

BAL HARBOUR VILLAGE
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – JULY 28, 2011

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Thursday, July 28, 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 7:00 p.m. by Assistant Mayor Blachar. The following members were present:

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

Others Present:

Mayor Jean Rosenfield
Councilman Martin Packer
Alfred J. Treppeda, Village Manager
Ellisa L. Horvath, MMC, Village Clerk
Richard J. Weiss, Village Attorney

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

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Village resident Laurie Lehman.

3. OATH OF OFFICE FOR COMMITTEE MEMBER DANIEL S. HOLDER: Mrs. Horvath administered the oath of office to Committee member Mr. Holder.

4. APPROVAL OF MINUTES: *A motion was offered by Dr. Lelchuk and seconded by Mr. Sobel to approve the June 30, 2011 Regular Meeting Minutes as submitted. The motion carried (5-0).*

5. COMMITTEE OVERVIEW AND BACKGROUND INFORMATION – ASSISTANT MAYOR BLACHAR, CHAIR: Assistant Mayor Blachar provided an overview of the Committee and the Gated Area.

Kathy Cooper, 20 Park Drive #1, questioned the fund that was used before to pay for the maintenance and the roads. Mr. Treppeda explained that the General Fund was used, which was funded through ad valorem taxes. He explained that the roads had been paid for, through a special assessment, when needed. Ms. Cooper questioned how it was originally established, per year, for the assessment. Assistant Mayor Blachar explained that the Finance Director would address that under his report.

Jeffrey Galitz, 101 Bal Bay Drive, questioned the date of the new assessment. Mr. Treppeda reported it to be October 1, 2011. Dr. Galitz questioned if the maintenance for the landscaping would be put out to bid. Mr. Treppeda explained that a bid process was not required for the item, but that the Village's Landscape Architect had requested proposals from several companies. Dr. Galitz noted that the area along Park Drive was maintained poorly and needed to be addressed. Assistant Mayor Blachar agreed. Mr. Sobel reviewed minutes from the prior RAC meeting and agreed that the landscaping was a disgrace. Dr. Galitz offered to get involved and suggested that homeowners adopt the areas across from their homes, along Park Drive. Mr. Sobel discussed the charette/master plan that was being considered, which would provide for public input. Dr. Galitz hoped that the area would be cleaned up first. Assistant Mayor Blachar confirmed that it would be.

Laurie Lehman, 30 Park Drive, discussed the darkness, due to the landscaping not being cut back. Assistant Mayor Blachar discussed that the maintenance assessment would allow for enhancement of the area. Ms. Lehman discussed her dog getting sick from pesticide on a neighbor's lawn and requested that the Village mandate that less toxic pesticides be used, to alleviate other pets or children getting sick. Mr. Weiss didn't know if the Village had the ability to legislate those signs or that certain chemicals be used. Ms. Lehman requested that it be looked into. Mr. Sobel agreed that it should be looked into and suggested that the Committee recommend that the Council have the Attorney look into whether or not the Village could regulate that.

The Committee discussed the white fly issue and pesticides uses to alleviate that.

Oscar Patino, Code Enforcement Officer, discussed the residents removing/replacing the Ficus plants with native plants, so not as many pesticides were needed.

Betsey Bystock, 80 Park Drive, agreed that native plants, or anti-white fly plants, should be used when the landscaping was done. She discussed being able to control the common areas, but the problem with not being able to control the private lawns. She discussed the need to spray for ticks and suggested that the residents be told where to walk their dogs, to avoid areas that had not been sprayed for ticks or had been sprayed with pesticides. Assistant Mayor Blachar discussed the new dog park at Haulover.

Laurie Lehman, 30 Park Drive, discussed the problem of large dogs off their leashes and questioned how that would be enforced. Assistant Mayor Blachar referred her to Chief Hunker.

A motion was offered by Mr. Holder and seconded by Mr. Sobel to recommend that the Village Council look into the possibility of requiring signs to be placed on lawns when pesticides were sprayed and whether or not the pesticides used on the lawns could be regulated to be less toxic.

Phil Corbisiero, 63 Bal Bay Drive, questioned how the debris after a hurricane would be handled. Assistant Mayor Blachar explained that would be provided for in The Brickman Company contract. Mr. Corbisiero clarified that the Village would not be involved in debris removal in that area. Assistant Mayor Blachar agreed. Mr. Corbisiero noted that there was a Village Ordinance that required that dogs be leashed. Mr. Weiss reviewed the Ordinance. Assistant Mayor Blachar requested that Chief Hunker be contacted, if there were problems with dogs.

Dina Cellini, 211 Bal Cross Drive, spoke against legislation that would regulate spraying. She suggested that residents contact their neighbors, if there was a problem, instead of creating additional rules that would need to be policed.

Mr. Weiss reviewed the Ordinance regulating dogs and explained that there were stricter requirements for large dogs.

Dr. Stephen Scheinman, 234 Bal Cross Drive, spoke in favor of paying for his fair share of the maintenance/security, but requested that any assessment be kept affordable and be proportioned appropriately.

The motion carried (5-0).

Mr. Holder questioned if he was allowed to speak at Council meetings, as a resident, since he was now a Committee member. Mr. Weiss discussed the noticing requirements for Committee members to speak before the Council. Mrs. Horvath reported that a notice was already provided on all of the agendas to allow the Committee members to speak at other meetings.

Mr. Holder questioned if he would be allowed to speak against an item before the Council that was agreed upon by the Committee as a whole. Mr. Weiss explained that Mr. Holder could express his opposition. Assistant Mayor Blachar requested that any opposition be voiced at the Committee meeting, prior to the Council meeting.

Bill O'Leary, Village Landscape Architect, distributed and reviewed a proposal for consulting landscape architectural services, for beautification improvements. He reviewed the history of the Gated Residential District. He explained that, within the gated community, Coconut Palms and Royal Palms were being treated for lethal yellowing and spiraling white fly. He reported that some irrigation bubblers had been added to the Palms on Harbour Way. He explained that The Brickman Group trimmed the palms twice a year. Mr. O'Leary reported that Village personnel had been maintaining the open areas in the Gated Area, which he didn't oversee. He discussed the lack of maintenance those areas had been receiving.

Mr. O'Leary suggested that a charette be done, if the Committee wanted beautification improvements in the area. He explained that a charette would include listening to residents and coming back with some concepts. He estimated that two to three meetings would be needed, to come up with a conceptual design and to obtain budgeted numbers driven by what the homeowners wanted.

Mr. Sobel discussed the cost of Mr. O'Leary's proposal. Mr. O'Leary explained that it was an "up to" number, which would depend on how quickly a decision was made. Mr. Sobel suggested up to \$20,000.00 and the rest be put in reserves. Mr. O'Leary agreed to that amount, if it was within the amount of time allotted. Mr. Sobel suggested that the time be limited of going back and forth. Mr. O'Leary agreed and will provide the new proposal to Mr. Treppeda.

Mr. Holder requested that Mr. O'Leary provide an approximate cost, as the process went along. Mr. O'Leary agreed to do so. Mr. Holder would like to know in advance what the next step would cost.

Assistant Mayor Blachar discussed the focus on not just maintenance, but improving the area.

Jeffrey Galitz, 101 Bal Bay Drive, thought that \$30,000.00 for the architectural services was outrageous. He spoke on the amount of great vegetation that was hidden, which could be used. He suggested that the focus be on what could be maintained easily, etc. He suggested that the residents living on Park Drive adopt areas across from their homes, as part of their homes, while keeping them as an open space and paying them a monthly amount for plantings, etc. Dr. Galitz spoke on the focus of being cost effective.

Mr. Sobel explained that the scope of the master plan would include the lighting and not just the landscaping. He spoke in favor of Mr. Galitz providing his ideas.

Dr. Galitz suggested that the Village turn over maintenance of the area in a better condition than it was. Mr. Sobel explained the history of the maintenance and the question that was raised as to why the Village, as a whole, would have maintained anything in the gates. He reported that the Village Attorney had advised that it was inappropriate for the Village to do that. Based on that, Mr. Sobel did not think that it was appropriate to ask the Village to do anything additional. He explained that there had even been some objection to the Village continuing maintenance services, while the Committee was being formulated.

Betsey Bystock, 80 Park Drive, agreed that a fair decision needed to be made, when the maintenance assessment was considered, and suggested that it be based on square footage or a different formula than what was used for the security assessment.

Mr. Sobel noted that the security assessment could also be changed. Assistant Mayor Blachar noted that any formula would not make everyone happy, so the Committee would do their best. Mr. Sobel explained that the apartments may be using the gates more, since they would have more cars than a five bedroom house. He clarified that everyone wanted their property values to be enhanced and to have Bal Harbour look as it should, within a reasonable budget. He noted that everyone needed to understand that Bal Harbour was an upscale community and should be maintained as such.

Dina Cellini, 211 Bal Cross Drive, agreed that the existing vegetation on Park Drive was in deplorable condition, but didn't think that the Village's public works personnel should be blamed, since they only did what they were told to do. She explained that Village personnel had only been mowing and edging the lawn, but that they had not been instructed to maintain the shrubbery, etc.

Charles McCaffrey, 60 Park Drive, agreed that the area should be cleaned out to see what was there, before it was improved. He agreed that the area needed to be beautified, but that it should be assessed first.

Mr. Weiss clarified that the residents of the Gated Residential Area were taking the area over.

Mr. O'Leary explained that he requested bids from several companies and The Brickman Co. was the low bidder. He reported that the amount included that the area be cleaned out and certain invasive vegetation be removed.

Mr. Holder discussed the proposal from Mr. O'Leary for a charette. He requested a proposal of what Mr. O'Leary would do for a certain amount of money. Mr. Sobel clarified that the proposal was for design concepts and was not the cost for implementing any landscaping improvements.

Dr. Leichuk suggested that money be budgeted for landscaping and then the Committee could decide how it would be spent later. Mr. Gold questioned the amount of the budget for the first mockup. Mr. Holder requested an estimate for the first conceptual plan. Mr. O'Leary offered to provide the information to Mr. Treppeda, regarding the analysis and general concepts. He offered to attend the meeting on August 2, 2011. The Committee agreed.

Mr. Weiss reminded the Committee that they wouldn't have any money until Oct. 1, 2011. He explained that the Committee could only make a recommendation to the Council to engage Mr. O'Leary and couldn't spend money that it didn't have. He explained that treating the Palms was an emergency, but planning the landscaping was not. He suggested that the Committee focus on conceptual ideas, without spending money.

Mr. Sobel recommended that the Council allocate some security money to pay Mr. O'Leary for cleaning up the wall, etc., since it would enhance the security. Mr. Weiss explained that the guardhouse was part of the security structure, so money could be spent for the landscaping of that area, but not the landscaping along the walls.

Mr. Sobel would like to do a master plan first before doing any of the landscaping. Mr. Weiss explained that Mr. O'Leary could provide an idea of costs, as long as he was not being paid to do so. Mr. O'Leary agreed to provide an idea of the costs.

Mr. Weiss explained that State Statute required a bidding process for anything over \$25,000.00.

A motion was offered by Mr. Holder and seconded by Mr. Gold to recommend that the Village Council approve the proposal (consulting landscape architectural services) from Mr. O'Leary for \$20,000.00. The motion carried (5-0).

Mr. Holder disagreed that the apartments used the gates more than the single family homes.

6. DISCUSSION OF FISCAL YEAR 2011/2012 BUDGET:

Chris Wallace, Village Finance Director, reviewed the FY 2012 Budget. He discussed the cost differential between using employees or an outsourced company for maintenance. He reported that the Committee had decided to recommend that an outsourced company be used. He distributed and reviewed the Gated Area Assessment Options.

Dr. Stephen Scheinman, 234 Bal Cross Drive, questioned if \$2,320.00 was for both of the assessments combined. Mr. Wallace advised that it was and clarified that both the security and the maintenance assessments would be billed together as one assessment.

Dina Cellini, 211 Bal Cross Drive, questioned the increase of \$20,000.00 for Professional

Services. Mr. Wallace explained that it was for the Landscape Architect to supervise Brickman's work inside the Gated Area. Ms. Cellini questioned if the cost for the guards was increasing. Mr. Treppeda explained that there may be a cost of living increase provided for in the contract. Ms. Cellini questioned if the pest control was solely for the Palms or for all of the landscaping. Mr. Treppeda explained that it was for the entire Gated Area to be treated (the common areas not the private areas). Ms. Cellini questioned the increase of \$10,000.00 for the Interfund. Mr. Treppeda explained that \$30,000.00 was for the Village's management fees. Mr. Wallace reported that it would be approximately \$40,000.00 for the District to hire someone else, for similar services. Ms. Cellini questioned the increase for insurance. Assistant Mayor Blachar discussed the insurance policy that was needed for the streets. Mr. Treppeda didn't know if the Village could get insurance for the area. Mr. Wallace explained that the cost for the insurance included the guardhouse, gate, etc. (mostly property insurance). Mr. Treppeda explained that the areas were difficult to insure because there wasn't an owner to put down. Mr. Treppeda was requested to contact the insurance agent, to see if insurance could be provided. Ms. Cellini discussed the possibility of homeowners needing to insure up to the center of the roads. Mr. Treppeda will report back.

Assistant Mayor Blachar questioned the cost of \$40,000.00 for Maintenance of Equipment. Mr. Wallace explained that was for the gates, guardhouse, irrigation pumps, etc. Mr. Treppeda reported that there was a maintenance contract with TEM. Mr. Gold thought that the amount sounded high. Mr. Wallace explained that it also included expected maintenance for the wall. Mr. Treppeda reported that it would also cover the air conditioner, etc. in the guardhouse. Assistant Mayor Blachar requested that it be kept at \$30,000.00. Mr. Wallace explained that would be up to the Council. He noted that if the money wasn't used then it would roll over into fund balance.

Mr. Weiss suggested that the Committee make whatever changes it wanted and then send it to the Council as a recommendation.

Mr. Sobel questioned if legal fees would be covered under Interfund and what that would be used for other than an Attorney at the Committee meetings. Mr. Wallace explained that it would be used for legal questions/issues.

Mr. Sobel questioned the difference between \$2,320.00 and \$2254.58. Mr. Wallace explained that the District received other revenue (sale of passes, keys, interest, etc.), which needed to be backed out, before the assessment. He explained that if the \$2,320.00 was rounded up to \$2,400.00 then additional money could be put in reserves. Mr. Wallace explained that the real security assessment for the current year would have been \$1,200.00, if it was not subsidized with reserves.

Mr. Sobel pointed out that a charette would be a one-time expense. He reviewed the memo from Mr. Treppeda showing what similar communities paid for assessments.

Mr. Weiss questioned the amount in the Security District reserves. Mr. Wallace estimated it to be \$30,000.00-\$40,000.00, but thought that some of that would be used. Mr. Weiss clarified that the money in that reserve could only be used for security measures, since it was from security assessments.

Mr. Sobel suggested that the Committee come back at the next meeting with an ideal to

work towards a recommendation for the Council.

Mr. Wallace reported that the Village's Engineer had advised that construction for the water improvements could be delayed.

Jeffrey Galitz, 101 Bal Bay Drive, clarified that Village employees would not be used for maintenance in the Gated Area. The Committee agreed. Dr. Galitz questioned the number of personnel that would be fired. Assistant Mayor Blachar estimated it to be four people. Dr. Galitz questioned if those employees were also working outside of the Gated Area. Mr. Treppeda didn't know which employees would be leaving yet.

Mr. Weiss requested direction on whether or not to attend the meetings, since it would cost money. **It was the consensus of the Committee for Mr. Weiss to attend the meetings, at least until everything was established.**

Dina Cellini, 211 Bal Cross Drive, reminded the Committee that, in addition to the increased assessment, the residents would also be charged for a new solid waste assessment.

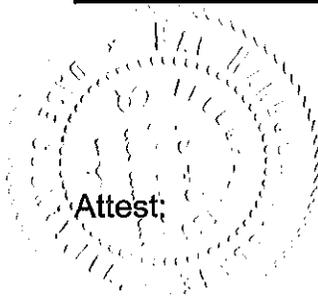
Mayor Rosenfield reported that it was not an additional assessment and explained that the residents would just be paying for solid waste in a different manner.

Mr. Holder requested that enough money be budgeted, to provide spraying for the landscaping in the Gated Residential Area common areas. He questioned if the Committee members were insured by the Village. Mr. Weiss advised that the Committee was covered under the Village's policy.

Mr. Sobel requested that an extra column be added on the budget sheet, to allow the members to make notes at the next meeting.

7. OTHER BUSINESS: Assistant Mayor Blachar announced that the next meeting was scheduled for August 2, 2011, at 7:00 p.m.

8. ADJOURN: There being no further business, **a motion was offered by Mr. Sobel and seconded by Mr. Gold to adjourn. The motion carried (5-0) and the meeting was adjourned at 8:56 p.m.**



Attest:

Assistant Mayor Joni D. Blachar

Ellisa L. Horvath, MMC, Village Clerk