BAL HARBOUR
FLORIDA'S PARADISE

Gated Residential Section Advisory Committee (RAC)

Regular Meeting Agenda
May 1, 2012
7:00p.m.

Bal Harbour Village Hall
655 – 96th Street
Bal Harbour, Florida 33154

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

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1. Call to Order/Roll Call

2. Pledge of Allegiance

3. **(Tab 1)** Approval of Minutes: February 28, 2012 Regular Meeting
April 3, 2012 Regular Meeting

4. Discussion of Gate Arm on Bal Bay Drive

5. **(Tab 2)** Discussion of Proposed Reconstruction of Roadway Asphalt Paving and Concrete Curbs and Gutters

6. **(Tab 3)** Financial Update – Christopher Wallace, Finance Director

7. **(Tab 4)** Discussion, Presentation of Proposals, and Recommendation to the Village Council Regarding the Mode of Apportionment for the Assessments for All Gated Area Properties for Fiscal Year 2013

8. **(Tab 5)** Selection of Future Meeting Dates/Times

9 Other Business

10. Adjourn.

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

If a person decides to appeal any decision made by the Gated Residential Section Advisory Committee 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).

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 meeting attendees, including Village staff and consultants, may be 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
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – FEBRUARY 28, 2012

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, February 28, 2012, 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
Daniel S. Holder
Ira S. Lelchuk
Stuart Sobel

Others Present: Alfred J. Treppeda, Village Manager
Ellisa L. Horvath, MMC, Village Clerk

Absent: Daniel Gold

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Finance Director Christopher Wallace.

3. APPROVAL OF MINUTES: ***A motion was offered by Dr. Lelchuk and seconded by Mr. Sobel to approve the January 25, 2012 Regular Meeting Minutes. The motion carried (4-0).***

4. CHARRETTE – BILL O'LEARY, LANDSCAPE ARCHITECT:
Bill O'Leary, Landscape Architect, and Kathy Richards, Landscape Architect, presented a Powerpoint on the conceptual landscape proposal.

Ms. Richards reported that some invasive plants and stumps would need to be removed, to allow for planting of new material. Mr. O'Leary explained that they would be sensitive about removing any viable planting, but noted that the area needed to be prepared, before anything was planted.

Ms. Richards displayed a typical screening with Areca palms (approximately 15 feet high), to be placed in the areas that light shined into the District. She displayed the Clusia hedge, which would be used to screen the walls. Mr. O'Leary explained that Clusia, which was virtually indestructive, was being used instead of Ficus, due to problems with the Whitefly. He pointed out that the only thing negative was that Clusia was in demand, so they would need to go to a number of nurseries for the size and amount that would be needed. Ms. Richards reported that Clusia hedge would also be used to screen the FPL vault.

Ms. Richards discussed the locations that had lights shining into the District, from the

apartment buildings on the West side of Collins Avenue. She noted that Areca Palms would be placed at those five locations.

Mr. O'Leary anticipated that the bids would come in below the amount that was budgeted and reported that some additional cleanup would be needed. He explained that once the Palms and Clusia were established they wouldn't need irrigation. Ms. Richards agreed and reported that they were drought tolerant.

Assistant Mayor Blachar discussed the plants displayed with bright colors. Mr. O'Leary explained that there was already irrigation in those areas, which may need some minor adjustments.

Mr. Holder questioned if the amount for additional maintenance was included. Mr. O'Leary reported that additional maintenance costs would not be major and estimated that it would be up to $500 monthly, but explained that a plan was needed in order to receive an estimate from Brickman (the Landscape Company).

Carl Strowd, 50 Park Drive, questioned if the difference between the budgeted amount and the estimated amount was for maintenance. Mr. O'Leary advised that it was not and explained that maintenance was budgeted separately. Mr. Treppeda agreed that landscape maintenance was separate from the amount for landscape materials.

Nina Rudolph, 212 Bal Bay Drive, spoke in favor of the plans. She questioned if the prices included installation. Mr. O'Leary advised that they did. Mrs. Rudolph suggested that a smaller Clusia be used to save money, if needed. She also questioned if a better light bulb could be purchased for those lights that were shining into the District, instead of spending the money on landscaping to hide them. Assistant Mayor Blachar reported that for liability issues it was decided that the Village wouldn't do that. She explained that individual homeowners could approach the buildings regarding their lights. Mrs. Rudolph will speak to the buildings regarding their lights.

Betsey Bystock, 80 Park Drive, spoke in favor of the plans and requested the maximum impact for the least cost, with minimal maintenance. She spoke in favor of permanent, not seasonal planting. She suggested that the row of colors not be divided, to create more impact.

Mr. O'Leary reported that color only came from seasonal plants, but noted that they could be deleted and replaced with something with less color that was more permanent. Assistant Mayor Blachar spoke in favor of doing that. Dr. Lelchuk disagreed and spoke in favor of the color, which made the area more vibrant.

Neca Logan, 64 Camden Drive, suggested that AT&T be asked to help with the cost of the landscaping, to shield their vaults. Mr. Treppeda will ask them.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of the plans. She questioned how far the planting would go towards Collins Avenue, in front of the guardhouse. Mr. O'Leary reported that it would be wide enough to create some impact, with some areas being 20 feet. Ms. Cellini requested that room be considered for the holiday items that would be placed in that area. Mr. O'Leary reported that there was plenty of room for that. Ms. Cellini requested that the Clusia be uniform, instead of being interrupted with Palms. She

suggested that the Admiralty and other buildings be approached regarding their lights, since they may not be aware of the problem, to alleviate an expensive diversion of something that may be solved. Ms. Cellini will call a friend that lives at the Admiralty. She noted that the Clusia would be less expensive than the Palms. Assistant Mayor Blachar clarified that Ms. Cellini would contact the Admiralty building and, if the lights were changed, the Committee could revisit the issue, to see if it made a difference. Ms. Cellini will look to see if the problem with the lights existed with more than one building.

Doug Rudolph, 212 Bal Bay Drive, spoke in favor of the plans and the importance of mainly enhancing the entrance. He agreed with the comments to approach the buildings regarding how their lighting affected the homes in the District. He suggested that, if that didn't work, the Village should then research whether or not the lighting violated the Village Code. He added that if the lighting didn't violate the Village Code, then the Village should look into placing something in the Code regarding it.

Assistant Mayor Blachar agreed and hoped that it worked but, if not, she spoke in favor of using the Palms to block the lights.

Dr. Lelchuk questioned if there were plans for the back gate. Mr. O'Leary reviewed the plans for the back gate, which included cleaning out dead vegetation, installing lower plantings, and using pottery to shield the mechanism for the gate.

Dr. Lelchuk discussed the lighting that emphasized the guardhouse and suggested that similar lighting be used to emphasize the plants. Mr. O'Leary reported that they hadn't addressed that because lighting could be expensive. He discussed different items that lighting could be used on, which could be addressed in the future.

Mr. Holder noted that he hadn't heard any objections from the audience regarding the plans, which seemed very good and came in under budget. He hoped that some negotiation could be done with the buildings and their lights.

Mr. Sobel spoke in favor of the plans. He requested that any landscaping placed at the guardhouse not block the Guard's view and that the rear entry on Bal Bay Drive be addressed. He spoke in favor of using the Areca Palms, even if the if the west side lighting issue was resolved, to break up the hedges and provide additional privacy. He clarified that if a recommendation was made to the Council and it was approved, then prices could be received through an invitation to bid. Mr. Treppeda agreed. Mr. Sobel suggested that since the plans came out within budget, then some alternatives could be included for the up-lighting for the trees, etc. He also suggested that input be received from the company doing the work. He spoke in favor of moving the project forward. He suggested that the invitation to bid include an alternative for lighting, which may or may not be accepted. Mr. O'Leary explained that would have to be designed, reviewed by an electrical engineer, etc. He agreed that recommendations on the type of lighting could be made, but he didn't think there would be enough specific information to get a good price, which could delay the process. Mr. Treppeda explained that he would be working with an electrical engineer on the street lights, for a lighting study, so he could speak to him regarding a study for the landscape lighting. Mr. Sobel spoke in favor of doing so, if it didn't delay the process. Assistant Mayor Blachar clarified that it would be done separately. Mr. Treppeda will have that looked at separately from the landscape plans.

Assistant Mayor Blachar spoke in favor of the plans presented.

A motion was offered by Mr. Sobel to recommend to the Council to put the proposal out to bid.

Mr. O'Leary would prepare a detailed plan, prepare bid specifications, etc. and then once that package was done, it would be advertised. He suggested a pre-bid conference, to go over the scope of the work, then put it out to bid, evaluate the bids, and then make a recommendation. He noted that once the project was awarded, he would monitor the work. He would also review the payment acquisitions from the company. Mr. O'Leary suggested that three or four bidders be pre-qualified that he knew were competent companies. Assistant Mayor Blachar agreed that should be done.

Mr. Sobel questioned if there was money left in the Charette line item for Mr. O'Leary to prepare the bid package. Mr. O'Leary reported that his costs to date were close to the $20,000.00 amount budgeted and explained that the cost for the bid package would be an additional $15,000.00 (put the package together, get the bids installed, following up, etc.). Mr. Wallace explained that the $20,000.00 had been budgeted for the Charette, which was for the conceptual idea. He added that the estimated construction cost was $112,000.00. He thought that Mr. O'Leary's cost was reasonable, which would come out of the Landscape Material line item.

Mr. Sobel voiced concern that it would cost $15,000.00 to put the bid package together. He was also concerned that the cost thus far had been $20,000.00. Dr. Lelchuk questioned if Mr. O'Leary's costs were based on an hourly rate. Mr. Wallace discussed the items involved in preparing a bid package, etc., which was approximately 100 hours worth of work. Mr. O'Leary clarified that it would cost $12,000.00 to get through the bid process, with the remaining cost to include finding the plants. Mr. Sobel thought that it was the bidder's problem to find the plants. Mr. O'Leary explained that he needed to make sure that the plants were available that were specified. Assistant Mayor Blachar agreed. Dr. Lelchuk and Mr. Sobel believed that was the bidder's issue. Mr. Treppeda pointed out that Mr. O'Leary's fees may not be at the $20,000.00 amount yet. Mr. O'Leary agreed.

Dr. Lelchuk questioned if Mr. O'Leary charged the Committee if a resident called to talk to him. Mr. O'Leary reported that he never spoke to a resident, without Mr. Treppeda being aware of it or part of the conversation. Mr. Treppeda requested direction from the Committee if he should be strict on that. ***It was the consensus of the Committee that discussions with residents be limited, unless the Committee agreed otherwise.***

Mr. Holder questioned if there was a boiler plate that could be used and if legal review would be needed for the request for bids. Mr. O'Leary noted that he had a boiler plate, but it would need to be specific for the area. He explained that a draft of the specifications was sent to Mr. Treppeda, who then sent it to the Attorney. Mr. Treppeda reported that legal review would be an additional cost. Mr. Sobel pointed out that there was a line item for that.

Mr. Holder explained that when he worked for the County and plants were specified that couldn't be found, then the bidders would come back with an alternative. He agreed that putting everything together was a huge job and the project would take a lot of supervision for installation, etc. He thought that $15,000.00 was a fair price. Mr. O'Leary explained that detailed specifications for vegetation that would be available were important otherwise bidders would bid for plants that weren't available.

Mr. Sobel withdrew his motion.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to recommend that the Council authorize up to $15,000.00 for Mr. O'Leary through the completion of construction, preparation of bid documents, pre-qualification of bidders, oversight of the bid process, award of contract, and construction supervision including review and recommendation on pay requisitions for the plans as presented.

Mr. O'Leary noted that the amount would include as many site visits as was necessary, if the entire project was done now.

Mr. Sobel added that the money would be taken from the Charette and Landscape Materials line items.

Mr. Holder voiced concern that a pre-qualification would exclude some good bidders. Mr. O'Leary explained that it was legal to do so and clarified that it was better to get some well qualified contractors. Mr. Holder questioned if the motion required a certain amount of bidders. Mr. Sobel reported that it would be any number of bidders that could be pre-qualified. Mr. O'Leary explained that he would provide a page clarifying the type of project and then qualifications would be requested. Mr. Treppeda noted that Mr. O'Leary knew what the best process would be, since he was in the industry. Mr. O'Leary reported that he knew who the competent companies were and pointed out that he had to rely that the company that was selected would be good to do the job.

Mr. Holder questioned how the lighting aspect regarding the buildings would be handled. Mr. Sobel requested that the Committee meet again to review the bid and receive feedback regarding the lights, prior to making a recommendation to the Council. Assistant Mayor Blachar suggested that approval be subject to input from the Village Manager, as to whether or not the Areca Palms were necessary, prior to putting out the bid. Mr. Holder suggested that it be left up to Mr. O'Leary to solve the best way he could. Mr. O'Leary requested that the Committee make a decision on the Palms. Mr. Sobel suggested that the Areca Palms be used, even if the lighting issue was resolved.

Eli Mizrahi, 178 Park Drive, reported that the issue was more than the lights and included apartment buildings with louvered windows, a/c units, etc.

Mr. Sobel clarified that the plans would be done in accordance with what was presented. Dr. Lelchuk agreed. Assistant Mayor Blachar agreed and clarified further that the Palms shown on the plans would be kept, but the buildings would still be spoken to.

The motion carried (4-0).

5. FINANCIAL UDPATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR: Assistant Mayor Blachar questioned if Mr. Wallace charged the Committee to attend the meetings. Mr. Wallace advised that he did not.

Mr. Wallace reviewed the budget report and noted that about 80% of the collections had been received. Dr. Lelchuk questioned the high amount for the legal ads. Mrs. Horvath explained that they were for legal advertisements that needed to be placed, in conjunction

with the assessments being moved to the tax rolls next year. She added that the annual assessment also needed to be advertised every year.

Mr. Holder questioned what happened when the assessment money wasn't received. Mr. Wallace explained that starting in FY 2013 the assessment would be put on the property tax bill, which meant that unpaid assessments would follow the same collection method as unpaid property taxes. He reported that two more bills would be sent out and any unpaid balances would then be placed on the tax bill.

Mr. Holder questioned if there were more expenditures than revenue. Mr. Wallace thought that the Contingency amount should cover that and that most of the assessments would be collected. He discussed problems with undeliverable assessment notices, which were sent to addresses listed with the County Property Appraiser. He encouraged residents to update their address with the County Property Appraiser, which was used as their official mailing address.

Mr. Sobel questioned if there was a good chance that a large portion of the $200,000.00 unpaid assessments would be collected. Mr. Wallace estimated that at least 90% would be collected. Mr. Sobel noted that if 90% was received, then the fund would be approximately $68,000.00 short. He pointed out that if the amount for the landscaping came in lower than anticipated, then the fund should be okay. Mr. Wallace thought that the collection of the assessment would be improved, once it was placed on the tax bills.

Doug Rudolph, 212 Bal Bay Drive, discussed the 5% interest that was charged for late assessments, which would be collected when paid. He questioned if the eGO passes were turned off for those who didn't pay their assessment. Mr. Treppeda reported that would be done. Mr. Wallace clarified that a final updated list of unpaid assessments would be provided within 30 days, for the passes to be shut off.

6. EXPENDITURES APPROVED BY THE VILLAGE COUNCIL:

Mr. Treppeda reported that the following items were approved by the Council, as time sensitive items, but had not been approved by the Committee:

1.) $3,612.50 Replenish of eGO Pass Devices
2.) $3,231.00 Replacement of Air Conditioning Unit for the Guard House

Assistant Mayor Blachar questioned if those amounts had been reflected in the budget. Mr. Treppeda reported that they hadn't been paid yet.

7. REQUEST FOR APPROVAL OF EXPENDITURE: Mr. Treppeda requested approval of $493.00 for Florida Integrated Systems to alleviate the problem of the gate arm coming down on vehicles. Assistant Mayor Blachar discussed the problem with pedestrians walking through the gate when a car was going through, which would trigger the arm to come down. Mr. Treppeda explained that the arm wouldn't go down on a pedestrian, but it would make it easier for people to walk in.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve.

Mr. Holder suggested that the timer be adjusted, so that the arm didn't come down on cars and still provide protection from a car following another one through. Mr. Treppeda offered

to look into that, but explained that he didn't want to risk other cars following the first one through. Mr. Holder suggested that Mr. Treppeda be given the authority to see how best to address the problem.

An amended motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to give Mr. Treppeda the discretion, after speaking with Florida Integrated Systems, to address the problem with cars following each other through, as well as the gate arm coming down on cars.

Tony Riso, 139 Bal Bay Drive, reported that they never had a problem with the arm coming down and breaking, unless someone was going through on someone else's activation. He didn't understand why the arm would come down when there was enough time to go through it. He spoke in favor of making the timing as short as possible, so unauthorized people would not have access.

Mr. Holder suggested that a light be added, so operators would know that their transponder was opening it.

Mr. Treppeda will look into the issue.

The motion, as amended, carried (4-0).

8. DISCUSSION OF REPAVING OF THE STREETS: Mr. Treppeda reviewed the memo in the agenda, showing 2009 estimates to repave the streets in the gated area. He noted that the figures could be updated at the Committee's request.

Assistant Mayor Blachar reported that she had mentioned at the Council meeting that perhaps the Village would pay for the curbing and Mayor Rosenfield had questioned if the curbing needed to be replaced and requested that a study be done for the Village to make a determination on whether or not it would pay for the curbing. She added that Village Attorney Richard Weiss had said that the Village could and may pay for that. Mr. Treppeda reported that the Village Engineer had advised that the curbs should be replaced, at the same time as the streets, to alleviate issues with ponding water. Assistant Mayor Blachar questioned how the issue should proceed. Mr. Treppeda will obtain updated pricing.

Mr. Sobel would like to get to a point for the project to be bid out and to make a recommendation to the Council. He suggested that any recommendation that awarded a bid be subject to the Village paying for the curbing and financing for the residents in the District. Dr. Lelchuk didn't think that the Committee was at that point yet, but spoke in favor of the Engineer providing updated estimates. Mr. Sobel also requested that the Engineer include a written recommendation on whether or not the curbs needed to be done at the same time. Dr. Lelchuk added that a time frame should also be provided of when the project should be done.

Mr. Holder questioned if all of the roads needed to be done at this time. Assistant Mayor Blachar suggested that the Engineer provide a recommendation for that. Mr. Treppeda advised that they could provide an assessment of the roads. Dr. Lelchuk spoke in favor of repaving all the streets at the same time. Assistant Mayor Blachar agreed. She discussed the condition of the streets and the need to maintain everything for all the residents.

Mr. Sobel questioned how to address the problem with repairs done to the streets, after

someone did a project at their homes, which altered the beauty of the streets. He discussed the possibility of including the requirement for restoration of the streets in the Village Code. Assistant Mayor Blachar suggested that the Village Attorney review that and the Code be amended if needed, to repair the streets back to the way they were before any project.

Tony Riso, 139 Bal Bay Drive, discussed the need for a performance bond, to draw on if the streets weren't done correctly.

Mr. Holder requested that a time period for completion be included. Mr. Sobel agreed that bonding was viable, but noted that the Village Attorney and Council would need to address that.

Mr. Holder discussed the importance of coordinating with other construction projects in the area. Mr. Treppeda reported that the Water Meter Project would affect the roads a little bit. He will bring back a schedule of engineering projects for the area, as well as an update on the cost estimate, and a recommendation on whether or not the curbs needed to be done at the same time as the streets.

Mr. Holder discussed the large amount of trucks used for construction of the larger homes and questioned if the roads had a weight limit that needed to be enforced and if a bond was required for repair of the road damage, due to the trucks. Mr. Treppeda will look into that as well.

Dr. Steve Scheinman, 234 Bal Cross Drive, questioned the need to repave all of the roads and suggested that only the bad sections be addressed. He noted that some cracks may encourage people to drive slower.

Assistant Mayor Blachar reported that Mr. Riso had the petition requesting signatures for the Police Department to patrol the gated area streets, for traffic infractions.

Doug Rudolph, 212 Bal Bay Drive, discussed the construction impact fee for new homes. Mr. Treppeda reported that it was half a percent, for over $100,000.00, which was in a reserve. Assistant Mayor Blachar and Mr. Rudolph both noted that money needed to go to the gated area budget. Mr. Sobel agreed that should be in the Committee's budget, not the Village budget. Mr. Treppeda reported that it was kept in reserves and could only be used for certain items. Mr. Wallace explained that it was in the gated area budget, under the Security Enhancements line item. He reported that the security assessment was reduced by $5,000.00, using that. Mr. Rudolph questioned if the money had been spent at all or just accumulated. Mr. Wallace reported that it had been accumulated and could only be used for security enhancements, not landscaping. Assistant Mayor Blachar questioned where the money was. Mr. Wallace reported that it was on the balance sheet and estimated the total amount to be $20,000.00. He will provide an exact amount, at the next meeting.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to recommend that the Village Council amend Section 6-42(5) of the Village Code, to broaden the use of the fee, to allow it to be used for maintenance or security, as recommended by the Committee and approved by the Council.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of the motion. She thought that the

Village Attorney had been asked in the past to look into the issue.

The motion carried (4-0).

9. DISCUSSION OF ASSESSMENT METHOD – DANIEL HOLDER:

Mr. Holder discussed the apartments paying half the cost of the homes, for the security assessment. Mr. Treppeda reported the amount for apartment units to be a little more than 40% of the homes. Mr. Holder reviewed discussions at prior public meetings and suggested that the assessments for the landscaping/maintenance be based on the percentage of Bal Harbour residential area that was owned, and not by the units and houses. He proposed that the assessments be done according to lot size, since they were not allowed to be based on the assessed value of the buildings. He added that the buildings would then be divided by the units in that lot.

A motion was offered by Mr. Holder and seconded by Mr. Sobel for the landscaping/maintenance assessment be based on lot size, with the unit amount divided by the number of units for the lot size.

Nina Rudolph, 212 Bal Bay Drive, spoke against the motion, which she thought was unfair. She pointed out that all of the residents utilized the areas the same. Mr. Holder pointed out that the improved landscaping increased the value of the property, which was a difference between the apartments and the homes. Mrs. Rudolph pointed out that Mr. Holder would get alot more for his apartment, since he lived inside the gates, so the benefit would be the same proportion wise.

Mr. Wallace explained that information was still needed from the County Property Appraiser. He reported that, in the County, everyone paid the same for security assessments and maintenance was divided by lot size. He distributed and reviewed estimates. He reported that exact information was needed from the Appraiser, to do an exact assessment, for the Village. Mr. Treppeda clarified that was what the County used for their Special Taxing Districts.

Assistant Mayor Blachar pointed out that everyone would be assessed differently, depending on their lot size. Mr. Treppeda agreed. Mr. Wallace explained that they would need to show the benefit to the property, not the people who lived there. He expected to have a decision from the Committee for the Council by July, regarding the assessment formula. He reported that a public hearing and a process needed to be followed.

Assistant Mayor Blachar questioned if there were any other scenarios that would be fair. Mr. Wallace reported that frontage could be used, but pointed out that there was a downside to every formula. Mr. Treppeda explained that the County would be providing some additional information.

Dina Cellini, 211 Bal Cross Drive, questioned why the amount for the marina was blank and noted that it needed to be looked at, since it also benefitted from the security and the maintenance. Mr. Wallace reported that the County hadn't provided an amount for a marina, but clarified that the marina in the Village was paying the security and maintenance assessments. He would need to look into whether or not the methodology for the marina would be changed. Mr. Treppeda reported that the marina currently paid four times the amount of a single family home.

Sophie Delaplaine, Owner - 90 Park Drive, 6645 Windsor Lane, and Owner of several apartments in the Village, spoke in favor of changing the methodology, especially for 90 Park Drive. She pointed out that the single family homes were valued higher, etc. She noted that the La Gorse Island (charge for moving fee, rental fee, etc.) assessment amounts for the homes were wrong. She explained that the residents in the apartments couldn't afford to pay the assessments. Assistant Mayor Blachar pointed out that it was also a big increase for the single family homes. Ms. Delaplaine pointed out that the assessment was lower for the homes than anywhere else. Assistant Mayor Blachar added that was also true for the apartment.

Ms. Delaplaine discussed damage done by construction trucks, for new homes, to the streets and spoke in favor of them having to pay for that.

Mr. Sobel reported that the new homes increased the value of the apartments in Bal Harbour. He added that it was a matter of how much benefit the apartment residents received from the landscaping at the front gate compared to the home residents and if it was equal he didn't follow her point.

Ms. Delaplaine discussed the taxes based on the value of the homes. Mr. Sobel reported that was illegal for special assessments and that assessments had to be fairly apportioned among the people that benefitted from it. He explained that they needed to look at the community as a whole, not what was in each resident's self interest. He explained that a certain amount of money needed to be raised and they needed to determine the best way to do that.

Ms. Delaplaine spoke against the residents at 90 Park Drive paying double or triple of what the neighbor was.

Assistant Mayor Blachar noted that everyone was upset and nobody wanted to pay, but the Committee needed to do their job.

Ms. Delaplaine suggested other ways of increasing revenue such as charging a fee when an apartment ($5,000.00) of home ($20,000.00) was sold, to get money for the budget.

Rene Ceniani, 24 Bal Bay Drive, agreed that the marina needed to be looked at and suggested that each boat be considered as a unit. Mr. Sobel thought that was fair, except to the marina owner.

Doug Rudolph, 212 Bal Bay Drive, thought that it was a utilization and enjoyment issue. He pointed out that everyone inside the gates previously paid the same amount, but that was changed. He clarified that every resident in the gated area had the same right to the benefit of the front gate (protection and eGO passes), to walk around the grounds, etc. He didn't think there was a perfect answer, but spoke against the assessment being based on a valuation basis. He pointed out that most assessments with private gates were done the same way as the County did them, which wasn't based on the valuation. He discussed the cost associated with the benefit to live inside the gates. Mr. Holder suggested that the security be left the same and the landscaping/maintenance be based on lot size. Assistant Mayor Blachar questioned if Mr. Rudolph was is in favor of the County assessment method based on square footage of the lot size. Mr. Rudolph clarified that was for

maintenance/landscaping and that the security amount was the same for units and homes. Mr. Rudolph thought that there was an argument to be made for that as well.

Mr. Wallace reported that he was waiting to get the lot sizes for the multi-family buildings, from the County. He clarified that the marina paid an assessment of $14,000.00 and agreed that needed to be looked at. Assistant Mayor Blachar agreed. Mr. Treppeda reported that vacant lots currently paid an assessment equal to 50% of a single family home.

Mr. Sobel clarified that if the County formula was used then each property would need to be done separately. Mr. Wallace agreed. Assistant Mayor Blachar suggested that be done to give the Committee an idea of the amounts. Mr. Wallace pointed out that to illustrate something was one thing, but to support everything legally was another thing. He discussed the need to base the formula on how the property benefitted and to what degree. He wanted to make sure that any formula was fair and could be supported legally.

Dr. Lelchuk discussed the need to understand and agree on the concept. Mr. Wallace offered to provide the figures, but needed the information from the County Appraiser's site. He reported that it would cost $1,000.00 to $1,500.00 to provide the amounts based on that concept. Dr. Lelchuk felt that the Committee needed to agree on the concept first. The Committee discussed concepts to review including the current formula, the proposed County formula, square footage of the lots, and anything else that could be considered. Mr. Treppeda will find out how the County dealt with vacant lots, as well as marinas or boat slips.

Betsey Bystock, 80 Park Drive, suggested that the assessment be based on usage. She suggested that an assessment be paid by the west side residents, who accessed the area.

Assistant Mayor Blachar questioned the amount of west side residents that accessed the area. Mr. Treppeda explained that there wasn't a mechanism to calculate the amount. Assistant Mayor Blachar didn't know how many of them accessed the area, but noted that they wouldn't pay an assessment.

Carl Strowd, 50 Park Drive, reported that 40% of the dwellings in the area were multi-family units, who were concerned with the current assessment. He suggested that the budget be reduced and the division of the assessment be looked at. He pointed out that some of the homes were alot larger and were 300 times more valuable than the apartments. Mr. Strowd requested that the Committee come up with something that benefitted the apartment owners more.

Assistant Mayor Blachar pointed out that the people who lived in those homes brought up the value of everyone else's homes and apartments. She added that the taxes they paid went to the Village's General Fund, so they couldn't keep being penalized.

Assistant Mayor Blachar noted that the petition to allow the Police to enforce the traffic hadn't been signed by many of the residents living in the apartments.

Eli Mizrahi, 174 Park Drive, questioned if the issue was value or quiet enjoyment of the community. He continued that if it was value, then the square foot formula would work; however, he pointed out that 20 families living on a single lot with two residents in each

apartment walking their dogs, using the streets, etc. had more wear and tear in the community than him and his wife in the same sized lot. He spoke in favor of basing the assessment on the quiet enjoyment of the community.

Mr. Holder explained that Dr. Lelchuk had discussed the number of residents in the apartments that came and went, but he pointed out that a home may have more people accessing their home with maintenance and servants. He didn't think it was fair to say that there was more use by those in the apartments than by those in the homes.

Assistant Mayor Blachar reported that the issue would be placed on the April agenda.

Mr. Holder suggested that the assessment for vacant lots be the same as the single family homes. He discussed the marina and noted that he wouldn't want to encourage a large clubhouse on the empty lot there. Mr. Treppeda reported that the marina paid an assessment that was four times that of a single family home. Mr. Wallace clarified that the marina needed to be looked at, maybe similar to transient lodging.

Mr. Holder withdrew his motion. Mr. Sobel withdrew his second to the motion.

Mr. Sobel felt that Mr. Imbesi (marina owner) needed to have some input on the issue. Assistant Mayor Blachar requested that Mr. Imbesi be advised that it would be on the agenda. Mr. Holder suggested that they decide on how to handle the assessment generally and then the marina separately.

Mr. Sobel suggested that the agenda item be titled Recommendation to the Village Council for the Mode of assessment for Fiscal Year 2013. Assistant Mayor Blachar clarified that would be for all properties.

Sophie Delaplaine, Owner - 90 Park Drive, requested clarification that the Village turned over responsibility for security, landscaping, maintenance, etc. over to the Security Area. Mr. Sobel explained the history of the Security District and the purview of the Committee.

10. SELECTION OF MEETING DATES/TIMES:

It was the consensus of the Committee to schedule the next meetings for Tuesday, April 3, 2012, at 7:00 p.m. and Tuesday, May 1, 2012, at 7:00 p.m. Signs were requested to be posted in the Village, one week prior to the meetings.

11. OTHER BUSINESS:

Dina Cellini, 211 Bal Cross Drive, discussed the possibility of the Village and the west side residents sharing in the cost for part of the park area, located outside the gate (Harbour Way and Collins Avenue). She noted that the Village Attorney had advised that all of the residents in the Residential Section were equally charged with the use and enjoyment of it and suggested that a mechanism be created. She thought that it would be fair that the west side residents share in the maintenance of the park areas outside the gates. Ms. Cellini discussed the shabby condition of the park area, closest to the Yacht Basin inside the gates, which had big patches of weeds. Mr. Treppeda reported that they were aware of that and were working on it. Assistant Mayor Blachar reported that they sprayed for weeds and some of the grass was killed in the process, which was expected to come back. Mr. Treppeda explained that it needed to be done, since the weeds were very

heavy in that area.

Mr. Holder reported that at the last Council Meeting a permit had been issued to the Bal Harbour Shops to open up an exit to Bal Cross Drive, but noted that there were questions as to who owned Bal Cross Drive. He also discussed an issue of a land swap at the marina and voiced concern that it would create a precedent that the Council could swap properties easily. Mr. Holder explained that the main concern was that as part of the Shops expansion they would take over the Village Hall and Church properties. He also discussed plans as part of the Shops expansion to move the gate on Bal Bay Drive into the residential area, in front of 24 Bal Bay Drive. He discussed concern with the expansion with traffic created from a convention center, theatre, additional stores, and parking. He questioned if the Committee could make recommendations dealing with the expansion and suggested that the Committee oppose moving the back gate, as a safety issue. He suggested that the Council be asked to expand the Committee's authority to recommend on other issues.

Mr. Treppeda explained that the Committee could make a recommendation that the Council amend the Ordinance to change their authority. Mr. Sobel thought that the gate was a dead issue. Mr. Treppeda explained that it was the Council's official position that until something happened with the Church property there wouldn't be any discussions regarding the expansion.

Assistant Mayor Blachar disclosed that she hadn't seen the expansion plans, since the public Workshop Meeting. She clarified that there weren't any expansion plans before the Council.

A motion was offered by Mr. Holder and seconded by Mr. Sobel to recommend that the Council expand the scope of the Committee, to make recommendations on other issues affecting the gated area, not limited to security and landscaping. The motion carried (4-0).

A motion was offered by Mr. Holder and seconded by Dr. Lelchuk to recommend that the Council oppose moving the gate on Bal Bay Drive back, as part of the Bal Harbour Shops expansion. The motion carried (4-0).

Mr. Holder discussed the permit for the Shops curb cut onto Bal Cross Drive, which was outside the Residential District but would affect them. Assistant Mayor Blachar reported that the Village Attorneys were looking into the issue. Mr. Holder spoke against allowing the permit. Mr. Treppeda reported that the Shops had delayed construction of the curb cut for 30 days, so discussions could be held.

Dina Cellini, Bal Cross Drive, agreed that even though the curb cut was outside the gates, it was relevant to the District. She noted that Mr. Weiss had the previous opinion that adjacent lot owners owned up to the center line of the street, which she thought set a bad precedent. She explained that in certain areas (Park Drive and Bal Bay) inside the gate the homes were on one side of the street and the Shops was on the other. She questioned if, based on that theory, the Shops would take the position that they owned Park Drive and Bal Cross Drive, inside the gates. Assistant Mayor Blachar clarified that the Village Attorneys were reviewing the issue.

Mr. Holder agreed that the curb cut would affect the security of the District. He noted that he based ownership of the streets on the plat system prepared by the Developer and

clarified that the Shops did not exist when that plat was prepared.

A motion was offered by Mr. Holder that the Committee recommend that the Council not consider the Shops to be an owner of any of the streets of the Residential Area. The motion died, due to the lack of a second.

Sophie Delaplaine, Owner - 90 Park Drive, spoke against approval for the Shops to work 24 hours a day for construction projects, which affected the apartments.

12. ADJOURN: There being no further business, ***a motion was offered by Dr. Lelchuk and seconded by Mr. Sobel to adjourn. The motion carried (4-0) and the meeting was adjourned at 10:07 p.m.***

Assistant Mayor Joni D. Blachar

Attest:

Ellisa L. Horvath, MMC, Village Clerk

BAL HARBOUR VILLAGE
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – APRIL 3, 2012

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, April 3, 2012, 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 7:00 p.m. by Assistant Mayor Blachar. The following members were present:

Assistant Mayor Joni D. Blachar
Daniel Gold[1]
Daniel S. Holder
Ira S. Lelchuk
Stuart Sobel

Others Present: Alfred J. Treppeda, Village Manager
Andrea Greenblatt, Executive Assistant

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Village resident Richard Sragowicz.

3. APPROVAL OF MINUTES: Assistant Mayor Blachar requested that the minutes from the February 28, 2012 meeting be placed on the May 1, 2012 agenda again for approval, since page 12 was missing.

Mr. Gold arrived.

DISCUSSION OF GATE ARM ON BAL BAY DRIVE: This item was taken out of order.

Yariv Gilat, Kent Security, discussed the problem with the gate arm hitting cars. He reviewed the proposal for $500.00 to add a safety beam, which would detect a vehicle, thereby preventing the arm from hitting a car.

Assistant Mayor Blachar asked how they could prevent vehicles from sneaking in behind another one. Mr. Gilat explained that piggybacking would be a separate issue. He noted that it wasn't possible to do a trap system, since the same lane was used for ingress/egress. He discussed the possibility of a green light/red light system and more cameras to help with that issue. He clarified that there wasn't a physical way to stop cars from piggybacking, with the current setup that used one lane.

Dr. Lelchuk questioned the timing of the safety beam to allow the arm to come back down.

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1 Mr. Gold arrived after discussion of the minutes.

Mr. Gilat explained that the safety beam would not address the piggybacking problem, but would address the problem with the arm coming down on cars.

Mr. Sobel clarified that the two issues were to prevent the arm from coming down on cars and to prevent people from piggybacking.

Mr. Holder suggested a sensor and a light, which wouldn't allow the gate to go down as long as a car was there, but would allow it to go down once the sensor realized there wasn't a car there. He clarified that a red light would be displayed, as soon as the car entered. Mr. Sobel didn't think someone that was piggybacking would pay attention to the light, but agreed that the sensor may work.

Mr. Gilat noted that they could do a combination of making the closure timing faster and adding lights. He will address the issue of the piggybacking problem, at the next meeting.

Dr. Lelchuk questioned if there was something with the mechanism itself, since it was happening more. Mr. Gilat wasn't aware of any problems with the mechanism, but noted that the safety beam would fix that.

Assistant Mayor Blachar questioned if the cameras at the Bal Bay Drive gate showed the license plates, to hold the person responsible when the gate arm was broken. Mr. Gilat wasn't sure if the cameras showed license plates.

Assistant Mayor Blachar voiced concern regarding the gate arm coming down on children that walked through the gate when it was opened. Mr. Gilat explained that the safety beam would help with that.

Mr. Treppeda will place approval of the safety beam on the April Council Agenda, since the Committee recommended approval for it at the last meeting.

Mr. Gilat will attend the May meeting.

Mr. Holder questioned if a safety beam would allow someone to stand there and let a car through. Mr. Gilat explained that if a pedestrian stood there then the gate would not close. Assistant Mayor Blachar suggested that the police be called if someone was doing that.

Mr. Gilat discussed a new camera that took pictures and analyzed them. He explained that rules would be set, so if a person was standing there for more than 30 seconds, then the guard would be notified. He offered to install the camera, at no cost, as a trial. Assistant Mayor Blachar spoke in favor of the camera being installed, at no cost. Mr. Gilat thought that the camera may solve the problems discussed.

Assistant Mayor Blachar reported that Landscape Architect Bill O'Leary was not in attendance, since he charged to attend the meetings and he was not needed at the meeting.

4. FINANCIAL UDPATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR: Mr. Wallace reported that collections were on target and expenditures were behind the anticipated amount. He explained that the expenses lagged one month.

Mr. Holder discussed the amount that had been overspent (by $1,600.00), for legal fees. Mr. Holder and Mr. Sobel questioned what that had been spent on. Assistant Mayor reported that the Village Attorney was also not at the meeting, to save money. Mr. Wallace explained that there had been a lot of issues at the beginning of the year, but noted that there were other areas that were under budget. He added that the costs were for the Village Attorney to attend meetings, conduct research, etc. He anticipated that there would be more legal fees in the first year than in subsequent years, since it was a new Committee and a lot of the issues had been resolved. Assistant Mayor Blachar questioned if it was necessary to have the Village Attorney at the meetings. The Committee didn't think so, unless there was a legal issue.

Mr. Sobel pointed out that when the budget was created it was presumed that 100% of the assessments would be collected. Mr. Wallace believed that 100% would eventually be collected. He added that there was also a large contingency fund, so there was plenty to cover the normal operating expenses. He explained that this year the Village was collecting the assessments, as prior years, but next year the assessments would be placed on the property tax rolls, so 100% would be received of what was levied by July/August (80% to 90% by January). Mr. Sobel questioned receiving 100%. Mr. Wallace explained that it would be a lien on the property, if the assessment wasn't paid. He added that anything not received this year would be added to that property's assessment and property tax for next year. Mr. Sobel suggested that the Committee anticipate not receiving 100% of what was assessed and not to budget to spend 100% of what was assessed. Mr. Wallace explained that the Committee would eventually collect 100% of the assessments.

Assistant Mayor Blachar clarified that any unpaid assessment for this year would be added onto the assessment on the tax bill for the following year, which is why Mr. Wallace thought that 100% would be collected. Mr. Wallace agreed that would be done, in addition to any costs, penalties, and interest associated with that assessment. He added that it was cheaper for the Village to collect through the property tax collection method, versus the Village taking legal action to foreclose against the lien for delinquent property owners.

Assistant Mayor Blachar reported that there was a decent amount of delinquencies and questioned if they were contacted verbally, or just by mail. Mr. Wallace explained that it was done via mail and one more notice would be sent out.

Mr. Wallace reported that turning off the eGO gate passes could be discussed in the near future. Mr. Sobel thought that it was agreed at the last meeting that the eGO passes would be turned off. Mr. Wallace suggested that the passes be turned off, as of June 1, 2012, for the assessments that hadn't been paid.

A motion was offered by Mr. Gold and seconded by Mr. Holder to recommend that the Council turn off the eGO passes for delinquent assessment accounts, as of June 1, 2012. The motion carried (5-0).

Doug Rudolph, 212 Bal Bay Drive, requested an update on the construction impact fee, questioned what it could be used for, and suggested that the language be expanded. Mr. Treppeda reported that had gone before the Village Council and the Village Attorney was looking into expanding the uses for what the money could be used for. He explained that the money was currently restricted to be used only for new security measures. Mr. Wallace

added that the money was segregated, so it wasn't part of the budget. Mr. Sobel questioned the amount in that fund. Mr. Wallace reported it to be $70,000.00. He added that some expenditures from the fund had been made. Assistant Mayor Blachar reported that the Committee had requested that the Council look into expanding the uses for that. Mr. Sobel questioned how the Committee would know how much was in that account. Mr. Wallace explained that it wasn't brought into the budget as a revenue source, so it would be shown on the balance sheet. Mr. Sobel requested that a balance sheet be included in the next meeting packet. Mr. Wallace agreed to provide a balance sheet showing the amount in that fund.

Dina Cellini, 211 Bal Cross Drive, discussed the legal fees and pointed out that whenever the Committee requested the Council to direct the Village Attorney to look into something the Committee was charged.

5. EXPENDITURES APPROVED BY THE VILLAGE COUNCIL:

Mr. Treppeda reported that the following items were approved by the Council, as time sensitive items, but had not been approved by the Committee:

Whitefly Injections for Coconut Trees in the Gated Residential Area $8,645.00
(the aerial spraying cost would be reduced by $5,188.80 if the injections are done)

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve $8,645.00 for the Whitefly injections for the Coconut Palms. The motion carried (5-0).

Removal and Replacement of Camden Court Median Trees Up to $4,000.00
(the trees are full of termites – replacements to be decided by Landscape Architect Bill O'Leary)

Assistant Mayor Blachar disclosed that it was near her house, but noted that wasn't why it was being done. She noted that the trees were full of termites and some homes in the area had to be tented.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve up to $4,000.00 for the removal and replacement of the median trees on Camden Court. The motion carried (5-0).

Mr. Holder questioned if other areas were also being treated for White fly, or just the palms. Mr. Treppeda explained that other areas were also being treated.

Assistant Mayor Blachar reported that she had discussed with Mr. O'Leary that some of the Ficus trees on Park Drive didn't look good. Mr. Treppeda reported that he had sent a letter to Mr. Whitman, but hadn't heard back from him yet. Assistant Mayor Blachar requested that Mr. Treppeda follow up with Mr. Whitman, since he had planted the original trees and she didn't know if Mr. Whitman was going to maintain them.

6. DISCUSSION OF REPAVING OF THE STREETS:

Mr. Treppeda reported that the Village Engineers, from Craig A. Smith & Associates were in attendance to answer questions.

Peter Kunen, Village Engineer - Craig A. Smith & Associates, addressed the Committee.

Greg Jeffries, Village Engineer and Vice President - Craig A. Smith & Associates, addressed the Committee. He reported that they had determined that the curbs and gutters needed to be replaced. He explained that the procedure would be to do a survey, replace the curbs and gutters, and then the asphalt work. Dr. Lelchuk questioned how they would tie in the areas where the curbs met the driveways. Mr. Jeffries explained that the survey would address that. Mr. Sobel questioned the interface with the drainage system and if any changes would need to be made. Mr. Jeffries explained that the curb grades would be set, to conduct the water towards the existing drainage. Mr. Sobel questioned if the grates or the drains would have to be replaced. Mr. Jeffries reported that may be needed in certain areas, but it shouldn't be significant.

Mr. Sobel questioned if the prices had decreased from the 2009 quote. Mr. Jeffries reported they had decreased slightly, but there was also a slight increase in construction costs.

Mr. Kunen reported that he had provided the 2009 estimate. He explained that they were in the process of meeting with paving contractors, to receive cost estimates, which he anticipated to have for the May 1st meeting.

Dr. Lelchuk questioned how the paving project would tie in with other construction projects in the area. Mr. Kunen reported that the new water lines would start in June. He discussed the increase in construction costs to do the project in the summer, stopping during the season, and then coming back the following summer if the project was not finished. Assistant Mayor Blachar preferred to have the work done continuously, instead of stopping and then coming back, but she wasn't sure how the other residents felt. Mr. Kunen clarified that the project would be done primarily through directional drilling, but some areas would need to be opened, to tie in with the existing water main system. He reported that some heavy machinery would be needed for the drilling, which would impact the roadways.

Assistant Mayor Blachar reported that the Village was also deciding what it would pay for the work.

Assistant Mayor Blachar requested that the Committee provide a recommendation to the Council on whether or not the company should work continuously, which would be more cost effective.

Mr. Sobel requested that the Village be aware of the fact that it would be using heavy machinery and tearing up their roads, to do work for the Village. He questioned if they could be ready to recurb/repave after the Village water main project was completed. Mr. Kunen explained that was the intent. Mr. Jeffries explained that the project could be phased in. Mr. Sobel questioned Mr. Wallace if financing could be in place by June, for the project. Mr. Wallace thought so.

Mr. Treppeda clarified that the water/sewer project was being funded by the water/sewer fund, not the Gated Area.

Mr. Sobel clarified that the paving project needed to be approved, bid, awarded, and financed, by June. Mr. Kunen clarified that the water/sewer project, if done continuously, should be completed before the end of the year. He questioned when the Committee would

want the paving project to begin. He clarified that if it was started after the utility work was completed, then work could start the first quarter of next year (2013). Mr. Sobel clarified that would give the Committee time to get everything in order. Assistant Mayor Blachar discussed the possibility of placing the paving assessment on the property taxes and the timing involved to do so.

Dr. Lelchuk questioned the condition the roads would be left in, after the water project. He discussed the concept of following behind the water project with the paving project (in phases) and questioned if the water project would have to be completed first before any of the paving project started. Mr. Kunen will look into the sequencing and phasing of the project. Dr. Lelchuk would rather use the funds to repave the roads, instead of it being used to temporarily repair the roads. Mr. Kunen explained that the six foot wide trenches would be done at the end of each block, which would be repaved temporarily after the water main was placed. He added that the new paving would then be done after that. He explained that in order to have the roads uniform they would need to pave as much as possible, at the same time, for it to look seamless. Mr. Sobel discussed the patchwork that would be created after the water main work, which concerned the residents.

Mr. Sobel questioned how to address a home under construction cutting into the new paving, to tie into the system. Mr. Kunen noted that it would depend on the Village requirements, for the homeowner to restore the road. He explained that the roads would normally be affected by a sewer construction. He suggested that homeowners be required to repave a larger area, to blend it in better with the new pavement. Mr. Sobel questioned how that would be mandated. Assistant Mayor Blachar suggested that something be placed in the Village Code. Mr. Treppeda suggested that the Village Attorney look into that. Mr. Jeffries suggested that a restoration bond be used. Mr. Sobel questioned the type of repair that would be aesthetically pleasing, after the road was just repaved.

Mr. Holder questioned if a single contractor would do all phases of the work. Mr. Kunen explained that one contractor would do the utility work (construction of the water main), with the possibility of them having a paving subcontractor. He thought that would provide lower prices. Mr. Holder questioned if Mr. Kunen was comfortable mixing the Village contract with the RAC contract and still knowing how much each would pay. Mr. Sobel noted that it would be a Village contract, since the Committee would not sign a contract. Mr. Holder noted that the Committee needed to determine what they would be paying for. Mr. Kunen will look into the best mechanism to have in place for the contract to achieve that.

Mr. Holder questioned the procedure if the driveways were torn up or didn't meet the curbing. Mr. Kunen explained that driveway restoration would be part of the contract and would be the Contractor's responsibility. He noted that the contract would be bonded (performance and payment bonds).

Mr. Kunen discussed minimizing future home construction impacts to the roads. He explained that new homes would be looking at the sewer/gravity system, as well as the laterals. He added that if he was aware of future home construction, then they could look at putting in a new lateral connection for the new home to tie into, including any vacant lots, prior to the repaving project. Mr. Treppeda reported that would be charged to the water/sewer fund. Assistant Mayor Blachar agreed that should be done. Mr. Kunen will do that.

Assistant Mayor Blachar questioned the Village Attorney looking into holding the construction site responsible, for the damage done to the road. Mr. Treppeda will have the Village Attorney look into that. Assistant Mayor Blachar suggested that homeowners be provided with a list of contractors to use for the repaving, instead of doing it themselves.

Mr. Sobel questioned if there would be different RFPs (Request for Proposals) for the water/sewer line and the repaving. Mr. Kunen explained that they would look into that, for the best option.

Dr. Lelchuk questioned the possibility of an upcoming FPL or other utility project. Mr. Kunen is looking into the FPL projects, to tie in with the repaving project. Assistant Mayor Blachar questioned if repaving after the FPL project was another cost that could be borne by the Village. Mr. Kunen didn't know but would look into it.

Mr. Gold questioned the possibility of the Village discounting the amount that would have been repaved by them and using that towards the repaving project. Mr. Treppeda reported that anything that would have to be repaved, as a result of the water/sewer project, would be credited, so the area would not have to pay for that portion. Mr. Gold clarified that the roads needed to be done, during the same timeline, to be economic.

Bill Landis, Village Engineer - Craig A. Smith & Associates, clarified that every lot was provided with a sewer lateral, so there were existing sewer laterals. He added that the plumbing design should accommodate the existing lateral connections, so they didn't anticipate any cutting of the roads for sewer laterals. He clarified that if the connection was done improperly then they would need to dig up the street and restore the lateral to the condition that it should have been installed in, which was usually a function of the home that was built. Mr. Landis discussed the difference between doing a patch and paving a larger area, for a better look. He discussed damage that was done to the roads/curbs caused by a home under construction. He suggested that the homeowners be required, per Village Code, to replace the curbs and the paving (either one or two lanes), in front of that new home. Mr. Landis explained that the water line work would be a specialty contractor and paving would be its own unique construction. He clarified that it could be done as one or two contracts, but recommended that there be two separate contractors. He added that they would review the FPL plans.

Mr. Sobel clarified that the Village needed to recognize that the entire road area (one to two lanes) needed to be done, for restoration projects. Mr. Gold agreed and added that the Village had an obligation for that to be done.

Mr. Landis discussed the water line project. He clarified that they would do small areas of patching, until the repaving project.

Mr. Holder requested that Mr. Landis ensure that when FPL or another utility company did directional drilling that they make the pipes a sufficient size so they wouldn't need to come back and redo that again. He questioned if there were standards that the Village could enforce. Mr. Landis explained that FPL had their own standards and the Village didn't have any authority with them or other utility companies. He discussed the system, which was placed in the 1940s and was inadequate. He reported that they had been trying to work with the cable companies and FPL, to do the right thing.

Mr. Jeffries explained that they held frequent utility coordination meetings at the Village, with FPL, ATT, and Atlantic Broadband to discuss their projects. He agreed that the utility companies all had their own standards of what to install, which was normally the minimal amount to get by with and without consideration of future expansion.

Mr. Sobel noted that the Committee couldn't make a recommendation on the repaving project, until it knew what the Village was going to be responsible for (curbing, paving, etc.).

Assistant Mayor Blachar thought that once the Engineers had received pricing they would present that to the Committee and the Council. Mr. Sobel questioned if Mr. Kunen would be able to allocate, in the paving costs, the portion that could be attributed to the Village. Mr. Kunen advised that would be done. Mr. Gold agreed that the Committee needed to know the financial impact.

The Committee discussed whether or not work should be done continuously, through the holidays.

A motion was offered by Mr. Sobel and seconded by Mr. Holder to recommend that the Council approve the work to be performed continuously through the holidays.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of the motion, but thought that a lot of the discussion may be premature, before the figures were received. She didn't see how they would see any cost savings for the paving, from the Village's water project, since the Village was providing temporary paving. Assistant Mayor Blachar explained that it wouldn't be a complete paving, just a temporary paving, which would cost less.

Mr. Sobel hoped that the Council would seek the Committee's input regarding interruptions during holidays, etc. for other projects. Ms. Cellini agreed that should be done, but noted that the Village hadn't done that, before the Committee was formed.

Mr. Landis explained that the policy (for DOT and the Village) had been not to have construction from December through Easter/Passover. Mr. Treppeda reported that could be included in the bid, to stop for a week, etc. Mr. Landis recommended that the work be done continuously.

Mr. Landis agreed that the Council needed to determine whether or not it would pay for the curbing. He noted that the gated area would pay for virtually all of the paving, since the paving that the Village was doing was minimal. Mr. Sobel thought that the equipment being used by the Village, for its water/sewer project, would deteriorate the roads. Mr. Landis disagreed. Mr. Treppeda requested that a percentage be provided by the Engineers, for what the Village should be responsible for.

The motion carried (5-0).

Assistant Mayor Blachar pointed out that the financing would be addressed later.

7. RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE MODE OF ASESSMENT FOR ALL GATED AREA PROPERTIES FOR FISCAL YEAR 2013 – DANIEL HOLDER: Mr. Holder requested that a fair

assessment be determined for the entire community. He discussed the prior and current formulas for the assessments. He discussed the considerable increase to the current assessments, due to the area having to pay for landscaping, in addition to security. He spoke in favor of the assessments being kept to a minimum, to maintain and somewhat improve the area.

A motion was offered by Mr. Holder and seconded by Mr. Sobel to recommend to the Village Council that the security assessment formula remain the same and that the landscaping and maintenance assessment be based on the square footage of the owned property (multi-family dwelling units would be divided by the number of living units, with each unit paying a proportional share, single family homes and vacant lots would pay the full share of the lot).

Mr. Sobel pointed out that the marina property wasn't addressed. Mr. Holder suggested that be determined later.

Betsey Bystock, 80 Park Drive, spoke in favor of doing what was fair for everyone. She questioned if the paving and other assessments would follow the same formula, which she thinks would make sense. Mr. Holder thinks so. Ms. Bystock suggested that the square footage also apply to the marina property, if that was adopted. She questioned the increased amount, shown under Tab 5, for the multi-family units. Mr. Treppeda explained that the cost for a multi-family unit (based on the County taxing district method and a 15-unit building) would be increased by $288.34. Assistant Mayor Blachar clarified that for the County's special taxing districts, everyone was charged the same for security (homes and apartments), regardless of square footage. She explained that the calculation for landscaping was an estimate based on square footage. Ms. Bystock questioned why the increase was proportionately so much higher for the units, compared to the single family homes, in the County's method. She spoke in favor of the square footage method formula for all of the properties, including the square footage of each apartment. Mr. Holder clarified that his proposal was for the cost for the multi-family units to be based on the square footage of the property, not the apartment, and then divided equally among the number of units. Ms. Bystock questioned how that would work, since there were different sized units in some of the buildings. She suggested that the buildings decide the proportion, as long as it met the whole total.

Assistant Mayor Blachar spoke in favor of following the County method for security and then basing the landscaping/maintenance on square footage.

Doug Rudolph, 212 Bal Bay Drive, explained that the County method for security assessment was based on a statute and court case. He explained that the difference was that the gated area was a special assessment district, not a special taxing district, and was not handled by the County because the streets were private. He noted that, since the inception of the gate, the security was paid equally, including the apartments. He explained that was changed when the multi-family units complained that it wasn't fair, so then the formula was changed (the first unit was charged a full share and the remaining units were charged approximately 40% of a share each, which was then added up and divided by the number of units in the building). Mr. Sobel questioned why the marina was charged four times the amount of a single family home. Mr. Rudolph thought that since the marina had the right to develop single family homes on the designated lots, the amount was based on the equivalent of four lots. He explained that he had questioned the County why the maintenance wasn't assessed equally (the same as the security assessment), since the

thought was that every residence (home or apartment) received the same benefit. He reported that the County informed him that was because nobody had challenged the formula for the maintenance yet. He clarified that the County assessment for maintenance was based on the total square footage of the lot size.

Joseph Imbesi, 200 Bal Bay Drive, reported that there weren't any homes at the marina, so he viewed them all as vacant lots. He explained that, based on the figures, he was being charged for eight (not four) vacant lots for the security and maintenance. He discussed the ability to place a multi-family unit on a lot just slightly larger than a lot for a single family home, but a multi-family building would have ten units. He thought that Mr. Holder was figuring the assessment method for his own benefit, since he was in one of the multi-family units. Mr. Holder reported that he wanted to pay what was fair. Mr. Imbesi didn't think the method he proposed was fair. Mr. Holder clarified that the Committee had been approached by residents who thought that the current assessment was unfair, so they were trying to come up with one that was fair. He thought that the method he proposed was fair, whether he benefitted from it or not. Mr. Imbesi thought that the multi-family units were the only ones who had complained about the assessment being unfair, not the single family homes. Mr. Holder agreed. Mr. Imbesi discussed the price to pay to live in Bal Harbour, which should be recognized. He spoke in favor of each residence (homes and apartments) paying equally for both the security and the maintenance. Assistant Mayor Blachar questioned how many vacant lots Mr. Imbesi estimated that he had. Mr. Imbesi anticipated the ability for three homes (or lots), on the marina property.

Mr. Gold questioned if there was any other districts similar to the gated area. He noted that the common areas were to the same benefit to the single family homes, as the apartments.

Richard Sragowicz, 20 Park Drive, spoke in favor of using the square footage method for the security, as well as the maintenance (landscaping).

Assistant Mayor Blachar requested the figures. Mr. Treppeda reported that under Mr. Holder's proposal, based on square footage, a multi-family unit (based on a 15-unit building) would be decreased by $44.00 and a single family home would be increased by $146.00. Mr. Wallace discussed that need for three assessments: one for security, one for maintenance (landscaping), and one for the roadways. He suggested that people speaking on what they think was fair explain why it was fair, in order to build the case for it.

Mr. Gold pointed out that a 15-unit building, on the same lot size as a home, had 15 times the potential for policing (security) than that of a single family home, but would be paying less. He didn't think that the square footage of the property lots had anything to do with the common areas that were being maintained.

Mr. Holder clarified that there was a difference between the police and security (the gate). Mr. Gold clarified that the units would have more residents accessing the gates.

Mr. Holder hadn't seen people using the green spaces other than to drive by and view them, so he didn't think that the residents in the apartments used them more. Mr. Gold clarified that more multi-family units benefitted from the green spaces.

Rene Ceniani, 24 Bal Bay Drive, questioned why the marina was considered an empty lot, since there were 20-25 boats there. He spoke in favor of the marina being charged a

unit share, for each boat. Mr. Sobel pointed out that the number of boats changed daily. Mr. Ceniani didn't think that mattered. He added that if the three homes were built in the future, then they would be charged accordingly. Dr. Lelchuk discussed the marina being charged similar to a multi-family building.

Joseph Imbesi, 200 Bal Bay Drive, questioned the amount for the marina assessment, under Mr. Holder's plan based on square footage. Mr. Treppeda didn't know. Mr. Holder explained that he had asked that the marina be discussed, once the single family and multi-family amounts had been determined. Mr. Imbesi pointed out that none of the boats had addresses and none of the boats were considered residences. Assistant Mayor Blachar pointed out that there were boat slips there and some people were living on the boats. Mr. Imbesi clarified that there were not residences there, but there were some minimal crew members on the boats. Mr. Sobel clarified that the marina was the only commercial enterprise, in the security district, and it needed to be viewed separately.

Mr. Sobel discussed the property values increasing, when the security district was beautified, because it would be a nicer place to live. He discussed everyone receiving the same benefit from driving by the green spaces. He noted that the marina was a commercial enterprise, which he wouldn't assess as a vacant lot or based on the number of boats that were there, but something in the middle and perhaps leaving it as it was. He didn't think that the assessment should be based on who could afford to pay, since that would render it illegal. Mr. Sobel clarified that the assessment was supposed to be based on the matter of relative benefit. He agreed with Mr. Gold that the common areas were shared equally. He didn't think that the idea that the more expensive homes should pay more for security because they could afford it made any sense. He clarified again that the common areas and the security were shared equally by everyone. His view was to keep the assessment the same as it had been, because everyone knew what the apportionment was when they bought in the district. Mr. Sobel knew that the area had to take over the landscaping and maintenance, but questioned why the fundamental rule of the apportionment should change. He thought that if the residents agreed that the relative benefit was the same for everyone, then the apportionment made sense. He thought that the marina being charged the equivalent of four single family homes was a good compromise.

Assistant Mayor Blachar agreed, but suggested that the multi-family units pay 40% of the full share for each unit (not the full share for the first unit and 40% for the remaining units).

Joseph Imbesi, 200 Bal Bay Drive, suggested that each multi-family unit pay 50% (no full share for the first unit).

Neca Logan, 64 Camden Drive, suggested that all three formula options (the existing, Mr. Holder's, and the County's) be looked at side by side. Mr. Sobel pointed out that self-interest would be served by looking at the dollar amounts. He added that they shouldn't be looking at dollars, but should be looking at the concept. Dr. Lelchuk agreed.

Richard Sragowicz, 20 Park Drive #5, agreed that everyone enjoyed the common areas equally, but thought that a larger home may have a more vested interest in security. He discussed the condominium units on Collins Avenue being assessed differently for the common areas, based on their unit size.

Mr. Gold pointed out that in other housing communities the homes paid the same common

area maintenance assessment, regardless of the size of their homes. He noted that if the front of the homes were being maintained then it would make sense to base the amount on the square footage of that area, but since it was for the common areas it didn't make sense to do that.

Mr. Holder agreed with Mr. Sragowicz's point and noted that in his building they paid for the common areas, but it was based on the unit size, even though they all enjoyed the common areas. He added that in the past the paving assessment was based on the size of the property.

Mr. Sragowicz questioned if there was a way to prevent the utilities from spray painting. Mr. Treppeda reported that the markings were required by law, prior to construction.

Rene Ceniani, 24 Bal Bay Drive, thought that the Committee needed to decide whether or not the three different types of properties would be viewed differently and then how they would be assessed. He thought that the marina was the bigger issue. He discussed the possibility of hiring someone to review the issue. Mr. Sobel noted that would just be another opinion and there was no right or wrong answer.

Assistant Mayor Blachar pointed out that the City of Miami Beach charged all of the properties a full share for the security. Mr. Sobel added that there was no other community in a similar circumstance that could be used as a comparison.

Assistant Mayor Blachar suggested that the residents do more research.

Mr. Holder thinks that the requirement, to have discussion to find a fair method, had been met. He discussed the possibility of Mr. Sobel being right in keeping the method the same.

The motion failed (1-4); with the vote as follows: Mr. Holder yes; Dr. Lelchuk no; Mr. Sobel no; Assistant Mayor Blachar no; Mr. Gold no.

Mr. Gold thanked Mr. Holder for taking the time to research and put together a proposal for the Committee's consideration.

Mr. Sobel suggested that the mode of apportionment (for the assessments) be placed on the May 1st Agenda. He explained that, at that time, Mr. Holder's proposal and any other proposal could be presented. He noted that he planned to make a motion, at that meeting, to continue with the current apportionment.

A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to place discussion, presentation of proposals, and recommendation regarding the mode of apportionment for the assessments on the May 1st agenda. The motion carried (5-0).

Assistant Mayor Blachar requested that notice be placed on the Information Channel and the Sign in the Village that the Committee would be voting on the method of assessment at the May 1st meeting.

8. DISCUSSION OF GATE ARM ON BAL BAY DRIVE: This item was discussed earlier in the meeting.

9. ANNOUNCEMENT OF NEXT MEETING DATE – MAY 1, 2012 AT 7:00 P.M.: Assistant Mayor Blachar announced that the next meeting would be held on May 1, 2012, at 7:00 p.m. The Committee agreed that future meetings would be scheduled at the May 1, 2012, meeting.

10. OTHER BUSINESS: None.

11. ADJOURN: There being no further business, ***a motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to adjourn. The motion carried (5-0) and the meeting was adjourned at 9:28 p.m.***

_____
Assistant Mayor Joni D. Blachar

Attest:

_____
Ellisa L. Horvath, MMC, Village Clerk

KAILAS CONTRACTORS

To: Village of Bal Harbour **Date: 04/25/2012**

Subject: Asphalt Resurfacing and Replacement of Valley gutters within Security District

Attention: Peter Kunen – Village Engineer

With reference to the subject project, we are submitting a constructability report based on the existing condition of the Roadways within the Security District.

The first part of the report serves to highlight the deficiencies that were identified in our site visit and the existing conditions of the roadway. In the second part of the report we proceeded to identify the work that will be needed and finally we are providing a ball park estimate for the work to be done. Please note that based on our findings we feel that it is necessary for a detailed survey and engineering to be done in order to ensure that the end product is able to meet the required standards.

We appreciate the opportunity to provide this report and if there are any questions, please let us know and we shall do our best to respond as required.

Sincerely,

Jorge Paz
President
Kailas Corp.

Miami Dade Office
3450 W 84 St. Suite 202-G
Hialeah, FL 33018

Office: (305) 722-0099 ♦ Fax: (305) 722-0299
www.kailascontractors.com

Broward Office
10388 W SR-84 Unit 101
Davie, FL 33018

Existing Conditions

The current existing conditions of the roadway show considerable signs of distress on the asphalt pavement as well as the concrete curbs.

Asphalt Pavement:

The asphalt pavement shows numerous sorts of distresses, namely alligator cracking and longitudinal cracking in certain areas. In the majority of the areas we noticed that there has been certain settlement on the roadways especially near the curbs.

More importantly we noticed the visibility of polished aggregates which shows that the existing roadway has started to lose, or has already lost its skid resistance.

The pictures below serve to highlight the various distresses that are mentioned above.

Concrete Curbs:

Our observations of the concrete curbs in the district highlight the following major problems:

1) Cracked concrete curbs
2) Ponding near curbs showing improper drainage
3) Ponding near driveways showing that the gutter in front of newly constructed driveways are at an incorrect level

The pictures below highlight the above mentioned problems observed in the concrete curbs.

Recommendations

Based on the above mentioned problems we would recommend the following actions:

Asphalt Pavement:

We estimate about 40% of the area will need complete removal of existing asphalt and existing base and replacement with new 6"-8" of limerock base as directed by the Engineering Analysis. The remaining 60% of the area which is showing polished aggregates will need to be profile milled to a depth of 1" to 1.5" minimum and resurfaced with new asphalt. The reason to profile mill is because we will be adjusting the concrete curbs in order to ensure that they provide flow of water to the existing drainage structures.

Concrete Curbs:

Due to the extensive amount of damage to the existing curbs and ponding of water, we feel that all the concrete curbs will need to be removed and replaced at proper elevations provided after an engineering and surveying analysis. We recommend 4" of limerock for the curb pad to provide a strong base to the curbs and prevent settlement.

The main positive point for complete removal of curbs and reinstallation allows for eradication of the water ponding issues that exist. With new curbs placed at correct elevations, it can be ensured that the water flows to the drainage structures.

We also recommend regarding the areas behind the concrete curbs in order to ensure that the existing ground levels transitions to the curbs as per the engineering standards.

Cost Reports

Based on the above mentioned problems the following activities are identified along with their expected costs:

Item #	Description	Quantity	Unit	Unit Cost	Cost
1	Mobilization (5%)	1	LS	$77,120.00	$77,120.00
2	Removal of Concrete Curbs	40,000	LF	$3.00	$120,000.00
3	Curb Pad	13,300	SYD	$8.00	$106,400.00
4	Reinforced Concrete Curb	40,000	LF	$18.00	$720,000.00
5	Regrading and Sodding	17,000	SYD	$18.00	$306,000.00
6	Harmonization of Driveways with New Curbs	1	LS	$290,000.00	$290,000.00
					$1,619,520.00

Item #	Description	Quantity	Unit	Unit Cost	Cost
1	Mobilization (5%)	1	LS	$76,400.00	$76,400.00
2	Density Testing	1	LS	$55,000.00	$55,000.00
3	Removal of Asphalt in Distressed Areas	22,000	SYD	$5.00	$110,000.00
4	Removal of Limerock Base	22,000	SYD	$6.00	$132,000.00
5	Limerock Installation 8"	22,000	SYD	$15.00	$330,000.00
6	Asphalt Structural Course	22,000	SYD	$8.00	$176,000.00
7	Milling of Asphalt Pavement for Resurfacing	33,000	SYD	$4.00	$132,000.00
8	Asphalt Resurfacing	55,000	SYD	$10.00	$550,000.00
9	Adjustment of Manholes & Valves	1	LS	$43,000.00	$43,000.00
					$1,604,400.00

Grand Total	**$3,223,920.00**

CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

SECURITY DISTRICT PAVEMENT RECONSTRUCTION
Asphalt Pavement Reconstruction
Curb & Gutter Reconstruction

CAS PROPOSAL NUMBER: P 2839

BAL HARBOUR VILLAGE

DATED: April 24, 2012

CRAIG A. SMITH & ASSOCIATES
Engineers•Surveyors•Utility Locators•Grant Specialists
7777 Glades Road, Suite 410
Boca Raton, FL 33434
Tel. (561) 314-4445 Fax. (561) 314-4457

CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

PROJECT NAME: SECURITY DISTRICT PAVEMENT RECONSTRUCTION
Asphalt Pavement Reconstruction
Curb & Gutter Reconstruction
PROPOSAL NO: P 2691

PROJECT DESCRIPTION:
The purpose of this project is to prepare design plans for the proposed reconstruction of concrete curb & gutter and roadway asphalt paving throughout the residential security district.

This project was discussed and proposed to move forward by the Bal Harbour Residential Advisory Committee at the April meeting of same.

- The total estimated asphalt paving area within the Residential Security District is 52,166 square yards. The entire asphalt paving area is the subject of this proposal.

- The total estimated curb and gutter within the Residential Security District is 37,423 lineal feet. The entire curb and gutter length is the subject of this proposal.

The preliminary estimated construction budget for this project was established through site meetings and discussions with contractors currently performing similar services as well as a review of the current state-wide construction price average system through the Florida Department of Transportation. The construction estimate is separated into two categories; 1) Curb & Gutter and 2) Asphalt Paving.

Curb & Gutter	$1,619,520.00
Asphalt Paving	$1,604,400.00

OWNER/CLIENT:

Name:	Bal Harbour Village
Attention:	Alfred J. Treppeda, Village Manager
Address:	655 96th Street
	Bal Harbour, FL 33154
Phone:	(305) 866-4633
Facsimile:	(305) 868-6575

GENERAL:

Craig A. Smith & Associates will provide all engineering services for the survey, design and resident project inspection and administration of the proposed improvements associated with the Security District Pavement Reconstruction.

More specifically, the scope of work is as follows:

Task Orders – Task Based Assignments

CAS proposes to divide this project into Task Based Assignments under the following Task Categories;
Task 1 – Pre-Design Engineering Analysis
Task 2 – Engineering Design Services
Task 3 – Post-Design Project Permitting Services
Task 4 – Project Bidding & Award Services
Task 5 – Engineering Services During Construction
Task 6 – Construction Project Administration, Observation & Close-out Services,

PHASE I DESIGN

Task 1: Pre-Design Engineering Analysis

CAS will prepare a pre-design engineering and design analysis to establish the proposed final design parameters and evaluate the existing pavement condition and thickness. Additionally, CAS will analyze and evaluate potential alternatives for improving the placement and maintenance of the proposed curb & gutter system. The pre-design engineering and design report will show the design concept for the Village to review and direct details to finalize.

As a part of the pre-design engineering analysis, the following items will be undertaken:

1a - Field Survey

CAS Survey will perform comprehensive pre-design survey to record the existing roadway grades, curb grades and driveway connection grades. Survey baselines will be physically established at 100-foot intervals along all streets and cross-sections taken at 25-foot intervals in said corridors. Plan view elevations will be shown as relative to National Geodetic Vertical Datum of 1929 at each section and at pertinent points for facilitation of Engineering Design.

1b - Asphalt Core Samples

At various intervals, asphalt core samples will be obtained to determine the thickness of the existing asphalt pavement for the purpose of evaluating the most suitable asphalt mix design and replacement pavement thickness.

1c - Base Material Samples

At various intervals, existing base material core samples will be obtained to determine the thickness and composition of the existing road base and subgrade for the purpose of evaluating the most suitable replacement pavement thickness.

1f - Permitting Analysis – Identification of Requirements

CAS will perform a detailed permitting analysis to identify permitting authorities/agencies/regulatory entities from whom permits must be requested to construct the proposed improvements. The analysis will identify the entities, assemble the basic requirements from each entity and develop a matrix to compare the requirements.

1g - MOT Analysis – Evaluation of Maintenance of Traffic Issues

CAS will perform a detailed MOT analysis to identify potential Maintenance of Traffic issues that could affect construction of the proposed improvements.

1h – Asphalt Mix Design Analysis – Evaluation of Asphalt Mixes

CAS will perform a detailed analysis to identify the most suitable asphalt mix design(s) for use within the proposed project including, wear performance and characteristics..

1i – Curbing Reinforcement Analysis

CAS will perform a detailed analysis to identify the most suitable method for reinforcement of the curb & gutter system to ensure stability, and long-term performance.

Task 2: Engineering Design Services

2a - Initial Engineering Design and Drawings

Initial Design Drawings
CAS will prepare initial design drawings. The initial design drawings will show the design concept for the Village to review and finalize including a review of existing plans and field conditions.

Project Site Plan
CAS will prepare CAD base sheets with an overall Project Site Plan. The Project Site Plan will be utilized for coordination with outside entities as well as a visual reference and guide for residents and officials of Bal Harbour.

Maintenance of Traffic Evaluation
CAS will perform a thorough MOT evaluation based on the proposed project site plan and route envelope to ascertain potential MOT issues that could affect construction activities.

2b - Preparation of Detailed Design Drawings and Specifications

Detailed Design Drawings
The preparation of detailed design drawings will be prepared under this task. The approved recommendations in the preliminary engineering analysis as well as the initial engineering drawings will be incorporated into the detailed drawings and will be reviewed and modified to conform to the project requirements.

Technical Specifications
The preparation of detailed technical specifications will be prepared under this task. The approved recommendations in the pre-design engineering analysis will be incorporated into the technical specifications and will be reviewed and modified to conform to the final project design requirements.

Contract Documents
The preparation of contract documents will be prepared under this task. The contract documents will be prepared and formatted in accordance with Village and standard pavement construction requirements, submitted for review and assembled for later distribution as bid documents.

2c - Preparation of Quantity Take-Off & Pre-Bid Construction Estimate

Construction Cost Estimate
A quantity take-off and detailed estimate of the construction costs will be performed under this task. The line-item quantity / bid form will be derived from this task for use in the final bid documents.

2d – Review Meeting

Review & Comments
CAS will submit the design drawings, specifications, quantities, and construction cost estimate to the Village for their review and comments. The review meeting will be utilized for coordination with outside entities, residents and officials of Bal Harbour.

2e - Preparation of Final Design Documents

Final Comments
The final agreed comments will be incorporated in the drawings and specifications.

2f - Permitting Authorities and Associated Requirements

Identify Permitting Agencies
CAS will research and identify the specific requirements of the identified permitting authorities, regulatory departments and agencies requiring issuance of permits, or review of drawings associated with this project. Preparation of permit drawings and applications will be addressed in Task 3. Drawings and specifications required to be modified to conform to any comments by permitting or regulatory agencies will also be addressed in Task 3.

Task 3 – Post-Design Project Permitting Services

3a - Permit Applications and Drawings

Final Permit Applications
Upon completion of the detailed design identified in Task 2, CAS will prepare and submit required permit applications and drawings to all required permitting authorities and regulatory agencies identified in Task 2. CAS will coordinate with the various permitting entities, prepare and perform design and plan modifications deemed necessary or required by the permitting entities, prepare, and submit required applications, calculations and appropriate backup data necessary to secure required permits.

3b - Project Specifications

Final Specifications
Upon receipt of information from identified permitting authorities, CAS will modify project specifications as necessary to incorporate mandated details and/or specification language as required for permit compliance

Task 4 – Project Bidding & Award Services

4a - Project Bidding Services

Project Bidding
CAS will perform project bidding services including preparation, sale and distribution of bid packages (construction plans, specifications and bid forms), receipt and response to pre-bid questions or comments, conduct a pre-bid meeting and receipt of bid submittals

Award Services
CAS will perform detailed analysis of bids submitted, review contractor references and supporting data and provide the Village with a recommendation for award of the contract.

Task 5 – Engineering Services During Construction

5a – Review of Submittals and Shop Drawings

CAS will provide engineering staff and expertise to properly receive and review all contractor submittals, schedules, informational packages and shop drawings and provide necessary feedback and approvals.

5b – Additional Post-Design Engineering Services

CAS will provide engineering staff and expertise to address unforeseen conditions or changes that may arise during construction. These services may include; updated permit submittals, plan changes / modifications, minor redesigns, review of contractor proposed changes, redesigns or value engineering proposals.

Fees for Task 5 will be charged on an hourly basis In accordance with published rates at the inception of construction

Task 6 – Construction Project Administration, Observation & Close-out Services

6a - Project Management

CAS will provide an experienced, qualified project manager to interface with the Village Staff, Construction Contractor and jurisdictional authorities and other interested parties during project construction. The Project Manager will review project progress, conduct project meetings, review project reports, track project quantities, review and approve monthly pay requests and provide weekly reports to the Village concerning project activities.

6b - Resident Project Construction Observation Services

CAS will provide experienced, qualified inspection staff to observe and document construction activities, progress and quantities of work completed or installed by the contractor. Inspection staff will prepare and submit detailed daily reports of construction activities including; any change conditions, delays or conditions that may contribute to delays.

CAS inspection staff will observe and document all material placement, installation procedures, material testing and certifications and provide reports to the CAS Engineer of Record to facilitate final project certification to all identified permitting and regulatory entities.

Fees for Task 6 will be charged on an hourly basis
In accordance with published rates at the inception of construction

Fees:

Based on current knowledge, it is anticipated that the Village will assume responsibility for the costs associated with the reconstruction of the Curb & Gutter System. Additionally, it is further assumed that the costs associated with the reconstruction of the asphalt paving throughout the district will be assumed by the residents through a funding vehicle to be determined by the Village.

In order to facilitate the ease of cost applicability, the proposed engineering costs are divided into two (2) categories, 1) Curb & Gutter, and 2) Asphalt Pavement

Project Fee Schedule:

Curb & Gutter

Task 1 – Pre-Design Engineering Analysis	$	40,500.00
Task 2 – Engineering Design Services	$	105,250.00
Task 3 – Post-Design Project Permitting Services	$	32,350.00
Task 4 – Project Bidding & Award Services	$	24,250.00
Task 5 – Engineering Services During Construction	*$*	*32,350.00*
Task 6 – Construction Project Administration, Observation	*$*	*105,500.00*
Total Estimated Fee (Curb & Gutter)	$	340,200.00

Task 5 – Estimated In Above Total – Charged Hourly Per Current Rates
Task 6 – Estimated In Above Total – Charged Hourly Per Current Rates

The fees for tasks 5 & 6 will be charged on an hourly basis In accordance with published rates at the inception of construction

Asphalt Paving

Task 1 – Pre-Design Engineering Analysis	$	40,000.00
Task 2 – Engineering Design Services	$	96,250.00
Task 3 – Post-Design Project Permitting Services	$	32,000.00
Task 4 – Project Bidding & Award Services	$	24,000.00
Task 5 – Engineering Services During Construction	*$*	*32,000.00*
Task 6 – Construction Project Administration, Observation	*$*	*80,000.00*
Total Estimated Fee (Asphalt Paving)	$	304,250.00

Task 5 – Estimated In Above Total – Charged Hourly Per Current Rates
Task 6 – Estimated In Above Total – Charged Hourly Per Current Rates

The fees for tasks 5 & 6 will be charged on an hourly basis In accordance with published rates at the inception of construction

Any services requested or required in addition to those listed in the scope will be considered additional services and will be billed at our standard hourly rates.

We look forward to assisting Bal Harbour Village on this project. If the scope of services and fee are acceptable to you, please authorize below and/or process for necessary approvals.

Should you have any questions, please feel free to contact our office.

Yours sincerely,

CRAIG A. SMITH & ASSOCIATES

Gregory W. Jeffries
Vice President - CAS

cc: William H. Landis, P.E., Village Engineer
Gene R. Schriner, P.E., President – CAS
Stephen C. Smith, P.E., Sr. Vice President – CAS
Peter A. Kunen, P.E., Project Manager - CAS

APPROVED: ENGINEERING PROPOSAL
SECURITY DISTRICT PAVEMENT RECONSTRUCTION
Asphalt Pavement Reconstruction
Curb & Gutter Reconstruction

_____
Authorized Signature

_____

Date

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MEMORANDUM
Finance Department

TO: Residential Area Committee

THROUGH: Alfred Treppeda, Village Manager

FROM: Christopher Wallace, Finance Director

DATE: Thursday, April 26, 2012

SUBJECT: RAC Assessment Area Budget Report, as of April 25, 2012

This report is through account activity of April 25, 2012.

We have received approximately 80% of our assessment revenue, which is about on par with prior years. Residents have been sent a final notice for payment of their assessment. If not received by the end of the first week of May, we will deactivate any gate passes assigned to the delinquent properties. We will not send out any further billing for the current fiscal year. Any delinquencies, together with costs, penalties, and interests, will be added to the property tax bill sent out in November.

The table below details the revenues through April 25th. We have received at least 3 more payments that have not yet been posted and we do expect others from the recent mailing. Also, if the past is any indication, after the gate passes are deactivated, we will likely see a surge in payments. The *Other Miscellaneous* revenue resulted from a payment for a property that had been a long-standing issue. The Construction Fee revenue is restricted as to use and should not be considered available for other budgeted activity, though the Village Council is in the process of expanding the allowed use of those funds.

(table continued on next page)

Village of Bal Harbour, Florida
Gated Residential Area
Budget To Actual Revenues
October 1, 2011, thru March 28, 2012

Account Number	Account Name	Budgeted Amount	YTD Amount	YTD Variance	Percentage of Budget
11-29-325200	Assessments	846,147.00	670,734.00	(175,413.00)	79%
11-29-342900	Keys	1,500.00	1,250.00	(250.00)	83%
11-29-361100	Interest	600.00	-	(600.00)	0%
11-29-363121	Smart Pass Rev	4,500.00	2,195.00	(2,305.00)	49%
11-29-363220	Construction Fees	5,000.00	9,000.00	4,000.00	180%
11-29-369900	Other Miscellaneous	-	13,751.50	13,751.50	
11-29-369902	Contribution From Fund Balance	20,000.00	-	(20,000.00)	0%
	Totals	**877,747.00**	**696,930.50**	**(180,816.50)**	**79%**

As noted above, expenditures reflect payments for bills we have received and paid through April 25, 2011. Since payments are about a month in arrears, keep in mind that this activity is generally for five months of work. At 58% of the fiscal year, we generally continue doing better than expected:

Village of Bal Harbour, Florida
Gated Residential Area
Budget To Actual Expenditures
October 1, 2011, thru April 25, 2012

Account Number	Account Name	Budgeted Amount	YTD Amount	YTD Variance	Percentage of Budget
11-29-503101	Legal Fees	10,000	13,784	-3,784	138%
11-29-503105	Professional Services	190,000	102,494	87,506	54%
11-29-503200	Auditors Fees	1,500	1,307	193	87%
11-29-503404	Janitorial Contract	2,160	1,100	1,060	51%
11-29-503405	Landscape Maintenance	81,487	42,464	39,023	52%
11-29-503406	Pest Control and Fertilization	36,000	13,485	22,515	37%
11-29-503407	Charette	20,000	21,118	-1,118	106%
11-29-504100	Telephone	3,200	1,918	1,282	60%
11-29-504101	Cable TV	850	586	264	69%
11-29-504200	Postage	1,500	411	1,089	27%
11-29-504300	Utilities	3,500	1,171	2,329	33%
11-29-504301	Water Usage	25,600	6,625	18,975	26%
11-29-504500	Insurance	6,800	4,847	1,953	71%
11-29-504601	Maintenance Of Equipment	40,000	15,382	24,618	38%
11-29-504700	Printing And Binding	500	398	102	80%
11-29-504950	Legal Ads	1,000	3,667	-2,667	367%
11-29-504990	Miscellaneous	150	0	150	0%
11-29-505200	Operating Supplies	3,500	288	3,212	8%
11-29-505205	Lansdcape Material	165,000	0	165,000	0%
11-29-506404	Security Enhancements	5,000	0	5,000	0%
11-29-509100	Interfund Transfer	30,000	15,000	15,000	50%
11-29-509903	Contingency	250,000	0	250,000	0%
	Totals	**877,747**	**246,045**	**631,702**	**28%**

As requested at the last meeting, below please find the balance sheet for the fund as of April 25, 2012:

Village of Bal Harbour
Gated Residential Area
Balance Sheet
As of April 25, 2012

Assets:	
Cash	543,102
Total Assets	**543,102**
Liabilities:	
Accounts Payable	30,299
Total Liabilities	**30,299**
Fund Balance:	
Restricted, Construction Fund	73,384
Assigned, Appropriated Fund Balance	20,000
Unassigned	419,419
Total Fund Balance	**512,803**
Total Liabilities and Fund Balance	**543,102**

Should you need further information, please feel free to contact me.

		Budget	Security	Maintenance
11-29-503101	Legal Fees	10,000	5,000	5,000
11-29-503105	Professional Services	190,000	170,000	20,000
11-29-503200	Auditors Fees	1,500	750	750
11-29-503404	Janitorial Contract	2,160	2,160	-
11-29-503405	Landscape Maintenance	81,487	-	81,487
11-29-503406	Pest Control and Fertilization	36,000	-	36,000
11-29-503407	Charette	20,000	-	20,000
11-29-504100	Telephone	3,200	3,200	-
11-29-504101	Cable Tv	850	850	-
11-29-504200	Postage	1,500	750	750
11-29-504300	Utilities	3,500	3,500	-
11-29-504301	Water Usage	25,600	-	25,600
11-29-504500	Insurance	6,800	3,400	3,400
11-29-504601	Maintenance Of Equipment	40,000	20,000	20,000
11-29-504700	Printing And Binding	500	250	250
11-29-504950	Legal Ads	1,000	500	500
11-29-504990	Miscellaneous	150	75	75
11-29-505200	Operating Supplies	3,500	1,750	1,750
11-29-505205	Lansdcape Material	165,000	-	165,000
11-29-506404	Security Enhancements	5,000	5,000	-
11-29-509100	Interfund Transfer	30,000	15,000	15,000
11-29-509903	Contingency	250,000	-	250,000
	Totals	**877,747**	**232,185**	**645,562**

		per unit	per unit	**Total**	Current		Difference
115	Multi-Family	753.85	1,075.49	**1,829.34**	1,541.00	(15-unit bldg)	288.34
183	Single Family	753.85	2,688.72	**3,442.57**	3,502.26		(59.69)
1	Marina	3,015.39	10,754.88	**13,770.27**	14,000.00		(229.73)
9	Vacant SF	376.92	1,344.36	**1,721.28**	1,751.00		(29.72)

This is an estimate of assessments using the same methodology as the Special Districts of Miami-Dade County of equal shares for all units for security, and assessment by square footage of lots for landscaping.

BAL HARBOUR
FLORIDA'S PARADISE

MEMORANDUM

TO: RAC MEMBERS

FROM: ELLISA HORVATH, MMC, VILLAGE CLERK

DATE: APRIL 27, 2012

RE: SELECTION OF MEETING DATES/TIMES

The Committee does not have any meetings scheduled beyond the May 1, 2012 date.

The current Ordinance (No. 2011-551) requires that regular meetings of the Committee be held on a quarterly basis and additional meetings may be held as deemed necessary, by the Village Manager or the Village Council. Thus, another meeting is required to be scheduled in July, August, or September 2012.

ACTION REQUESTED:

Provide a Motion to select date(s)/time(s) for future meeting(s).