

BAL HARBOUR VILLAGE
GATED RESIDENTIAL SECTION ADVISORY COMMITTEE
REGULAR MEETING MINUTES – FEBRUARY 28, 2012

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, February 28, 2012, in the Council Chamber at Bal Harbour Village Hall (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 7:01 p.m. by Assistant Mayor Blachar. The following members were present:

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

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

Absent: Daniel Gold

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assistant Mayor Blachar spoke in favor of the plans presented.

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

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

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

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

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

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

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

Mr. Sobel withdrew his motion.

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

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

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

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

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

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

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

The motion carried (4-0).

5. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE

DIRECTOR: Assistant Mayor Blachar questioned if Mr. Wallace charged the Committee to attend the meetings. Mr. Wallace advised that he did not.

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

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

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

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

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

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

6. EXPENDITURES APPROVED BY THE VILLAGE COUNCIL:

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

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

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

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

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

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

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

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

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

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

Mr. Treppeda will look into the issue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion carried (4-0).

9. DISCUSSION OF ASSESSMENT METHOD – DANIEL HOLDER:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. OTHER BUSINESS:

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

heavy in that area.

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

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

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

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

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

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

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

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

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

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

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

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

Attest:




Ellisa L. Horvath, MMC, Village Clerk


Assistant Mayor Joni D. Blachar