

**BAL HARBOUR VILLAGE**  
**GATED RESIDENTIAL SECTION ADVISORY COMMITTEE**  
**REGULAR MEETING MINUTES – JANUARY 25, 2012**

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Wednesday, January 25, 2012, 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  
Ira S. Lelchuk  
Stuart Sobel

Others Present: Councilwoman Patricia Cohen  
Councilman Martin Packer  
Alfred J. Treppeda, Village Manager  
Ellisa L. Horvath, MMC, Village Clerk

Absent: Daniel S. Holder

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Village resident Anthony Riso.

**3. APPROVAL OF MINUTES:** *Dina Cellini, 211 Bal Cross Drive*, requested that her comments on page five be clarified to read that the parks were for the use and enjoyment of the residents of the Residential Section of Bal Harbour.

*A motion was offered by Dr. Lelchuk and seconded by Mr. Gold to approve the December 7, 2011 Regular Meeting Minutes, as amended. 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 reviewing conceptual ideas, to beautify and create more privacy in the gated area. He discussed the problems with views that had been opened up after the cleanup along Park Drive (lights were now visible from the west side apartment buildings, etc.). He reported that the tree on Park Drive and Harbour Way would be removed, since it was decayed and infected. He discussed the treatment of some of the trees on Park Drive, for white fly. He discussed the need for some high foliage and low ground cover, as well as the need to improve the area east of the guardhouse, at the entrance.

Mr. O’Leary suggested that the Committee consider removing and replacing the trees on Camden Court, with flowering trees, since they had been damaged by hurricanes and were full of termites. He suggested that the palms at the Bal Bay Drive cul-de-sac, near the

marina, be replaced that were lost. He reviewed the proposed landscape improvements.

Ms. Richards reviewed the proposed entrance improvements.

Mr. O'Leary explained that the plans could be phased in. He reviewed that an existing FPL vault needed to be shielded and some trees and stumps needed to be removed. He reported that there would be a second phase of cleanup.

**Nina Rudolph, 212 Bal Bay Drive**, felt that the proposal was over-dramatic, for some of the areas. She suggested that the focus be security and to block the wall on Park Drive. She discussed making the area nice and clean, with the front gate being more lavish. She also spoke in favor of enhancing the back end of the front gate. Mrs. Rudolph discussed the money being spent more on the front, where everyone would see it. She discussed the need for a cohesive plan, for the holiday items, without any wires, etc.

**Betsey Bystock, 80 Park Drive #5**, agreed with Mrs. Rudolph. She spoke in favor of the use of the existing plants. She discussed the area between Bal Cross and Park Drive, facing the Shops, which was a taller and narrower area to mask. She requested that area still allow for people to walk their dogs. She suggested that stronger trees be used, which would not blow over in a hurricane.

**Leonora Riso, 139 Bal Bay Drive**, agreed that the proposal was overdone. She suggested a water feature at the gate entrance, to tie in with the Shops, and to decrease some of the landscaping. She questioned if the proposed plants were xeriscape, since there were drought issues. Mr. O'Leary explained that some of the plants were, but that some plants would be needed that were not xeriscape, in order to achieve the desired height, etc. Mrs. Riso spoke in a favor of xeriscape plants. Ms. Richards explained that once the plants were established, then they would do fine with the water restrictions. Mrs. Riso also spoke in favor of the plants providing baby plants.

**Anthony Lang, 156 Park Drive**, welcomed any improvement, since Park Drive had been neglected. He questioned the cost involved. He spoke in favor of improvements to the front entrance and Park Drive.

**Dina Cellini, 211 Bal Cross Drive**, agreed that the proposed landscaping was very costly. She pointed out that the gated area residents would be responsible for the cleanup and replacement of lost landscaping after a hurricane, which should be considered when putting in tall palms. She requested that the Committee consider that the cost not be strictly borne by the gated community for the park area outside the front gate. She pointed out that the Village Attorney opinion never indicated that the gated area residents owned the park, just that the Village didn't own it. Ms. Cellini suggested that if all of the residents enjoyed the area, then all of the residents should share in the cost to maintain that area, not just the gated section residents. She clarified that the expense should be shared with the residents on the west side of Collins Avenue.

**Gabriella Webster, 30 Park Drive #15**, supported Ms. Cellini's position and pointed out that the other residents used and enjoyed that area, so they should share the obligation to maintain them. She added that the west side owners should also share in the cost to maintain the parks, since they had the ability to come into the neighborhood. She discussed the increase in water usage that would result from the increased landscaping.

She spoke in favor of phasing in the project, instead of it being done in one year.

Assistant Mayor Blachar explained that the assessment needed to be paid and the Village was not paying for the maintenance of the private residential area. She clarified that the residents that lived in there needed to pay for it, but if they didn't, then they didn't have to cut the grass etc. She pointed out that the residents on the west side (Collins Avenue) didn't live in the gated area and didn't want to pay. She clarified that the purpose of the meeting was to discuss what the residents wanted out of the neighborhood.

**Carl Strowd, 50 Park Drive #11**, thought that any extra money would be used for a hurricane contingency fund. He agreed that the maintenance needed to be paid, but suggested that any improvements be delayed, until the area was in a better situation.

**Doug Rudolph, 212 Bal Bay Drive**, suggested that the emphasis be on the front gate and then the side gate, with the other areas being scaled back.

**Yvette Perez, 90 Park Drive #1**, discussed maybe improving the entrance a little, but nothing massive with a big budget. She hadn't heard any complaints from residents or visitors about the appearance of the gated area. She spoke in favor of some minor improvement, but felt that what was shown was too much.

Mr. Sobel summarized that the consensus of the residents was to focus on the privacy issue for Park Drive and to beautify the entrance. He reported that guidance needed to be given to the Landscape Architect. He spoke in favor of the residents outside the gates sharing in the burden. He suggested that the residents speak at the Council meeting regarding the residents sharing the burden, but explained that wasn't a current option.

Mr. Sobel noted that the contingency may not need to be so high next year. He discussed the high amount for the repaving of the streets, which would keep the assessment amounts up. He believed that the beauty of the gated area had declined and noted that the property values would be adversely affected if the area was not enhanced and security was not kept up. He reported that the Landscape Architect would come back at the February meeting to make recommendations based on comments and the available budget.

**Sarah Sheridan, 160 Bal Cross Drive**, spoke in favor of focusing on maintenance and not enhancement. She suggested that the white fly issued be maintained and the lighting be improved. She spoke against focusing on the outside image, or if some beautification was desired that it be done at the entrance. She spoke in favor of leaving Park Drive as it was, with the cleanup that was done.

**Eli Mizrahi, 178 Park Drive**, explained that the common park area on Park Drive was the most heavily traveled area in the gated section. He noted that the area had declined, since Hurricane Andrew and other storms, over the past 15 years. He discussed the condition of the wall with mold that now showed and the lack of the landscaping, which now exposed the residents to the fluorescent lights, air conditioning units, and jalousie windows from the west side apartments. He thinks that the neighborhood deserved better and pointed out that it was a common area for the residents.

Mr. Sobel and Assistant Mayor Blachar agreed that Park Drive needed to be addressed and that there should be a balance with the other areas.

**Councilwoman Cohen, 10275 Collins Avenue**, suggested that the wall be pressure cleaned or painted, and that the Landscape Architect's proposal be done for the Clusia hedge to cover the wall uniformly. She agreed that the trees that weren't doing well should be removed. She spoke in favor of not necessarily a botanical garden, but a place for kids to play and people to congregate, walk their dogs, etc. She suggested starting with the basic step to cover the wall and doing something gorgeous for the front entrance. She discussed the possibility of the green area in front of the front gate being used as another park, which would need to be discussed at a Council meeting.

**Charles McCaffery, 60 Park Drive**, was not opposed to beautification, but suggested that a budget be discussed, for it to be done in phases (a five to ten year plan). He spoke against heavy maintenance, but agreed that the area could be improved.

**Sandra Dunn, 208 Park Drive**, questioned the timeframe and the cost.

Mr. Sobel explained that \$165,000.00 had been budgeted, but he didn't know the cost for the proposal that was shown. Assistant Mayor Blachar explained that Mr. O'Leary was not given a budget to work with, because the Committee didn't know what the community wanted yet. Mr. O'Leary explained that the purpose of the meeting was to present ideas, find out priorities for the year, and work within the parameters. He explained that vegetation could be placed on Park Drive to hide the wall, but that wouldn't block the lights and something taller would be needed. Assistant Mayor Blachar discussed the need for something taller right away, to hide the lights from the apartments.

**Abe Sher, 174 Park Drive**, spoke in favor of improvements, as long as there was a balance and the lights were hidden from the apartments on the other side of the wall (on Park Drive).

**Sophie Delaplaine, Owner - 90 Park Drive**, questioned who she should complain to about the assessment. She spoke in favor of the proposal, but thought that it needed to be phased in and that it shouldn't be over-landscaped. She noted that the condominiums on the east side had been using the security district's green space, in order to qualify for their height restrictions.

Mr. Treppeda reported that every municipality was able to use 50% of private property green space in its calculations.

Mr. Sobel discussed the amount of the assessment for La Gorce and explained that the assessment proportion was not to be discussed at the current meeting. Assistant Mayor Blachar reported that residents should come to the RAC meetings, if they had any complaints. She reported that the budget process would start in April and the formula would be discussed then for next year's assessment. She clarified that the Finance Director had advised that the assessment could not be based on the value of the property.

Mr. Gold noted that the residents had a large increase in their assessments, so the design should be fundamental with low maintenance. He discussed problems with bromeliads and mosquitoes. He spoke in favor of beautifying the area as much as possible, but with low maintenance. He noted that lighting was a big issue, since the streets were dark and it was difficult to see pedestrians. Mr. Gold spoke in favor of considering irrigation and lighting.

Dr. Lelchuk pointed out that the plan would be long-term. He reported that the budget for the current year was \$165,000.00, but not everything had to be done in the first year. He suggested that information be gathered for an overall plan, then the Committee would prioritize the items. He spoke in favor of the proposal and suggested that it be spread out over ten years. He suggested that the priorities be to enhance the front gate and to enhance the privatization for the Park Drive areas. Assistant Mayor Blachar spoke in favor of the back gate being addressed, at a minimal amount. Dr. Lelchuk questioned if the proposed plants were interchangeable. Mr. O'Leary advised that they were.

Assistant Mayor Blachar pointed out that the wall would not need to be painted in the areas that landscaping would hide it. Dr. Lelchuk agreed that would be cost-prohibitive to paint those areas. Assistant Mayor Blachar requested that the plantings be high enough right away, to block the light from the apartments. Mr. O'Leary questioned if the Park Drive problem areas or the entrance should be addressed first. Assistant Mayor Blachar requested that Park Drive be addressed first. Mr. Sobel felt that there was enough money to address both areas. Mr. O'Leary didn't know, but thinks that could be done. Mr. Sobel suggested that there be a beginning of an impact at the entrance. Assistant Mayor Blachar requested that proposals be reviewed at the next meeting. Mr. O'Leary will conduct more detail investigations, based on the budget, and come back with a simple plan for this year and additions for future years. Dr. Lelchuk requested an idea for what to budget for future years. Mr. O'Leary will provide that information next month. Mr. Sobel requested that the maintenance costs be kept in mind. He noted that Brickman would want more money to maintain the additional landscaping, so the Committee needed to know how much that would be. Mr. O'Leary will give Brickman an idea of the first phase to receive an amount for the additional maintenance cost.

**A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to focus the attention on Park Drive and the front entrance, to come back in February with ideas on what the \$165,000.00 budget could accomplish towards a master plan, the amount of time and cost for a master plan, to consult with Brickman Group on maintenance and irrigation costs, and to give some idea on what could be done inexpensively for the back gate. The motion carried (4-0).**

The next meeting is February 28th at 7:00 p.m.

## **5. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE**

**DIRECTOR:** The Financial Update was included in the agenda. Assistant Mayor Blachar advised that Mr. Wallace was not in attendance, due to a death in his family.

Mr. Treppeda reported that 60% of the assessment revenue had been received and that residents who hadn't paid as of January 12, 2012, would now be charged the 5% penalty.

Dr. Lelchuk questioned if the Brickman issue of picking up the debris had been resolved. Mr. Treppeda reported that it was worked out and they discounted the amount for the debris removal.

Mr. Treppeda requested approval of \$6,480.00 for the TEM Systems annual agreement, for 24-hour, seven days a week service, for the security gates.

**A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to recommend approval of**

\$6,480.00 for the TEM Systems Inc. Preferred Client Annual Agreement. The motion carried (4-0).

**6. DISCUSSION OF REPAVING OF THE STREETS:** Assistant Mayor Blachar reported that the streets would need to be repaved, which was last done over 30 years ago. She explained that assessment payments for that would be done over a period of years. Mr. Sobel reported that the engineer estimate three years ago, for repaving, was \$2,700,000.00, not including engineering costs.

**Nina Rudolph, 212 Bal Bay Drive**, suggested that FPL finish their job first, before any repaving was done. Mr. Sobel reported that the sewers would be worked on and the Village would need to repair the streets after that. Mr. Treppeda reported that the Village's project would not tear up much of the streets. Mrs. Rudolph discussed problems with the FPL project. Mr. Gold reported that there was flooding in his street, since the FPL repairs. Mr. Treppeda offered to have meetings with FPL, if any resident had problems with the project. Assistant Mayor Blachar suggested that an FPL representative come to another RAC meeting. Mrs. Rudolph discussed issues with the street markings. Assistant Mayor Blachar reported that was being discussed at Council meetings.

Dr. Lelchuk reported that the Village was still cleaning the streets, so it was the Village's responsibility to pay for the curbs. Mr. Treppeda clarified that the Village Attorney would look into that. Mr. Sobel pointed out that the curbs were a large portion of the costs. He requested that the Village Council look into that. Mr. Treppeda will speak to the Village Engineers regarding the appropriate time to repave the roads. Mr. Gold estimated the cost to be \$1,000.00 per year, based on the projected estimate of \$2.7 million. Assistant Mayor Blachar agreed that it would be approximately \$1,000.00 per single family home, over approximately 15 years, for \$2.7 million. Mr. Sobel pointed out that if the Village paid for the curbs (\$1.6 million), then the cost would be significantly less. He suggested that the Committee request the Village to take care of the curbs and then shop the amount for the project. He noted that maybe the contingency could be used, if it hadn't been used for something else.

**Gabriella Webster, 30 Park Drive**, spoke in favor of repaving the road, but thought that it was a mutual responsibility, since the Village was responsible for maintaining the sewers, etc. She noted that alot of the damage to the streets was caused by redevelopment of houses from trucks. She questioned if there was an impact fee for the roads, etc. for new development. Mr. Treppeda will check the Village Code.

Mr. Sobel questioned if the Committee could persuade the Council to participate in the repaving of the streets, since they caused the streets to be torn up and didn't restore them properly before turning them over to the gated area. Dr. Lelchuk questioned how long the repairs would last. Mr. Treppeda would have to look into that. Assistant Mayor Blachar didn't think that the Council would pay for the roads, because they were private property, but they might pay for the curbs.

## **7. OTHER BUSINESS:**

**Dina Cellini, 211 Bal Cross Drive**, suggested that the Committee's budget be on the web site. She questioned if the \$165,000.00 included landscape materials. Mr. Treppeda advised that it did. Ms. Cellini discussed the park area outside the front gates and urged Bal Harbour Village Gated Residential Section Advisory Committee Regular Meeting Minutes 01/25/2012

the Committee to share the cost with the west side residents, since that area was enjoyed by everyone. She didn't think it was fair to the gated residents, since they didn't own the parks. Assistant Mayor Blachar explained that the Village didn't own the parks. Mr. Sobel agreed that the opinion was that the Village didn't own the parks. He spoke in favor of the gated area taking ownership of the parks inside the gates, but spoke in favor of the Village sharing the cost for the park area outside the gates, since it was used by everyone. He agreed that the Council should be persuaded that the area was enjoyed by everyone and as such should be maintained by the Village. Ms. Cellini agreed and added that the line should be drawn at the gates. Mr. Gold pointed out that the bus stops were in front of that park area and everyone in Bal Harbour was able to enjoy it. Assistant Mayor Blachar spoke against relinquishing control of that park area. She reported that the Village Attorney gave the opinion that it wasn't something that the Village should maintain, because it was private property. Dr. Lelchuk suggested that they wait to see what the cost was. Mr. Sobel agreed. Ms. Cellini pointed out that it wasn't just landscaping, but was also maintenance, replacement, enhancement, hurricane damage, cleanup, etc. Mr. Treppeda reported that the Village Attorney opinion was clear that the Village could not maintain that area. Assistant Mayor Blachar agreed. She discussed the condominium buildings that all had bus stops in front of their buildings also. Mr. Gold and Mr. Sobel agreed.

**Councilwoman Patricia Cohen, 10275 Collins Avenue**, noted that there wasn't any green space in Bal Harbour for the residents to congregate. She urged, as a private citizen, that the area in front of the guardhouse be considered a public space and suggested that the area be used for the enjoyment of everyone, not just the gated area residents.

**Sandra Dunn, 208 Park Drive**, didn't think that it was that simple and questioned who had the liability for that area, if something happened.

Assistant Mayor Blachar pointed out that there was a dog park over the bridge for residents to walk their dogs.

Mr. Gold questioned who would be liable for that area, in front of the guardhouse.

**Abe Sher, 174 Park Drive**, suggested a mediation plan for the entire Village for white flies. He voiced concern about planting new landscaping and spoke in favor of planting white fly resistant plants. He discussed safety issues on Park Drive and the need for a police presence, due to speeding. He spoke in favor of low maintenance costs. He discussed the dedication documents regarding the parks, which were for the benefit of the residential area. Mr. Sher thought that regardless of who had title the intended use was for the residential area and it should remain that way.

**Gonzalo Barrios, 70 Park Drive #2**, requested a budget estimate for the maintenance of any landscaping that was proposed. Assistant Mayor Blachar explained that Mr. O'Leary was coming up with a plan and then would bid it out for the best prices. Mr. Barrios spoke against the use of black/white photos in Mr. O'Leary's presentation. Dr. Lelchuk explained that Mr. O'Leary was not selling the plants to us. Mr. Gold explained that black/white photos were used to show the contrast of the landscaping that was proposed.

Mr. Sobel left meeting.

**Gabriella Webster, 30 Park Drive**, discussed the representatives from the apartment

buildings that were at the meeting. She noted that they all objected to the amount of the contingency fund and felt that it should only be used for specific items.

Mr. Sobel returned to the meeting.

Ms. Webster also spoke against the use of black/white photos in Mr. O'Leary's presentation and clarified that Mr. O'Leary knew what the budget was for landscaping.

Ms. Webster provided Assistant Mayor Blachar with letters of the apartment owners objecting to the assessment amount, the way it was assessed, and how it was done, etc.

Mr. Gold explained to the condominium owners that there was a budget issue that the Committee had to decide on. He pointed out that other condominiums in the County were assessed the same as the single-family homes.

Mr. Sobel explained to Mr. Sher that the residents needed to sign agreements in order for the police to enforce the traffic laws inside the gated area. Mr. Treppeda reported that the form was on the balharbour.org site. Assistant Mayor Blachar reported that most of the residents who hadn't signed the agreements lived in the apartments.

Mr. Sobel noted that the RAC took the place of the Civic Association, which may or may not still exist. He noted that the Civic Association maintained liability insurance for all the streets. He added that the Village Attorney provided an opinion that residents owned the streets up to the center line in front of their houses. He reported that the liability insurance was about to lapse, which may cause a gap in the protection. Mr. Sobel pointed out that the residents' homeowners insurance may cover it, but he hadn't been able to get a straight answer to that. He requested assistance from any residents that knew about insurance, to help find an answer. Assistant Mayor Blachar reported that the insurance policy would lapse in March and the insurance company was willing to keep the policy in place, if the amount was paid.

**Anthony Riso, 139 Bal Bay Drive**, noted that if the residents owned part of the street, then it would be considered part of the home. Mr. Sobel hoped so, but most policies didn't state that.

Mr. Riso reported a lot of traffic on Bal Bay Drive and cars parked on both sides of the street. He suggested that parking be allowed on only one side of the street. Mr. Sobel reported that there would be a problem with enforcing that, since the Police Department still needed the signatures of homeowners, to enforce traffic laws.

**Doug Rudolph, 212 Bal Bay Drive**, questioned if there was a way for the Committee's budget to pay for the insurance. Mr. Sobel explained that the problem was that the Council didn't have an insurable interest. Mr. Rudolph noted that the budget was for the maintenance of the homeowners. Mr. Treppeda reported that the insurance policy was \$200.00. Assistant Mayor Blachar questioned if they could pay for it. Mr. Sobel explained that the Village would have to have an insurable interest. He questioned if they could purchase an insurance policy that named all of them. Mr. Treppeda explained that there needed to be an organization that represented all of them, such as the Civic Association. Mr. Sobel noted that if that were the case, then the Civic Association would need to continue to exist.

**Anthony Lang, 156 Park Drive**, questioned who paid the insurance for the park areas. Mr. Treppeda reported that was being discussed.

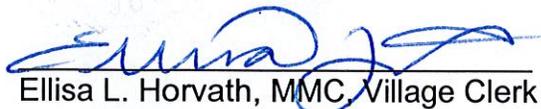
Assistant Mayor Blachar noted that Ms. Cellini had offered to pay for it. Mr. Treppeda will check with the Village Attorney again. Mr. Sobel questioned if the RAC could create a corporation for the purpose of insuring inside the gates. Mr. Treppeda will check.

**8. ADJOURN:** There being no further business, *a motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to adjourn. The motion carried (4-0) and the meeting was adjourned at 9:11 p.m.*

Attest:



Assistant Mayor Joni D. Blachar



Elisa L. Horvath, MMC, Village Clerk