

BAL HARBOUR VILLAGE
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – OCTOBER 29, 2013

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, October 29, 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 7:01 p.m. by Assistant Mayor Blachar. The following members were present:

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

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 Mr. Biton.

3. OATH OF OFFICE FOR COMMITTEE MEMBER JOSE BITON: Mrs. Horvath provided the Oath of Office to Committee Member Jose Biton.

Assistant Mayor Blachar introduced Jorge M. Gonzalez, the new Village Manager, who was in the audience.

4. APPROVAL OF MINUTES: A motion was offered by Dr. Lelchuk and seconded by Mr. Sobel to approve the July 24, 2013 Regular Meeting Minutes. The motion carried (5-0).

5. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR: Mr. Wallace reviewed the report provided in the agenda.

Assistant Mayor Blachar discussed the approval delay for the security enhancements, due to Council corrections to the Kent contract. Mr. Smith expected the revised Kent contract to be on the November Council agenda.

Mr. Wallace clarified that any unspent funds would go into the fund balance and would have to be re-appropriated, via a budget amendment ordinance process.

Dina Cellini - 211 Bal Cross Drive, clarified that unused funds would go to fund balance

and would have to be re-appropriated to be used. Mr. Wallace agreed, but reported that contingency money could be spent, without that process.

Mr. Biton pointed out that 90% of the funds were unassigned and could only be used through the budget amendment ordinance process. Mr. Wallace discussed the need for a cash fund to cover three-months of operating expenses, in addition to hurricane items.

6. DISCUSSION OF PROPOSED COMMERCIAL FILMING

ORDINANCE: Assistant Mayor Blachar explained that filming could not be completely restricted in the Ordinance, even though that was the Committee's intention.

Mr. Sobel spoke in favor of prohibiting filming within the Gated Area. He noted the following items that needed to be addressed in the Ordinance: provide a definition of commercial and non-commercial filming, filming hours should be the same as work hours, and fees for filming in the Gated Area should go to the Gated Area and not the Village.

Mr. Holder spoke against filming in the Gated Area and the Village Manager having the discretion for approval.

Mr. Sobel questioned the provision allowing the Village to manage filming in the Gated Area, which was inconsistent with the Council's desire for the Gated Area to have its own management company.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to table the item, until the Village Attorney could respond to the Committee's concerns.

A motion was offered by Mr. Holder and seconded by Mr. Biton to amend the motion, to direct the Village Attorney to make the Ordinance as restrictive as legally possible. The motion carried (5-0).

The original motion, as amended, carried (5-0).

A motion was offered by Assistant Mayor Blachar and seconded by Mr. Sobel for the Village Attorney to attend the next meeting. The motion carried (5-0).

Mr. Holder requested that the Village Attorney also be prepared to address how the noise ordinance would apply. Committee members will provide any additional concerns to Mr. Smith.

7. REPORT ON EGO PASS VALIDATION PROCESS: Assistant Mayor Blachar reviewed the letter to re-validate the eGO passes, at no cost, unless it was a new application.

Rodica Charles, District Manager – Kent Security, verified that there wouldn't be a cost to verify the application. She agreed that Kent Security would provide personnel, at the front and back gates (weather permitting), to physically validate cars with corresponding eGO passes. A form will be provided, in the letter/application, for residents to provide a new list of people with prior authorization to enter. Ms. Charles will check to see if the ABDI system could be used to validate the passes. She noted that passes not validated by January 1,

2014 would be turned off.

Dina Cellini - 211 Bal Cross Drive, spoke against providing a property owner with an eGO pass, if they didn't live at the property.

It was the consensus of the Committee for the tenant to be provided with an eGO pass and for the owner to be on the (ABDI) list for access.

Ms. Charles will speak to the Kent guards about being more aware of when the back gate and lighting there was not working. Mr. Smith reported that if the person who broke the gate was identified, then the Village would send them an invoice to repair it. Mr. Smith will have The Brickman Group trim the trees at the back gate.

Ms. Charles will look into the inoperative closer on the Bal Bay Drive gate and review the video, to try to identify who broke the trellises next to the gate.

8. REQUEST TO TRIM TREES IN GATED AREA BEHIND

ADMIRALTY APARTMENTS: Mr. Smith requested approval of \$1,080.00, for The Brickman Group to trim trees and remove palms, along the wall in the 100 block of Park Drive.

A motion was offered by Mr. Sobel and seconded by Dr. Lechuk to approve. The motion carried (5-0).

Mr. Holder requested that the Brickman contract be reviewed, for items that should be included as routine trimming.

9. REQUEST FOR REMOVAL OF DEAD TREES IN PARK

AREA ALONG PARK DRIVE: Mr. Smith requested approval of \$3,564.00, for The Brickman Group to extensively trim 20 trees, along the Park Drive park area.

Assistant Mayor Blachar requested that The Brickman contract be clarified, to include these items. Mr. Smith will have Bill O'Leary, Village Landscape Architect, attend the next meeting to explain.

It was the consensus of the Committee to wait for the new Village Manager, to bid the Landscape Architect services.

Mr. Smith will ensure that The Brickman Group is cleaning up the trash and will look into providing a trash receptacle at the back gate (on the Village side).

10. DISCUSSION OF GATED AREA MANAGEMENT: Assistant Mayor Blachar discussed the Council's desire for the Gated Area to have its own management company. She reported that the new Village Manager (Mr. Gonzalez) would be reviewing the issue.

Mr. Holder spoke against a management company, since the Gated Area was paying the Village for its services.

Steve Scheinman - 234 Bal Cross Drive, questioned the tasks of the management company. Assistant Mayor Blachar explained the services provided by the Village.

Mr. Sobel spoke against a management company. He also spoke against the eGO pass distribution being moved from the Police Department to Kent Security.

11. REPORT FROM THE POLICE DEPARTMENT: Captain Gregory Roye reported that there were 12 traffic warnings and 26 police cases, as well as 25 code violation warnings and 4 code violations issued.

12. DISCUSSION OF PROPOSED BAL HARBOUR SHOPS EXPANSION: Assistant Mayor Blachar reported that she and Village resident Yankee Andrusier met with representatives from the Shops, to review the expansion plans. She clarified that two sets of plans had been submitted to the Village and the plans were available to the public. Members of the public interested in reviewing the plans were directed to schedule an appointment, through Village Executive Assistant Andrea Greenblatt.

Assistant Mayor Blachar clarified that all Councilmembers needed to review the plans, before any public discussion. She encouraged the Committee members to also review the plans.

Stanley Tate - 9999 Collins Avenue, voiced concern regarding the increased traffic and the magnitude of the proposed Shops expansion.

Dina Cellini - 211 Bal Cross Drive, suggested that the Shops present their project at a Committee meeting, after the Council had reviewed the plans. She noted that traffic would affect the entire community, but certain aspects would only affect the Gated Area, specifically Park Drive. Assistant Mayor Blachar will see if the Shops would attend a future Committee meeting. Ms. Cellini suggested that residents be informed via letter, when that item was on the agenda.

Dr. Lelchuk discussed the impact of the plans, to the Gated Area, and spoke in favor of the Shops presenting the plans at a Committee meeting.

Assistant Mayor Blachar reported that the Village was waiting for the Village Attorney and Village Manager (Mr. Gonzalez), to advise what the process would be.

Mr. Biton discussed the importance of residents to understand the impacts of the project, from an independent third party.

13. DISCUSSION OF OWNERSHIP OF THE RESIDENTIAL SECTION STREETS: Assistant Mayor Blachar reported that the Village Attorney was reviewing the firm's legal opinion on the Gated Area streets.

Dina Cellini - 211 Bal Cross Drive, voiced concern regarding the Shops' claim to owning half of Park Drive (inside the gates), half of Bal Cross Drive (outside the gates), and half of Bal Bay Drive, based on the current Village Attorney legal opinion. She also voiced concern regarding the Quarzo Hotel's claim that each of their buildings owned to the center of the street and their intention to create a private entrance on Bal Bay Drive (outside the gates).

The Committee agreed that needed to be monitored.

Stanley Tate – 9999 Collins Avenue, suggested that homeowners review their title policy, to see what they owned.

14. SELECTION OF FUTURE MEETING DATES: Committee meetings were scheduled for November 26, 2013, at 7:00 p.m. and January 28, 2014, at 7:00 p.m.

15. OTHER BUSINESS:

Assistant Mayor Blachar clarified that working hours started at 8:30 a.m. in the Village.

Assistant Mayor Blachar reported that the ceiling at the guardhouse fell, nobody was injured, and the ceiling was repaired. Mr. Smith reported that he authorized \$2,400.00, for the repairs, and he was waiting to hear if that would be covered by insurance.

Assistant Mayor Blachar requested that a Certificate of Appreciation be given to former member Daniel Gold, for his service on the Committee.

Assistant Mayor Blachar suggested that a block party be held, in the Gated Area. Dr. Lelchuk agreed.

Yankee Andrusier - 150 Camden Drive, suggested a holiday party in December.

Mr. Sobel spoke against a party with any religious affiliation. Dr. Lelchuk suggested a neighborhood party. Assistant Mayor Blachar suggested that the item be discussed at the next meeting.

Assistant Mayor Blachar discussed the Miami-Dade County League of Cities partnership with Best Buddies, to find jobs for people who were intellectually disabled.

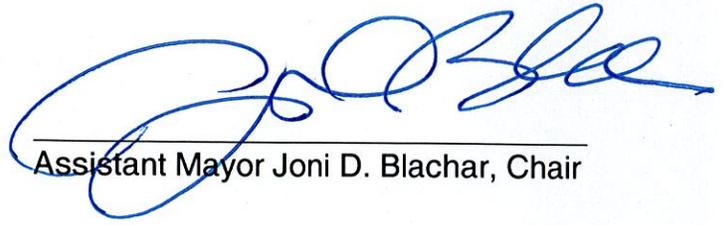
Dr. Lelchuk requested that the Council request the cable company to improve their cables, for faster Internet access in the Gated Area. Mr. Smith will request a signal boost.

Councilman Packer reported that the high speed AT&T service was not available in all areas.

16. ADJOURN: There being no further business, **a motion was offered by Mr. Holder and seconded by Dr. Lelchuk to adjourn. The motion carried (5-0) and the meeting was adjourned at 8:49 p.m.**



Attest:


Assistant Mayor Joni D. Blachar, Chair


Ellisa L. Horvath, MMC, Village Clerk