The Shops’ tenant-base feature international global fashion, jewelry, accessory, and home and lifestyle retailers.

**Sample Store Directory**

# The Shops at Bal Harbour curate elegant events to broaden and strengthen the brand and bring unique thematic experiences to the shops and restaurants

## Events and Branding at Bal Harbour Shops



- ▶ **Large-scale, international events** such as the annual Fleur de Villes show, which partners with major cities around the world and top local florists, designers, growers and nurseries.



- ▶ **Branded events and dinners** in partnership with tenants such as the Ferragamo Dinner to celebrate its fall collection, or the annual “A Taste of Bal Harbour Shops” showcasing the mall’s F&B outlets.



- ▶ **Membership and loyalty program** (“Access”) offering exclusive offerings, bespoke benefits, specialized luxury experiences, awards and more. The program allows the Shops to keep track of its loyal client base. Access has organized intimate luxury experiences such as exclusive viewings of fashion collections for brands and retailers such as Balmain, Pinko, and Neiman Marcus’ Pegasus fashion show.



- ▶ **Access Pop-up**, a traveling luxury retail pop-up activation to increase awareness to various cities in the Southeast identified as lacking an upscale retail footprint.
- ▶ **Branded merchandise collections** produced exclusively for Bal Harbour Shops including the Illustrator Collection, a limited edition of t-shirt series designed by celebrated artists and illustrators as well as the 1965 Collection celebrating the Shops’ legacy. The launch of the 1965 collection has seen an effective PR and influencer campaign, contributing to increasing and reinforcing Bal Harbour Shops’ brand awareness.



## Key Takeaways

- ▶ Retail in Bal Harbour Village is mainly located at the Shops. Visitors looking for day-to-day retail outlets such as pharmacy, grocery store typically go to the adjacent town of Surfside.
- ▶ Bal Harbour’s perceived exclusivity is often qualified as “aspirational” and “intimidating” due to the luxury-positioning of the Shops, which market participants have noted may deter potential visitors from coming to the area.
- ▶ Bal Harbour Shops is well-positioned to retain its market share in the wake of the emergence of the Design District and other retail destinations.

# Food & beverage offerings at the Bal Harbour Shops remain strong, while offerings at the Village’s luxury oceanfront properties have room for improvement

F&B outlets in Bal Harbour Village are located at the Shops and the hotels. While the Shops offer a variety of high-end restaurants that are very popular among residents from BH and neighboring areas as well as visitors, the hotels lack strong F&B offerings.

### Bal Harbour Shops F&B



The F&B offering at the BH Shops is diverse not only in terms of cuisines (Japanese, Italian, French, Mediterranean, American and European-style all-day café) but also in terms of pricing. Guest reviews are generally positive. However, offerings such as a grab and go and late-night bar or lounge are lacking.

### Hotel F&B



EY sources indicate that hotel F&B is only utilized by guests staying on property - it does not draw outside visitors. However, most guest reviews criticize menu offerings, service, prices, and the food itself. Regarding F&B at the St. Regis and the Ritz-Carlton, many guests feel that the F&B does not live up to the expectation for these brands.

### Missing Components

- **Highly-regarded chef or restaurant brand** (e.g., Michelin-starred). Individuals that stay at luxury hotels and shop luxury retail expect the food offerings to be up to the same standard. Additionally, Miami has experienced a rapid evolution of its high-end culinary scene. In 2021, the Michelin guide came for the first time to Florida. As of December 2023, 12 Miami restaurants were awarded one or two Michelin stars. Thus, there is an opportunity for Bal Harbour to get on board with the growing popularity of the Miami restaurant/culinary scene by partnering with a highly-regarded and/or famous chef or restaurant brand.
- **Late night bar/lounge** - A place for guests, visitors, and locals to go after dinner or after shopping. The St. Regis Bar, although it offers cocktails, is not an exciting space that draws external visitation. According to market participants, visitors typically go to the Surf Club bar after dinner due to the lack of product in the Village.
- **High-end kosher restaurant** - According to market participants, an important percentage of Bal Harbour (overnight) visitors eat kosher. However, due to the lack of options, these visitors dine in Surfside where there are plenty of kosher restaurants to choose from. Bal Harbour could revert those visitors back to the Village with a kosher offering as well as attracting an affluent population residing not only in Bal Harbour but also in neighboring communities (i.e. Aventura).

### Key Takeaways

At the Shops, restaurants are performing well. However, hours of operation has stunted activation of the F&B. Through expansion of the current programming, BH can capitalize on the demand that exists from its shoppers, hotel guests, residents and visitors - and ultimately attract greater visitation.

**At the hotels, F&B offerings have room for enhancement.** To enhance the guest experience at BH hotels, the hotels must elevate and expand their F&B programming.

# Travelers seek immersive, authentic connections with destinations and cultures and nearby luxury hotels offer exceptional culinary experiences that excite locals and out-of-town visitors

Experiential travel has emerged as a dominant trend in the tourism industry, with travelers seeking immersive encounters that foster deeper connections with destinations and cultures.

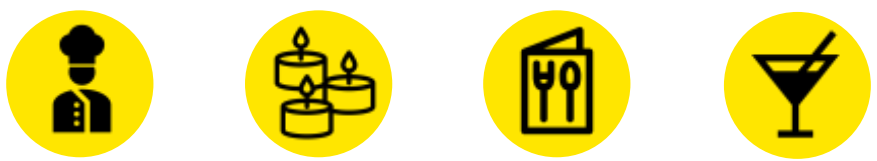
## Superior Hotel F&B Concepts



Pictured above, The Surf Club at the Four Seasons is a dining concept that weaves iconic dishes with Chef Thomas Keller’s world-renowned standards of culinary excellence in a historic, yet modern atmosphere. The restaurant was recently awarded a Michelin Star and is touted as Keller’s first venture in the state of Florida. The Infatuation, a New York-based restaurant recommendation website writes in review of The Surf Club:

*“In a city where so many restaurants promise a dose of old school glamour, The Surf Club is one of the few that truly delivers... The menu reads like a greatest hits of dishes your grandparents probably loved. But the Surf Club makes them feel (and taste) exciting.”*

## Characteristics of Strong Hotel F&B Concepts



Culinary expertise      Ambience      Exciting menu      Late night options

- In addition to The Surf Club, the Four Seasons also has additional F&B offerings that extend the party for the guest. The hotel has a champagne and raw bar where guests can grab an afternoon pick-me-up or nighttime cocktail.
- Interviews with stakeholders indicate that locals and out-of-town visitors also frequent these bars given their superior menu offerings, as well as the incredible ambience. Bal Harbour hotels lack an upbeat, exciting bar for guests, residents, and visitors to enjoy.

**Threat for BH Hotel F&B** - Based on guest reviews, individuals who dine at the Ritz-Carlton and St. Regis restaurants complain that the menu is not exciting or appropriately tailored to the target audience. From a hotel F&B standpoint, BH hotels are currently being outshined by their competitors.


**Threat for BH as a destination** - Guests want to stay at hotels where they can dine in-house. Without competitive F&B offerings inside the BH hotels, this massively impacts BH’s strength as a destination against its competitors.

Michelin Starred Restaurants in Miami 2023	Design District	Miami Beach	Coconut Grove	Surfside	Wynwood	Brickell	Buena Vista
12	3	3	2	1	1	1	1

# Hyper-exclusive hospitality concepts that cater to elite clientele and offer insights into the existence of potential unique experiences within Bal Harbour

## Hyper Exclusive Concepts

## How Exclusivity is Created

**Restaurant Table Ownership - Rao's NYC** 

Rao's is one of the New York city's most exclusive restaurants and one of its most coveted reservations. The tables are "owned" by a select group of New York power brokers, insiders, and celebrities. The table can only be used by its owner and/or their invitees. If the owner or invitees are not using the table one evening, the restaurant owner will allow reservations at their discretion. This concept creates a hyper-constriction of supply and the feeling of scarcity and exclusivity.




 History of exclusivity


 Hyper-constrained supply


**Formula 1 Grand Prix - Amber Lounge Monaco** 

Known as "The World's most Exclusive Party" - for more than 15 years, the Amber Lounge has maintained its reputation as the most sought-after party during the Grand Prix in Monaco. The venue features charity fashion shows, exclusive live performances, gourmet dining and houses the F1 drivers' post-race celebrations. Amber Lounge is an essential part of the ultimate VIP Grand Prix experience and allows high-paying VIPs the opportunity to rub elbows with celebrities, F1 drivers and other members of elite society.




 Attended by celebrities/drivers

 Pricing only accessible to elite

**Invitation-Only Fashion Show - Louis Vuitton at Pérez Art Museum Miami** 

Louis Vuitton brought its women's 2023 spring-summer line to the Pérez Art Museum in Miami with a trunk show. The show was by invitation only with top clients, key local press and influencers. As part of the trunk show format, after each of the two viewings, guests had the chance to purchase the clothes previously worn by the models. Previously, the brand hosted a show in the Louvre, Paris.



 By invitation only

 Early access to products

# Key Findings & Observations - Retail and Food & Beverage



**Key Findings:** While the F&B scene at the Bal Harbour Shops is robust, there is an opportunity to expand the offerings to further strengthen the programming. Additionally, there is a significant opportunity to elevate the hotel F&B offerings. This enhancement could position the properties to compete more effectively with other luxury establishments that currently provide superior F&B experiences and attract not only visitors but also residents.

## Key Observations



Bal Harbour stands as an iconic retail destination, drawing local and international visitors for its upscale shopping experience, driven by a tenant-base of globally renowned fashion, jewelry, accessory and others.



The expansion of the Bal Harbour Shops will allow the Shops to further curate a holistic brand assortment that caters to the target demographic.



The F&B scene at the Bal Harbour Shops demonstrates strength, attracting a diverse audience that includes hotel guests, visitors, shoppers, residents, and nearby Miami locals.



Restaurants within the Shops, particularly Makoto and Carpaccio, receive glowing reviews, reflecting the high regard expressed by visitors for their dining experiences.



Bal Harbour's restaurants do not have a presence on the Miami Michelin Guide.



The Shops lack a late evening establishment such as a cocktail bar or lounge. They also lack a grab and go store for guests to have a refreshment during the hot summer days.



The absence of critically-acclaimed chefs or restaurant groups in the hotel F&B programming contributes to a lack of recognition.



Guest reviews for The St. Regis and Ritz-Carlton restaurants highlight dissatisfaction with the menu, dishes, service, and overall quality.



# Market Assessment Overview - Attractions, events and experiences

EY has assessed the current state of the tourists' attractions at the Village. Additionally, EY has collected information on events and experiences at the Village as well as the offering in comparable destinations domestically and internationally. EY has leveraged various data sources such as GMCVB, guest reviews from various platforms, and stakeholders' interviews. Additionally, EY conducted a site visit to Bal Harbour main attractions.



## 4. Attractions, events and experiences

# The Village offers visitors an intimate and secluded beach, a luxury shopping experience and various dining options accompanied by two new public space assets under development

## Tourist Attractions

Bal Harbour has four main tourists' attractions:

1. Bal Harbour Shops - The biggest tourism draw for BH visited by residents, hotel guests, and visitors.
2. Restaurants - Attract mostly daily visitors from nearby areas as well as residents and hotel guests.
3. Hotels - Overnight visitors and limited daily visitors to the spa, even spaces or pool/cabanas.
4. Beach - Used by residents and hotel guests. Very limited daily visitation due to lack of parking.



Hoteliers expressed they have encountered difficulties at the time of communicating with the Village authorities to request certain permits or seek approvals when planning experiences or special events around their properties or the beach as well as adding certain signage or amenity (i.e. deck) to their properties. However, the Village is not responsible for certain regulations that are established at county and state level.

**Key observations**

- The Village does a notable job on the beautification and maintenance in the areas visited by tourists. Many stakeholders have highlighted the beauty throughout Collins Avenue due to the trees and the landscaping.
- For those visiting the Village, the landscape creates the sense of arrival, however, signage is subtle and there is minimal branding, which aligns with the Village's identity of privacy and security.
- Currently, there is no beach infrastructure such as lifeguard towers or small cabanas serving drinks and snacks outside of any hotel service.

## Other Public Spaces



**Jetty and Cutwalk:** located at the northern tip of the Village, this public space is a well-used but unrealized amenity that provides unique ocean views. The Village has approved plans to renovate with construction slated to start in 2024.



**Waterfront Park & Community Center:** Opened January 2024, this space features an outdoor playground for kids and indoor space for events and other activities such as yoga. This space is planned to remain solely for residents. However, paddle boards and kayak rentals will be available for the public directly from the pier.

# Bal Harbour organizes a variety of events throughout the year, however, these events mainly cater to residents

~ 5,000 (10/1/22 to 9/30/23)

The events organized by the Village primarily cater to residents. Based on EY's conversations with stakeholders, these events do not appear to be driving overnight visitation, even though the events are a distinctive addition to the offering.

## Types of Events Bal Harbour Organizes



Top Events*	Time	# per year	# of Visitors	% of residents**	Event Type
Independence Day Celebration	July	1	1,000 (2023)	79%	Holidays
Art Basel Events/Fairs	December	1	200 (2022)	89%	Arts, Culture & Culinary
Holiday Lighting Ceremony	November	1	250 (2023)	NAV	Holidays
NYE Fireworks	December	1	500 (2022)	NAV	Holidays
Farmer's Market	October to May	60 (30 weekends)	NAV	NAV	Arts, Culture & Culinary
Sounds by the Sea	Monthly	10	150 per event	NAV	Arts, Culture & Culinary
Movie Night on the Beach	November to April	6	100 per event	72%	Arts, Culture & Culinary

\*Smaller events organized are: cultural excursions, full moon yoga, museum tours, etc.  
 \*\* According to survey sponsored by Bal Harbour Village

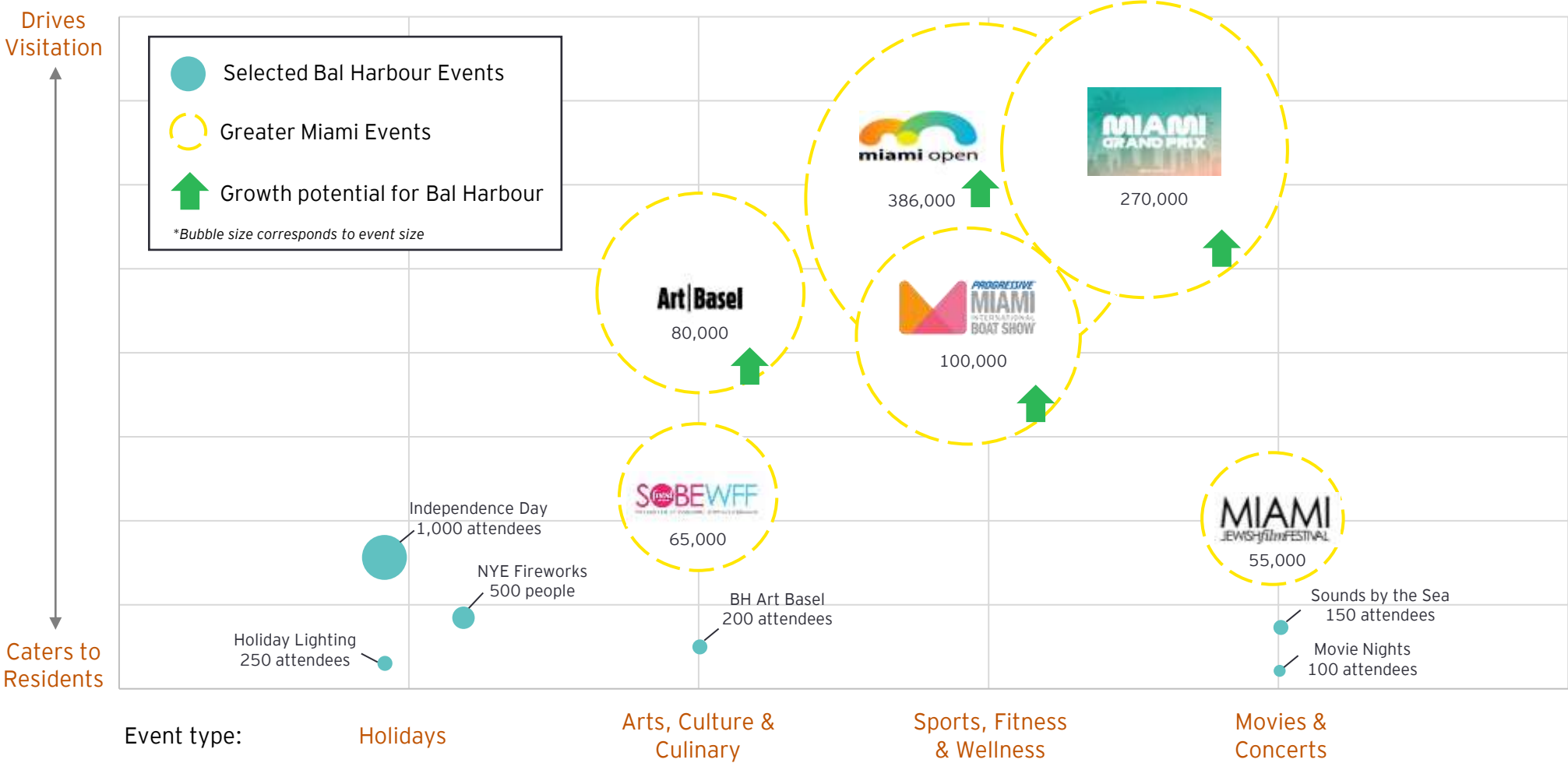
In addition to the events, the Village offers a museum card to residents and hotel guests that provides free access to 16 Miami museums (a few with children's programming).

**Miami Beach Visitor And Convention Authority Grant Program**  
 Provides funding to activities and events with yearlong tourism promotion and programming. For example: promotions, special events, activities and festivals that stimulate tourism by increasing hotel occupancy and achieving significant media impact.  
**Major One Time Special Event Grant for organizations with a new or one-time event** that have the potential to become recurring.

**Key observations**

- Events organized by Bal Harbour are primarily positioned towards residents.
- Market representatives indicated that there has been a challenge in consistent promotion of past events, and there is room for improvement in maintaining year-to-year consistency
- Feedback recorded about the events is limited.
- The availability of meeting and event space is currently restricted, and the upcoming recreational center is anticipated to cater solely to residents.

There is an opportunity for Bal Harbour to grow its event offerings by leveraging the existing platforms of large-scale events in Greater Miami that cater to a similar demographic



Bal Harbour has the opportunity to leverage key signature events hosted in Miami by strategically integrating them into its own offerings. By aligning with established events, Bal Harbour can create unique and tailored experiences that not only complement these occasions but also serve as compelling attractions, driving visitation to the area and overnight guests that would otherwise stay somewhere else. This approach will capitalize on the existing vibrancy of Miami's event scene and allow Bal Harbour to carve out its distinctive niche within the larger cultural and entertainment landscape.

# Key Findings & Observations - Attractions, events and experiences



**Key Findings:** The oceanfront hotels present an opportunity to contribute significantly by utilizing their existing meeting spaces, potentially establishing Bal Harbour as a destination for hosting elegant, ultra high-end events. This strategic move could enhance the area's reputation and attract a discerning clientele, fostering a new dimension of prestige. Bal Harbour has the opportunity to monetize public spaces such as the Waterfront Park & Community Center and the Jetty by creating experiences to cater both visitors and residents alike.

## Key Observations



While the Greater Miami area hosts large signature events that draw global visitation, Bal Harbour actively executes a full calendar of smaller events focused on residents and some visitors.



Events put on by the Village primarily attract residents and locals, however, events such as Fleur de Ville succeed in drawing international attention. We note visitors have the opportunity of experiencing the local lifestyle of Bal Harbour by participating in these events.



A key natural asset for Bal Harbour is its beach, yet activation of this outdoor venue for larger scale events has been limited.



Currently, Bal Harbour's oceanfront hotels' meeting spaces are not typically utilized for hosting exciting gatherings, such as larger events or ultra high-end events.



Tourism staff is adequate for current operations but will need supplemental resources to execute on a strategic growth plan.



Hotels and amenity operators have expressed a lack of transparency in working with the city to put on events and create experiences for visitors. However, many of the limitations are imposed by county or state restrictions.



The dwelling time of visitors may be short given the Village lacks outlets tailored to different parts of the day, such as a coffee stand, lounge or sophisticated cocktail bar.



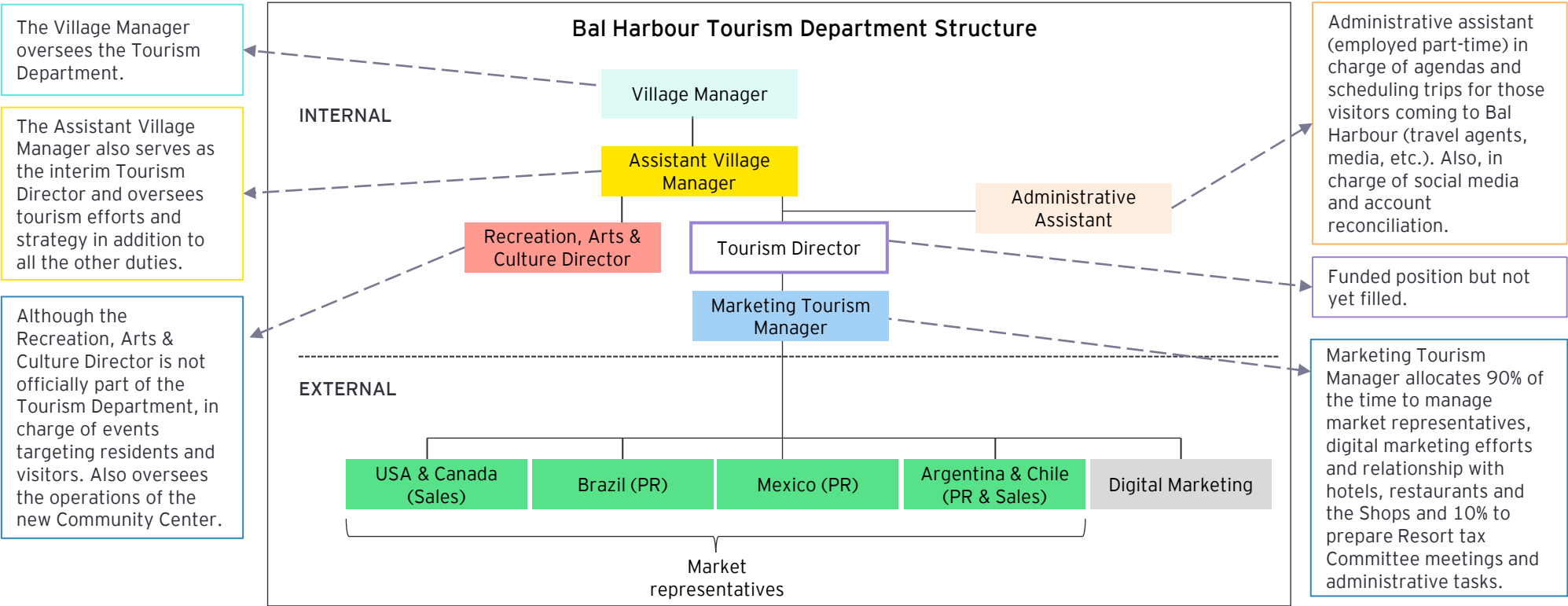
The entertainment/experiential offerings for children are limited, which may influence parents and families to spend less time at the destination if their children are not entertained. We note the Museum Access program gives hotel guests free or discounted tickets to museums with children's programming.

# Market Assessment Overview - Governance


EY has assessed the structure and operations of the Village’s Tourism Department as well as collected information of tourism governance at comparable communities. EY has leveraged various data sources as well as had conversations with members of the tourism department at the Village and neighboring communities as well as third party vendors.



The Tourism Department structure is dynamic when it comes to day-to-day activities but on the other side, informal and unsystematic.



- A unifying factor among team members is their shared passion and excitement for Bal Harbour, creating a cohesive and motivated group. However, the two key members of the Tourism Department are not fully-dedicated (Assistant Village Manager) is in charge of other activities and Marketing Tourism Manager works part-time).
- After annual budgets are approved, the Marketing Tourism Manager executes day-to-day decisions on spend.
- The tourism team is connected with other aspects of the Village governance (e.g., Public Works & Beautification, Capital Program), which are relationships that can benefit the tourism agenda.
- The Bal Harbour tourism team has solid connections with marketing professionals and representatives in international markets, which allows for transparent communication. Additionally, bringing all reps together once a year is a great best practice that Bal Harbour already employs.
- Bal Harbour tourism team has strong relationships with the destination (hotels, shops, restaurants) and the local area (GMCVB and neighboring cities).

**EY observation** 

Operations are running smoothly but structural and organizational changes are necessary to implement the strategic plan. Implementation will require at least one dedicated resource to take ownership of the plan and drive efforts forward as well as monitor ongoing progress. These responsibilities could be part of the role of the Tourism Director.

# The Tourism Department has deep connections within the destination and the Greater Miami region as well as strong relationships with market reps in key international markets



**Sister cities International**

A sister city is a broad-based, long-term partnership between two communities in two countries. Building strategic partnerships with “sister” cities that have similar characteristics and identity and target similar visitors is beneficial from a tourism perspective, among other aspects, to share marketing/branding, jointly plan events, visitors exchange, etc.

**Steps to establish a relationship**

- Planning process
- Research phase
- Develop communication line
- Correspondence phase
- Develop partnership agreement
- Signing ceremony
- Implementation and evaluation

**Regular meetings organized by the Village**

- Resort Tax Committee Meeting (once a month)
- Hotel General Managers / Condo Managers Village Informational Update Meeting (bi-weekly)

**Formal communication with key stakeholders is critical**

- With market representatives, digital marketing provider to understand progress, trends, needs.
- Regular communication with hoteliers and restaurants to facilitate the implementation of new initiatives, providing a clear timeline and required steps to receive approvals. Additionally, formal procedure to obtain data from visitation at hotels.



**GMCVB Strategy**

- In recent years, GMCVB started to promote Greater Miami & Miami Beaches as an urban destination and not solely a beach resort by fostering and then advertising the culinary, fashion and event scenes within the Greater Miami (e.g., bringing Michelin Guide to Miami.). As a result of this strategic move, in 2023 Miami was in the list of the Best Cities in the US: Readers’ Choice Awards.

**Relationship with GMCVB**

- Bal Harbour Village has built and maintained a strong relationship with GMCVB.
- Typically, once a year, the Village partners with GMCVB on certain marketing initiatives to target the luxury market.
- Additionally, the Village Manager sits on the board of the GMCVB.

**Data collected by the Tourism Department:**

- Insights from hotels (no formal collection of data but informal feedback)
- Google analytics: where are people based when they enter the Bal Harbour website
- GMCVB data (not analyzed at city level)
- CallRail: where are people based and for how long they are in the line

Tourism data providers offer a variety of dynamic visitation data accessed by destination managers through a customized interactive dashboard






# Key Findings & Observations - Governance



**Key Findings:** The team dedicated to tourism development in Bal Harbour Village works in concert with market representatives, hoteliers, restaurateurs, digital marketing professionals and other third parties to accomplish key initiatives around tourism marketing. The team does well with the resources it has, however, there is room to enhance the suite of tools/resources available to the Village through greater emphasis on data collection and other strategic initiatives. These enhancements are critical to opening up opportunities for growth and optimization of the destination going forward.

## Key Observations



Bal Harbour’s tourism team is small, which limits implementation of larger strategic priorities.



The Bal Harbour tourism team has developed strong relationships with marketing professionals and representatives in key international markets through cultivation of long-term relationships.



A unifying factor among team members is their shared passion and excitement for Bal Harbour.



The value of the relationships with marketing and sales representatives is not clear without the quantitative data necessary to track and monitor ROI.



Bal Harbour has strong partnerships in the destination (hotels, city officials, shops, restaurants) and the local area (GMCVB and neighboring cities).



Limited data is shared by the hotels. However, this data could be helpful to understand the visitor, source market, and the performance of the destination.



Bal Harbour faces several challenges in data collection, highlighted by the need to leverage key data points for informed decision-making around investments in the operations and marketing of Bal Harbour.

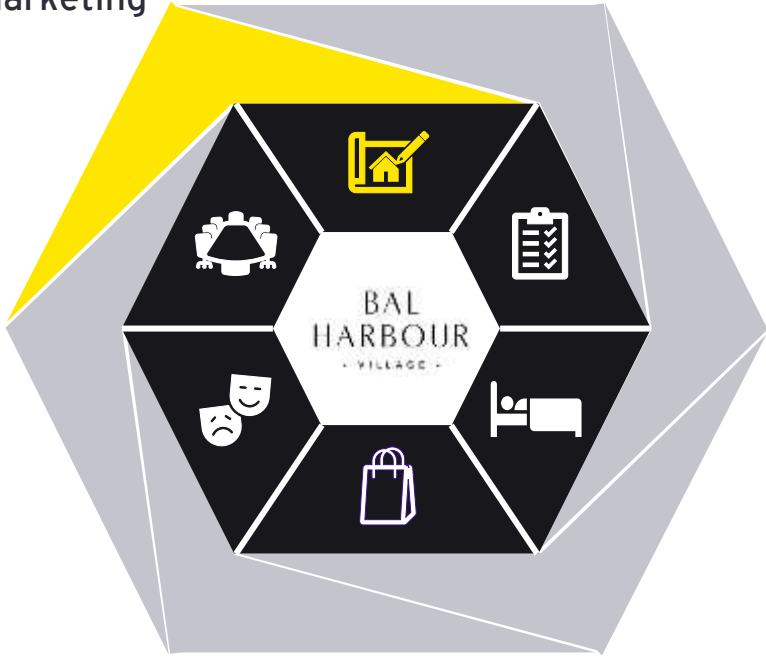


The make up of the existing tourism development team appears adequate based on current initiatives, objectives and operations, however, implementation of the strategic plan and pursuit of growth and new initiatives will require reassessment of personnel and likely new team members.

# Market Assessment Overview - Identity, branding and marketing

EY has assessed the Village’s identity as perceived by residents, visitors and stakeholders alike as well as the branding and marketing efforts of the Tourism Department. Additionally, EY collected information on in-destination marketing best practices. EY has leveraged various data sources as well as had conversations with members of the tourism department at the Village, third party vendors and tourism authorities at neighboring communities.

## 6. Identity, branding and marketing



# Bal Harbour maintains its identity as an ultra-luxury, tranquil oasis near Miami with world-class high-end shopping

## The Bal Harbour Brand

The brand identity of Bal Harbour should remain a key focal point for the Village as it continues to develop as a destination. EY has spoken with BH locals, market participants and other stakeholders to understand how the BH brand has evolved and what the cornerstones of its identity are.



### Ultra-luxury

- World-class shopping, 5-star luxury hotels
- Manicured grounds, pristine beaches, beautiful environment
- Elegant, sophisticated



### Private

- Private, elegant experience
- Secluded, but still has access to a major city nearby
- The destination is still relatively unknown to the general public



### Memorable

- Visitors create an emotional connection with the destination
- Icons within the Village such as the swinging palm trees, koi fish
- Visiting Bal Harbour is an annual tradition for many visitors

*“Everything here is about emotional connection, connection with the customers. The emotional connection will bring the customer back ...”*

*“International destination where you can have a relaxing beach experience, world-class dining and shopping while enjoying the beauty of the city”*

# Bal Harbour uses market representatives in key source markets to harness key relationships, attend industry events and engage with travelers to promote Bal Harbour as a destination

## Key Players

### Personal Relations (PR) Representatives:



Maintain relationships with the media (magazines), influencers



Spread awareness about in a specific market (e.g., Brazil)



Create PR campaigns to strategically promote the destination



Work with influencers to reach the destination's target audience on social media

### Sales Representatives:



Attend travel/tourism fairs, trade shows, assist travel agencies



Work with salespeople who can market directly to their clients



Organize meetings with travel agents in a specific market (e.g., NYC)



Leverage contacts/network to promote hotels and destination

### Countries with PR and Sales Representatives:

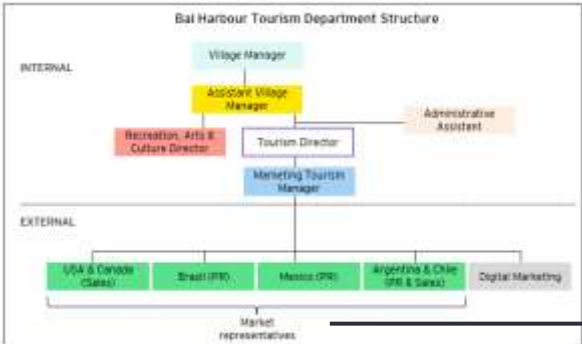


### Measuring Success:

- Representatives indicate that the primary way they can measure the success of their efforts is with the third parties they work with (travel agents, influencers, etc.), rather than the hotels or stakeholders in BH.
- The BH hotels do not share any booking data with these representatives, so they are unable to tell when they successfully converted a marketing / campaign exposure to a booking.

### KPIs:

- The BH Tourism Department ensures that the market representatives communicate outcomes such as social media reach, published articles, etc.
- Representatives that work with influencers will report ROI on the influencer engagement in terms of number of postings, the reach, the followers, etc.



### Marketing Channels:

The market representatives leverage a variety of promotion channels to raise awareness about the destination:

- Luxury travel agents
- Local media
- Influencers
- Brand partners (international luxury brands)
- Direct-to-consumer channels

### Key Takeaways

Due to the lack of data transparency from the hotels to the marketing / PR professionals, it is difficult for these representatives to track success of their efforts and campaigns.

Increased data transparency would greatly benefit these market representatives.

# Bal Harbour allocates resources to digital marketing efforts through Google Ads and receives data on clicks and conversion rates

## Google Ads Marketing Process



### Identify target audience

Understand who the destination wants to attract - demographic information, location, etc. In the case of Bal Harbour this is typically affluent clientele aged 40+.



### Develop campaigns

Based on the characteristics of the target audience and the destination, select search terms, or keywords, that the ads will show for (e.g., "luxury shopping, "beach destination"). Develop advertisements that will be shown to the consumer when the search terms are entered.



### Determine budget cap on campaigns

Users must set a maximum spend per day while the campaign is active. Google will do its best to get enough clicks to fill the budget, but it will not overspend. The budget can be changed dynamically daily if the user would like to allocate funds differently towards the campaign.



### Track campaign results

Following the implementation of the campaigns and budget cap, the user can track campaign analytics and performance. Metrics might include clicks or campaign conversion rate.

Current Cost\* (Jan 1 - Nov 30, 2023)

**\$282,070**

*\*The current cost reflects the spend made strictly towards running Google Advertisements.*

Avg. Campaign Conversion Rate\*

**14.02%**

Top Conversion Rate\* - Hotels

**18.79%**







*\*Conversion rate is the percentage of user actions taken after total clicks on a display ad.*

Key Takeaways	Outcome
<p>There is an opportunity to reach a greater audience through digital marketing. There are several ways to approach this:</p> <ol style="list-style-type: none"> <li>Investing further in existing campaigns will enable Bal Harbour ads to get in front of a larger audience. The more the target audience is aware of Bal Harbour, the more likely they are to book a trip. If the target audience is not seeing Bal Harbour when they are searching for luxury beach destinations, Bal Harbour will likely lose visitation to its competitors.</li> <li>Enhance the emphasis and direction for the digital marketing strategy. For example, ads in LATAM are in English. There should be an alignment between the digital media campaigns and what will resonate in that market. An initial plan should be set in place with regular touchpoints to monitor progress against the goals and objectives of the plan.</li> <li>Access to data through a 3<sup>rd</sup> party vendor and greater data transparency from the hotels would further aid the process of tracking success of campaigns from digital marketing efforts.</li> </ol>	<p>Based on EY research and conversations, <b>increasing spend in existing digital marketing efforts by 25% to 35%</b> will increase exposure to the desired audience, which could yield favorable outcomes for the Village.</p>

# Leading destinations use market representatives in key source markets, but monitoring and tracking the benefits of those relationships is difficult

It is commonplace for destinations to deploy marketing representatives (“reps”) in key source markets. Reps are tasked with promoting the destination in a variety of ways as each destination is different and so it is the agreement between the parties (destination’s authorities and reps).

## Typical tasks performed by market reps

-  Attending conferences, tradeshows, summits and networking events
-  Connecting with travel agents and platforms
-  Developing marketing collateral (brochures, banners, fact sheets)
-  Strengthening online presence (website, social media content kit, working with influencers, online ads)
-  Establishing trade partnerships (tour operators and agents, sales calls, familiarization trips, educational webinars, follow-up surveys and interviews)
-  Generating earned media coverage (list of publications and media contacts, media outreach, news updates, press kit, media clips)

*“Every year is a different approach or strategy because the market is always evolving so we must do the same”*

### Monitoring progress and ROI is not at an easy task

- When tour companies are involved, the destination can push the reps to increase stops and overnights within their destination, which can be monitored, and visitor spending can be assessed to meet goals and objectives as well as established milestones.
- For destinations that do not rely on tour companies, the responsibility for tracking ROI and monitoring the progress of the source market reps falls on the destination itself. This is typically done by leveraging a consistent data set or data platform to establish baseline of KPIs (visitation, spend, length of stay, etc.) from which goals are established. The destination can then monitor and assess progress of the reps through these metrics.

## Key Takeaways

Bal Harbour Tourism Department does a robust job when it comes to relationship building by brining all reps together once a year as well as being in constant communication.

Bal Harbour is directly responsible for establishing KPIs, tracking the return on investment of each market and monitoring the progress of the work done. In order to do so Bal Harbour should establish a baseline for each market rep, for example:

- Level of visitation: XX number of visitors
- Visitor spend: XX spend

However, in order to measure whether the baseline is reached or not, Bal Harbour would require external data sources (i.e., data provided by hotels or vendors with access to credit card data).

# Key Findings & Observations - Identity, branding and marketing



**Key Findings:** The Bal Harbour brand has the opportunity to grow beyond the immediate Miami market into a globally-recognized, iconic luxury destination. However, Bal Harbour runs the risk of missing out on potential visitors due to the lack of alignment in marketing efforts across players, highlighting the need for a more coordinated and integrated approach to maximize outreach and impact.

## Key Observations



Bal Harbour's brand identity is robust, epitomizing sophistication, luxury and a refined coastal lifestyle, which fosters an emotional connection with visitors.



Bal Harbour is home to two widely recognized luxury hospitality brands. Both properties fall under the Marriott brand, providing access to Marriott's global network of proprietary marketing channels and booking platforms.



The Bal Harbour tourism team has cultivated strong connections with marketing professionals and representatives in international markets, facilitating transparent communication.



The hotels in Bal Harbour do not share their data with marketing representatives, making it challenging to comprehensively assess the outcomes and effectiveness of marketing efforts.



Currently, Bal Harbour does not have any global partnerships with other destinations or tourism organizations. These partnerships could help the Village achieve greater exposure, share best practices for destination management and marketing, as well as visitor exchange.



Even though the Bal Harbour Tourism Team organizes a retreat once year, regular meetings throughout the year will help to align the strategies of marketing professionals operating in different markets.



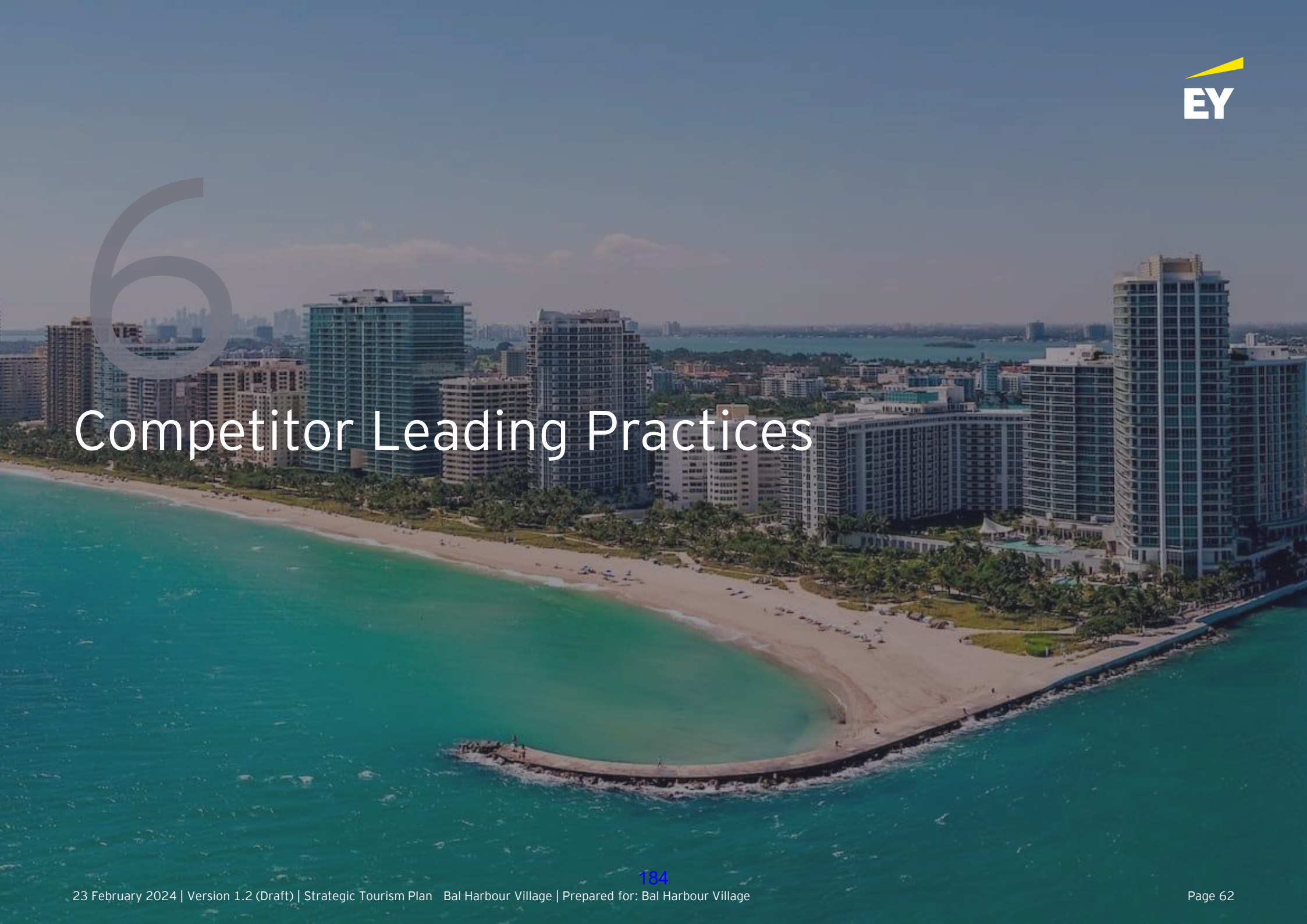
When it comes to digital marketing, the campaigns featuring Bal Harbour's luxury hotels have been the most successful.



Target metrics and goals are not in place in the relationships with in-destination marketing and PR reps, so the Village has no insight into what they get for their investment in these services.

# 6

## Competitor Leading Practices





# Competitor Leading Practices

In order to identify key leading practices, we researched comparable resort destination benchmarks relevant to Bal Harbour, located in Europe, the Caribbean and North America. The benchmarks were selected based on a variety of factors including:

-  Destination positioning
-  Historical significance
-  Development strategy and involvement of public/private sector
-  Seasonality
-  Demand generators
-  Demand sources
-  Visitor profiles
-  F&B offering
-  Retail offering
-  Lodging and residential product
-  Events calendar

We note these destinations are not directly comparable as whole, but there are certain shared characteristics that make them relevant for this analysis.

We selected two iconic, well-recognized destinations as benchmarks for Bal Harbour: Aspen, the ski resort in Colorado and La Croisette, in Cannes, France.

**Aspen, Colorado**



- While Aspen is widely known as a luxury ski destination, popular among the wealthy American and global elite, it has recently developed into a year-round destination through the development of the city’s cultural programming and events calendar.
- Aspen is positioned as a luxury destination and features 5-star hotels, high-end real estate and chalet rentals, as well as luxury dining and entertainment including the F&B’s industry most notable names such as Matsuhisa.
- Aspen is also a premium luxury retail destination featuring the most in-demand luxury fashion brands, as well as highly-localized offering. Despite its isolated location in the mountains, Aspen provides a diverse array of outlets to keep visitors engaged year-round throughout the day and night.

**La Croisette, Cannes**



- Cannes is one of the most popular resort destinations in Europe and has historical significance as a leisure destination dating back to the 1900’s frequented by European nobility and wealthy individuals. Cannes is also widely known for its namesake festival, the Cannes Film Festival, and has taken advantage of the festival to develop into one of Europe’s largest event destination, hosting other festivals, industry awards, concerts etc.
- La Croisette in Cannes, is a beachfront strip of the city, where many 5-star branded hotels, iconic buildings, luxury retail, beaches and entertainment are located. Similar to Bal Harbour, it is an exclusive enclave in the city where locals, French and international tourists alike can enjoy the beach, dine, shop and stay.
- The promenade on La Croisette, significantly improved the destination’s attractiveness, with the city undertaking major infrastructure investments to drive visitation and create an iconic waterfront.

# Competitor Leading Practices

## Focused review - Aspen

### History

- ▶ Founded during the Colorado Silver Boom in 1870, Aspen thrived as a bustling mining town in the late 19<sup>th</sup> century.
- ▶ Aspen faced a downturn due to silver's decline in the early 20<sup>th</sup> century, yet transformed into a thriving ski resort, sparking its revival by the late 1940's.
- ▶ By the 1980s, Aspen became popular for celebrities as an exclusive retreat due to its anonymity, natural beauty and skiing opportunities.
- ▶ Over the past 2 decades, Aspen has evolved into a year-round destination, enhancing its summer infrastructure and tailored marketing campaigns, making it a mountain town where nature, luxury, and culture unites all-year.

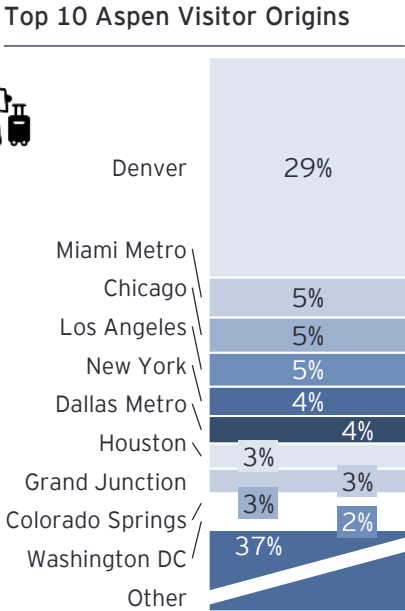


### Culture

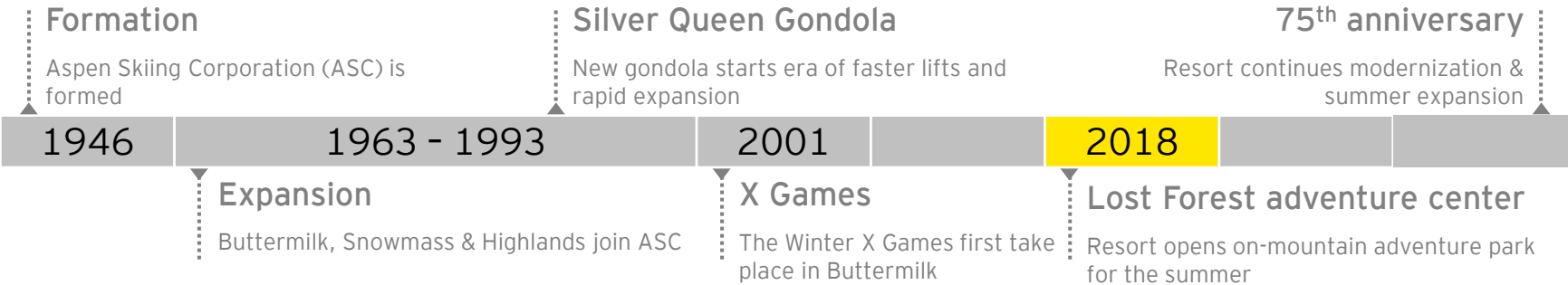
- ▶ Outdoor recreation: Majestic peaks surrounding the town makes it the perfect playground for outdoor enthusiast. Besides outstanding skiing, activities extend to hiking, biking, kayaking, and fishing.
- ▶ Arts and Humanities: With a rich cultural scene, Aspen embraces a diverse range of arts and hosts events such as the Aspen Music Festival and School, and Food & Classics.
- ▶ Intellectual Engagement: Known as a hub for intellectuals, the Aspen Institute facilitates discussions among thought leaders since the 1950's.



### Top 10 Aspen Visitor Origins



## Timeline



# Competitor Leading Practices

## Focused review - Aspen (cont.)

### Tourism Infrastructure

#### Location & Transportation



- ▶ Located in the Rocky Mountains, Aspen is one of the premier outdoor recreation centers in Colorado. With non-stop flights from ten major U.S. cities, the mountain town is easily accessible via the Aspen/Pitken County Airport (10 min away from downtown Aspen).
- ▶ The town offers free ground transportation from the airport and in town, allowing car-free transportation.



#### Outdoor infrastructure



- ▶ *Winter:* With four ski resorts (5,600 acres of terrain and 2<sup>nd</sup> highest vertical drop in the US), the town provides a high-end skiing experience for everyone. The mountains in Aspen have it all - challenging back-country skiing, wide runs for families and terrain parks. Other experiences in the winter include snowshoeing, cross-country skiing, sleigh rides, tubing, and snowmobiling.



- ▶ *Summer:* Nestled in the Elk mountain range, Aspen provides world-class hiking with a variety of trails. Further, the resort offers an adventure park (zip-lining, ropes course, alpine coaster, etc.) and a mountain bike park for outdoor enthusiasts and families. With music shows and a vibrant local art scene, the town becomes a center for arts & culture in the summer as well.



Key Stakeholders

Lodging, Dining & Shopping		
5 * Hotels	Michelin Restaurants	Shops
3	4	150+

- ▶ Luxurious, newly renovated resorts with world-class amenities (such as Hotel Jerome, The St. Regis Aspen Resort, The Little Nell) and vacation rentals (private homes, estates, ski chalets, condos, etc.)
- ▶ Vibrant food scene on par with nation's largest cities (such as Bosq, Matsuhisa, Casa Tua, Prospect, Element 47 and Mawa's Kitchen)
- ▶ Up-scale, luxurious shopping with high-end boutiques and stores

Events		
Main Events	Avg. # of Occurrences	Total Annual Event Visitors
10	~ 48	~ 238 k



- ▶ Year-round high-end events attracting a diverse group of visitors (Winter X Games, Aspen Music Festival, Food & Wine Classic, Jazz Aspen, etc.)
- ▶ Long-standing events with a cult following; X Games and Aspen Music Festival and School as main events drive over 200k in visitors
- ▶ 19% increase in occupancy rate and \$218 increase in revenue per room during main event season in the last twelve months

Sister cities & other partnerships

# Competitor Leading Practices

## Focused review - Aspen (cont.)

### Event Overview

			Oldest annual, week-long gay ski event in the nation.
		105,000	X Games is considered the world's best action sports events and showcases the biggest names in skiing and snowboarding.
		N/A	Aspen welcomes the best alpine skiers in the world as they go head-to-head in slalom and giant slalom on Aspen Mountain.
			Music festival with multiple venues across downtown Aspen and the option to view as many as eleven acts in one night.
		100,000	One of the top classical music festivals in the United States (8 weeks including concerts by five orchestras, solo music performances, etc.).
			Theatre Aspen offers musicals, plays and family-friendly shows, which take place at the Hurst Theatre located in the heart of Rio Grande Park right next the Roaring Fork River.
		5,000	Premier three-day culinary event run by world-class chefs and wine experts.
			Aspen Ideas Festival brings together thought leaders together to the Aspen Institute for a week of lectures, debates, and conversations.

### Tourism Investments

#### Winter Infrastructure Upgrades

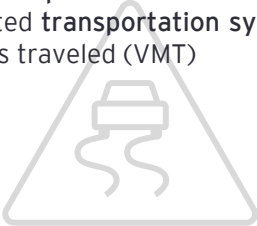
- ▶ "Less waiting, more skiing": improving out-of-base capacity & overall mountain capacity
- ▶ "Let's Eat! (And Have a Place to Sit)": adding restaurant capacity & adding two restaurants
- ▶ "Make it snow": adding snowmaking capacity in higher elevation zones
- ▶ "Same Boundary, More Trails & Glades": adding more trails to the existing ski area

#### Summer Infrastructure Upgrades

- ▶ Provide more and better hiking trails: New trails will have multiple lengths and difficulties and "platform walks"
- ▶ Expand Lost Forest Adventure park for kids and mountain bike trail network:

#### Mobility

- ▶ Improve and expand our efficient, multi-modal, and integrated **transportation system** to reduce vehicle miles traveled (VMT)



# Competitor Leading Practices

## Focused review - La Croisette, Cannes

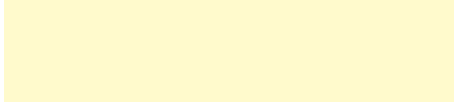
### History

- ▶ Constructed in the 1850s, the three-kilometer-long Boulevard de la Croisette is situated along the picturesque seafront of Cannes on the French Riviera.
- ▶ In the late 19<sup>th</sup>/early 20<sup>th</sup> century, the building of luxury hotels along the boulevard drew affluent guests, setting its reputation as an elite destination.
- ▶ **The Cannes Film Festival, inaugurated in 1946, turned the global spotlight on the town as a hub for global film industry and has been attracting celebrities from around the world ever since.**
- ▶ Today, the Boulevard de la Croisette, is known for its luxurious hospitality, exclusive shopping, and outstanding year-round events.

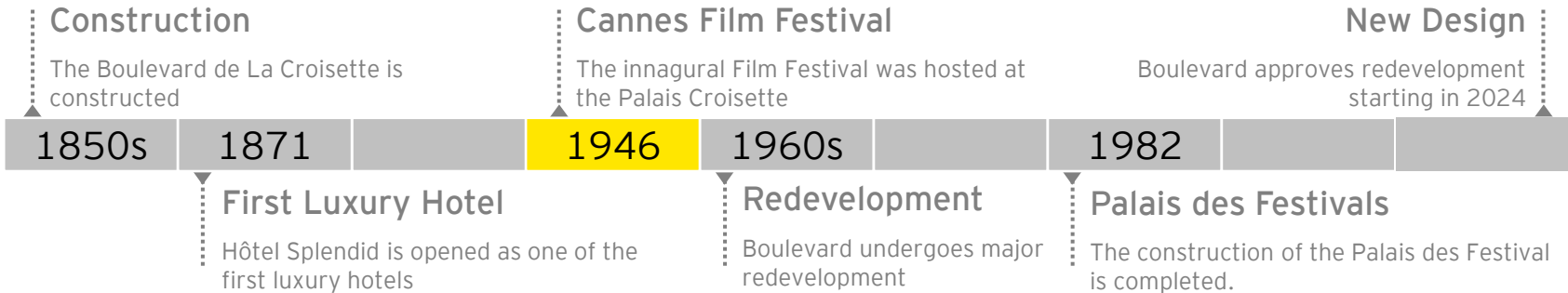
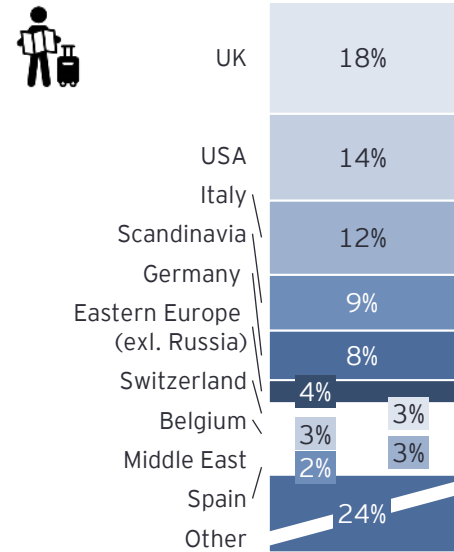


### Culture

- ▶ **City of events:** La Croisette is not only the venue of the film festival; famous events around dance, games, and pyrotechnics take place all-year.
- ▶ **Flair of the French Riviera:** Amplified by the charm of the French Riviera, la Croisette provides a glamorous ambience, offering a unique blend of Mediterranean culture and upscale lifestyle.
- ▶ **Shopping hub:** With most major European designers represented in high-end boutiques and flagship stores, the promenade attracts fashion enthusiasts and contributes to its cosmopolitan atmosphere.



Cote D'AZUR Visitor Origins



# Competitor Leading Practices

## Focused review - La Croisette, Cannes (cont.)

### Tourism Infrastructure

#### Location & Transportation



- ▶ Located in Southern France, Cannes is known for its international film festival, luxury hotels and sandy beaches. With the third busiest airport in France 30 min away (Nice Côte d'Azur airport), the beach town is easily accessible.
- ▶ The town offers a robust bus system with its city palm shuttle service and fully walkable promenade.

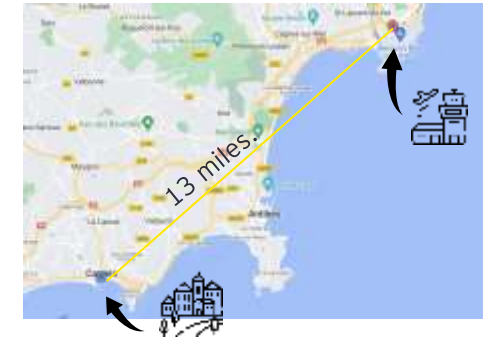
#### Outdoor infrastructure



- ▶ *Palais des Festivals*: The Palais des Festivals is the primary venue for the annual Cannes Film Festival, the Cannes Lions International Festival of Creativity and other major events. It is a state-of-the-art technical facilities for tailor-made events located at the top of Blvd. de la Croisette with a size of 35,000 square meters.



- ▶ *Beach & promenade*: Located in the French Riviera, Croisette offers a sandy beach with crystal-clear turquoise water. The area offers two small public beach areas (Plage de Casino & Plage Mace) and various private beach clubs, which serve high-quality food and have been recently renovated. The walkable promenade allows to stroll around, eat, and shop.



**Key Stakeholders**

### Lodging, Dining & Shopping

5 * Hotels	Michelin Restaurants	Shops
6	7	120+

- ▶ Luxurious, newly renovated grand hotels with beach views (such as Hotel Barrière Le Majestic Cannes, Carlton Cannes & Hotel Martinez)
- ▶ Up-scale seafood establishments, Michelin-starred fine dining, and diverse international cuisines, all overseeing the Mediterranean
- ▶ Luxurious open-air shopping with high-end boutiques and flagship stores

### Events

Main Events	Avg. # of Occurrences	Total Annual Event Visitors
6	~ 48	~ 1.1 M

- ▶ Year-round high-end events attract a diverse group of visitors (Cannes Film Festival, Cannes Lions, International Games Festival, Pyrotechnic Art, etc.)
- ▶ Iconic events with celebrities coming from all around the world

**Twin cities** | Madrid | Kensington Chelsea | Beverly Hills | Shizuoka | Acapulco | Sanya | Gstaad | **Friendship pacts** | Tel-Aviv, Turin, Quebec, Papeete, Florence, 11<sup>th</sup> Dist. Budapest, Gstaad Saanen, Moscow

# Competitor Leading Practices

## Focused review - La Croisette, Cannes (cont.)

### Event Overview

Number of Visitors	Descriptions
	The Palais des Festivals hosts a three-day games festival. The event features exhibitions of classic and cutting-edge games, board games, and simulations, offering a fun day of exploration and adventure.
155k	The Cannes Film Festival is one of the major European film festivals. Renowned for its glamorous evenings held on the fringes of film screenings, the galas draw global movie stars, providing a platform for industry professionals to gather and celebrate.
	Cannes Lions International Festival of Creativity is a global event for professionals in creative communications, advertising, and related fields, considered to be the largest gathering in the industry.
700k spectators	Each summer, Cannes hosts one of the world's premier Pyrotechnic Art Festivals in its bay. The Vestale d'Or is the grand prize as expert pyrotechnicians gather on the Croisette for six dazzling shows, showcasing their pyro-musical fires.
	Europe's top in-water boat show, and the world's leading showcase for large sailing boats. The event offers VIP programs and a luxury gallery dedicated to excellence and craftsmanship.
	The Cannes Dance Festival is a key gathering for contemporary dance worldwide, rooted in the city's enduring connection with the dance community.

### Tourism Investments

#### Boulevard de la Croisette

- ▶ Major redevelopment program planned to begin early 2024



#### La Malmaison art centre

- ▶ Major ongoing redevelopment program completed in 2024



#### Les Allées de la Liberté

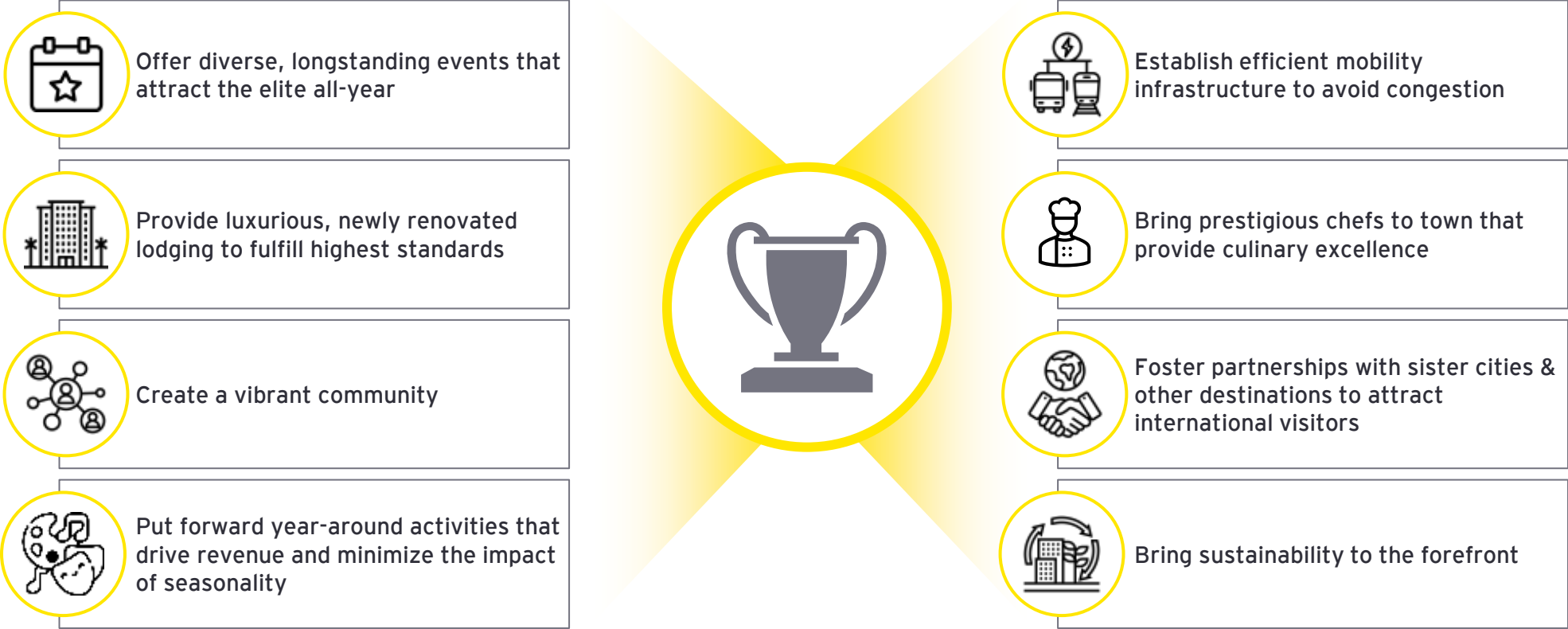
- ▶ Major redevelopment of Allées de la Liberté boulevard



# Competitor Leading Practices

## Focused review - Aspen & La Croisette

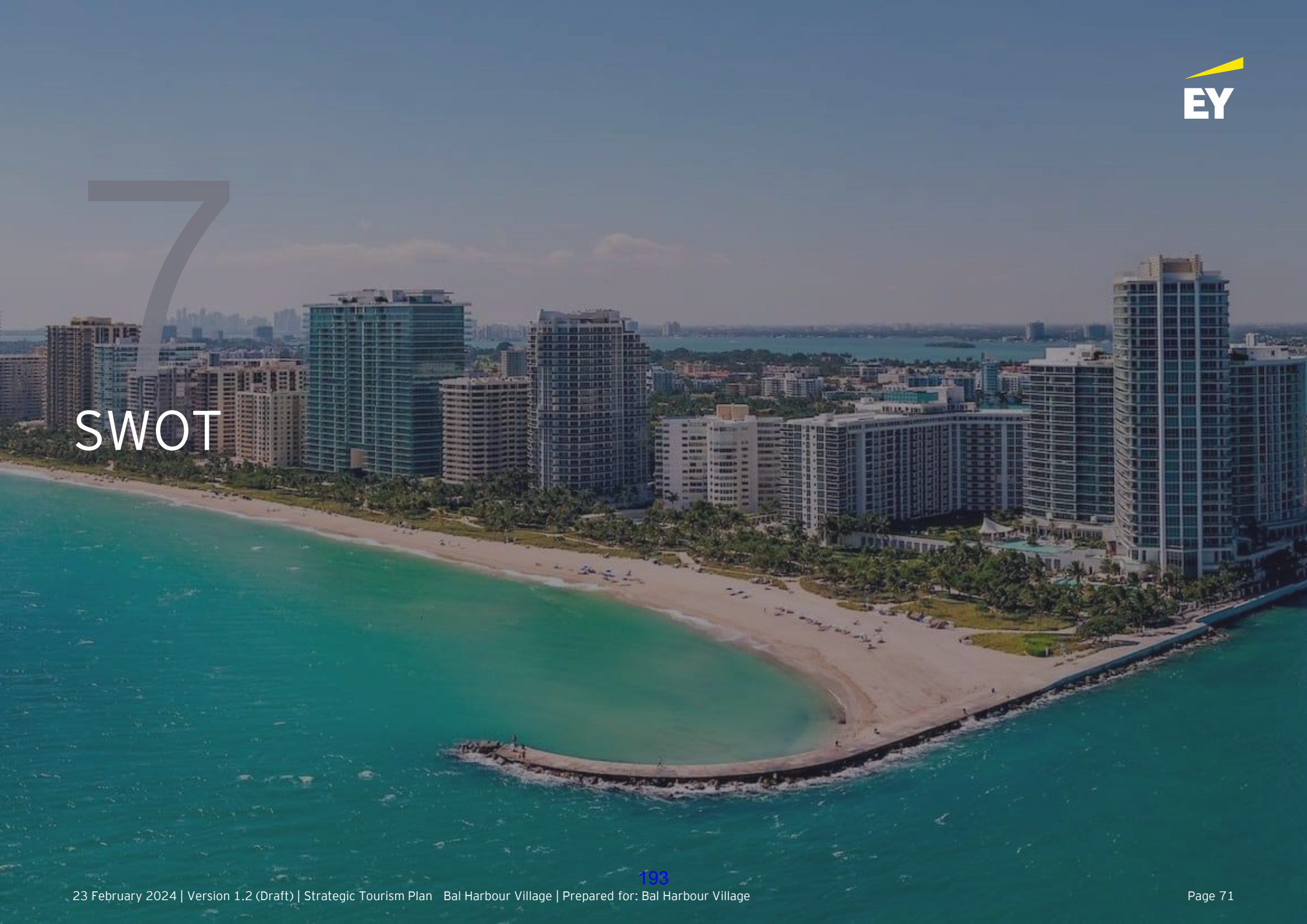
### Key Success Factors





# 7

## SWOT



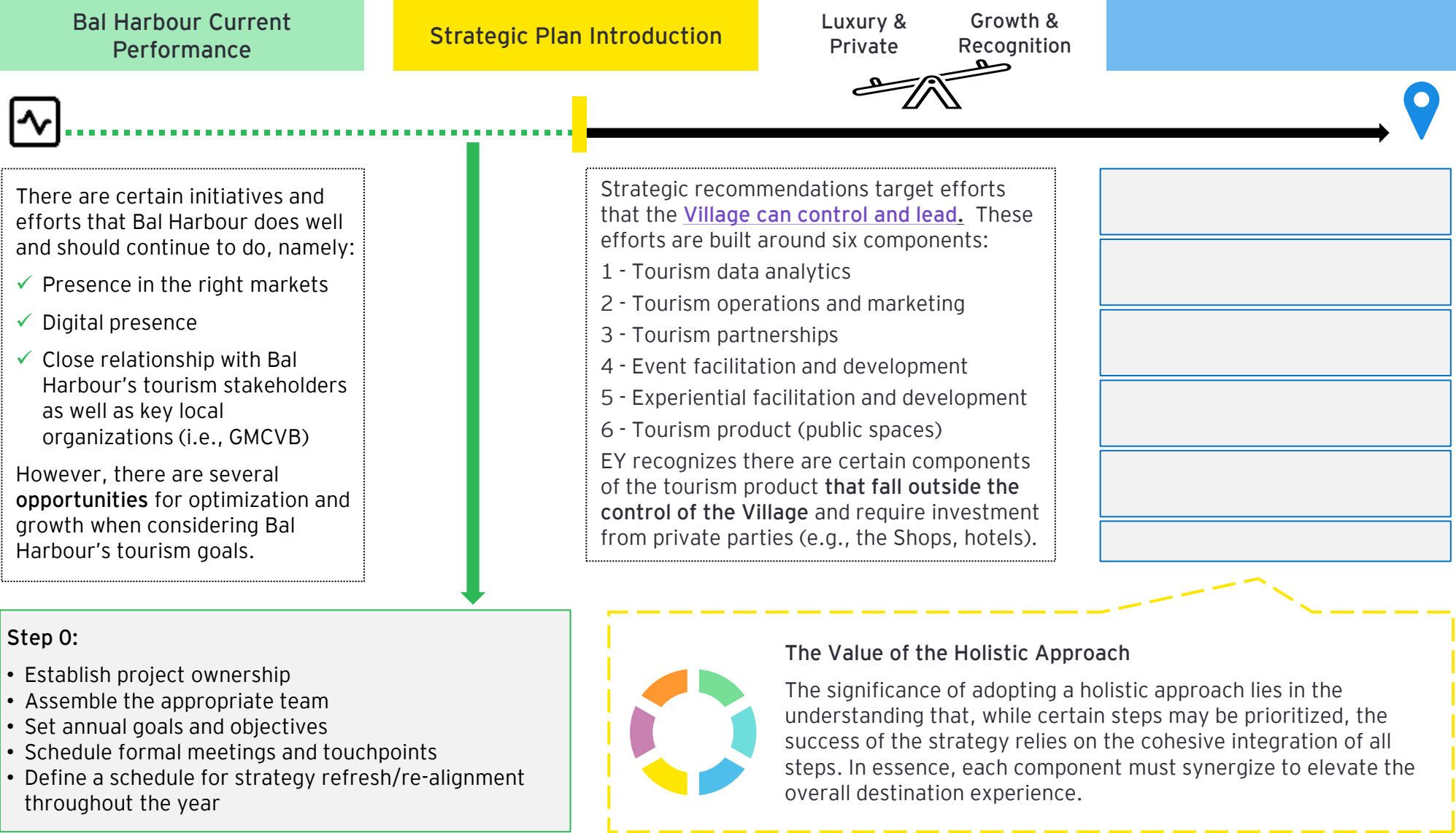
# Summary of Key Findings - Destination SWOT Analysis

S	STRENGTHS	<ul style="list-style-type: none"> <li>➤ Bal Harbour's brand identity is robust, epitomizing sophistication, luxury, and a refined coastal lifestyle, fostering an emotional connection with visitors.</li> <li>➤ Bal Harbour features a captivating outdoor venue with its beautiful beach and well-manicured grounds, creating a natural and enchanting setting.</li> <li>➤ Bal Harbour is undergoing new developments, including public spaces like a Waterfront Park and Community Center, a Jetty/Cutwalk and the new Village Hall.</li> <li>➤ Bal Harbour has established strong partnerships within the destination (hotels, city officials and restaurants) as well as the local area with key organizations (e.g., GMCVB) and neighboring cities.</li> <li>➤ The Greater Miami area hosts large signature events, and Bal Harbour actively executes a full calendar of events to contribute to the region's vibrant cultural scene.</li> <li>➤ Bal Harbour is home to two widely recognized luxury hospitality brands. Both properties fall under the Marriott brand, providing access to Marriott's global network of proprietary marketing channels and booking platforms.</li> <li>➤ The Bal Harbour tourism team has cultivated strong connections with marketing professionals and representatives in international markets, facilitating transparent communication. Additionally, convening all market representatives once a year is a valuable best practice already implemented by Bal Harbour.</li> <li>➤ Bal Harbour Shops features a compelling food &amp; beverage scene that appeals to guests, visitors, shoppers, Bal Harbour residents, and Miami locals alike.</li> <li>➤ Bal Harbour stands as an iconic retail destination, drawing local and international visitors for its upscale shopping experience, driven by a tenant-base of globally renowned fashion, jewelry, accessory, and home and lifestyle retailers.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Limited data analytics capabilities to guide strategic decision making and support investment and understand the return on that investment.</li> <li>➤ New Community Center not open to hotel visitors.</li> <li>➤ Target metrics and goals are not in place in the relationships with in destination marketing and PR reps, so the Village has no insight into what they get for their investment and even represent only a single asset in a destination.</li> <li>➤ Hotels and amenity operators express difficulties working with the city to put on events and create experiences for visitors.</li> <li>➤ Greater Miami area is a destination for European visitors which are not a significant source market for Bal Harbour.</li> <li>➤ Events primarily attended by residents and locals.</li> <li>➤ No global partnerships with other destination or tourism organizations.</li> <li>➤ Tourism staff is adequate for current operations but will need supplemental resources to execute on a strategic growth plan.</li> <li>➤ Limited activities for children at the hotels and the shops.</li> <li>➤ The hotel F&amp;B offerings struggle to attract external patrons, limiting its reach beyond hotel guests.</li> <li>➤ Based on guest reviews, the oceanfront properties need renovations. Additionally, when compared to newer product in neighboring areas, facilities do not meet the expected standards.</li> </ul>	W	WEAKNESSES
		<ul style="list-style-type: none"> <li>➤ Utilize a data analytics vendor to enhance data-driven decision-making processes.</li> <li>➤ Leverage data analytics to establish target metrics for market representatives.</li> <li>➤ Open public spaces to hotel visitors to activate and monetize this asset effectively.</li> <li>➤ Focus on improving the liaison between hotels and the city, aiming to enhance communication and collaborate during the approval processes for various activities such as those on the beach and signage (even if approvals come from other offices).</li> <li>➤ Leverage existing Miami events to host and promote an exclusive signature event in Bal Harbour, strategically aligning with lulls in the visitation calendar to drive overnight visitation and enhance the brand.</li> <li>➤ Establish partnerships with sister cities to foster collaboration and mutual benefits.</li> <li>➤ Explore additional key source markets for targeted marketing and public relations efforts, potentially focusing on the UK and other areas of Europe.</li> <li>➤ Implement a grant program to support events and initiatives, fostering community engagement and enhancing the overall visitor experience.</li> <li>➤ Continued promotion and marketing of the Village to encourage private investment.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Bal Harbour luxury lodging products face increasing competition from a deep pipeline of exclusive luxury products along Miami Beach from globally recognized brands such as Aman and Rosewood.</li> <li>➤ Seasonality of Bal Harbour (visitation sees a higher decreases when compared to other areas in Greater Miami).</li> <li>➤ Bal Harbour has a reputation of being slower paced or 'sleepy' as described by some stakeholders. It may struggle to have that same liveliness, or excitement factor as other destinations that is increasingly needed to attract a younger crowd.</li> <li>➤ Residents do not want the Village to become too congested or commercialized with excessively large events.</li> <li>➤ EY has analyzed hundreds of guest reviews for Bal Harbour hotels. Negative reviews propose a serious threat, as many prospective guests rely on reviews before booking.</li> <li>➤ No unilateral control over influencing the development and curation of new amenities and attractions (e.g., culinary).</li> </ul>		

The background of the page is an aerial photograph of Bal Harbour Village in Miami. The image shows a curved coastline with a sandy beach and turquoise water. Several high-rise apartment buildings with glass facades are visible, along with palm trees and landscaped areas. The sky is clear and blue.

# 8 Strategic Plan

The strategic recommendations were developed using a holistic approach and leveraging the strengths of the destination to identify key areas for optimization that the Village can lead






# Prioritization of and investment in strategic recommendations should consider level of effort, overall destination benefit and the impact on other downstream initiatives

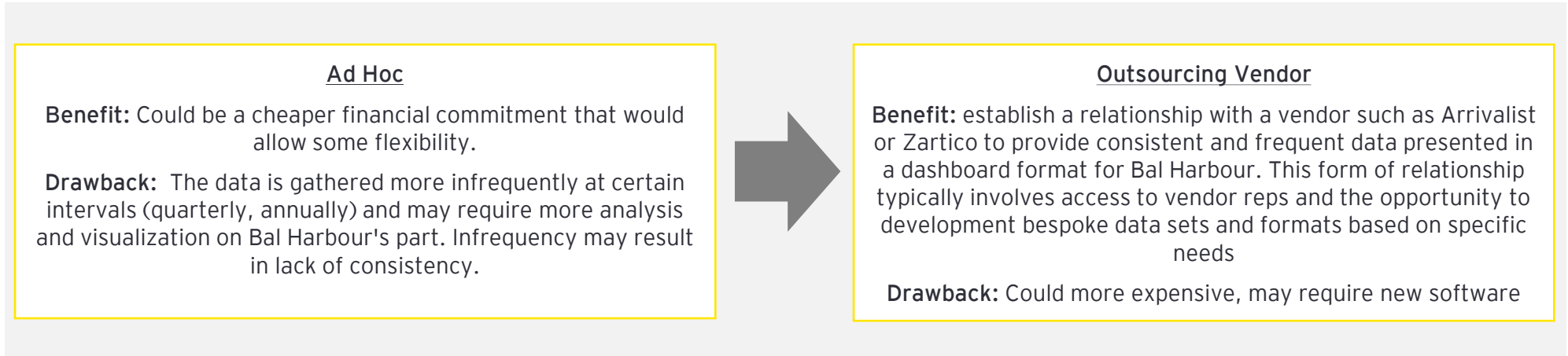
Following EY’s site visit to the Village, analysis of available data, collection of supplementary data, primary and secondary research and conversations with more than 40 stakeholders, EY has identified key findings, opportunities, and priorities as presented throughout the report. Based on these findings, EY built six strategic recommendations around six components that the Village can lead.

<p><b>Tourism data analytics</b></p> 	<ol style="list-style-type: none"> <li>1. Engage with a tourism data analytics vendor</li> </ol>	<p><b>Event facilitation and development</b></p> 	<ol style="list-style-type: none"> <li>1. Leverage existing Miami events to host a related signature Bal Harbour event</li> <li>2. Enhance promotion of smaller events</li> </ol>
<p><b>Tourism operations and marketing</b></p> 	<ol style="list-style-type: none"> <li>1. Consider return on investment (ROI) on existing efforts</li> <li>2. Identify new source markets</li> <li>3. Enhance digital marketing campaign</li> </ol>	<p><b>Experiential facilitation and development</b></p> 	<ol style="list-style-type: none"> <li>1. Increase communications between key tourism professionals (e.g., hotels, market reps, etc.)</li> </ol>
<p><b>Tourism partnerships</b></p> 	<ol style="list-style-type: none"> <li>1. Explore national and global partnership opportunities</li> <li>2. Continue to engage with local and regional partnerships (particularly the GMCVB)</li> </ol>	<p><b>Tourism product (public spaces)</b></p> 	<ol style="list-style-type: none"> <li>1. Activate existing public spaces</li> <li>2. Prioritize the visitor experience in future developments</li> <li>3. Continue marketing and promotion of key assets</li> </ol>



# Tourism Data Analytics

 <b>Current state</b>	<p>Bal Harbour currently has limited access to visitor and destination performance data, relying on an incomplete combination of data from digital marketing efforts, the GMCVB and resort tax collection.</p>
 <b>Strategic recommendation</b>	<p><b>1. Engage with a tourism data analytics vendor:</b> Invest in a robust set of recurring and dynamic visitor data related to key performance indicators necessary to make strategic decisions and track and monitor progress against goals and objectives (e.g., spend, source market, length of stay, visitor profile).</p>
 <b>Detail support</b>	<p>1. Leading destinations leverage a diverse set of dynamic and real-time data to understand the nuances of the destination and the visitor, and ultimately drive metric-based strategic decision making. These various data sources help destinations target source markets more narrowly, define existing visitor profiles and align targeted marketing not only to their existing visitor but aspirational visitors. This use of data analytics can also provide insights into visitor spend by source market and type of spend - identifying the most lucrative source markets and destination itineraries. Data can also help inform events and experiences to target the right visitor at the right time to optimize attendance and engagement. There are a variety of ways in which to acquire this data, from the most robust recurring subscription-based dashboards to a more piecemeal approach of acquiring data at certain intervals (quarterly, annually).</p>





# Tourism Data Analytics (cont.)

**Desired outcome**

The Village receives real time data about visitors - key source markets, spend, length of stay, etc. presented in a format that allows Bal Harbour to leverage the data to make strategic investment decisions and track progress related to investments, partnerships, events, operations and marketing.

**Bal Harbour's role/investment**

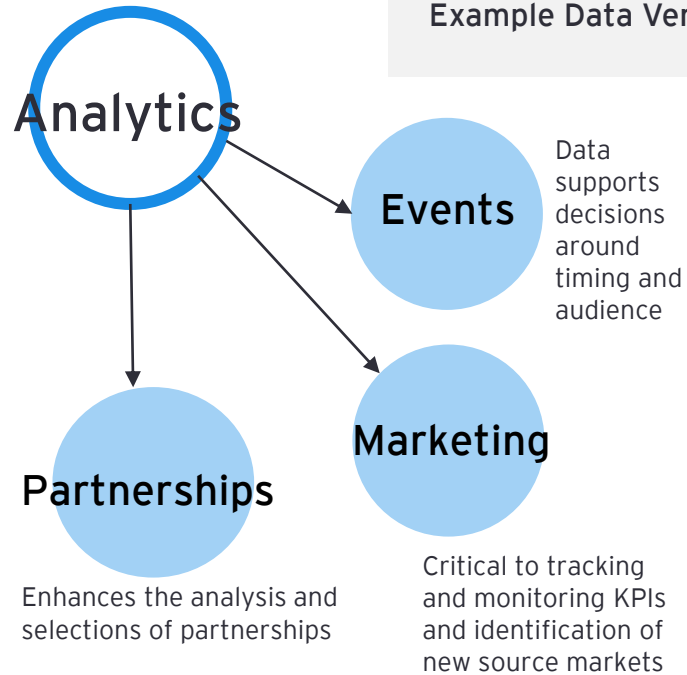
Bal Harbour leads this effort and engages and collaborates with the selected vendor.

**Prioritization & sequencing**

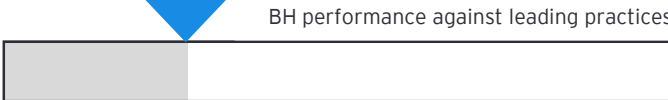
The acquisition of data should be highest priority, as it will drive analysis and decision making related to future strategic decisions around marketing, events and partnerships. For example, in future negotiations and contract discussions with marketing reps, baseline data should be in place to establish a starting point from which progress against goals and objectives is measured and tracked.



Example Data Vendors:



**Suggested Initial Tactical Steps**



- 1 Compile a list of tourism data and analytics providers.
- 2 Identify data needs such as spend, source market, frequency, etc.
- 3 Schedule and interview each of the providers to understand their offering and format and determine which works best for Bal Harbour.

**How EY can support:**

EY can help suggest data analytic vendors/providers and assist during the selection process.



## Tourism Operations and Marketing



### Current state

Bal Harbour's use of in-destination marketing representatives for key source markets aligns with best practices in the industry, but currently there is no mechanism to understand the impact of these efforts and the return on the investment. Additionally, while most marketing reps are promoting the entire destination, in at least one instance they only market specific assets. On the digital marketing side, the Village is currently running ad campaigns which gather data on total impressions (views) and conversion rate (actions taken after viewing the ad).



### Strategic recommendation

- 1. ROI on Existing Efforts:** Establish ROI parameters by utilizing data analytics to establish baseline visitation metrics across identified KPIs. Use these KPIs to develop goals and monitor progress against these goals. Hold frequent touchpoints to discuss progress.
- 2. Source Markets:** Explore new source markets and identify the right approach to tapping into those markets.
- 3. Enhance Digital Marketing Campaign:** Invest further in existing digital marketing campaigns to broaden exposure with the intended audience. Engage with digital media provider to refine the strategy and understand the value of expanding the budget (ROI and how it will be tracked).



### Detail support

1. Retain market representatives and continue to hold annual meetings. There is opportunity to optimize relationships with market reps by establishing measurable quantitative KPIs so Bal Harbour can quantify the return on investment from these relationships. By streamlining the data collection process and analysis, the Village can make data driven decisions on where and how much to invest. Additionally, holding more frequent touchpoints with the reps will allow the Village to closely monitor progress.
2. There is an opportunity to drive visitation from new source markets (UK, France, Germany and Middle East) using a targeted approach. Existing data indicates that European visitors travel to Miami but choose to stay in neighboring areas. Further refined data analytics can identify these new markets and specifically identify key submarkets where demographics align with the Bal Harbour visitor profile. Similarly, since the St. Regis is already exploring direct marketing to the Middle East, the Village should proactively understand these efforts and, where appropriate, supplement these efforts in support of the entire destination.
3. In digital marketing, Google Ads dynamically allocates the budget to campaigns based on their success, among other factors, so there is evidence of room for growth in the Village's digital marketing strategy. Investing 25%-35% further in digital marketing would increase ad exposure and could yield favorable results. An expansion of the campaign will allow for Bal Harbour ads to get in front of a larger audience. In an era where online presence influences travel decisions, consistent digital marketing to the intended audience is a best practice.



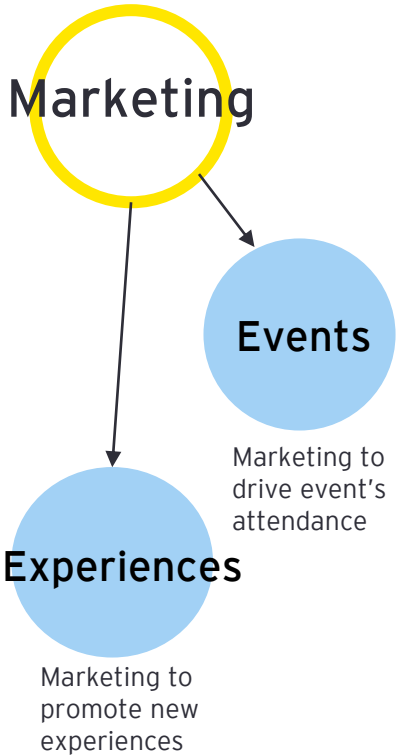


# Tourism Operations and Marketing (cont.)

<b>Desired outcome</b>	Bal Harbor will have the ability to measure ROIs on the relationships with market representatives, identification of new markets for outreach, determination of best marketing tools (digital) and optimization of investments.
<b>Bal Harbour's role/investment</b>	Bal Harbour tourism team will lead this effort to engage with 3rd party market representatives in existing and potential markets.
<b>Prioritization &amp; sequencing</b>	The determination of KPIs to measure the return on investment in market representatives is of high priority given almost 30% of the marketing budget is allocated to efforts in key markets. Additionally, the Greater Miami area is already receiving visitors from certain markets (i.e., Europe) meaning the opportunity of capturing those visitors should be prioritized over other new markets.

## Suggested Initial Tactical Steps

BH performance against leading practices



<u>Tracking ROI for Existing Source Markets</u>	<u>Identification of New Markets</u>	<u>Digital Marketing Investment</u>
<ol style="list-style-type: none"> <li>1 Establish KPIs that align with and reflect the goals and objectives of the Village (e.g., spending, overnights)</li> </ol>	<ol style="list-style-type: none"> <li>1 Identify key market indicators to filter, sort and establish potential markets</li> </ol>	<ol style="list-style-type: none"> <li>1 Meet with digital provider to understand opportunities and potential outcomes of investment</li> </ol>
<ol style="list-style-type: none"> <li>2 Communicate KPIs to the market reps and agree on a strategy to achieve KPI targets (e.g., certain trade shows, market tactics, relationships)</li> </ol>	<ol style="list-style-type: none"> <li>2 Leverage existing relationships (e.g., GMCVB) to make connections with the destination</li> </ol>	<ol style="list-style-type: none"> <li>2 Explore making an additional investment of 25%-35% in existing digital efforts</li> </ol>
<ol style="list-style-type: none"> <li>3 Establish formal regular touchpoints to track progress and evaluate efforts and strategic direction</li> </ol>	<ol style="list-style-type: none"> <li>3 Develop key questions and understand visitor profile to engage with destination reps to understand visitation potential</li> </ol>	
<ol style="list-style-type: none"> <li>4 Monitor and evaluate ROI of each market rep by routinely checking progress against KPIs</li> </ol>		

**How EY can support:** EY can support the Village in identifying KPIs that will be used to measure the ROI on these market initiatives.



# Tourism Partnerships

## Current state

Bal Harbour has strong local relationships with destination stakeholders as well as a collaborative relationship with the GMCVB. Additionally, the Village is currently exploring a potential Sister City relationship with a town in Israel.

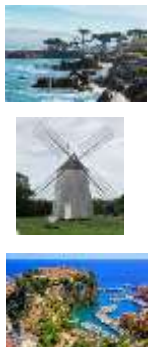
## Strategic recommendation

- 1. National and Global partnerships:** Pursue and engage in collaborative relationships and partnerships with other domestic and global destinations, leveraging programs such as Sister Cities International to help facilitate the process.
- 2. Local and Regional partnerships:** Continue to strengthen Bal Harbour’s relationship with the GMCVB and explore additional opportunities to collaborate.

## Detail support

It is a common practice for destinations to create partnerships that lead to the sharing of marketing and branding, collaboration of joint events, exchange of visitors (particularly with those cities that have offsetting high seasons) and sharing of best practices related to destination management. These partnerships are cultivated locally, domestically and globally and exist between destinations and between destinations and other tourism organizations. The Sister Cities program provides a framework to create and cultivate those relationships.

### Potential City Partners



- Carmel by the Sea, California, USA
- East Hampton Village, New York, USA
- Beverly Hills, California, USA
- Scottsdale, Arizona, USA
- Cannes, France
- Porto Cervo, Sardinia, Italy
- Forte dei Marmi, Lucca, Italy
- Monte Carlo, Monaco



### Evaluation Criteria and Destination Characteristics

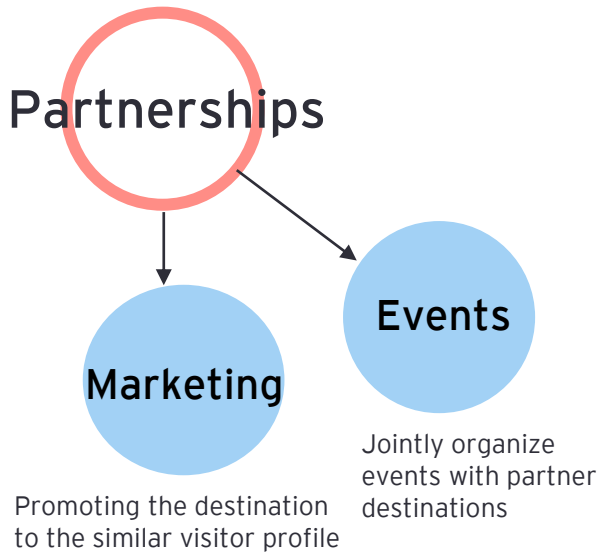
- Similarly established, wealthy visitor and resident
- Reverse seasonality
- Similar size - geography, population and visitor numbers
- High-end retail, shopping and fashion identity
- Seclusion, privacy, flying under the radar
- Proximity to major metropolitan area and international airport



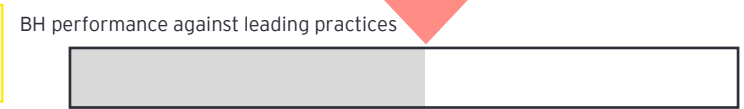
## Tourism Partnerships (cont.)

<p><b>Desired outcome</b></p>	<p>Bal Harbour would have several domestic and global destination partners to leverage for best practices, event and visitor promotion and collaboration on marketing efforts resulting in new target markets and repeat visitation.</p>
<p><b>Bal Harbour's role/investment</b></p>	<p>Bal Harbour takes the lead role in establishing the process, identifying destinations and initiating outreach to targets.</p>
<p><b>Prioritization &amp; sequencing</b></p>	<p>The creation of strategic partnerships with domestic and international destinations is of high priority given the outcome of the relationship. However, the selection of optimum partners is of high importance in order to obtain a benefit in terms of attracting the right visitor and fomenting opportunities when it comes to hosting events.</p>

Aspen has, in addition to 7 sister cities, a cultural partnership with San Miguel de Allende (Mexico) to collaborate and exchange experiences in the tourism sector including best practices in destination management, challenges and successes and to promote each other's cities as destinations and participate in joint activities.



### Suggested Initial Tactical Steps



- 1 Understand the Sister City program, its process, any costs and any required short-term and long-term commitments
- 2 Identifying Bal Harbour's goals and objectives for the Sister City relationship (e.g., sharing best practices, joint marketing)
- 3 Leveraging Sister City protocol and database to identify potential Sister City partners
- 4 Initiate outreach through the Sister City program using proper protocol

**How EY can support:** EY can support the Village in identifying potential partners based on similar visitor profile as well as recent successful initiatives (i.e., marketing campaigns and events to promote the destination all-year round).



# Event Facilitation and Development

## Current state

Bal Harbour Village hosts and promotes a full calendar of events occurring in the Village, additional events are held and promoted by the Shops and the hotels. Most of these events target residents or local Miami visitors and do not drive significant interest or spend from the broader domestic and international communities. However, the Greater Miami area is host to a number of globally recognized annual events that drive overnight visitation.

## Strategic recommendation

- 1. Large, signature event:** Curate an annual signature event during off-peak times designed to drive overnight visitation and align with and promote Bal Harbour’s identity. Such events can be achieved either through an affiliated event with one of Miami’s existing global events or through the full curation of an entirely new event.
- 2. Smaller events:** Enhance promotion of smaller events to draw local hotel visitors and attract broader intentional visitation from the greater Miami region.

## Detail support

1. Leading destinations use events to drive repeat visitation and reinforce their brand identity. The option exists for Bal Harbor to conceive, develop and facilitate its own curated event. However, with several globally recognized annual events occurring in the Greater Miami region, Bal Harbour could leverage the existing brand, marketing and promotion of these events to host an affiliated event during the larger event (e.g., hosting an exclusive fashion event as part of Art Basel). In determining the most beneficial approach, the Village must weigh the benefits of the opportunity against the privacy of the destination, and given the destination's size, available amenities and visitor infrastructure (e.g., parking, venues) as there are fundamental limitations on the scale and format of an event hosted in the Village. Regardless of approach, the Village should use the opportunity to collaborate with key tourism stakeholders, including the hotels and Bal Harbour Shops to promote and enhance a unique signature experience. Further consideration should be given to the timing of such an event, as availability of hotels is more difficult during peak-season and the event creates an opportunity to partially mitigate visitor seasonality by drawing in visitors during the low season.
2. Bal Harbour effectively facilitates a full calendar of events, however, there is room to increase non-resident participation/engagement. Greater promotion of such events could support higher attendance and engagement from hotel guests and visitors in the greater Miami area.

Creation of an event affiliated with an existing Greater Miami event held in Bal Harbour

**Luxury and private**  **Global Recognition**

The selection of opportunities needs to consider the balance between Bal Harbour’s identity as luxury and private versus global recognition and visitation enhancement.

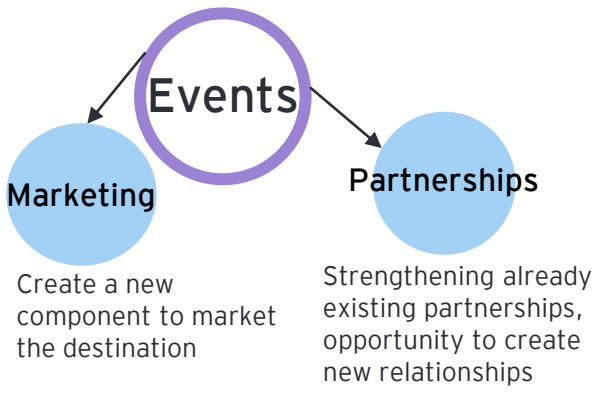
Curating a new signature Bal Harbour event with global appeal that aligns with Bal Harbour’s identity and scale



## Event Facilitation and Development (cont.)

<b>Desired outcome</b>	An annual event held in Bal Harbour that drives recurring visitation, increases spending during off-peak times and generates excitement among attendees while strengthening Bal Harbour’s global brand and identity. Additionally, higher attendance and engagement from hotel guests and visitors in the greater Miami area during smaller events.
<b>Bal Harbour’s role/investment</b>	Lead role coordinating internal stakeholders, identifying and designing the event/concept, collaborating with partners and planning the execution.
<b>Prioritization &amp; sequencing</b>	Curating and hosting an independent signature event can strengthen Bal Harbour’s brand, but limited venues, infrastructure, cost and resources could make this option nonviable. However, hosting an event tied to one of Greater Miami’s larger events (Art Basel, F1, Boat Show) could be a viable alternative to drive overnight visitation, enhance the brand and expose new visitors to Bal Harbour while limiting investment and commitment. In parallel, assessing the existing distribution/marketing of smaller events and explore collaboration with hotels to market these events (Bal Harbour hotels as well as others such as Surf Club, Acqualina).

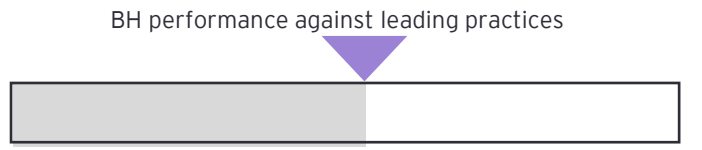
**Grant Program:**  
Bal Harbour could create a grant program to partially fund events. By doing so, the Village could be involved in the event and engaged with the organization but not required to allocate significant resources to planning, orchestrating and hosting the event.



**Example Event:**  
MONTE-CARLO FASHION WEEK

### Suggested Initial Tactical Steps

<u>Leverage existing activity in Miami</u>		<u>Increase attendance at small events</u>	
<b>1</b> Collect data on the main events occurring in the Greater Miami area to understand strongest alignment with Bal Harbour visitor profile	<b>1</b> Hold conversations with the hotels to understand what might draw their visitors to events (what are their interests?) and improve joint marketing so guests know what is happening before arriving.		
<b>2</b> Determine theme, what component of Bal Harbour’s identity should define the event (e.g., fashion)	<b>2</b> Explore the opportunity of broadening geographic marketing by expanding event promotion to hotels in neighboring areas (i.e., Surfside, Sunny Isles)		
<b>3</b> Initiate conversations with event organizers to understand the opportunity and how to integrates with the larger event	<b>3</b> Explore opportunities to comarket events with Bal Harbour hotels (Bal Harbour could sponsor events at the hotels),		
<b>4</b> Understand capacity restrictions within the Village (e.g., parking, venues) and explore potential partnerships (e.g., the Shops, hotels)			



**How EY can support:** EY can support the Village in identifying events and opportunities for Bal Harbour that align with identified goals and objectives and reflect the destination’s brand and reputation.



# Experiential Facilitation and Development

## Current state

Hotel operators express difficulties working and communicating with the Village when trying to create an experience or event for visitors - frequently dealing with a lengthy and inconsistent approval processes and limited transparency and consistency with Village rules and restrictions.

## Strategic recommendation

**1. Increase Coordination and Communication:** Establish and facilitate purposeful recurring in-person meetings to foster collaboration and communication between the key tourism assets (e.g., hotels), and the Village. This will allow for greater transparency around restrictions and permitting, streamline approval processes and increase broad collaboration to create unique experiences for the Bal Harbour visitor.

## Detail support

1. Destinations curate unique and exclusive experiences to differentiate their visitor experience and build interest, intrigue and demand in the destination. These experiences cover a broad spectrum and can include promotion of natural wonders as well as the curation of man-made experiences. In most instances the destination is not the creator of these experiences, but rather supports the development through approvals and promotion of the end-product through various marketing and communication channels. Ideally, these experiences are aligned with the destination's identity and help further and strengthen that identity. The Bal Harbour tourism team has an opportunity to harness their local connections and partnerships with hotels, the Shops and Village officials. By bringing these stakeholders together, they can foster an environment for open communication to find ways to enhance experiences while maintaining the existing culture and feel of Bal Harbour. This approach will enable the Village to understand the stakeholders' needs, exchange insights, maintain transparency regarding regulations and collectively explore the development of unique experiences throughout the destination.

### Support private parties

- Bring team together and serve as main point of contact for issues or petitions to the Village



### Collaborate on experiences

- Opportunity for exclusive experiences unique to Bal Harbour
- Consider new concepts and experiences within their assets (e.g., spa, pool deck, bars).





# Experiential Facilitation and Development (cont.)

<b>Desired outcome</b>	Open lines of communication and collaborative efforts between the hotels, shops and Village officials resulting in more unique experiences for Bal Harbour visitors.
<b>Bal Harbour's role/investment</b>	Lead role, driving the recommendation and aligning with stakeholders during this process.
<b>Prioritization &amp; sequencing</b>	The establishment of a formal position to support the creation of unique experiences for the visitors is of high priority given the needs of the assets (hotels and the Shops) to satisfy the demands of travelers and keep up with growing competition not only with other destinations but also within the Greater Miami.

## Example experiences where Bal Harbour could assist:



Culinary



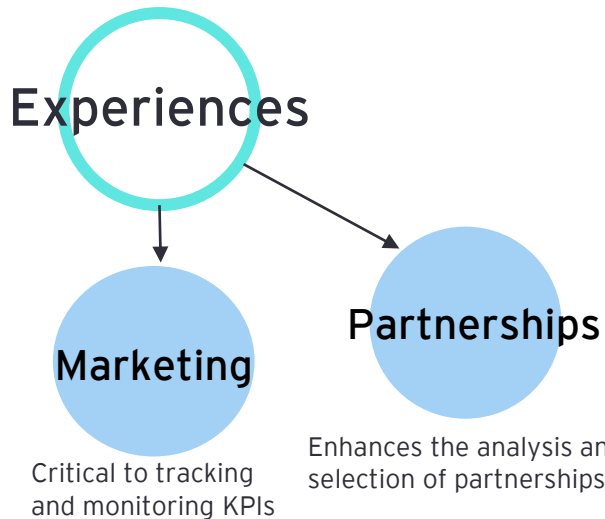
Beach activation



Wellness



Entertainment



**Suggested Initial Tactical Steps**

BH performance against leading practices

- 1** Meet with each of the hotels individually to understand what the issues are that they face and start the dialogue on improving transparency and streamlining the process for any permits/approvals
- 2** Organize and facilitate quarterly meetings with hotel general managers to discuss upcoming events and planned experiences and identify any permitting requirements or Village approvals
- 3** Educate key members of the Village, to understand the unique perspective of the lodging community and what their goals and objectives are and how the city can support to enhance overall experiences within the Village

**How EY can support:** EY can support the Village by preparing a communication plan with guidelines to follow to promote participation and transparency.



# Tourism Product

## Current state

The Village has limited input on investment in the Shops and hotels. However, Bal Harbour has control over the new Community Center space and the proposed Jetty renovation. The Community Center offers a valuable amenity to the Village, but limits access to residents only. The Jetty, yet to be constructed is designed to beautify and activate the public access point of the beach.

## Strategic recommendation

- 1. Activating Public Spaces:** Explore opportunities to better activate Bal Harbour’s public spaces, drawing in visitors and building stronger tourism products and marketing opportunities to drive visitation to the hotels, the Shops and restaurants.
- 2. Prioritize the visitor experience in future developments:** Visitor experience should be a crucial part of the discussion for all public space developments, including the Jetty and other future public space projects.
- 3. Marketing and promotion of key assets:** While the Village does not control key tourism products (e.g., hotels, the Shops) continued marketing and promotion of the destination will encourage continued investment by ownership in these assets.

## Detail support

Bal Harbour has developed or is developing key public assets within the Village, notably the Community Center and the approved but-yet-to-be constructed Jetty renovation. Both offer the Village opportunities to further activate and promote the destination to visitors.



**Waterfront Park & Community Center:** The Community Center offers a tremendous benefit to the community, with outdoor activities for kids and indoor space for events and rainy days. However, the space remains solely for residents, leaving guests of the hotels without access to one of the key Village assets. Bal Harbour should open the space to hotel guests, allowing families to use the amenities for entertainment as the hotels have limited entertainment for children. Additionally, offering this amenity to hotel guests gives the Village the opportunity to market this amenity. With future projects on the horizon (new Village Hall and new amenity in the existing Hall) the approach taken here for existing assets should be considered and incorporated into future projects and amenities.



**Jetty and Cutwalk Renovation:** The Jetty and Cutwalk located at the northern tip of the Village is a well-used but unrealized amenity that provides unique ocean views. Currently used daily by walkers, bicyclists and fishermen, it was most recently renovated in 1986. The Village has already approved plans to renovate with construction slated to start in 2024. The Village should secure partnership opportunities with F&B vendors (possibly a local hotel) to activate and monetize the space by offering coffee, drinks and snacks to visitors, beach goers and residents.





# Tourism Product (cont.)

**Desired outcome**

Bal Harbor will have the ability to measure ROIs on the relationships with market representatives, identification of new markets for outreach, determination of best marketing tools (digital) and optimization of investments.

**Bal Harbour's role/investment**

Lead role. Assess how and to what extent each of the public assets can be activated and monetized for visitors.

**Prioritization & sequencing**

There needs to be ongoing efforts around the activation of public spaces. Initial conversations around opening the Community Center should start immediately as well as how the Jetty can be activated with its construction planned to start in 2024. The Village should also consider the inclusion of visitors in future projects (i.e., City Hall).

**Examples of public space activation:**



Malibu, California



Pier 15, New York City

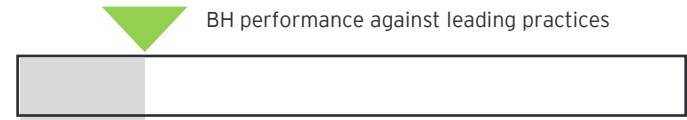


South Point, Miami Beach



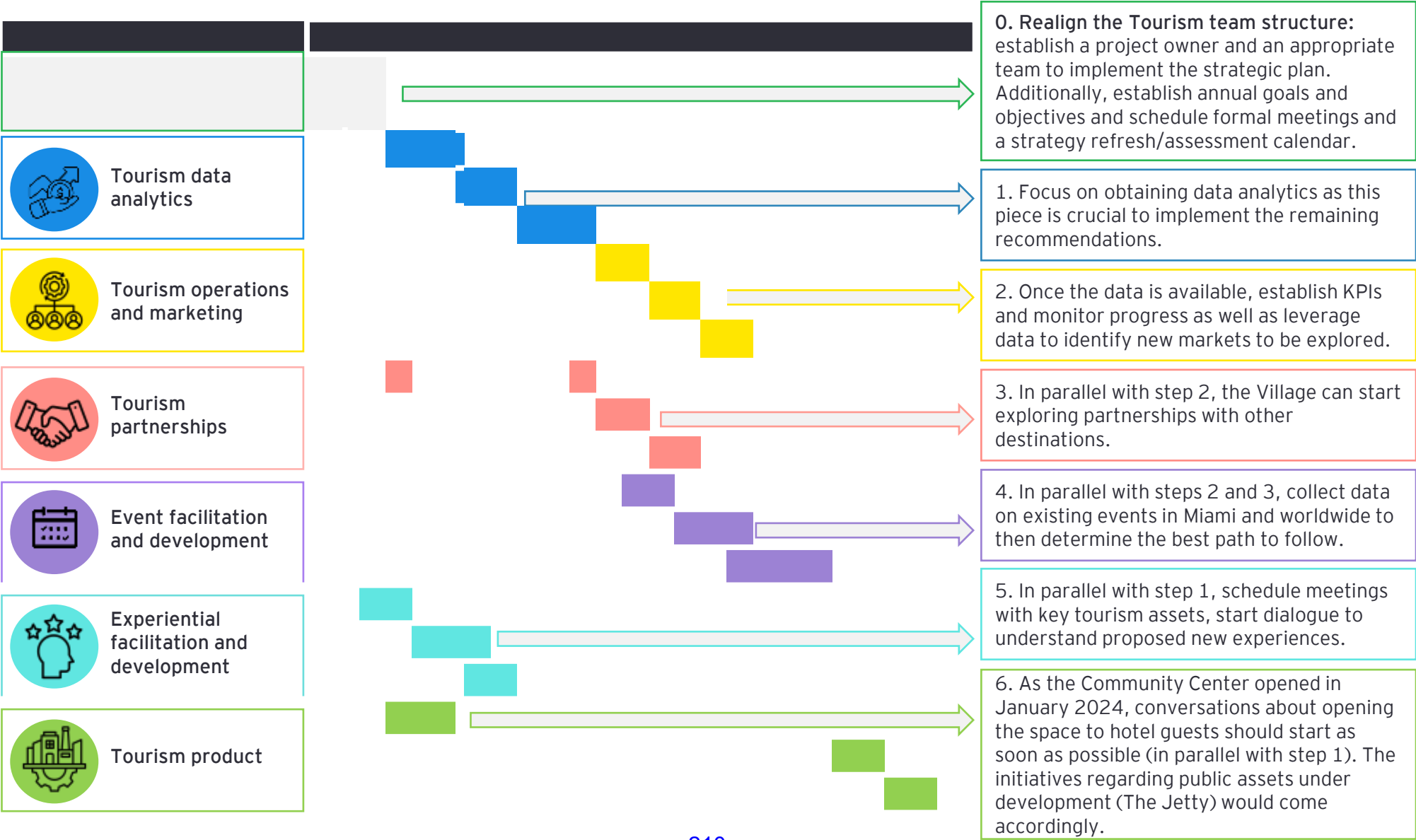
**Suggested Initial Tactical Steps**

- 1 Gather potential use data around the value of opening the community center to hotel guests and how would hotels promote this space
- 2 Facilitate formal discussions around the value to the whole Bal Harbour experience if the Community Center is opened to hotel guests to complement the hotel offering and offer a family friendly activity
- 3 Explore opportunities to drive visitation and monetize the amenities (e.g., discuss F&B options with potential vendors)
- 4 Build out marketing campaign that promotes the amenities and attracts the target visitor



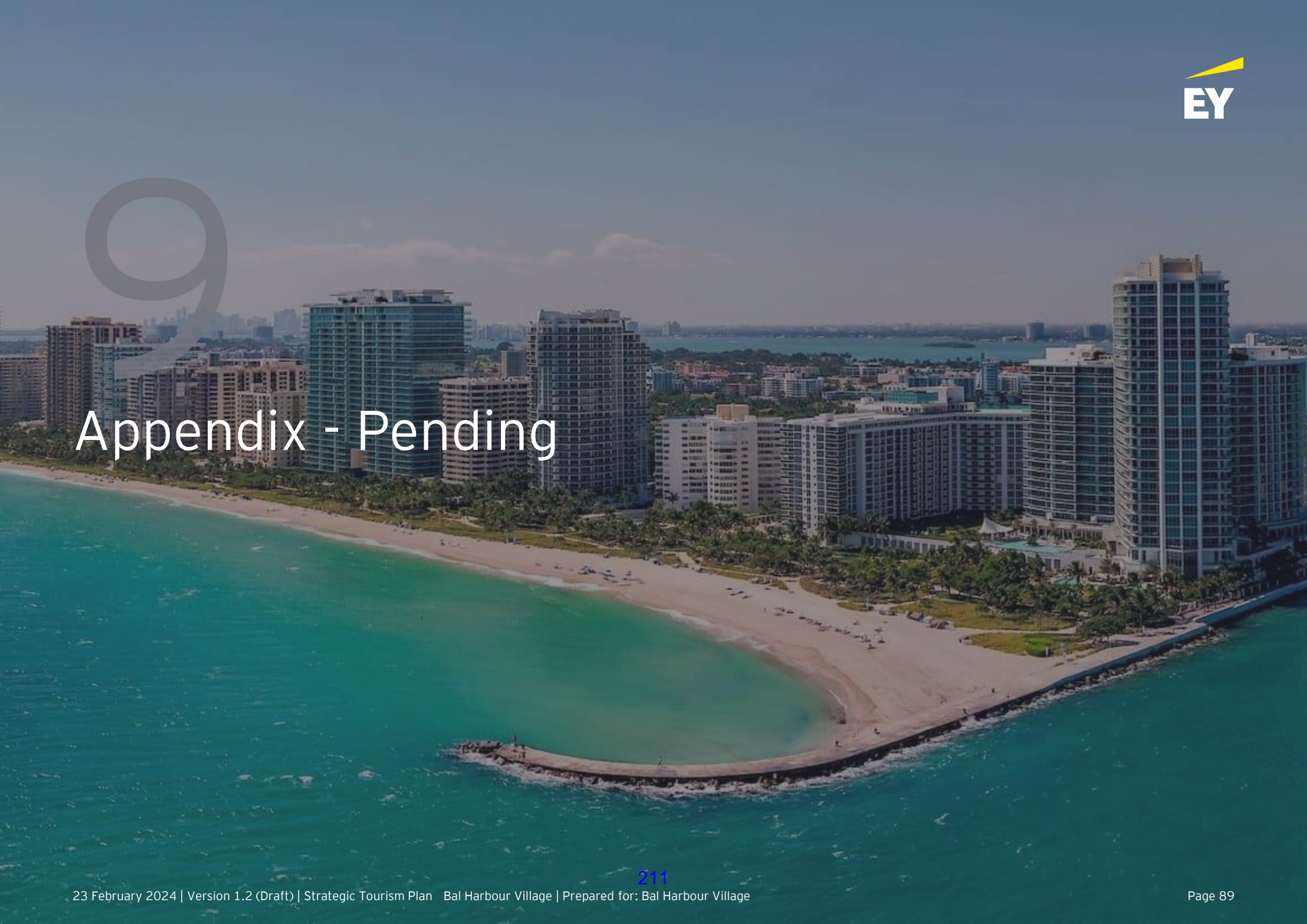
**How EY can support:** EY can support the Village in understanding areas for growth and monetization; and identification of potential ROI in order to target strategic investment.

# Tactical steps timing relative to the implementation of each recommendation



# 9

## Appendix - Pending



**About EY**

EY is a global leader in assurance, tax, transaction and consulting services. The insights and quality services we deliver help build trust and confidence in the capital markets and in economies the world over. We develop outstanding leaders who team to deliver on our promises to all of our stakeholders. In so doing, we play a critical role in building a better working world for our people, for our clients and for our communities.

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# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION APPROVING THE VILLAGE MANAGER TO WORK WITH SISTER CITIES INTERNATIONAL TO ENTER INTO A SISTER CITIES AGREEMENT BETWEEN THE VILLAGE AND HOF HACARMEL REGIONAL COUNCIL IN THE STATE OF ISRAEL.**

### Issue:

Should the Village Council approve a Resolution to approve the Village Manager working with Sister Cities International to enter into a Sister Cities Agreement with Hof HaCarmel, Israel?

### The Bal Harbour Experience:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Beautiful Environment              | <input type="checkbox"/> Safety                      | <input type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities | <input checked="" type="checkbox"/> Unique & Elegant | <input type="checkbox"/> Resiliency & Sustainable Community          |

### Item Summary / Recommendation:

In June 2023, Mayor Freimark proposed the idea of establishing a Sister Cities relationship with a community in Israel, with early exploration into the idea beginning shortly thereafter. Subsequently, the Village contracted with EY for the development of a tourism strategic plan. One of the recommendations that was provided by EY was the establishment of formal and friendly relationships with similar communities globally through the Sister Cities program to foster relationships with key strategic communities. With the characteristics and facts provided of communities to explore and with the help from the Consul General of Israel in Miami, the Village was connected to the Hof HaCarmel region, and conversations between the Village and Hof HaCarmel began to take place. Hof HaCarmel is famed in Israel and across the Eastern Mediterranean for its 26 miles of "natural and wild" beaches, which attract annually roughly 3 million tourists to the area. The purpose of a Sister City relationship is to provide the ability to exchange best practices between communities. If this Resolution is approved, then the Village and Hof HaCarmel would work with Sister Cities International to have the Sister Cities Agreement drafted and formally executed. The Mayor of Hof HaCarmel expects to be in the United States in September 2024 and the Village would work with him and his staff to create an opportunity for a formal agreement signing and related events to celebrate the Sister City relationship.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.**

### Advisory Board Recommendation:

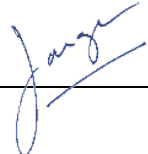
The Resort Tax Committee unanimously voted to support Bal Harbour Village establishing a Sister City relationship with Hof HaCarmel, Israel.

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

<b>Assistant Village Manager</b> Ramiro J. Inguanzo	<b>Chief Financial Officer</b> Claudia Dixon	<b>Village Manager</b> Jorge M. Gonzalez
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# BAL HARBOUR

- VILLAGE -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: June 18, 2024

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE VILLAGE MANAGER TO WORK WITH SISTER CITIES INTERNATIONAL TO ENTER INTO A SISTER CITIES AGREEMENT BETWEEN THE VILLAGE AND HOF HACARMEL REGIONAL COUNCIL OF THE STATE OF ISRAEL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I am recommending approval of this Resolution.

### **BACKGROUND**

In June 2023, Bal Harbour Village Mayor Jeffrey P. Freimark proposed the idea of establishing a Sister Cities relationship with a community in Israel, with early exploration into the idea beginning shortly thereafter. Following the October 7, 2023, attacks by Hamas against Israel, conversations were put on pause temporarily, but began again in early 2024 in search of potential communities with the help and guidance of Maor Elbaz Starinsky, the Consul General of Israel in Miami. During this time, Bal Harbour Village contracted with EY for the development of a tourism strategic plan for the Village. One of the recommendations that was provided by EY to the Village was the establishment of formal and friendly relationships with similar communities globally through the Sister Cities program to foster relationships with key strategic communities. With the characteristics and facts provided to the Village by EY of communities to explore and with the help from the Consul General Starinsky, the Village was connected to the Hof HaCarmel region in Israel, and conversations between the Village and Hof HaCarmel began to take place.

Sister City agreements are coordinated through the Sister Cities International organization based in Washington, D.C. Founded in 1956 by President Dwight D. Eisenhower, Sister Cities International is a nonpartisan 501(c)(3) nonprofit which serves as the national membership organization for individual sister cities, countries, and states across the United States. This network unites tens of thousands of citizen diplomats and volunteers in over 300 member communities with over 2,000 partnerships in more than 140 countries.

## **ANALYSIS**

The Hof HaCarmel Regional Council was established in 1951, with the region being situated on Israel's northwestern coast between Haifa to the north and Tel Aviv to the south. The region has a population (per the last census) of 28,500 residents spread across 27 settlements, including eight kibbutzim (intentional communities in Israel that were traditionally based on collective agriculture), ten moshavim (similar communities to the kibbutzim, but to which focused instead on individually owned farms, but of fixed and equal size), two community settlements of Caesarea and Atlit, and other villages such as the Arab community of Ein Hawd, the artist community of Ein Hod, and several youth villages and educational communities.

Main sources of employment and economic value within the Region are primarily found in the agriculture, industrial, and tourism industries. In regards to tourism, Hof HaCarmel has plenty to offer, priding itself on its magical landscapes of green, open spaces and fields; forests and natural preserves; long stretches of beach; and its several locations of historical significance.

Hof HaCarmel is named after Mount Carmel, a UNESCO biosphere reserve and place of religious significance in the Abrahamic religions due to its associations with the Prophet Elijah. The Mount Carmel Park is also home to the Nahal Me'arot Nature Preserve, a UNESCO Site of Human Evolution, whose four caves were used for habitation by hominins and prehistoric humans, and to which contain unique evidence of very early burials.

Hof HaCarmel's community settlements of Caesarea and Atlit are also noted for their historical significance in the history of ancient Israel and the development of modern Israel, respectively. Caesarea was the ancient capital of the Roman province of Judea, having been named so by King Harod 'the Great' in honor of Caesar Augustus, and would serve throughout the ancient and medieval areas as a major port of trade and learning in the Eastern Mediterranean. Its ruins, which include a Roman theater, aqueduct, boundary wall, and moat, and to which have been found to have archeological evidence of immense value, are now preserved within the Caesarea National Park. Atlit is the sight of The Atlit Detainee Camp, which served as a concentration camp by the authorities of British Mandatory Palestine in the late 1930s to hold Jewish immigrants who did not possess official entry permits, with tens of thousands of Jewish refugees being interned at the camp, surrounded by barbed wire and watchtowers. The camp at Atlit now serves as a museum that covers the history of Aliyah (the immigration of Diaspora Jews to the Land of Israel) and was declared a National Heritage Site by Israel in 1987.

Hof HaCarmel is famed in Israel and across the Eastern Mediterranean for its 26 miles of "natural and wild" beaches, which attract annually roughly 3 million tourists to the area annually.

The purpose of a Sister City relationship is manyfold. The primary purpose is to exchange best practices between communities, ensuring that the knowledge that assists one community is shared to its sister(s). Beyond this though, the purpose is to tie these communities together in friendship and ensure that the community of one is welcome in the community of the other, and that shows of goodwill and of assistance may be prioritized therein.

The Hof HaCarmel Regional Council met on May 27, 2024 and discussed establishing a Sister Cities relationship between Bal Harbour Village and Hof HaCarmel with all 37 Council members voting unanimously to support the Sister City relationship with their Council collectively expressing support and enthusiasm for the relationship.

If this Resolution is approved, then Bal Harbour Village and Hof HaCarmel would work with Sister Cities International to have the Sister Cities Agreement drafted and formally executed. The Mayor of Hof HaCarmel expects to be in the United States in September 2024 and the Village would work with him and his staff to create an opportunity for a formal agreement signing and related events to celebrate the Sister City relationship.

### **THE BAL HARBOUR EXPERIENCE**

This action is aligned with the Village's stated mission through *The Bal Harbour Experience*. The creation of a Sister City relationship with the Hof HaCarmel region of Israel, as both a step in the Village's strategic tourism plan and as show of friendly relations with the region and its people, directly supports our objectives for a Unique & Elegant Community and Destination & Amenities.

### **CONCLUSION**

I have reviewed this proposal and determined it to be in the best interest of the Village. Therefore, I recommend approval of this Resolution approving the establishment of a Sister Cities relationship between the Village and the Hof HaCarmel Region in Israel.

### **Attachments:**

1. Sister Cities International Overview



RESOLUTION NO. 2024-\_\_\_\_

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE VILLAGE MANAGER TO WORK WITH SISTER CITIES INTERNATIONAL TO ENTER INTO A SISTER CITIES AGREEMENT BETWEEN BAL HARBOUR VILLAGE AND HOF HACARMEL REGIONAL COUNCIL OF THE STATE OF ISRAEL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in June 2023, Mayor Freimark brought forward the idea of Bal Harbour Village (“Village”) establishing a Sister Cities relationship with a community in Israel; and

**WHEREAS**, in consultation with the Counsel General of Israel located in Miami and the recommendation of EY, the contractor developing the Village’s tourism strategic plan, communications were initiated with Sister Cities International to identify communities in Israel with similar interests and goals aligned with the Village; and

**WHEREAS**, based upon the efforts of the Counsel General, EY and Sister Cities International, the Village was connected to the Hof HaCarmel region in Israel; and

**WHEREAS**, the Hof HaCarmel Regional Council met on May 27, 2024 and unanimously approved supporting a Sister City relationship with the Village; and

**WHEREAS**, the Village Council has determined that it is in the best interest of the Village to approve this Resolution to enable the Village and the Hof HaCarmel region to work with Sister Cities International to draft and execute a formal agreement between the two governments for the mutual benefit of both communities.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Manager Authorized Approved.** That the Village Manager is hereby authorized to work with Sister Cities International to enter into a Sister Cities Agreement between the Village and Hof HaCarmel.

**Section 3. Implementation.** That the Village Manager is hereby authorized to take all actions necessary to implement the purposes of this Resolution.

**Section 4. Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 18<sup>th</sup> day of June, 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

A sister or friendship city relationship is formally created when the mayors or highest elected or appointed officials from two communities sign a memorandum of understanding establishing the partnership. However, this is usually the result of a long process that involves the local sister city organization along with the municipality and other local institutions. While process can also be very different for each community and can vary from culture to culture, this guide can serve as a point of reference in guiding communities through the process.

## THE STEPS

- **PLANNING PROCESS** The first step in developing a new sister city relationship is to ensure everyone is on the same page. This would include the local sister city organization and the highest elected/ranking official, provided this individual approves and formalizes the partnership. The contact information for local sister city organizations may be found by using the “City Search” tool on the Sister Cities International website at <http://www.sistercities.org/>.
- **RESEARCH PHASE** Sister City relationships are strategic long term partnerships that should be mutually beneficial, and identifying potential partners is the foundation to developing a successful relationship. If you don't already have a potential sister city in mind, below is a list of data points that communities should look for similarities when identifying potential partners.
  - **Population size** Some variance in city sizes is natural, but choosing a sister city of a similar size usually ensures good symmetry between municipal governments, community groups, private organizations, as well as similar challenges/opportunities
  - **Geography** Similar geographic qualities, whether it's ports, deserts, lakes, mountains, climate, etc. often means that cities will be able to share valuable knowledge related to the respective challenge or opportunity associated with each quality
  - **Industries**
  - **Academic institutions** High school and university exchanges, which are often a part of any relationship, require similar counterpart institutions that should be identified early in the process
  - **Cultural institutions** This may include museums, music venues, community centers
  - **Preexisting Relationships** This may include, but is not limited to: mayoral relationships, trade relationships, expatriate/diaspora communities, faith-based groups, and personal experiences ranging from study/work abroad to marriages
  - **Historical or ancestral connections**

Many communities have developed criteria or policies to guide their research or to evaluate inbound inquiries, whether from cities abroad or local residents, in order to manage the volume of requests as well as ensure that potential relationships are both appropriate and sustainable. If you are interested in developing such a policy please email [membership@sistercities.org](mailto:membership@sistercities.org) for more assistance as part of our Governance and Policy Services.



## Guide to establishing sister city relationships

Sister Cities International works with U.S. and global members on establishing new partnerships through the **Cities Seeking Cities** program. This program provides members with hand-in-hand assistance in researching potential partners, developing a line of communication through various channels, consulting in international protocol matters, and ultimately serving as a resources for any questions throughout the correspondence. For more information on the Cities Seeking Cities program please visit our website at <http://sistercities.org/cities-seeking->

you need assistance in targeting appropriate contacts within the international community, please contact [partnerships@sistercities.org](mailto:partnerships@sistercities.org) for staff assistance through our **Cities Seeking Cities** program. A template for this letter may be found under the toolkits and templates section of the SCI Member Area <http://www.sistercities.org/toolkits-templates>.

- **DEVELOP LINE OF COMMUNICATION** The next step in the process is to develop a line of communication with the prospective community by sending a letter of introduction from one mayor to the other. This letter should introduce your community, identify why you are interested in developing a sister city relationship, identify potential program/exchange opportunities, and identify a point of contact for this initiative. This is when international protocol should be followed in order to ensure a positive experience. Provided symmetry is a key aspect of international protocol, if your local sister cities organization operates through the work of community volunteers it is good practice to identify a volunteer contact as well as a contact within the mayor's office. If
- **CORRESPONDENCE PHASE** Once the letter has been received by the international community and a line of communication has been established, the next several months should be focused on learning more about the each other's communities, identifying program/exchange opportunities, discussing local involvement, and developing a work plan that establishes short and long term goals for the partnership. Many cultures will recommend a physical exchange during this phase, but often various means of technology is used to effectively communicate. This period is also a great opportunity to implement a program to "test the waters." This program could include a youth pen pal exchange, municipal/professional best practice, or other knowledge-sharing exchange, among many other opportunities. Many communities may send non-mayoral delegations during the correspondence and planning stages-whether that be the city manager, council members, local business professionals, or volunteers.
- **DEVELOP PARTNERSHIP AGREEMENT** Both communities have decided to move forward and formalize the relationship. In order for a sister city, county, or state partnership to be recognized by Sister Cities International, the two communities must sign formal documents which clearly endorse the link. The partnership agreement can range from the ceremonial, with language focusing on each city's commitment to fostering understanding, cooperation, and mutual benefit to the precise, with particular areas of interest, specific programs/activities, or more concrete goals related to anything from numbers of exchanges to economic development. Sister Cities International has developed a toolkit and template that will assist in creating this document and can be found under the toolkits and templates section of the SCI Member Area here: <http://www.sistercities.org/toolkits-templates>.
- **SIGNING CEREMONY** Once the partnership agreement has been developed and both communities have approved the document, the two highest ranking officials will sign the document, which is often done during a formal signing ceremony. While it is important to tailor these ceremonies to fit your specific communities, Sister Cities International has developed a guide to this process and can be found under the under the toolkits and templates section of the SCI Member Area here: <http://www.sistercities.org/toolkits-templates>. Once the



agreement has been signed, please send an electronic copy of that agreement to Sister Cities International at [membership@sistercities.org](mailto:membership@sistercities.org). The partnership will then be added to your communities profile on SCI website and a certificate will be issued recognizing the partnership.

- **IMPLEMENTATION AND EVALUATION** Sign, sealed, delivered. It is time to implement programs and plan exchanges outlined in the work plan developed during the early months of this process. It is good practice to set a date, whether within the next six months to two years, to evaluate the partnership and make adjustments if needed. If you ever come across any issues, concerns, or are looking for program ideas, please do not hesitate to contact Sister Cities International.



# BAL HARBOUR

- VILLAGE -

## COUNCIL ITEM SUMMARY

### Condensed Title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, ACCEPTING THE ANNUAL REPORT OF THE VILLAGE ATTORNEY AND APPROVING AN INCREASE IN COMPENSATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

### Issue:

Should the Village Council accept the Village Attorney's Annual Report, and approve an increase in compensation if the Village Council finds the performance to be satisfactory?

### The Bal Harbour Experience:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Beautiful Environment   | <input checked="" type="checkbox"/> Safety           | <input checked="" type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities | <input checked="" type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community          |

### Item Summary / Recommendation:

It is recommended that the Village Council accept the Annual Report of the Village Attorney, and authorize an increase in compensation if the Village Council determines the performance to be satisfactory.

In July 2021, the Council expressed its satisfaction with Weiss Serota Helfman Cole & Bierman P.L.'s performance, and approved an amended engagement letter. The Village Attorney is required to submit an Annual Report so that the Council can review the performance each year, and determine whether to adjust the compensation. The performance of the Village Attorney was discussed at a Council workshop earlier this evening, and the consensus on the Village Attorney's increase in compensation will be provided at the meeting.

**THE ADMINISTRATION RECOMMENDS ACCEPTANCE OF THE REPORT AND THE RESOLUTION.**

### Advisory Board Recommendation:

N/A

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

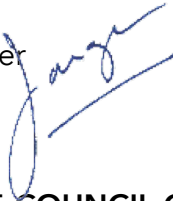
<b>Village Attorney</b>	<b>Chief Financial Officer</b>	<b>Village Manager</b>
Susan Trevarthen	Claudia Dixon	Jorge M. Gonzalez
		

# BAL HARBOUR

- V I L L A G E -

## COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: June 18, 2024

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE ANNUAL REPORT OF THE VILLAGE ATTORNEY AND APPROVING AN INCREASE IN COMPENSATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

It is recommended that the Village Council accept the Annual Report of the Village Attorney, and authorize an increase in compensation, if the Village Council determines the performance of the Village Attorney is satisfactory.

### **BACKGROUND**

The law firm of Weiss Serota Helfman Cole & Bierman, PL ("Weiss Serota") currently serves as Village Attorney for Bal Harbour Village, in accordance with Division 3, "Village Attorney", Article IV, "Officers and Employees" of Chapter 2, "Administration" of the Village Code of Ordinances.

At the July 2021 Village Council meeting, the Village Council expressed its satisfaction with the representation provided by Weiss Serota, approved an amendment to the agreement to serve as Village Attorney adjusting the review and evaluation process, and approved an increase in compensation representing three percent (3%) for each year of service from 2018 - 2021. The amended agreement provides for the Village Attorney to submit an Annual Report for Village Council consideration each March, and provides for an increase in compensation for each performance review in the amount deemed appropriate by the Village Council.<sup>1</sup>

### **ANALYSIS**

The Village Attorney has submitted the Annual Report and met with each member of the Village Council. At the Council Workshop held earlier this evening, the Council discussed

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<sup>1</sup> At the March 2022 Village Council meeting, the Council authorized an increase in compensation of 5% in the hourly rate for attorneys, paralegals and the fixed fee for FY 2022-23. At the March 2023 Village Council meeting, the Council authorized an increase in compensation of 3% in the hourly rate for attorneys, paralegals and the fixed fee for FY 2023-24.



its evaluation of the Village Attorney, determined the performance was satisfactory, and that a \_\_\_\_\_percent (\_\_\_%) increase is justified.

**THE BAL HARBOUR EXPERIENCE**

The Village Attorney supports the development and implementation of activities related to all aspects of the Village operations and therefore, this item supports all elements of the *Bal Harbour Experience*.

**CONCLUSION**

I recommend that the Village Council accept the Annual Report of the Village Attorney, and authorize an increase in compensation if the Village Council determines the performance of the Village Attorney to be satisfactory.

Attachments:

1. 2024 Village Attorney Annual Report

RESOLUTION NO. 2024-\_\_\_\_

**A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE ANNUAL REPORT OF THE VILLAGE ATTORNEY AND APPROVING AN INCREASE IN COMPENSATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the law firm of Weiss Serota Helfman Cole & Bierman, PL ("Weiss Serota") currently serves as Village Attorney for Bal Harbour, in accordance with Division 3, "Village Attorney," Article IV, "Officers and Employees," of Chapter 2, "Administration" of the Village Code of Ordinances; and

**WHEREAS**, the Village entered into an Engagement Letter on March 20, 2018, to continue the firm's service as Village Attorney; and

**WHEREAS**, in July 2021, the Council expressed its satisfaction with Weiss Serota's performance, and approved an amended engagement letter, attached as Exhibit "1" to the Village Attorney Annual Report (the "Agreement"); and

**WHEREAS**, in accordance with the Agreement, the Village Attorney submitted the Annual Report and met with the members of the Village Council; and

**WHEREAS**, the Village Council continues to be satisfied with the firm's performance, and therefore accepts the Annual Report as provided therein and approves an increase in the compensation.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Acceptance of Annual Report.** That the Village Council accepts the Village Attorney's annual report and determines that the firm's performance is satisfactory.

**Section 3. Increase in Compensation.** That the Village Council awards the Village Attorney a \_\_\_\_percent (\_\_\_%) increase in the hourly rate (from \$296 to \$\_\_\_\_ for attorneys and from \$135 to \$\_\_\_\_ for paralegals) and fixed fee amount (from \$35,454 to

\$\_\_\_\_\_) in recognition of the continued satisfactory performance on behalf of the Village, effective April 1, 2024.

**Section 4. Implementation.** That the Village Manager is hereby authorized to take all actions necessary to implement the Agreement and the purposes of this Resolution.

**Section 5. Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 18<sup>th</sup> day of June, 2024.



\_\_\_\_\_  
Mayor Jeffrey P. Freimark

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman, P.L.

**To:** Village Council, Bal Harbour Village

**Cc:** Village Manager Jorge M. Gonzalez

**From:** Susan L. Trevarthen, Village Attorney *SLT*

**Date:** May 31, 2024

**RE: Annual Report of Village Attorney**

In 2021, the Village Council established a process that I provide an annual report to them by the end of January, on a calendar year basis beginning in 2022. As agreed at the February 2024 Retreat, due to the amount of urgent work the Village needed in the first half of the year, it was agreed that the Report and evaluation would be deferred to later in the year.

The purpose of this Report is to provide a framework for an evaluation of the Village Attorney in accordance with the Amended Engagement Letter dated 7.20.21, attached as **Exhibit 1**. Distribution of this Report will be followed by individual meetings with each Councilmember, and then the scheduling of a workshop.<sup>1</sup>

### **The Village Attorney's Report for 2023 (January 1, 2023 – December 31, 2023)**

Our role as the Village Attorney is to advise and to assist the Village Council in achieving what is in the best interest of the Village. As such, the majority of what we do is in partnership with Village Administration to carry out the Council's vision and strategic plan. We have a productive relationship with the Administration and, in a real sense, our accomplishments are shared.

Another major goal was to maintain the quality of the Firm's longstanding representation of the Village, with a strong team of attorneys who are expert in the practices most important to the Village. We strive to work efficiently and effectively, while remaining attuned to the Village's organizational culture as well as its goals. Our results are the best evidence of having accomplished this goal. The Village's expense for its Village Attorney function has stabilized, while supporting an ambitious and widespread agenda of improvement established by the Village Council and led by the Village Administration.

2023 was a year of steady progress for the Village in its extremely active program of transformation of the Bal Harbour Experience, with significant work associated with agreements, construction, and launching the new Waterfront Park operations. The Village has continued to progress in our efforts to transform the relationship to the security district

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<sup>1</sup> Exhibit 2 is an updated list of the Village Attorney Team. Exhibit 3 is an evaluation form is provided that can be used if desired to provide written performance feedback. Exhibit 4 to this Report includes background information on the duties of the office and the Firm's approach to providing those duties.

via the amendment to and further implementation of the agreement with the Civic Association. We worked with the Administration to analyze and implement potential alternative approaches for funding and provision of Village services and activities, such as with stormwater, the gated special assessment, and the tourism agreements, and to comply with mandates such as the complete rewrite and training associated with stormwater and erosion control regulation driven by County and state requirements, and the new statutory options for the Homeless and Domestic Violence Tax and online notice.

We continued to work closely with the Administration on zoning, building, ARB, and other development-related matters such as the issues involving the Oceana DA and the Rivage approval, along with the daily issues in interpreting the Village's laws. We also drafted ordinances with the Administration to implement lessons learned, as with the demolition and construction site requirements, underground parking, and the OF district uses.

There is ongoing litigation of the Village Council's action to uphold the ARB decision with regard to the Related Group project known as Rivage; we prevailed in the first two actions in state and federal court. No other significant litigation was pending within the period covered by this Report.<sup>2</sup>

Our efforts in litigation were strategic and limited in expense to the Village, and ensured that matters were handled and resolved in the Village's best interests. In alignment with the Council's wishes, we have worked with your Administration to avoid litigation where possible, and to resolve it efficiently where it was unavoidable. While we remain ready and able to fight for the Village where the Council deems it necessary to do so, our first effort is always to find a way to accomplish Village goals in a less costly and antagonistic manner. The total expenditure for our services in 2023 continues the trend towards lower expenditures as compared to years past, amounting to close to a 40% reduction as compared to 2016 when the Village entered into the new retainer with its fixed fee model.

Given the timing of the review and the events of this year, it seems appropriate to note that 2024 began with the Whitmans filing their application for a proposed expansion to their Bal Harbour Shops under the Live Local Act, and their concurrent lawsuit. In response to the January 9 filing and following the direction of the Council, the Village's team was able to bring a suite of ordinances, necessary to address ambiguities and holes in the statute as it applies to this proposal, to adoption in less than 60 days. Rather than adjust their proposal to these ordinances to assure that Live Local development can be compatible with the Village, they instead amended their complaint and brought a second lawsuit attacking those ordinances. Working closely with outside litigation counsel selected by the Village, we have been integral to the Village's defense. And working closely with the Administration, we have assured a thorough and proper review of the proposed project beginning with its completeness, according to state law and County/Village standards. These events have tested the Village, but have also demonstrated the value and effectiveness of our teamwork with the Administration.

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<sup>2</sup> A third state court action was filed in 2024, and remains pending. In 2024, the Village also was sued by the Bal Harbour Shops in relation to its Live Local Act proposal and certain Village's ordinances. These litigation matters will be part of the 2024 Annual Report.

## **Detailed Summary**

While the following does not capture everything we do for the Village and the vast majority of what we do is in partnership with the Village Administration as outlined in the Village Manager's Annual Report, our significant accomplishments have included the following, organized by department or topic:

### **Legislation and Advice to Administration<sup>3</sup>**

- Drafted amendment to the Village Code to alter the boundaries of the Council election districts to provide a more even distribution of population.
- Drafted a Village Park rules ordinance to establish provisions related to the use of the Waterfront Park and other public park areas in the Village.
- Drafted an ordinance to address trespassing on public property enabling the Village police to issue trespass orders for Village property and to establish a mechanism for both issuing orders and provide for an appeals process.
- Drafted Code amendments to the noise ordinance restricting exterior construction noise on Saturdays and expand the allowable times on the permitted days.
- Drafted an ordinance to regulate underground parking in the Village to prohibit underground structured parking for principal residential users in all zoning districts and require a minimum elevation level for principal non-residential uses.
- Drafted Code amendments regulating the OF Ocean Front zoning district and harmonize current regulations applicable to construction seaward of the coastal construction line.
- Drafted Code amendments to update and strengthen demolition requirements and standards for construction site operations.
- Drafted an ordinance adopting the Homeless and Domestic Violence Tax at all eligible restaurants, subject to approval by the voters and also drafted the accompanying resolution scheduling and calling for a special election upon passage of the ordinance.
- Drafted a proposed amendment to the Village Code allowing the height of structures used for municipal purposes to be measured from the highest minimum elevation provided by state and federal law (rejected by voters).
- Worked with the Village Manager's Office and the Police Department to establish the Police Department's traffic enforcement policy, address policy on medical marijuana, and address fitness for duty.
- Worked with the Manager's office to review and evaluate Pension Board procedures, and trained new members of boards as needed.
- Worked with staff and analyzed purchasing issues related to a Village traffic study.
- Worked with staff and participated in meeting with staff and Shops representatives regarding the status of the Shops' compliance with conditions of approval and updated the checklist to incorporate conditions in the resolutions and TCO and prepared

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<sup>3</sup> All references to drafting ordinances to revise the Code may be understood to refer to adopted ordinances. Where we drafted something that was not adopted during the timeframe of this Report, it will be so noted.

documents incorporating all changes to the development agreement.

- Worked with staff and attended meeting concerning the status of the expansion of the Shops.
- Worked with staff in reviewing and analyzing the Zyscovich agreement with a focus on the charge-back provisions. Advised staff on construction agreements and related changes to state law, and reviewed a RFQ for additional architectural services. Analyzed and advised staff on various issues related to the design and construction of the waterfront park.
- Analyzed changes to state law allowing municipalities to participate in a County-sponsored online notice portal, and participated in efforts with other Miami-Dade County cities for such a portal to be created after the DBR ceased publication.
- Worked with the Administration and met with Oceana counsel to develop and negotiate a resolution to Oceana's failure to comply with a provision of its Development Agreement. Evaluate FEMA opinion.
- Advised the Building Department on interpretations of Village Code and state law re enclosed balconies, unsafe structures, and other matters. Supported the Architectural Review Board process. Analyzed density inquiry from One Bal Harbour, and met with counsel.
- Supported Code Enforcement activities and prepared for and attended Code hearings as required. Analyzed issues re jurisdiction over the sand bar, and the filming lottery process.
- Analyzed legal issues surrounding a potential stormwater utility for the Village, and met with consultant.

### **Significant Agreements**

- Drafted several agreements related to the opening of the Waterfront Park, including communications, landscaping and janitorial services.
- Drafted various agreements associated with the Village Park Project, including an agreement for inspection and material testing services with Ardeman and Associates.
- Reviewed the Request for Proposal and drafted the agreement with EY for the development of a Tourism Strategic Plan.
- Began drafting continuing services agreements with two vendors to provide general transportation planning and traffic engineering consulting services, including the FDOT CIGP Grant Study.
- Drafted an additional services agreement with MikYoung Kim Design for the provision of landscaping architectural design services for the Jetty, Plaza and 96<sup>th</sup> Street End Projects.
- Drafted an agreement with Lansight Technology for Village-wide managed information technology services.
- Draft an agreement with Selectron Technologies to provide additional automated services to contractors, stakeholders and the public interfacing with the Building Department.

- Drafted an agreement with Step Miles, Inc. for the purchase of providing media agency services to enable one full-service agency to handle the Village's media needs.
- Drafted various task agreements with Calvin Giordano and additional services agreements with Chen Morre for worked associated with the Village's utility infrastructure improvement projects.
- Drafted a dockage agreement with the Village of Indian Creek for the benefit of the Police Department.
- Drafted several agreements related to cultural activities and art exhibitions located in the Village during the year in review.
- Drafted an agreement with Drones Sky Elements for a state-of-the-art Fourth of July fireworks and drone show.
- Renegotiated and/or terminated professional services agreements with domestic and foreign travel sales representatives.
- Drafted the Interlocal agreement between the Village and Miami-Dade County re-establishing the distribution of proceeds of the Six-Cent Local Option Gas Tax.
- Drafted a Memorandum of Understanding concerning the extension of the police sergeants' promotional list, requiring a review and analysis of the collective bargaining agreement. Conferred with the Police Chief concerning fitness for duty/light duty issues.

#### **Gated Community Activities**

- Drafted a letter agreement with Bal Harbour Civic Association to assume control over property management services within the gated community, which also required an analysis of the milestone agreement.
- Evaluated and reported to Council on motions related to Graham proceeding.
- Analyzed notice and potential changes to the methodology regarding the special assessment.

#### **State and County Legislation**

- Analyzed the effects of the lobbying amendments in the Florida Constitution and the impact on the Village's public officers.
- Analyzed the impact of the legislative amendments to Florida law extending full and complete financial disclosure reporting (Form 6) to the Village's elected officials, and advised the Village Clerk and Council in relation to this change.
- Worked with staff and the Village Planner to finalize advice provided to the Administration and Council concerning the impact of the Live Local Act on the Village.
- After reviewing and analyzing state and county laws concerning revisions to NPDES permitting procedures, drafted a stormwater quality and erosion control ordinance to strengthen the authority of the Village to enforce stormwater requirements and address erosion control measures.
- Analyzed and further interpreted the statutory framework for regulation of e-bikes



and other vehicles on sidewalks and paths.

### **Litigation:**

- Federal lawsuits brought by Bellini against the Village approval of the Rivage project: As directed by the Village Council, we defended the Village in coordination with attorneys for co-defendant, the Related Group, to assure that the defense offered is in the best interests of the Village and minimizes the Village's expenditures. These efforts have prevailed in both lawsuits filed in 2023.
- Coordination and assistance with liability claims being defended by insurance counsel, including successfully working with insurance counsel to get FPL to defend the Village in the litigation brought by Corces, and supporting insurance counsel in the successful defense of the open carry civil rights litigation brought by Taylor against a Village officer.
- Represented the Village on an EEOC discrimination complaint and conferred with staff regarding same. Supported police regarding employment actions.
- Conferred with staff and reviewed files in connection with Zara appeal of Red Light Camera Program decision.
- We continued to work with the Village Manager to work proactively to resolve various controversies that could lead to litigation. This sometimes involves engaging Firm litigators to assist in resolving matters before the filing of any claim.
- Where required, we will continue to provide regular email updates to Council on significant developments in any significant pending litigation, and schedule Council executive sessions if needed to manage litigation.
- Supported Village Clerk in records requests and maintenance activities related to litigation matters.

### **The Review Process**

There are many examples of performance evaluations of municipal attorneys who are full-time employees of an individual local government, usually serving under a contract assuring them a defined term of service accompanied by benefits, pensions, and protections such as severance packages. Performance involves two main dimensions: what is accomplished, including the extent, efficiency and effectiveness of accomplishment of expectations, and how it is accomplished, including leadership skills, personal qualities, and other subjective factors that can be hard to define and measure.

Evaluations of municipal attorneys are usually conducted on a one-on-one basis with each Councilmember. Like any review process, these meetings should be candid but constructive and based on the overall performance, backed up by specific comments or examples as appropriate. The Council has indicated that, following such individual meetings, it will convene in a workshop to discuss the evaluation.

I have prepared an evaluation form that may be used, if desired, to structure each Councilmember's approach to the process. See **Exhibit 3**. Please recall that written information related to the review is subject to Sunshine Law. Alternatively, it is understood

that the Councilmember may choose to forego use of the form, and only provide oral feedback through the one-on-one meeting and/or at the workshop.

## **Conclusion**

In conclusion, it is an honor and a privilege to continue to serve as the Village Attorney for Bal Harbour Village, and we look forward to receiving your feedback so that we can keep doing what is working well and learn where improvements or changes are needed.

## **Exhibits**

1. 7.20.21 Executed Amended Engagement Letter to Serve as Village Attorney
2. Updated Village Attorney Team 1.31.24
3. Optional Form for Evaluation of Village Attorney
4. Background Information on the Village Attorney



Susan L. Trevarthen, BCS, FAICP  
Member  
slt@wsh-law.com

July 20, 2021

Mayor Gabriel Groisman and Village Council  
Bal Harbour Village  
655 96th Street  
Bal Harbour Village, FL 33154

**RE: Amended Engagement Letter of Weiss Serota Helfman Cole & Bierman, P.L., to Serve as Village Attorney**

Dear Mayor Groisman and Council Members:

We are pleased that Bal Harbour Village wishes to continue to engage our Firm to provide legal services as the Village Attorney, and have prepared this amended engagement letter consistent with Village Council direction at the May 2021 retreat and June 2021 workshop and Council meeting. Our Firm is the preeminent full-service municipal law firm in Florida, serving as the "one-stop shop" law firm for municipalities seeking the expertise to handle virtually all municipal legal issues.

From our experience, we have found that clients appreciate a frank and open discussion and understanding of the services that we will perform, and the basis upon which they will be expected to pay for those services. This letter is intended to set forth our understanding as to the nature and scope of the legal services we have agreed to render for the Village, the amount of our fees for those services, the manner in which our fees for those services will be determined, and the terms upon which you will make payment.

1. **Nature of Legal Services.** You have engaged our Firm to serve as Village Attorney for Bal Harbour Village. Unless otherwise directed by the Village Council, we will act as the chief legal advisor for all Village matters and represent the Village in all legal proceedings in accordance with Section 2-127 of the Village Code, which requires the Village Attorney to perform all services as may be required by the Village Code, the Village Charter, and Florida Statutes.

2. **Personnel.** Susan L. Trevarthen will continue to serve as the designated Village Attorney, and will continue to be assisted by Robert Meyers and the team of attorneys currently serving the Village's needs, as listed in **Exhibit 1**. This list may be updated from time to time, by the Firm submitting an updated written list to the Village Council and Village Manager. On very rare occasions, a matter may arise which we cannot handle or for which we have a conflict; if so, we will assist the Village in retaining legal professionals with the relevant expertise to handle those matters. Currently, the Village's pension law needs are provided by Lewis Longman & Walker and Holland & Knight on an hourly basis, and it is anticipated that these services will continue to be provided in this manner or by another qualified law firm.

3. **Fees for Services.**

A. **Flat Fee Component:** The Firm will provide general Village Attorney services to the Village at a flat fee of \$32,782 monthly (totaling \$393,384 annually). The flat fee includes general Village Attorney services and excludes other specified services (Hourly Services) as set forth in **Exhibit 2**.

B. **Hourly Services:** The flat fee for general Village Attorney services will not include Hourly Services, which will instead be performed and billed by the Firm on an hourly basis at a blended, discounted

governmental rate of \$273.00 per hour for attorneys and \$125.00 per hour for paralegals. For Hourly Services, it is our practice to charge for actual time expended on your behalf, but not less than 2/10ths of an hour for each activity.

C. **Additional Flat Fees:** If mutually agreed by the Firm and the Village, matters involving Hourly Services may alternatively be provided at flat rates, to be individually negotiated as those matters arise.

D. **Amendments:** The parties may further amend this Agreement at any time as mutually agreed by the Firm and the Village.

E. **Evaluation:** The Village Attorney will submit a written report to the Village Council of the prior year's activities by February 1. The Village Council will evaluate the Village Attorney's performance and this Agreement on a calendar year basis, no later than March 31 of the following year. The Flat Fee and Hourly rates herein may be increased for each performance review in the amount deemed appropriate by the Village Council.

4. **Costs.** In addition to the fees discussed in paragraph 3, we anticipate that certain expenses may be incurred and advanced on your behalf. These expenses may include filing fees, recording costs, out-of-town travel expenses, delivery charges, long distance telephone charges, photocopies (xerox), special postage (express mail, certified mail and the like), computer research charges, court reporter expenses (including cost of transcript and court reporter's fee for attendance), court costs (such as filing fees, service of process, newspaper publication costs, subpoena costs, witness fees, recording fees, etc.), accounting and appraisal fees, fees and expenses of experts necessary to assist in the preparation and hearing of your case, investigation costs, word processing fees, computer charges and applicable lobbyist registration fees. In addition to our fees for legal services, you agree to pay us for such out-of-pocket expenditures. In the event unusually large costs or advances are anticipated, we reserve the right to require an additional cost deposit from you prior to undertaking the expenditures of funds on your behalf.

5. **Payment of Fees and Costs.** Our invoices are submitted to you on a monthly basis and each invoice is due and payable when rendered. The flat fee component will be billed as a single charge, without detailed time entries; any charges for Hourly Services will be accompanied by detailed time entries. You must understand that if any invoice remains unpaid for more than 30 days after it is rendered, we reserve the right, in our discretion, to cease to provide further legal services to you. You will, however, be liable to us for the payment of any fees earned and any costs incurred by us to the date of termination.

6. **Termination or Withdrawal of Representation.** We serve at the pleasure of the Village Council, and may be terminated at any time, with or without cause, with the Village only being liable for any fees and costs incurred through the date of termination. We, likewise, reserve the right to withdraw from representing the Village if you have misrepresented or failed to disclose material facts to us, or if we disagree about the course of action which should be pursued.

7. **Representation of Other Clients.** We are bound by rules of legal ethics not to represent any client if the representation of that client will be directly adverse to the interests of another client, unless each such client consents to such representation after consultation. Should such a situation arise, you will be immediately informed, and we will propose a method of addressing the conflict.

If this agreement is acceptable, please acknowledge your understanding and agreement by signing this letter and delivering it to us. We appreciate your confidence in our Firm and we assure you that we will continue to make every effort to perform our services in a prompt and efficient manner.

Sincerely,

WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.

By:   
Susan L. Trevarthen

APPROVED BY VILLAGE COUNCIL

ON July 20, 2021

AGREED AND ACCEPTED

By:   
Jorge Gonzalez, Village Manager

ON July 23, 2021

cc: Jorge Gonzalez, Village Manager  
Dwight S. Danie, Village Clerk

Attest:   
  
Dwight Danie

# Exhibit 1

## Updated Village Attorney Team

Village Attorney: Susan L. Trevarthen  
Deputy Village Attorney: Robert Meyers

**Team:**

\*Jose L. Arango: Code enforcement, municipal  
Candice Balmori: Municipal  
Mitchell Burnstein: Eminent domain and real property litigation  
Milton R. Collins: Collective bargaining and labor/employment advice  
Elizabeth Coppolecchia: Litigation, construction agreements  
\*Maria Victoria Currais: Real estate, agreements  
Jeff DeCarlo: Public finance, bond  
Elen Gantner: Municipal  
Paul Gougelman: Municipal, land use  
\*Edward G. Guedes: Appellate, litigation  
Eric Hockman: IT, Litigation  
Sarah L. Johnston: Municipal  
\*Michael S. Kantor: Labor/employment claims  
\*Michael J. Kurzman: Construction  
\*Lori Smith-Lalla: Public finance, bond  
\*Matthew Mandel: Litigation, Police defense  
\*Aleida Martinez Molina: Bankruptcy, litigation  
\*Ed Martos: Environmental, Value Adjustment Board, Land Use  
\*Robert Meyers: Ethics, municipal  
\*Joseph Natiello: Police, litigation, municipal  
Matthew J. Pearl: Municipal  
Roger C. Pou: Municipal  
John J. Quick: Litigation, ADA  
Joseph H. Serota: Litigation  
\*Brett J. Schneider: Collective bargaining and labor/employment  
David N. Tolces: Municipal  
\*Peter Waldman: Eminent domain, utilities, litigation  
Richard Jay Weiss: Municipal, County issues  
Laura Wendell: Appellate, litigation  
James E. White: Land use, municipal  
David M. Wolpin: Municipal, finance  
\*Chanae Wood: Land use, telecommunications  
Samuel I. Zeskind: Litigation, public records

\*Key contact for practice area or pending matters

*Note: Litigation contact depends on the case. Ed Guedes and Matt Mandel lead the appellate and litigation practices*

**Exhibit 2**  
**Village Attorney Services**  
**Included in Flat Fee <sup>1</sup>**

- General Legal Counseling and advice as generally provided by a chief legal advisor.
- All in-person meetings, telephone calls, emails, teleconferences and video conferences with individual Village Councilpersons, the Village Manager, Village residents, and Village staff.
- Preparation or review and revision of ordinances and resolutions.
- Preparation of agenda memos and item summaries for agenda items for any Village Board or the Village Council originated by the Village Attorney or as discussed with Village Manager.
- Review, comment and revision of agenda materials originated by the Village Manager, Village staff, or Councilpersons for Village Council or other Village Board meetings.
- Preparation for and attendance at Village Council meetings, workshops and retreats.
- Preparation for and attendance at Architectural Review Board meetings.
- Preparation for and attendance at Resort Tax Committee meetings.
- Training of Village Council or Village Boards on request.
- Orientation of newly elected Councilpersons or Mayors.
- Legal research, analysis, and drafting of memos and correspondence responding to inquiries.
- Drafting, review and revision of contracts/agreements.
- Provide on site (Village Hall) office hours by an attorney listed on Exhibit 1 averaging one day a week or whatever alternative schedule is agreed between the Village Manager and Village Attorney. The intent is for the office hours to be productive time handling Village business, and they will be scheduled accordingly. As such, some weeks may involve multiple sessions while others may not have any scheduled office hour sessions, in response to the deadlines and demands of Village business.

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<sup>1</sup> Any services listed below that relate to a matter not included in the Flat Fee, such as research/meeting/correspondence/drafting related to a lawsuit or a special project, will be billed as part of that separate matter.

## Exhibit 2

### Village Attorney Services Not Included in Flat Fee

- All services provided on **litigation** matters, including all adversarial proceedings before any administrative tribunals, courts, mediators, arbitrators and appellate tribunals.<sup>2</sup>
- All services provided on behalf of the **Residential Gated Community**, funded in through the residential gated special assessment.
- All services provided on **special projects**, such as but not limited to a rewrite of the Code of Ordinances or Land Development Regulations, collective bargaining with unions, development or substantial redevelopment application reviews and negotiations for ocean front properties and for projects greater than 1 acre (excluding a single family residential dwelling unit), an opinion of title, or a general obligation bond issue.

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<sup>2</sup> The Village carries liability insurance, and insurance counsel currently defends covered matters. It is expected that this will continue to be the Village's preferred approach. On occasion, there may be a need for the Village Attorney to participate in the defense of such matters to protect the Village's interests. If provided, such services will be handled and billed as Hourly Services.



## Exhibit 2

# Updated Village Attorney Team

Village Attorney: Susan L. Trevarthen  
Deputy Village Attorney: Robert Meyers

Team:

\*Jose L. Arango: Code enforcement, municipal  
Candice Balmori: Municipal  
Mitchell Burnstein: Eminent domain and real property litigation  
Daniela Cimo: Municipal  
Milton R. Collins: Collective bargaining and labor/employment advice  
Elizabeth Coppolecchia: Litigation, construction agreements  
\*Maria Victoria Currais: Real estate, agreements  
Jeff DeCarlo: Public finance, bond  
Chad Friedman: Municipal  
Paul Gougelman: Municipal, land use  
\*Edward G. Guedes: Appellate, litigation  
Eric Hockman: IT, Litigation  
Amelia Jadoo: Municipal  
Michael S. Kantor: Labor/employment claims  
\*Michael J. Kurzman: Construction  
\*Lori Smith-Lalla: Public finance, bond  
\*Matthew Mandel: Litigation, Police defense  
\*Ed Martos: Environmental, Value Adjustment Board, Land Use  
\*Robert Meyers: Ethics, municipal  
\*Joseph Natiello: Police, litigation, municipal  
Matthew J. Pearl: Municipal  
Roger C. Pou: Municipal  
John J. Quick: Litigation, ADA  
Joseph H. Serota: Litigation  
\*Brett J. Schneider: Collective bargaining and labor/employment  
David N. Tolces: Municipal  
\*Peter Waldman: Eminent domain, utilities, litigation  
Richard Jay Weiss: Municipal, County issues  
Laura Wendell: Appellate, litigation  
James E. White: Land use, municipal  
David M. Wolpin: Municipal, finance  
\*Chanae Wood: Land use, telecommunications  
Samuel I. Zeskind: Litigation, public records

\*Key contact for practice area or pending matters

*Note: Litigation contact depends on the case. Ed Guedes and Matt Mandel lead the appellate and litigation practices*

## Exhibit 3

### Village Council Evaluation Form for Village Attorney

The purpose of the review is to strengthen the working relationship between the Council and the Village Attorney, identify performance objectives, and provide feedback regarding those aspects of the representation that are going well and those where improvement may be needed. This process recognizes that the Village Attorney is a private law firm retained by the Village Council.

The intent is that each Councilmember will review the Village Attorney's report, complete this form if desired, and meet one-on-one with the lead Village Attorney for the firm.

Please rate performance based on the following categories. References to the Village Attorney should be construed to refer to the Firm's team serving in this role. Where appropriate, detailed comments should mention which individual attorney is referenced.

- |   |  |  |
|---|--|--|
| 0 | <b>N/A:</b> No Opinion   | The evaluator lacks sufficient information to evaluate the criteria, or does not have an opinion on the criteria.  |
| 1 | <b>Poor:</b> Fails to meet most expectations                       | Performance is well below expectations in most areas of responsibility. Serious performance deficiencies that inhibit adequate performance in the position. Should be evaluated for termination.   |
| 2 | <b>Fair:</b> Meets most expectations                               | Often fails to meet performance expectations of the position. Performance is generally adequate but is deficient in one or more key areas and will require improvement.  |
| 3 | <b>Good:</b> Meets expectations                                    | Meets all expectations of the position and is competent in the performance of responsibilities.  |
| 4 | <b>Very Good:</b> Meets expectations and exceeds some expectations | Occasionally exceeds performance expectations of the position. Performs the most difficult parts of the job competently and thoroughly. Contributes significant results on their own initiative. Works with a high level of independence, initiative and concern for the quality of the service produced by and for the Village. |
| 5 | <b>Excellent:</b> Exceeds expectations                             | Overall skills and abilities consistently exceed the expectations of the position. Demonstrates strong expertise within key areas of responsibilities. Occasionally receives outstanding results beyond those contemplated in key areas of responsibility. Anticipates needs and executes plans.                                 |

**Quality and Competency:** Possesses and applies a comprehensive understanding and knowledge of the Village Charter, Code of Ordinances, County Code of Ethics and Florida Statutes. Possesses and provides an efficient and effective knowledge of and judgment concerning case law regarding municipal government and issues involving the Village. Has an extensive understanding of legal issues faced by local governments. Has the ability to effectively formulate and advance legal strategies that further the goals of the Village. Provides high caliber recommendations given all existing legal issues and their ramifications. Regularly provides the legal expertise necessary to meet the Village’s needs on legal and policy issues that arise, and proactively identifies potential issues of interest to the Village. Maintains the Council and the Administration’s confidence while informing them of risks that proposed actions may generate for the Village. Works proactively to avoid litigation, while applying effective litigation skills before trial and appellate level courts and administrative agencies where necessary.

5. Excellent	4. Very Good	3. Good
2. Fair	1. Poor	0. Not Applicable

Comments:

**Professionalism:** Deals effectively and appropriately with Village Administration, Village Council, and all stakeholders using common sense and judgment. Works to keep politics and personal perspectives out of the decision-making process. Follows Council direction impartially. Devotes sufficient time and energy to the job, and addresses questions and concerns in a timely manner in light of all of the priorities of the Village. Demonstrates high ethical standards in the organization. Stays active in professional organizations and stays abreast of current developments in the law applicable to the Village. Respected in the field of municipal law. Performs work in a positive and collegial manner. Understands the unique identity of the Village and tailors the representation appropriately.

5. Excellent	4. Very Good	3. Good
2. Fair	1. Poor	0. Not Applicable

Comments:

**Management:** Effective in the management, supervisory and interpersonal skills in the context of both the legal function and the Village, including the ability to establish and maintain effective working relationships with Village Manager, Village Council, Departments, boards and committees. Oriented to accomplishing the Village’s objectives rather than identifying obstacles. Seeks early engagement so that legal issues can be anticipated and avoided. Creates a collaborative, team-building environment. Recognizes the accomplishments of staff and other agencies working on behalf of the Village. Develops standard forms and approaches where appropriate to increase predictability, ensure uniform quality, and streamline work processes. Accepts full accountability for legal staff and the outcome of Village projects or decisions. Identifies organizational problems and takes remedial action.

5. Excellent	4. Very Good	3. Good
2. Fair	1. Poor	0. Not Applicable

Comments:

**Effectiveness in Working with Village Administration:** Demonstrates a positive legal consultative relationship with the Village Administration in the pursuit of meeting the goals and objectives of the Village. Responsive to the priorities of the Administration and Council. Respects the difference between legal and policy determinations, but provides relevant and helpful input in both areas where appropriate. Works collaboratively with the Administration and thinks creatively, with an orientation toward solving problems.

5. Excellent	4. Very Good	3. Good
2. Fair	1. Poor	0. Not Applicable

Comments:

**Communication:** Positive, courteous and open in communications. Effectively communicates (orally and in writing) complex issues to Village officials and stakeholders where diverse viewpoints and goals exist. Ensures that Councilmembers receive important information in a timely and effective manner. Maintains confidentiality. Presents the Council with clear and accurate written work product. Responds to correspondence, requests, and complaints quickly and appropriately in light of all obligations to the Village. Facilitates open two-way communication and encourages mutual honesty and respect with the Council, Village Manager, and staff.

5. Excellent	4. Very Good	3. Good
2. Fair	1. Poor	0. Not Applicable

Comments:

**Achievements:** Identify any particular achievements or strong points you have observed in the Village Attorney’s performance over the review period.

Comments:

**Objectives:** List two to three performance objectives that you feel are important for the Village Attorney to focus on in the coming year, whether as an improvement to performance or as additional tasks/goals.

Comments:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit 4

### Background Information on Village Attorney

#### Duties of the Village Attorney

The Village Code defines the duties of the Village Attorney as follows:

The Village Attorney shall be the chief legal adviser of all offices and departments and of all officers and employees in matters relating to their official powers and duties. He shall represent the Village in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by the Village Charter or by ordinance. The compensation of the Village Attorney shall be fixed by the Council.

It also provides that the Village Attorney shall be appointed by and be responsible to the Village Council.

#### The Firm as Village Attorney

Similar to most other small municipalities, the Village has hired a law firm to serve as the Village Attorney for decades.<sup>1</sup> Weiss Serota Helfman currently serves in this role pursuant to the 2021 Engagement Letter agreement, attached as **Exhibit 1** to the Annual Report. That agreement specifies that I act as the lead attorney for the firm in this representation, and that my deputy is Robert Meyers.<sup>2</sup> The Firm serves as the Village Attorney using a team approach to the representation, and each member of that team also represents other municipal clients. This allows the Village to use only as much of a wide range of experience and expertise as it needs, just when it is needed. Experience with similar work performed for other municipal clients enhances the quality of the services that the Village receives from the Firm, and allows the Village to benefit from the experience of other communities. The updated team of attorneys serving the Village is attached as **Exhibit 2** to the Annual Report.

While we refer the Village to other counsel for areas outside of our core competencies, the Firm was created as and continues to be a one-stop shop for the vast majority of legal specialties and practices that a local government like the Village requires. In the timeframe covered by this evaluation, we have referred matters to outside pension counsel related to revisions of the police and general employee pension ordinances. We have been able to handle the Village's other needs within the Firm.

Our Firm was founded over 30 years ago and is organized around the conviction that local governments deserve the same high-level professional legal services as for-profit businesses. We understand that the Village is a multi-million dollar entity with employees, complex regulatory systems, and demanding stakeholders, namely, the residents and

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<sup>1</sup> The Village carries liability insurance with the Florida Municipal Insurance Trust, which assigns litigators to handle liability cases separately from the Firm's agreement.

<sup>2</sup> As far as I have been able to determine, I am the first woman to serve the Village in that capacity.

businesses within the community. There are few firms in Florida that can match our experience counseling local governments. We regularly advise local governments, elected officials, law enforcement personnel, and individual departments of local governments. The Firm’s “in the trenches” experience representing dozens of public sector clients, whether administratively or in litigation, gives us a unique insight that we leverage to your benefit.

As former and current city and county attorneys, our municipal lawyers understand how to provide top-level legal advice that is not clouded by political influences in an effective, cost-efficient, and clear manner. We efficiently draft and review a multitude of resolutions and ordinances each year. We strive to draft legislation that is both understandable to the general public and able to survive legal challenge.

We also serve as expert outside counsel to dozens of in-house city attorneys for their most important and, often times, sensitive matters. The following represents a small selection of our areas of expertise as special counsel:

Appellate	Election	Litigation	Real Estate	Ethics
Asset forfeiture	Eminent Domain	Land Use/Zoning	Solid Waste Management	Constitutional
Code Enforcement	Employment/Labor	Police Legal Advisor	Special Districts	Foreclosure
Community Redevelopment	Environmental	Procurement and Contracts	Sustainable Development	Construction

We keep abreast of the latest legislative and judicial developments in municipal law through a program of in-house training and continuing education. We monitor issues of home rule authority, which are of such importance to local government effectiveness. We are frequently requested to publish articles and make presentations to our peers, local state and national bar associations, related professional organizations, and the Florida League of Cities.

Most importantly, we understand our role is not to make policy, but to counsel and assist our clients by providing a legal framework for decision-making. Our services enable our local government clients to meet their responsibilities, and to earn and retain their constituents' confidence and trust.





# BAL HARBOUR

- V I L L A G E -

## MEMORANDUM

TO: Honorable Mayor and Council

FROM: Dwight S. Danie, Village Clerk *OSD*

DATE: June 11, 2024

RE: Lobbyist Registration Report

Name of Lobbyist	Principal Represented	Date Registered
John Shubin	Mathew Whitman Lazenby	01/09/24
Ian DeMello	Mathew Whitman Lazenby	01/09/24
Darrell Payne	Saks Fifth Avenue LLC	01/16/24
Maria A. Gralia	Saks Fifth Avenue LLC	01/16/24
Seth P. Robert	Saks Fifth Avenue LLC	01/16/24
Previn R. Patel	Saks Fifth Avenue LLC	01/16/24
Mathew Lazenby	Bal Harbour Shops LLC	01/16/24
Benjamin Elias	Bal Harbour Shops LLC	01/16/24
Ivor Nicholas Massey	Bal Harbour Shops LLC	01/16/24
Caroline Travis	Bal Harbour Shops LLC	01/16/24
Nicholas Noto	LK Hotel, LLC	01/19/24
Carter McDowell	LK Hotel, LLC	01/19/24
Michael Marrero	1800 LLC	05/15/24
Melissa Tapanes Llahues	1800 LLC	05/15/24



# BAL HARBOUR

- VILLAGE -

## MEMORANDUM

TO: Honorable Mayor and Council

FROM: Susan L. Trevarthen *SLT*

DATE: June 10, 2024

RE: Monthly Report of Village Attorney for May Activities

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Here is the monthly report on the Village Attorney's activities. While we attend to Village business and confer with Village officials continuously, this report highlights specific tasks and projects for the month. Please contact me or Robert Meyers if you have any questions about this report.

### **Retainer Services**

Within the fixed fee retainer in May, we reviewed, advised and prepared documents for all agenda items for and attended the May Council meeting. We conferred with staff on various matters, and we attended the weekly staff meetings and the monthly agenda review and after action meetings. We began preparation for the June Council meetings.

Specific additional matters included:

- We met with staff to discuss procurement issues related to Waterfront Park.
- We conferred with Police Department, reviewed and analysis dual office holding law and opinions concerning police officer considering running for municipal office in Broward County, and drafted a memorandum for Police Chief.
- We reviewed a consultant's contract, analyzed case law and conferred with staff concerning assignment of portions of the MikYoung agreement and engaging a Construction Manager at Risk for Jetty Project.
- We began our review and analysis of a proposed Miami-Dade County Ordinance on Stormwater regulations affecting incorporated areas.
- We conferred with staff and reviewed Code sections concerning Waterfront Park noise complaint.
- We reviewed and revised a mutual aid agreement for the Police Department.
- We conducted research and analyzed case law regarding inquiries from the Administration regarding affordable housing.
- We conferred with staff concerning the bidding process and the irregularities that would disqualify proposers.

- We advocated for action on a County website for posting notices, and conferred with Village staff regarding same.
- We conferred with staff and attended a meeting regarding Rivage.

### **Additional Services**

For the NV2A matter, we reviewed correspondence and documents and prepared response to permit review and ADA bathroom letters; communicated with client related to upcoming mediation; prepared and revised mediation statement; met with client to discuss mediation status and strategy; prepared for pre-mediation conference; worked on finalizing mediation summary; and prepared responses to opposing counsel.

For Bal Harbour Shops (Live Local and noise) litigation matters, we reviewed correspondence and drafted update regarding Motion to Stay; reviewed amended complaint and discussed litigation strategies with client and the litigators; and reviewed the new complaint concerning the noise ordinance.

For Bal Harbour Shops submissions matter, we reviewed and revised correspondence regarding completeness, and prepared for and attended meeting with Shops representatives regarding completeness issues and application review.