

**BAL HARBOUR VILLAGE**  
**GATED RESIDENTIAL SECTION ADVISORY COMMITTEE**  
**REGULAR MEETING MINUTES - AUGUST 2, 2011**

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, August 2, 2011, in the Council Chamber at Bal Harbour Village Hall (655 – 96<sup>th</sup> 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 Gold  
Daniel S. Holder  
Ira S. Lechuk  
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 Bill O'Leary, Landscape Architect.

**3. APPROVAL OF MINUTES:** Dr. Lechuk requested that Mr. Galitz be corrected to Dr. Galitz (second paragraph on page 4).

**A motion was offered by Mr. Sobel and seconded by Dr. Lechuk to approve the July 28, 2011 Regular Meeting Minutes, with the noted correction. The motion carried (5-0).**

**4. DISCUSSION OF FISCAL YEAR 2011/2012 PROPOSED BUDGET:** *Chris Wallace, Village Finance Director*, reviewed the proposed FY 2012 Budget.

**PEST CONTROL AND FERTILIZATION:** The proposed budget was \$21,450.00.

Mr. Holder questioned if spraying included all of the vegetation in gated area.

***Bill O'Leary, Landscape Architect***, reported that Spray Pro was spraying the coconut palms and royal palms, as well as the grass on Harbour Way, but nothing had been addressed on Park Drive. He agreed that some treatment and pest control would be needed there.

***Kathy Cooper, 20 Park Drive***, noted that the white fly issue was horrible on Park Drive

and questioned if that area had been sprayed. Mr. O'Leary explained that it had not, but noted that a lot of that vegetation would be removed, if it was invasive. He clarified that the trees backing up to the Shops had been treated, but the walls and both sides of Harbour Way had not.

Mr. Holder requested that the Spray Pro line item be increased, to cover all of the vegetation. Mr. O'Leary estimated an additional \$15,000.00 would be needed to include that area (for a total of \$36,000.00). Mr. Holder hated to increase the budget, but spoke in favor of the landscaping being protected, before anything new was added.

Dr. Lelchuk suggested that the money be put in reserves, since the new landscaping may not need to be sprayed. Mr. O'Leary discussed the plan to remove some of the invasive vegetation and introduce new landscaping, in and near the wall. He spoke in favor of having a budgeted item, to be drawn on as a needed. Mr. Sobel suggested that the money be put in pest control/fertilization. He reviewed the proposal. Mr. Gold spoke against an increased assessment without knowing what would be done.

Mr. O'Leary reported that The Brickman Group contract was \$81,487.00, for yearly maintenance of the common areas (including daily sweeps seven days a week, lawn areas, removal of some vegetation, and adding new landscaping). He pointed out that the Brickman staff was much more experienced in landscaping than the Village personnel was. Mr. O'Leary advised that he would direct Brickman on the items to be removed and items to be left.

Dr. Lelchuk questioned if cleanup after a hurricane would be included. Mr. O'Leary explained that Brickman would provide cleanup after a hurricane, but that price was not included, since it would be difficult to determine the price. Mr. Gold questioned if Brickman would put things back to normal. Mr. O'Leary advised that they would, but that it wasn't part of the contract price. Mr. Sobel noted that a contingency would need to be budgeted for that. He understood that it was difficult to determine a cost, since the number of storms and severity was difficult to estimate. Mr. Treppeda reported that Village employees had handled cleanup after hurricanes in the past.

Mr. Sobel noted that the Committee needed to consider that the Brickman contract would increase, after the landscaping was increased, the Spray Pro contract needed to be increased, and there would also be an expense for a Charette.

**A motion was offered by Mr. Holder and seconded by Mr. Sobel to increase the Pest Control & Fertilization budget amount to \$36,000.00. The motion carried (3-2), with Dr. Lelchuk and Mr. Sobel opposed.**

The amount for Pest Control and Fertilization was increased from \$21,450.00 to \$36,000.00.

**LEGAL FEES:** The proposed budget was \$10,000.00.

Mr. Holder and Mr. Sobel suggested that the amount for Legal Fees be reduced. Mr. Treppeda explained that the amount was estimated from the prior year, due to litigation.

**A motion was offered by Mr. Sobel and seconded by Mr. Gold to reduce the amount for Legal**

**Fees from \$10,000.00 to \$5,000.00.**

Mr. Holder suggested that nothing be budgeted and that the contingency be increased to cover that.

Mr. Weiss explained that 25 hours of legal time a year would not be much to review contracts, attend meetings, etc.

Mr. Sobel questioned what was included for the Interfund transfer. Mr. Treppeda explained that amount was for the Village to run the District. Mr. Wallace explained. Mr. Sobel requested an analysis. Mr. Treppeda offered to provide quotes from other companies that provided similar services.

Mr. Holder suggested that the legal fees be kept at \$10,000.00.

**The motion failed (0-5).**

The amount for Legal Fees remained at \$10,000.00.

**PROFESSIONAL SERVICES:** The proposed budget was \$190,000.00.

Mr. Wallace explained that the line item included the guardhouse service and Landscape Architect (Bill O'Leary).

**Kathy Cooper, 20 Park Drive**, questioned if it was standard for someone to oversee a professional company, since \$20,000.00 was budgeted for Mr. O'Leary to supervise Brickman. Mr. Treppeda advised that it was standard. Ms. Cooper questioned how the assessment would affect the people outside the Security District. Mr. Wallace explained that the property taxes overall would be reduced, but the assessments in the Security District would increase.

Mr. Holder spoke in favor of reducing the amount for the line item.

**Dina Cellini, 211 Bal Cross Drive**, discussed Mr. O'Leary's fees and suggested that next year Brickman may not need as much supervision. She also suggested that the supervisor of Brickman may have the expertise to do some of what Mr. O'Leary was doing. Assistant Mayor Blachar agreed. Mr. Sobel pointed out that Mr. O'Leary's fees were based on an hourly rate.

Mr. Gold clarified that the fees for Mr. O'Leary were not part of the Interfund Transfer budget. Mr. Treppeda agreed. Mr. Gold question if Mr. O'Leary's work would be any different when the landscaping was increased. Mr. O'Leary advised that it would not be. He spoke against allowing Brickman to provide the supervision for themselves.

Mr. Wallace reported that Professional Services included the auditor's fees and the janitorial contract.

**Dina Cellini, 211 Bal Cross Drive**, reviewed the Brickman contract. She noted that it included plants to fill in voids, but she voiced concern that a charette may remove some of those plants.

Mr. O'Leary explained that before the idea of a charette came up he knew that some plants would need to be put in place of some that would be removed. Mr. Gold discussed concern of having to remove those plants after a charette. Mr. O'Leary noted that they could clean up the area and then wait until after the charette to plant anything, or they could clean up the area and plant some small items. Mr. Gold wanted the residents to know that the Committee discussed the issue. Mr. O'Leary suggested not planting anything new until the Committee decided what to do. He noted that they could also hold off on removal of any items. Mr. Holder agreed that they either needed to plant something or hold off on any removal. Mr. Gold agreed with Mr. O'Leary to plant some items and then move them if needed, but he wanted people to know that the issue was discussed.

***Betsey Bystock, 80 Park Drive***, suggested considering both an overall amount and an amount in contingency, to be flexible when things came up.

***Nina Rudolph, 212 Bal Bay Drive***, suggested that a wish list be made and not removing anything until they knew what it would be replaced with and budgeted for.

***Sybille Holder, 24 Bal Bay Drive***, suggested that the wall be fixed, before addressing the landscaping. Assistant Mayor Blachar thought that the wall was sound and noted that if they were putting something in front of it, then it didn't need to be painted.

***Stephen Scheinman, 234 Bal Cross Drive***, intended to pay his fair share but didn't think it should be an unreasonable burden. He didn't know how fair the Interfund Transfer fee was. He didn't think that enhancing the landscaping would increase property values and noted that people wanted to still be able to live in the community. He questioned if the assessment could be done voluntarily.

***A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to amend the Professional Services budget to add money for storm cleanup.***

Mr. Wallace noted that it was difficult to budget for hurricane cleanup. Mr. Treppeda explained that the Village used a company (GRUBBS) that came in after a hurricane, but noted that the Village was reimbursed by FEMA. Mr. Weiss noted that FEMA didn't reimburse for landscaping on private property.

Mr. Gold questioned insurance to cover a hurricane. Mr. Weiss explained that, due to the ownership issue, it was difficult to obtain insurance.

Mr. Holder suggested that money be put in contingency for that. He questioned the amount for cleanup after a hurricane. Mr. Wallace noted that it would usually cost more for cleanup after a hurricane, but it was good to have a contract for that.

***Mr. Sobel withdrew his motion. Dr. Lelchuk withdrew his second to the motion.***

***Guy Kurlandski, 70 Camden Drive***, agreed that the numbers needed to be realistic, but spoke in favor of increasing the contingency to do things properly the first time, instead of coming to the residents mid-year for more money. He suggested that the white fly issue be handled uniformly.

The amount for Professional Services remained at \$190,000.00

**CHARETTE EXPENSE:** The proposed budget was \$30,000.00.

Mr. Treppeda explained that the O'Leary proposal was \$15,000.00 for design ideas, not for a charette. Mr. O'Leary explained that the proposal, which was a reduced version, was in reaction to comments received from the Committee.

***Nina Rudolph, 212 Bal Bay Drive***, suggested that the guardhouse and landscaping around it be enhanced. She noted that the side gate, back gate, and ants in the grass areas also needed to be addressed.

***Dina Cellini, 211 Bal Cross Drive***, questioned the need for a charette, if they would be looking to Mr. O'Leary for his suggestions anyway. She suggested that one Committee meeting be devoted to discuss landscaping and then the ideas could be communicated to Mr. O'Leary. Assistant Mayor Blachar agreed. Mr. Holder agreed, but suggested that Mr. O'Leary attend that meeting.

***A motion was offered by Dr. Lelchuk and seconded by Mr. Gold to recommend changing the Charette from \$30,000.00 to \$15,000.00 and calling it a Landscape Proposal. The motion carried (5-0).***

The amount was reduced from \$30,000.00 to \$15,000.00 and the name of the line item was changed to Landscape Proposal.

This item was discussed again later in the meeting.

**WATER USAGE:** The proposed budget was \$19,600.00.

Dr. Lelchuk clarified that the increased amount was for irrigation. Mr. Treppeda agreed and explained that the District wasn't paying for irrigation before.

***Nina Rudolph, 212 Bal Bay Drive***, discussed the FPL project ripping up the streets. Mr. Treppeda explained that the FPL project, to move some transformers to the front yards, would be separate from the Village's project.

Mr. Gold questioned the amount (\$850.00) for cable. Assistant Mayor Blachar noted that was for the television in the guardhouse.

***Dina Cellini, 211 Bal Cross Drive***, questioned if there was irrigation along Park Drive. Mr. Treppeda reported that there was some irrigation, but additional irrigation was needed. Ms. Cellini questioned if money for that was contemplated. Mr. Treppeda advised that it was and noted that Mr. O'Leary would try to place hardy vegetation in that area. He explained that they would need to survey the area, to see what irrigation worked. Ms. Cellini questioned if any irrigation would be installed and budgeted for. Mr. Treppeda explained that it would be up to the District on whether or not to use the irrigation on Park Drive. Mr. O'Leary explained that they may need to upgrade the irrigation, if landscaping was added. He suggested a contingency amount of \$10,000.00 to cover that.

***Doug Rudolph, 212 Bal Bay Drive***, noted that residents didn't want to pay more than they

had to, but the Committee needed to decide what the community wanted. He spoke against doing only half of it and having to come back to the residents. He suggested that the assessment be kept as low as possible, within reason, to create the community the residents wanted. He added that if a charette was needed, then input would be needed from the community for a goal, vision, etc.

Assistant Mayor Blachar thought that Mr. O'Leary could get the job done for \$15,000.00, but noted that the contingency needed to be increased for unforeseen items (irrigation, etc.). Mr. Holder noted that if additional irrigation was installed, then additional money would also need to be budgeted for water. Assistant Mayor Blachar agreed. Mr. Gold suggested that be budgeted. Mr. O'Leary suggested that 20% be added.

**A motion was offered by Mr. Gold and seconded by Mr. Sobel to increase the amount for the Water Usage budget by 30% (\$6,000.00). The motion carried (5-0).**

The amount for Water Usage was increased to \$25,600.00.

**INSURANCE:** The proposed budget was \$6,800.00.

**Sandra Dunn, 208 Park Drive**, questioned what the insurance would cover. Mr. Treppeda explained that it was for the streets and open parks, but he wasn't sure if they could be insured yet. He noted that the current policy was good until March 2012 and the guardhouse was covered under the Village's policy.

Mr. Gold noted that the line item may or may not increase. Mr. Weiss agreed, but explained that they may be able to insure the streets and not the common areas. Mr. Wallace explained that the amount was an estimate, but noted that the Village may not be able to obtain insurance for those areas.

**Guy Kurlandski, 70 Camden Drive**, questioned if the homeowners collectively owned the roads or own up to the middle of the road. Mr. Weiss discussed the issue. Mr. Kurlandski questioned if he should get insurance for his portion of the road. Mr. Weiss was unable to give legal advice on his liability. Mr. Kurlandski questioned if the Committee was able to obtain a blanket insurance policy for that. Mr. Sobel reported that Mr. Treppeda was looking into that, but it wouldn't hurt to look into his own insurance company.

Mr. Holder suggested that the amount be left and that money be added in contingency. Mr. Treppeda reported that the streets were covered until March 2012, by the Civic Association, which didn't own them.

Mr. Holder questioned if the Committee was covered under a policy. Mr. Treppeda advised that it was.

The amount for Insurance remained at \$6,800.00.

**MAINTENANCE OF EQUIPMENT:** The proposed budget was \$40,000.00.

**Dina Cellini, 211 Bal Cross Drive**, requested clarification on the line item. Mr. Wallace explained.

The amount for Maintenance of Equipment remained at \$40,000.00.

**MISCELLANEOUS AND LANDSCAPE MATERIALS:** The proposed budget was \$7,659.00 for Miscellaneous and \$40,000.00 for Landscape Materials.

Mr. O'Leary discussed the continuous issue of irrigation repairs and suggested that Landscape Materials be increased to cover that. Mr. Gold suggested that it be increased by 30% (\$9,000). Mr. Sobel suggested that it be renamed Landscaping Materials and Irrigation. Mr. Sobel suggested that Miscellaneous be reduced from 7,659.00 to \$1,000.00 and Landscape Materials be changed to include Landscape Materials and Irrigation.

**A motion was offered by Mr. Gold and seconded by Dr. Lelchuk to recommend changing the category from Landscape Materials to Landscape Materials and Irrigation and increasing that line item from \$40,000.00 to \$165,000.00.**

**Dina Cellini, 211 Bal Cross Drive**, suggested that Miscellaneous be kept at the prior year's amount of \$150.00 or be deleted. She also suggested that bids be solicited for irrigation problems.

Mr. Wallace explained that the \$40,000.00 (Landscape Materials) was to provide for changing annuals at the entries, replacing dead plants, etc. Mr. O'Leary explained the specs for irrigation items in The Brickman contract. He noted that it had already been bid out.

**A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to amend the motion to include Miscellaneous remaining at \$150.00.**

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

The amount for Miscellaneous was reduced from \$7,659.00 to \$150.00 and the line item Landscape Materials was changed to Landscape Materials and Irrigation and the amount for that line item was increased from \$40,000.00 to \$165,000.00.

**SECURITY ENHANCEMENTS:** The proposed budget was \$5,000.00.

Mr. Wallace explained that the amount was earmarked from building permit fees and would not affect the assessment.

The amount for Security Enhancements remained at \$5,000.00.

**INTERFUND TRANSFERS OUT:** The proposed budget was \$40,000.00.

**Dina Cellini, 211 Bal Cross Drive**, suggested that it be left at \$30,000.00 and evaluated at the end of the year. Assistant Mayor Blachar agreed.

Mr. Sobel clarified that the Committee would make a recommendation to the Council, which the Council didn't have to agree with.

**A motion was offered by Mr. Sobel and seconded by Mr. Holder to recommend \$30,000.00 for Interfund Transfers Out.**

Mayor Rosenfield noted that \$30,000.00 was extremely low, compared to what other companies would charge to handle the District. Mr. Treppeda offered to obtain prices from other companies. Mr. Holder noted that the Committee was recommending \$30,000.00. Assistant Mayor Blachar thought that \$30,000.00 was a fair amount.

**The motion carried (4-1), with Mr. Gold opposed.**

The amount for Interfund Transfers Out was reduced from \$40,000.00 to \$30,000.00.

**CONTINGENCY:** The proposed budget was \$50,000.00.

***Guy Kurlandski, 70 Camden Drive***, suggested a \$200,000.00 contingency (\$1,000.00 per home), to allow for everything the District needed and for emergency events, such as hurricanes.

***Nina Rudolph, 212 Bal Bay Drive***, noted that the assessment had been inexpensive for a long time and suggested that the amount be done right.

Assistant Mayor Blachar reviewed the assessment amounts that other communities paid.

***Stephen Scheinman, 234 Bal Cross Drive***, spoke in favor of limits and a sense of proportionality. He discussed the number of years that irrigation wasn't needed on Park Drive. He discussed how much of the assessment would be voluntary.

Mr. Weiss explained the history of the District and the assessments. He discussed the problem with people not paying, if it was voluntary. He reported that when the District was formed a homeowners association was not formed. He suggested that Dr. Scheinman read the Village Attorney Opinion regarding the issue, which was on the Village's website.

Mayor Rosenfield questioned if the Committee had the power to assess. Mr. Weiss advised that it didn't, since it was purely an advisory committee, but the Village Council did. Mayor Rosenfield questioned if the Committee could ask the Council to assess the residents, if not enough money was budgeted. Mr. Weiss advised that it could or the Council could do it without a recommendation from the Committee.

***Dina Cellini, 211 Bal Cross Drive***, suggested that the amount of the assessment with the noted changes be looked at, before the amount for the contingency was determined. She spoke in favor of simple clean landscaping, which would result in less of a loss during a hurricane. She spoke against raising the Contingency to \$200,000.00 plus.

Mr. Holder spoke in favor of a strong contingency, in preparation of emergencies. Dr. Lechuk spoke in favor building up a contingency fund. Mr. Gold agreed and discussed the high amounts that were paid in other gated communities. He discussed the importance of having a contingency, which would only be spent if needed. Assistant Mayor Blachar discussed the assessment amounts in other communities and agreed that the contingency needed to be raised. Mr. Sobel understood all of the comments and agreed that there needed to be a balance. He suggested a \$150,000.00 contingency, to see how it affected the assessment.

Mr. Wallace discussed the reduced revenue from permit fees and sales of gate ego /key passes. He explained that the money left over from prior years could only be applied to security issues. He discussed the assessment amounts for a \$150,000.00 contingency and a \$200,000.00 contingency.

**Guy Kurlandski, 70 Camden Drive**, spoke in favor of having enough money in the contingency and pointed out that property taxes had been decreasing, property companies would cost three to four times higher than the Village, and the importance of being prepared for an emergency.

The Committee discussed whether or not to have a charette.

**A motion was offered by Mr. Holder for the landscaping formula for all buildings to be based on the percentage of road frontage. The motion died, due to the lack of a second.**

Assistant Mayor Blachar spoke in favor of using the same formula as the security assessment. Mr. Gold agreed, since the landscaped areas were used by everyone.

**A motion was offered by Mr. Gold and seconded by Mr. Sobel to budget \$250,000.00 in Contingency.**

**Dina Cellini, 211 Bal Cross Drive**, pointed out that Mr. Weiss agreed that there was a way to add money, if there was a catastrophic event. Mr. Weiss clarified that there might be a vehicle. Mr. Sobel pointed out that process wouldn't happen overnight.

**Sandra Dunn, 208 Park Drive**, suggested that the assessment be done in phases, since the increase may be difficult for some of the residents.

**Doug Rudolph, 212 Bal Bay Drive**, noted that the meetings had been noticed and the process had been put in place to represent the community. He agreed that nobody would like the increase, since they were used to the current amount, but spoke in favor of it being done right.

**Dina Cellini, 211 Bal Cross Drive**, noted that the higher the assessment was the less people would pay it. She suggested that since it was the first year the shock should be kept at a minimum.

**Nina Rudolph, 212 Bal Bay Drive**, suggested a \$3,000.00 assessment as a happy medium, which would provide a \$150,000.00 contingency.

**Dr. Scheinman** requested that the amount be reasonable.

Mr. Wallace explained that the Village couldn't cover for something that the Committee didn't have budgeted or use Village funds for it. He explained that the Village may be able to go in and assess mid-year, but that it would take three to four months to do so. He reported that starting in FY 2013, the assessment would be placed on the property tax bill.

Assistant Mayor Blachar discussed the need to raise the assessment, to cover the landscaping, etc. She encouraged the higher amount, to cover all of the items that were needed for the District.

The motion carried (5-0).

The amount for Contingency was increased from \$50,000.00 to \$250,000.00.

**CHARETTE EXPENSE:** The proposed budget had been reduced to \$15,000.00 and the line item had been renamed to Landscape Proposal earlier in the meeting.

A motion was offered by Mr. Gold and seconded by Mr. Sobel to recommend \$20,000.00 for a Charette. The motion carried (5-0).

**BUDGET:** The Committee reviewed the Fiscal Year 2012 Proposed Budget.

It was the consensus of the Committee to approve the budget as amended.

**5. SELECTION OF MEETING DATES/TIMES:** A motion was offered by Mr. Gold and seconded by Mr. Sobel to schedule the next meeting for October 4, 2011, at 7:00 p.m. The motion carried (5-0).

**6. OTHER BUSINESS:** None.

**7. ADJOURN:** There being no further business, the meeting was adjourned by consensus of the Committee at 9:58 p.m.

Attest:

  
Ellisa L. Horvath, MMC, Village Clerk

  
Assistant Mayor Joni D. Blachar