BAL HARBOUR VILLAGE
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – JUNE 30, 2011

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Thursday, June 30, 2011, 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 6:45 p.m. by Assistant Mayor Blachar. The following members were present:

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

Others Present:

Daniel S. Holder
Mayor Jean Rosenfield
Councilwoman Patricia Cohen
Alfred J. Treppeda, Village Manager
Ellisa L. Horvath, MMC, Village Clerk
Richard J. Weiss, Village Attorney (via phone)
Matthew Pearl, Village Attorney

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Village resident Bennett Blachar, Assistant Mayor Blachar's son.

3. OATH OF OFFICE FOR COMMITTEE MEMBERS: Mrs. Horvath administered the oath of office to Committee members Assistant Mayor Blachar, Mr. Gold, Dr. Lelchuk, and Mr. Sobel.

4. SELECTION OF MEETING DATES/TIME:

It was the consensus of the Committee to meet on July 28, 2011, at 7:00 p.m.

Doug Rudolph, 212 Bal Bay Drive, discussed the urgency of the budget items that needed to be discussed, before the Committee selected normal meeting dates. He requested that the time limit restraint be waived, unless it became a problem.

Assistant Mayor Blachar requested that the three minutes be adhered to, until the Committee was able to determine how well that worked.

5. VILLAGE ATTORNEY REPORT: The Committee was provided information on the Sunshine Law, Financial Disclosure, Gift Disclosure, and Voting Conflicts, in the Agenda.

Mr. Pearl reviewed the Sunshine Law.

Mr. Sobel reported that Daniel Gold resigned from the Civic Association Board, due to requirements of the Sunshine law.

Mr. Weiss commented on the Sunshine Law.

Dan Holder, 24 Bal Bay Drive, questioned the process if someone inadvertently violated the Sunshine Law. Mr. Weiss directed the members to contact the Village Attorney.

Mayor Rosenfield questioned if the individual Committee members could have a conversation with the Council members individually. Mr. Weiss advised that they could, if it was done individually.

Mr. Holder questioned if the Committee could speak to the public. Mr. Pearl advised that they could. Mr. Holder discussed concern that the Committee members could not control the public from telling another Committee member something that they may have said. Mr. Weiss agreed, but noted that the other Committee member (the receiver) could stop them from sharing the information.

Mr. Pearl reviewed the Public Records Law.

Mrs. Horvath discussed the Financial Disclosure form, which was due within 60 days of the appointment of the Committee members.

Mr. Sobel suggested referring to the Committee as the RAC.

Mr. Weiss discussed Voting Conflicts.

6. DISCUSSION OF FISCAL YEAR 2011/2012 BUDGET:

Chris Wallace, Village Finance Director, reviewed the FY 2012 Budget Alternatives provided in the Agenda.

Mr. Sobel discussed the possibility of building up a reserve, instead of subsidizing the assessment. Mr. Wallace discussed projects, such as re-paving the roads and the possibility of borrowing the money to do so, which would then be subsidized over a period of time. Mr. Weiss suggested a repair/replacement fund, to build up a reserve for items.

Mr. Wallace reviewed the spreadsheet, discussed the current adopted FY 2011 budget, and the proposed FY 2012 budget.

Mr. Wallace requested direction for the landscaping maintenance to either be continued with Village employees or to be outsourced through a private company. He reviewed a quote from The Brickman Group, Ltd., which already provided landscaping services for the Village. He noted that the cost for the Village personnel to provide services would be higher than the work being outsourced.

Mr. Wallace discussed the Security Assessment for Fiscal Year 2012 and explained that if nothing changed then the cost for Security would be $285,000.00 or $1,205.00, per single

family home, for the Security Assessment (not including any use of fund balance).

Mr. Wallace discussed the following costs for the Landscape Maintenance:

Landscaping Maintenance by Village Personnel $579,594.00
Landscape Assessment of $2,400.00 annually per single family home
Total Assessment of $3,605.00 ($2,400.00 Landscape plus $1,205.00 Security)

Landscaping Maintenance by Contractual Services $208,837.00
Landscape Assessment of $865.00 annually per single family home
Total Assessment of $2,070.00 ($865.00 Landscape plus $1,205.00 Security)

Mr. Sobel requested clarification on the Interfund Transfers line item. Mr. Wallace explained that the $30,000.00, which would remain the same, was charged by the Village for administrative support, insurance, meetings, checks, etc. Assistant Mayor Blachar pointed out that if the collection of the assessments was placed on the tax bill, as a separate assessment, then the amount charged by the Village for those services could be less. Mr. Wallace agreed that it could be less if that happened. Mr. Sobel spoke in favor of placement of the assessments on the tax bills.

Mr. Sobel discussed insurance and questioned if the policy would address claims related to the streets. Mr. Wallace explained that the insurance shown was for vehicles. Mr. Sobel discussed the need to add insurance to cover liability for homeowners of the residential Security District, for common liability on the streets.

Mr. Sobel requested a line item for future projects or upgrades (landscaping on the wall, etc). He also requested a line item for reserves.

Mr. Sobel discussed the insurance for the Directors and Officers that the Civic Association held. Mr. Treppeda didn't know how the Village would insure an item for them. Dr. Lelchuk questioned if the Civic Association would still exist. Mr. Sobel questioned who would pay for items if the Civic Association continued to exist. He discussed the possibility of letting the Association go, until there was a need for it.

Mr. Holder discussed the need for insurance for the other common areas in the Security District.

Mr. Sobel questioned the difference between Contingency and Miscellaneous. Mr. Wallace explained that Miscellaneous was for irrigation repairs, etc. and Contingency was for other items. Mr. Sobel questioned if the Contingency had been used in the past. Mr. Treppeda reported that it had.

Assistant Mayor Blachar pointed out that the quote from The Brickman Group for landscaping services included the work for repairs and a wholesale charge on any items that needed to be replaced.

Doug Rudolph, 212 Bal Bay Drive, questioned if the $20,000.00 for Landscape Materials included replacement and maintenance, or just maintenance. He also questioned if the wall was included in the budget, since it was in disrepair.

Mr. Sobel agreed that the wall was not uniform and if the landscaping was upgraded, then re-doing the wall should also be considered on the list. Assistant Mayor Blachar agreed.

Mr. Rudolph added that the guardhouse also needed to be considered (landscaping, etc.).

Mr. Gold discussed the current opportunity to obtain costs for the work, since prices were very competitive now. He suggested receiving prices before making any decisions, as well as receiving feedback from the residents on how much they wanted to do.

Mr. Rudolph suggested that everything be considered, while it was being looked at it. He questioned the need for street cleaning. Assistant Mayor Blachar reported that the Village handled that.

Mr. Treppeda explained that the Village provided the street cleaning and maintained the lighting, but that the Security District would need to pay for upgrading the lighting.

Mr. Gold requested that the Committee ascertain what the people wanted.

Mr. Sobel questioned when the Committee would need to make a recommendation on the budget. Mr. Wallace explained that it needed to be assessed in September and known in August.

Mr. Weiss noted the current low interest rates for borrowing. He discussed the need for a Master Plan and suggested a charette, to receive input. He suggested that Mr. O'Leary speak in general on what people would want the area to look like in the next 50 years (benches, fountain, guard gate, etc.). He explained that the District could start out with a master plan and then decide how it would be done over years. He clarified that it would create a vision for the community and then it could be implemented, based on the budget. Mr. Sobel questioned how a charette would be paid for. Mr. Weiss explained that it would be a budgeted item. He discussed the possibility of a loan or providing money in Contingency for it. Mr. Sobel agreed that should be recommended to the Village Council. Mr. Gold voiced concern that the Committee only had a month. Mr. Weiss suggested upgrading the landscaping in the first year and then, during that time, conducting a charette. Mr. Sobel questioned how the Committee would budget for improvements that weren't determined yet. Mr. Weiss discussed the option of borrowing the money now and paying it off over time. Mr. Gold agreed that it should be done now.

Betsey Bystock, requested the assessment cost formula for the multiple unit buildings. Mr. Sobel noted that could be revisited. Ms. Bystock requested that it be looked at for the upcoming budget. Mr. Sobel agreed. Ms. Bystock requested that the common areas be sprayed for ticks, in addition to the white flies. She spoke in favor of upgrading the landscaping, but noted that the treatment was more important. Mr. Gold spoke in favor of it going hand in hand. Mayor Rosenfield reported that the trees were being injected and the lower foliage was being sprayed for white flies.

Bill O'Leary, Village Landscape Architect, explained that the coconut palms were being treated for lethal yellowing and spiraling white flies. He noted that the trees in the common areas, etc. were not being treated. Assistant Mayor Blachar questioned a price for the entire neighborhood to be sprayed. Mr. O'Leary questioned how that would be assessed and paid. Assistant Mayor Blachar discussed the need to do everything or nothing. Mr.

O'Leary explained that the treated plants would kill the white fly. Mr. Gold asked if it would be more competitive to get a price for the whole neighborhood. Mr. O'Leary thought that it would, but questioned how it would be charged. Mr. Gold suggested that it be part of the landscaping costs. Mr. Sobel discussed the amount of landscaping that varied from one property to another and the difficulty in determining who would pay what. He agreed that the white fly needed to be eradicated and recommended that a price be received for the whole neighborhood and the Committee could then figure out how it would be assessed. Mr. Gold questioned if it would be wasting money if one property was sprayed and others were not. Mr. O'Leary advised that it wouldn't be because the plants that were treated would kill the fly. Mr. Gold questioned the possibility of a mandate. Mr. Treppeda explained that the owners would have to give permission to go on their property. Councilwoman Cohen noted that residents that didn't treat would have dead landscaping, resulting in an adverse affect on the neighborhood. Mr. O'Leary suggested that Spray Pro provide a cost for each property. Assistant Mayor Blachar thought that it would be difficult to have an assessment for landscaping and then another one for spraying on top of it. She suggested that Spray Pro provide pricing for each homeowner, for them to have an option. She didn't' think that the Village could force the residents to spray.

Mr. O'Leary felt comfortable with providing a charette, but explained that he would need general concepts of ideas to have a starting point. He will provide Mr. Treppeda with a general budget for a charette.

It was the consensus of the Committee to explore pricing for Mr. O'Leary to assist in a charette.

Nina Rudolph, 212 Bal Bay Drive, discussed the problem with some residents not wanting to spray for white flies, due to the pesticides involved. She discussed the need for code enforcement to address the problem of properties that were not kept well. She suggested a line item, for a good code enforcement person.

Mr. Holder clarified that only the palm trees were being treated. Mr. O'Leary agreed. He added that the main green space area, on Park Drive, hadn't been addressed much since public works had been providing maintenance. He discussed the improvement in maintenance that was needed. Mr. Holder noted that spraying for the other trees needed to be added to the budget.

Assistant Mayor Blachar discussed the Ficus tree on Park Drive that had toppled over. Mr. Holder questioned if there was money in the budget, to treat all of the trees in the common areas. He discussed the white fly issue and noted that if landscaping had become damaged to the point of being an eyesore, then the Village could require that it be replaced. Assistant Mayor Blachar agreed that could be done through code enforcement, but noted that stricter code enforcement was needed. Mr. O'Leary discussed the infestation of white fly at the Quarzo.

Assistant Mayor Blachar discussed the impact on the Village employees, but agreed that the landscaping needed to be looked at rationally and on the dollar amount that would be assessed to the residents. She added that an outsourced landscaping company would know more about landscaping than the Village employees did.

Dr. Lelchuk questioned if bids were required for landscaping maintenance. Mr. Treppeda explained that bids were only required for certain items, but there was no requirement for

this item. He explained that three prices were received for the landscaping maintenance. Assistant Mayor Blachar noted that Brickman provided landscaping service for the Village, so they were able to provide a better price, since they were already in the area.

A motion was offered by Dr. Lelchuk and seconded by Mr. Gold to recommend that the District switch to outsourcing for landscaping maintenance services. The motion carried (4-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Mr. Gold yes; Dr. Lelchuk yes; and Mr. Sobel yes.

Mr. Wallace suggested that the Landscape Material line item for $20,000.00 be increased if annuals, etc. were wanted. He explained that a charette could be held in the middle of the year and bonds could be issued to borrow the money, which would allow for an assessment to be started for the following year for those items. Assistant Mayor Blachar questioned if it should be gradual or done right away. Mr. Sobel suggested that the money be borrowed so that it could be done now. Mr. Gold agreed. Dr. Lelchuk questioned the time frame. Mr. Gold explained that a plan could be put together and when it was ready then the assessment would be implemented.

Mr. Wallace discussed underground capital improvements plans for the Village. He explained that parts of the road would be dug up, but would not be resurfaced. He discussed the need to decide when and how to pay for repaving of the roads. Dr. Lelchuk questioned when the roads were resurfaced last. Mr. Wallace estimated it to be in the 1980s. Mr. Gold suggested that the money that would be used to patch the roads be put towards repaving them. Mr. Sobel would like to do the repaving, but voiced concern of it having to be patched when someone did an improvement and tore up the new road. He questioned when the repaving should be done. Mr. Wallace explained that he was working on the engineering and didn't know a date of the capital improvement project yet.

Councilwoman Cohen left the meeting.

Mr. Wallace explained that repaving could be deferred, until it was a good time for the community (probably three to five years). Mr. Sobel would like to do it sooner than later.

Mr. Gold noted that if the District was repaving the roads, then maybe it should consider adding sidewalks.

Nina Rudolph, 212 Bal Bay Drive, spoke against the need for sidewalks, since the roads were wide enough for walking. Assistant Mayor Blachar agreed that the roads were fine and didn't need sidewalks.

Dr. Lelchuk questioned if an impact fee was included on Village permits, for damage to the road from heavy trucks, dumpsters, etc. Mr. Treppeda explained that there was a .5 percent fee on the permits, for any project over $100,000. Mr. Holder thought that there were a lot of items, with regard to the road, that needed to be considered. Assistant Mayor Blachar questioned when the roads were done last. Mr. Treppeda estimated it to be in the 1980s.

Nina Rudolph, 212 Bal Bay Drive, discussed the need for the residents to see an immediate difference in the landscaping, especially if the assessment was increased.

Betsey Bystock, noted that the Bal Harbour Shops was responsible for the landscaping along their wall. She discussed the proposed Shops expansion, which included landscaping, and suggested those plans be taken into consideration. Assistant Mayor Blachar pointed out that the Village didn't know when, or if, that would be happening and the District couldn't wait.

Mr. O'Leary explained that Brickman trimmed the large tree scape, along the wall, twice a year. He noted that the area was full of white fly. He explained that the proposal from Brickman included Park Drive. Mr. O'Leary reported that the existing landscaping maintained by public works was a disgrace against the walls. He reported that the Brickman proposal included that area, to be cleaned up and invasive trees be removed. He explained that some vegetation would need to be added, to screen the wall. Mr. O'Leary spoke on the outstanding job that Brickman was doing for the Village. He explained that their proposal was good because they were already in the Village and the bid prices received by the Village would be applied to the District.

Nina Rudolph, 212 Bal Bay Drive, suggested that language be inserted in the landscaping contract, regarding cleanup after a hurricane. Mr. O'Leary reported that would be in the contract on a first priority basis. Assistant Mayor Blachar reported that they would also be in the Village every day. Mr. O'Leary agreed that they would police the area seven days a week, to pick up debris.

Mr. Gold suggested that a landscaping price be received for homeowners in the neighborhood that may be cheaper than the current landscaper they used. He explained that would create more uniformity, etc. in the Village, if more of the properties used Brickman. Mr. O'Leary will ask Brickman.

It was the consensus of the Committee to schedule a meeting for August 2, 2011, at 7:00 p.m. and that postcards be sent to the residents noticing both meeting dates.

Dr. Lelchuk discussed the possibility for the County to send the assessment notices out. Mr. Wallace explained that it was too late to do it for next fiscal year (2011/2012), but that it could be done for fiscal year 2012/2013. He advised that it would need to be approved by the December Council meeting.

A motion was offered by Dr. Lelchuk and seconded by Mr. Sobel to recommend that the special assessment be placed on the property tax assessor's bill. The motion carried (4-0).

Mr. Wallace noted that money needed to be added for the charette, advertising, etc. in the budget.

Mr. Sobel spoke on the importance of showing a noticeable improvement in the landscaping.

Mr. Sobel suggested that the resurfacing of the roads be in conjunction with the Village's work for the water meters. Mr. Wallace will speak to the engineers regarding the time line. He explained that State law required that the repaving project be put out to bid. Dr. Lelchuk questioned if the curbs were the responsibility of the Village since the Village maintained the streets. Mr. Sobel noted that historically the curbs were paid by the Village. Assistant Mayor Blachar questioned if it should be bid out now. Mr. Wallace advised that it

shouldn't. He noted that the Committee also needed to consider the street lights, etc. Dr. Lelchuk suggested that FPL be encouraged to do the improvements at the same time. Mr. Treppeda will check with FPL on their timing.

Mr. Sobel questioned the amount needed to get the landscaping punch that the residents would notice. Mr. O'Leary explained that it initially would not be a punch, but cleaning up the area and adding some vegetation would be a noticeable difference. He explained that the next step would be a charette for some conceptual plans and budget numbers. He estimated $30,000 for some plans to be developed.

Mr. O'Leary reported that there wasn't any irrigation on the lawn area. Mr. Sobel suggested $30,000 for the landscaping punch. Mr. Gold suggested that irrigation also be budgeted.

Mrs. Rudolph agreed that the gated area should be prettier.

Mr. Wallace will work with Mr. O'Leary and come back with some ideas at the next meeting.

Mr. Holder spoke against any new landscaping until the white fly issue was under control.

Mr. Gold questioned any problems with white fly at the gated entrance. Mr. O'Leary did not notice any there. Mr. Sobel requested a placeholder in the budget.

Doug Rudolph, 212 Bal Bay Drive, spoke on his confidence in the Committee making the decisions for the Gated Area.

Mr. Wallace clarified that he would come back with a plan/suggestion, with pricing, to make the landscaping pop and show progress, provide a placeholder in the budget, and coordinate with the Engineer on water improvements.

Mr. Holder questioned if resurfacing the road would add height. Mr. Wallace discussed the need to mill the roads first and then resurface them.

Assistant Mayor Blachar discussed the concept of speed bumps in the District. Mr. Sobel didn't think that was necessary and explained that the Police would place stop signs wherever the Committee wanted them. The Committee members spoke against the need for speed bumps.

Assistant Mayor Blachar reported that 39 percent of the traffic enforcement agreements for the district had been signed.

Assistant Mayor Blachar questioned how the issue regarding ticks should be addressed. Mr. O'Leary explained that the tick problem could be controlled with the proper pesticide application on the grass, but that wouldn't address the individual homeowners.

Mr. O'Leary offered to work with Jay Smith, Village Community Outreach, to provide information in the Village newsletter for homeowners regarding white flies and ticks.

7. **OTHER BUSINESS:** None.

8. ADJOURN: There being no further business, ***the meeting was adjourned by consensus of the Committee at 9:03 p.m.***

Assistant Mayor Joni D. Blachar

Attest:

Ellisa L. Horvath, MMC, Village Clerk