

BAL HARBOUR VILLAGE
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – JULY 24, 2013

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Wednesday, July 24, 2013, in the Council Chamber at Bal Harbour Village Hall (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 7:03 p.m. by Assistant Mayor Blachar. The following members were present:

Assistant Mayor Joni D. Blachar, Chair
Daniel S. Holder
Ira S. Lelchuk
Stuart Sobel

Absent: Jose Biton

Others Present: Councilman Martin Packer
Jay R. Smith, Interim Village Manager
Ellisa Horvath, MMC, Village Clerk

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Assistant Mayor Blachar.

3. OATH OF OFFICE FOR COMMITTEE MEMBERS: Mrs. Horvath provided the Oath of Office to Committee Members Assistant Mayor Blachar, Mr. Holder, Dr. Lelchuk, and Mr. Sobel.

4. APPROVAL OF MINUTES: Mr. Holder requested that the word “beach” be eliminated, in reference to the pedestrian gate that needed to be fixed (page 4).

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve the June 12, 2013 Regular Meeting Minutes, as corrected. The motion carried (4-0).

5. DISCUSSION OF SECURITY SERVICES – GIL NEUMAN, KENT SECURITY: Mr. Neuman addressed the Committee.

Dr. Lelchuk discussed problems with a new guard at the gate, which caused backup onto Collins Avenue and people piggybacking.

Nelson Baez – Kent Security (Regular Day Time Guard), explained that he was not working that day and apologized for the incident.

Mr. Neuman suggested that problems at the gate be called in to 1-800-273-Kent, for a

supervisor to address.

Mr. Holder requested that the guard training be consistent, regarding answering the phone, etc.

Mr. Neuman reviewed the Addendum to the Security Agreement, to be considered in lieu of the amounts approved at the last meeting. Mr. Smith noted that the Addendum still needed to be reviewed by the Village Attorney. Mr. Sobel questioned when the guards had last received raises. Mr. Neuman explained that Kent provided raises to the guards, on an individual basis, and the cost for that was not passed on to the Village. He pointed out that Kent has had the same rate, for approximately the last ten years. Mr. Smith thought that Kent was provided a cost of living annually.

Mr. Sobel suggested that the Addendum include a \$1 per hour raise, for the guards. Assistant Mayor Blachar agreed, but spoke in favor of a tier system for the guards, depending on their length of service. Mr. Sobel suggested that Kent determine that. Mr. Holder suggested that the guards be paid a competitive wage, set by Kent, and for the contract to be negotiated with the Village. Mr. Sobel suggested that Kent provide a revised Addendum, to include an increase to the annual contract, to cover the salary increase. He questioned addressing the bonus in the Addendum. The Committee recalled that Kent was to set up an account and send a letter out to the community, regarding a holiday bonus, for the guards.

Dina Cellini - 211 Bal Cross Drive, suggested that a fixed amount for the bonus be part of the Addendum, to be divided amongst the guards, retroactively for 2012 and for the future. She suggested that the Kent contract be amended, to include the average that was normally collected for the holiday bonus, for Kent to divide and distribute to the guards in November/December. She was in favor of the guards being happy, but didn't know what their pay was. She spoke in favor of amending the contract, to include the security enhancements and the bonus.

Mr. Smith clarified that providing money in the contract for a bonus would be acceptable, if it was part of the contract pay plan. He added that it would be up to Kent on how they would like to recognize the performance of the guards.

Mr. Neuman explained the payment for the guards and agreed that a tier rate could be put in place for the contract.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to revise the Addendum, to include a \$1 per hour annual equivalent, as an hourly wage increase for the guards (to be implemented as quickly as possible), and \$8,750.00 to be used at Kent's discretion to provide for performance bonuses for the guards for 2012 and 2013 (\$3,750.00 for 2012 and \$5,000.00 for 2013), with \$5,000.00 annually thereafter, until further revisions.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of the motion and dispensing with the letter.

Councilman Martin Packer spoke in favor of the motion.

The motion carried (3-1), with Mr. Holder voting no.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to recommend that the Council approve the Addendum to the Security Agreement, as revised.

Mr. Holder noted that he would vote in favor of the motion, but was against setting the raise and bonus amount for the guards, since he felt that Kent should set the raise amount and the performance bonus should be given by the residents voluntarily. Mr. Neuman noted that he would be providing the guards with applicable raises, on top of what was provided for in the contract.

The motion carried (4-0).

Mr. Sobel questioned if money from the Security Enhancements line item could be moved to Professional Services, to cover the changes in the contract. Mr. Wallace noted that could be done by a budget amendment. Mr. Smith will also check with the Village Attorney.

Mr. Neuman reported that, as of September 15th, a new data base would be started for the eGO passes, at no cost. He clarified that those residents that didn't register would be removed from the system, to increase security.

Mr. Neuman discussed his proposal, for residents to either go to the Kent office, or to schedule someone from Kent to come to their home. He requested specific rules from the Committee, for Kent to follow.

Dr. Lelchuk noted that would remove some of the duties handled by the Police, which were covered by the Administrative fee that was paid to the Village.

Doug Rudolph - 212 Bal Bay Drive, suggested that the current rules for the distribution of the eGO passes and the offer for Kent to provide that service be reviewed.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of Kent's offer to provide that service.

Mr. Sobel spoke in favor of the Police managing the process, since it was more convenient for the residents and the Police had more authority. He requested to discuss the Council's concern with the Police providing that service. He added that if the Council didn't approve, then he didn't have a problem using Kent.

Chief Daddario discussed the process and staff that was used, for the Police Department to distribute the passes.

Assistant Mayor Blachar spoke in favor of Kent providing the service, to distribute the passes. Mr. Sobel disagreed. He thought that wiping the database clean would help a lot with the misused passes. He noted that the Committee would not take any resources away by using the Police Department and was paying for those services anyway.

Chief Daddario suggested using one member of the Police Department on overtime, during the initial process, as well as someone from Kent. Assistant Mayor Blachar suggested that Kent provide someone at the Police Department, to provide the passes. Chief Daddario agreed with Kent doing the work, with Police personnel there. Mr. Smith suggested that the

current database be validated instead.

Councilman Martin Packer suggested that Kent provide staffing at the guardhouse, for two to three weeks, to do the initial passes. He spoke against using the Police Department.

Mr. Neuman agreed to place two to three people in the guardhouse, to re-do the database, during certain times. He will come up with a plan, including weekends, which would be paid for. Mr. Sobel spoke in favor of doing so.

Dina Cellini - 211 Bal Cross Drive, spoke in favor of Kent providing the service, at no charge.

Assistant Mayor Blachar clarified that after the initial passes were given, then residents would have to go to the Kent office to receive the passes. Mr. Sobel spoke in favor of paying to have Kent at the guardhouse for the initial phase, with residents going to Kent after that. Mr. Neuman explained the process.

A motion was offered by Mr. Holder for Kent Security to update the database and for the Village Attorney to review the proposed process to ensure that the Village had control of the database, with the Police to continue handling the individual updates as they occurred.

Mr. Neuman spoke against doing so, since there couldn't be two databases.

Mr. Holder withdrew his motion.

A motion was offered by Mr. Holder and seconded by Mr. Sobel for Kent Security to handle the eGO passes and for Mr. Smith to provide the current policy, used by the Village, to Kent.

Doug Rudolph - 212 Bal Bay Drive, clarified that Mr. Neuman would oversee the process and guard the database, etc. He additionally clarified that the motion was to move the handling of the eGO passes from the Police Department to Kent Security.

Mr. Neuman suggested that the same database be used, in the future, for the pedestrian gates. He also offered for Kent to distribute the keys for the gates.

Mr. Sobel spoke against moving the services simply because the Council didn't want to approve the Police to continue handling it.

Councilman Martin Packer discussed the ruling from the Village Attorney that the land behind the gates was like a private estate.

Assistant Mayor Blachar explained that Councilman Packer and Councilwoman Cohen had tried to separate the residents behind the gates and the other residents. She discussed the Gated Area being entitled to the police patrolling, which Councilman Packer and Councilwoman Cohen were against. She noted that the Police were allowed to issue tickets in the Gated Area.

Mr. Sobel thought that the Gated Area issues were solved by the creation of the Committee and he was shocked at the Council's reaction to the Committee's recommendations, at the last Council meeting. He spoke against moving the security items from the Police

Department to Kent. He clarified that the Gated Area more than paid for the services provided by the Village and the Gated Area was not taking away any Village resources.

Councilman Martin Packer discussed concerns of other residents that the Gated Area used the Village staff to do their work, instead of using their own manager, etc. He questioned, regardless of payment, if it was legal to do so.

Mr. Sobel clarified that Village Attorney Richard Weiss had advised that it was legal, as long as the Gated Area was paying for those services and was abiding by the Ordinance that created the Committee.

Assistant Mayor Blachar reviewed the Council discussion, regarding the use of the park in front of the guardhouse, which was spearheaded by Councilwoman Cohen and Councilman Packer. She didn't think that the majority of the Gated Area residents were in favor of that.

Councilman Martin Packer discussed the use of that land for art, etc.

Ruth Karp - 74 Bal Bay Drive, noted that she owned half of the street, so the Police were their Police Department. She questioned who ran against Councilman Packer and spoke in favor of re-districting, to allow more qualified people to run.

Councilman Martin Packer clarified that nobody ran against him, but nobody ran against Assistant Mayor Blachar or Councilman Sanz either.

Mr. Holder explained the problem that the Gated Area faced, since the Developer didn't institute a homeowner's association. He clarified that the Village Attorney came up with the best solution to that problem.

The motion passed (4-0).

Assistant Mayor Blachar read the Ordinance regarding the Committee, which didn't say that services had to be paid for.

Mr. Neuman will change the authorized agent on the Addendum, to the Village Manager.

Mr. Holder discussed the continuing problem with the pedestrian gate, at Bal Bay Drive. It was the consensus of the Committee for Mr. Neuman to work with Mr. Smith, to change from a latch to a magnetic lock, using the same key.

Dr. Lelchuk spoke in favor of switching to a card system. Mr. Neuman suggested a magnetic lock first, then the card system in the future.

Councilman Martin Packer discussed the problem with some residents not being able to use anything electric, due to religious reasons.

Mr. Holder spoke in favor of just fixing the existing lock. Mr. Neuman discussed problems with the regular lock, but noted that he would work with the locksmith.

Assistant Mayor Blachar directed residents to call Kent's 1-800 number, if there was a

problem with the gates.

Assistant Mayor Blachar requested that the gate be quieter, when it closed.

Mr. Neuman introduced Shelly Sitton, President of Kent Security.

6. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR: Mr. Wallace reviewed the report provided in the agenda. He explained that the budget was based on all residents taking the discount for the assessment.

Mr. Sobel noted that \$45,000.00 was allocated in the budget for the services given to the Gated Area (Administrative Fee \$30,000.00 and Legal Fees \$15,000.00).

Mr. Wallace noted that the fund normally had a negative cash flow until December and the anticipated fund balance was expected to be \$688,000.00.

Dina Cellini - 211 Bal Cross Drive, questioned if the Property Appraiser and Tax Collector money budgeted for would be spent. Mr. Wallace advised that the total amount was anticipated to be spent, but anything not spent would go into the fund's reserves.

Ms. Cellini suggested looking at going out to bid for pest control/fertilization.

Mr. Holder thought that the Committee had just piggybacked on the Village's price and used the same company as the Village.

Ms. Cellini suggested that the Landscape Materials line item be decreased. Mr. Sobel agreed.

7. DISCUSSION OF PROPOSED BUDGET FOR FISCAL YEAR 2013/2014 – CHRISTOPHER WALLACE, FINANCE DIRECTOR: Mr. Wallace reviewed the proposed budget.

The Committee reviewed the proposed budget, with the following recommendations:

Legal Fees: Budget \$25,000.00

Landscape Material: Budget \$25,000.00 (Note: changed later to \$50,000.00)

Interfund Transfer: Budget \$30,000.00

(Note: even though audit prepared by Mr. Smith estimated the cost to be \$18,508.39).

PA and TC (Property Appraiser and Tax Collector) Fees: Budget \$8,662.00

Professional Services: Budget \$210,000.00 (Note: Security Enhancement decreased to \$40,000)

Auditors Fees: Budget \$2,500.00

Janitorial Contract: Budget \$2,160.00

Landscape Maintenance: Budget \$93,836.00

Pest Control and Fertilization: Budget \$36,979.00

Charette: Budget \$0

Telephone: Budget \$3,480.00

Cable TV: Budget \$984.00

Postage: Budget \$1,000.00

Utilities: Budget \$4,876.00 (Note: Mr. Wallace will review)

Water Usage: Budget \$11,000.00

Capital Improvements (new line item): Budget \$25,000.00 (for lighting)

Insurance: Budget \$6,500.00 (Note: for the liability/casualty insurance and the guardhouse)

Mr. Sobel thought that the Village Attorney had noted that each resident's homeowners insurance needed to cover what happened in front of their house, on the street, because the Gated Area couldn't get insurance.

Mr. Sobel left the meeting.

Mr. Holder thought that a solution was needed to that, since homeowner's insurance would not pay for it. Dr. Lechuk noted that the Gated Area was not an entity, so it couldn't get coverage. Mr. Wallace suggested that homeowners look into their umbrella policy covering general liability claims.

Dina Cellini - 211 Bal Cross Drive, questioned if the insurance covered the parks in the Gated Area, if someone was injured.

Mr. Sobel returned to the meeting. Mr. Holder left the meeting.

Mr. Wallace clarified that the Village owned the guardhouse, so it provided insurance for that, as well as general liability. Mr. Smith further clarified that since the Village paid the contractors that worked in the Gated Area, the Village Attorney David Wolpin felt that the park areas would be covered under the Village policy.

Ms. Cellini clarified that the Gated Area was paying for their share of the insurance, for the Village's policy. She wanted to make sure that there was insurance, if someone was injured playing in one of the park areas (in the Gated Area).

Mr. Holder returned to the meeting.

The Committee continued review of the budget, with the following recommendations:

Maintenance of Equipment: Budget \$35,000.00

Printing and Binding: Budget \$350.00

Legal Ads: Budget \$1,200.00

Miscellaneous: Budget \$150.00

Mr. Smith estimated that the cost for the Village to provide services to the Gated Area

(Interfund Transfer line item) was approximately \$18,508.39.

Doug Rudolph - 212 Bal Bay Drive, noted that the Gated Area was paying more than its fair share to the Village, for the services it provided. He noted that everyone's property values were reliant upon the gates staying up, etc. He thought that it was in everyone's best interest to keep the values and security up. Mr. Rudolph clarified that the police protection in the Gated Area wasn't costing the Village more and was keeping up the values of everyone's properties. He added that the Village received 2/3 of every ticket written. He discussed the importance of doing what was best for the greater good of the community.

Mr. Rudolph voiced concern with decreasing the Landscape Materials line item too much and having to increase it the following year.

The Committee agreed to the following:

Landscape Materials: Budget \$50,000.00 (in lieu of the \$25,000.00 previously discussed).

Mrs. Horvath noted that the Initial Assessment Resolution had to be approved, by the end of July. Mr. Wallace added that after the Initial Assessment was set, it could be decreased, but not increased.

Steve Scheinman - 234 Bal Cross Drive, discussed the importance of due diligence and what was justified and what wasn't.

Assistant Mayor Blachar discussed the possibility of the Gated Area having to pay for street repaving, since some of the Council didn't think that the entire Village should have to pay for repaving in the Gated Area. She noted that the firm giving the bid for the sewer project thought that the Village should pay for that. Mr. Wallace provided his opinion that the Village needed to pay for the repaving, since the streets would be torn up as part of the sewer project and the curbs and gutters were owned by the Village. Mr. Holder suggested that the Committee be ready to argue that.

Councilman Martin Packer noted that the Village owned the curbs, which were part of the sewer system, so the ruling was that the Village would take care of anything that was torn up.

Mr. Sobel suggested that the line item "Capital Outlay" be changed to "Capital Improvements."

Dina Cellini - 211 Bal Cross Drive, noted that Village Engineer Peter Kunen had reported, at a Budget Committee meeting, that the storm drainage system, drinking water system, and the sewer system, under the Gated Area streets, were integrated with the Village at large.

The Committee continued review of the budget, with the following recommendation:

Contingency: Budget \$50,000.00

Assistant Mayor Blachar discussed the assessment for the building located at 284 Bal Bay

Drive (the existing 11 units will be reduced to 3 units). Mr. Wallace explained that the assessment formula was based on the property that existed on January 1st. Assistant Mayor Blachar discussed the loss of assessment for that property in the future, due to the reduction of the number of units.

Mr. Wallace discussed the results of the budget, with the assessment of \$639,026.00 (Single Family Residential Units \$2,616.15 and Multi-Family Residential Units based on the formula).

A motion was offered by Mr. Holder and seconded by Dr. Lelchuk to approve the budget as discussed. The motion carried (4-0).

8. DISCUSSION AND RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE SECURITY AND LANDSCAPE ASSESSMENT RATE FOR FISCAL YEAR 2013/2014: *A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve the assessment, based on the budget approved and the existing formula used. The motion carried (4-0).*

9. REPORT FROM POLICE DEPARTMENT CHIEF: Chief Daddario reported 105 traffic citations and warnings issued, since the last meeting. Mr. Holder spoke in favor of more tickets, in lieu of warnings.

Chief Daddario reported 13 code violations and 39 police reports, with mostly miscellaneous incidents. He added that Officer Orr was still looking into the GPS issue.

10. SELECTION OF FUTURE MEETING DATES: *By consensus of the Committee, the next meeting was scheduled for October 29, 2013, at 7:00 p.m.*

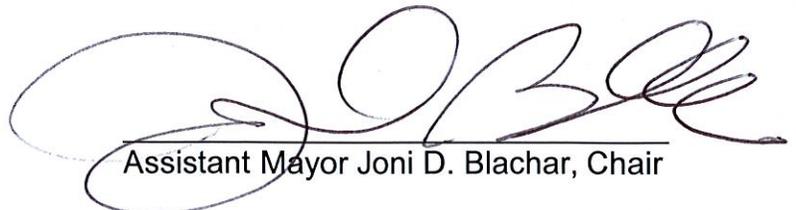
11. OTHER BUSINESS:

Dina Cellini - 211 Bal Cross Drive, discussed the electrical wires at Harbour Way. Mr. Smith reported that the wires had been buried.

12. ADJOURN: There being no further business, *a motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to adjourn. The motion carried (4-0) and the meeting was adjourned at 10:20 p.m.*

Attest:


Ellisa L. Horvath, MMC, Village Clerk


Assistant Mayor Joni D. Blachar, Chair