

**BAL HARBOUR VILLAGE**  
**GATED RESIDENTIAL SECTION ADVISORY COMMITTEE**  
**REGULAR MEETING MINUTES – APRIL 3, 2012**

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, April 3, 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 7:00 p.m. by Assistant Mayor Blachar. The following members were present:

Assistant Mayor Joni D. Blachar  
Daniel Gold<sup>1</sup>  
Daniel S. Holder  
Ira S. Lelchuk  
Stuart Sobel

Others Present: Alfred J. Treppeda, Village Manager  
Andrea Greenblatt, Executive Assistant

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Village resident Richard Sragowicz.

**3. APPROVAL OF MINUTES:** Assistant Mayor Blachar requested that the minutes from the February 28, 2012 meeting be placed on the May 1, 2012 agenda again for approval, since page 12 was missing.

Mr. Gold arrived.

**DISCUSSION OF GATE ARM ON BAL BAY DRIVE:** This item was taken out of order.

*Yariv Gilat, Kent Security*, discussed the problem with the gate arm hitting cars. He reviewed the proposal for \$500.00 to add a safety beam, which would detect a vehicle, thereby preventing the arm from hitting a car.

Assistant Mayor Blachar asked how they could prevent vehicles from sneaking in behind another one. Mr. Gilat explained that piggybacking would be a separate issue. He noted that it wasn't possible to do a trap system, since the same lane was used for ingress/egress. He discussed the possibility of a green light/red light system and more cameras to help with that issue. He clarified that there wasn't a physical way to stop cars from piggybacking, with the current setup that used one lane.

Dr. Lelchuk questioned the timing of the safety beam to allow the arm to come back down.

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<sup>1</sup> Mr. Gold arrived after discussion of the minutes.

Mr. Gilat explained that the safety beam would not address the piggybacking problem, but would address the problem with the arm coming down on cars.

Mr. Sobel clarified that the two issues were to prevent the arm from coming down on cars and to prevent people from piggybacking.

Mr. Holder suggested a sensor and a light, which wouldn't allow the gate to go down as long as a car was there, but would allow it to go down once the sensor realized there wasn't a car there. He clarified that a red light would be displayed, as soon as the car entered. Mr. Sobel didn't think someone that was piggybacking would pay attention to the light, but agreed that the sensor may work.

Mr. Gilat noted that they could do a combination of making the closure timing faster and adding lights. He will address the issue of the piggybacking problem, at the next meeting.

Dr. Lelchuk questioned if there was something with the mechanism itself, since it was happening more. Mr. Gilat wasn't aware of any problems with the mechanism, but noted that the safety beam would fix that.

Assistant Mayor Blachar questioned if the cameras at the Bal Bay Drive gate showed the license plates, to hold the person responsible when the gate arm was broken. Mr. Gilat wasn't sure if the cameras showed license plates.

Assistant Mayor Blachar voiced concern regarding the gate arm coming down on children that walked through the gate when it was opened. Mr. Gilat explained that the safety beam would help with that.

Mr. Treppeda will place approval of the safety beam on the April Council Agenda, since the Committee recommended approval for it at the last meeting.

Mr. Gilat will attend the May meeting.

Mr. Holder questioned if a safety beam would allow someone to stand there and let a car through. Mr. Gilat explained that if a pedestrian stood there then the gate would not close. Assistant Mayor Blachar suggested that the police be called if someone was doing that.

Mr. Gilat discussed a new camera that took pictures and analyzed them. He explained that rules would be set, so if a person was standing there for more than 30 seconds, then the guard would be notified. He offered to install the camera, at no cost, as a trial. Assistant Mayor Blachar spoke in favor of the camera being installed, at no cost. Mr. Gilat thought that the camera may solve the problems discussed.

Assistant Mayor Blachar reported that Landscape Architect Bill O'Leary was not in attendance, since he charged to attend the meetings and he was not needed at the meeting.

**4. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR:** Mr. Wallace reported that collections were on target and expenditures were behind the anticipated amount. He explained that the expenses lagged one month.

Mr. Holder discussed the amount that had been overspent (by \$1,600.00), for legal fees. Mr. Holder and Mr. Sobel questioned what that had been spent on. Assistant Mayor reported that the Village Attorney was also not at the meeting, to save money. Mr. Wallace explained that there had been a lot of issues at the beginning of the year, but noted that there were other areas that were under budget. He added that the costs were for the Village Attorney to attend meetings, conduct research, etc. He anticipated that there would be more legal fees in the first year than in subsequent years, since it was a new Committee and a lot of the issues had been resolved. Assistant Mayor Blachar questioned if it was necessary to have the Village Attorney at the meetings. The Committee didn't think so, unless there was a legal issue.

Mr. Sobel pointed out that when the budget was created it was presumed that 100% of the assessments would be collected. Mr. Wallace believed that 100% would eventually be collected. He added that there was also a large contingency fund, so there was plenty to cover the normal operating expenses. He explained that this year the Village was collecting the assessments, as prior years, but next year the assessments would be placed on the property tax rolls, so 100% would be received of what was levied by July/August (80% to 90% by January). Mr. Sobel questioned receiving 100%. Mr. Wallace explained that it would be a lien on the property, if the assessment wasn't paid. He added that anything not received this year would be added to that property's assessment and property tax for next year. Mr. Sobel suggested that the Committee anticipate not receiving 100% of what was assessed and not to budget to spend 100% of what was assessed. Mr. Wallace explained that the Committee would eventually collect 100% of the assessments.

Assistant Mayor Blachar clarified that any unpaid assessment for this year would be added onto the assessment on the tax bill for the following year, which is why Mr. Wallace thought that 100% would be collected. Mr. Wallace agreed that would be done, in addition to any costs, penalties, and interest associated with that assessment. He added that it was cheaper for the Village to collect through the property tax collection method, versus the Village taking legal action to foreclose against the lien for delinquent property owners.

Assistant Mayor Blachar reported that there was a decent amount of delinquencies and questioned if they were contacted verbally, or just by mail. Mr. Wallace explained that it was done via mail and one more notice would be sent out.

Mr. Wallace reported that turning off the eGO gate passes could be discussed in the near future. Mr. Sobel thought that it was agreed at the last meeting that the eGO passes would be turned off. Mr. Wallace suggested that the passes be turned off, as of June 1, 2012, for the assessments that hadn't been paid.

**A motion was offered by Mr. Gold and seconded by Mr. Holder to recommend that the Council turn off the eGO passes for delinquent assessment accounts, as of June 1, 2012. The motion carried (5-0).**

**Doug Rudolph, 212 Bal Bay Drive**, requested an update on the construction impact fee, questioned what it could be used for, and suggested that the language be expanded. Mr. Treppeda reported that had gone before the Village Council and the Village Attorney was looking into expanding the uses for what the money could be used for. He explained that the money was currently restricted to be used only for new security measures. Mr. Wallace

added that the money was segregated, so it wasn't part of the budget. Mr. Sobel questioned the amount in that fund. Mr. Wallace reported it to be \$70,000.00. He added that some expenditures from the fund had been made. Assistant Mayor Blachar reported that the Committee had requested that the Council look into expanding the uses for that. Mr. Sobel questioned how the Committee would know how much was in that account. Mr. Wallace explained that it wasn't brought into the budget as a revenue source, so it would be shown on the balance sheet. Mr. Sobel requested that a balance sheet be included in the next meeting packet. Mr. Wallace agreed to provide a balance sheet showing the amount in that fund.

**Dina Cellini, 211 Bal Cross Drive**, discussed the legal fees and pointed out that whenever the Committee requested the Council to direct the Village Attorney to look into something the Committee was charged.

## **5. 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:

**Whitefly Injections for Coconut Trees in the Gated Residential Area \$8,645.00**  
(the aerial spraying cost would be reduced by \$5,188.80 if the injections are done)

*A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve \$8,645.00 for the Whitefly injections for the Coconut Palms. The motion carried (5-0).*

**Removal and Replacement of Camden Court Median Trees Up to \$4,000.00**  
(the trees are full of termites – replacements to be decided by Landscape Architect Bill O'Leary)

Assistant Mayor Blachar disclosed that it was near her house, but noted that wasn't why it was being done. She noted that the trees were full of termites and some homes in the area had to be tented.

*A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve up to \$4,000.00 for the removal and replacement of the median trees on Camden Court. The motion carried (5-0).*

Mr. Holder questioned if other areas were also being treated for White fly, or just the palms. Mr. Treppeda explained that other areas were also being treated.

Assistant Mayor Blachar reported that she had discussed with Mr. O'Leary that some of the Ficus trees on Park Drive didn't look good. Mr. Treppeda reported that he had sent a letter to Mr. Whitman, but hadn't heard back from him yet. Assistant Mayor Blachar requested that Mr. Treppeda follow up with Mr. Whitman, since he had planted the original trees and she didn't know if Mr. Whitman was going to maintain them.

**6. DISCUSSION OF REPAVING OF THE STREETS:** Mr. Treppeda reported that the Village Engineers, from Craig A. Smith & Associates were in attendance to answer questions.

**Peter Kunen, Village Engineer - Craig A. Smith & Associates**, addressed the Committee.

**Greg Jeffries, Village Engineer and Vice President - Craig A. Smith & Associates,** addressed the Committee. He reported that they had determined that the curbs and gutters needed to be replaced. He explained that the procedure would be to do a survey, replace the curbs and gutters, and then the asphalt work. Dr. Lelchuk questioned how they would tie in the areas where the curbs met the driveways. Mr. Jeffries explained that the survey would address that. Mr. Sobel questioned the interface with the drainage system and if any changes would need to be made. Mr. Jeffries explained that the curb grades would be set, to conduct the water towards the existing drainage. Mr. Sobel questioned if the grates or the drains would have to be replaced. Mr. Jeffries reported that may be needed in certain areas, but it shouldn't be significant.

Mr. Sobel questioned if the prices had decreased from the 2009 quote. Mr. Jeffries reported they had decreased slightly, but there was also a slight increase in construction costs.

Mr. Kunen reported that he had provided the 2009 estimate. He explained that they were in the process of meeting with paving contractors, to receive cost estimates, which he anticipated to have for the May 1<sup>st</sup> meeting.

Dr. Lelchuk questioned how the paving project would tie in with other construction projects in the area. Mr. Kunen reported that the new water lines would start in June. He discussed the increase in construction costs to do the project in the summer, stopping during the season, and then coming back the following summer if the project was not finished. Assistant Mayor Blachar preferred to have the work done continuously, instead of stopping and then coming back, but she wasn't sure how the other residents felt. Mr. Kunen clarified that the project would be done primarily through directional drilling, but some areas would need to be opened, to tie in with the existing water main system. He reported that some heavy machinery would be needed for the drilling, which would impact the roadways.

Assistant Mayor Blachar reported that the Village was also deciding what it would pay for the work.

Assistant Mayor Blachar requested that the Committee provide a recommendation to the Council on whether or not the company should work continuously, which would be more cost effective.

Mr. Sobel requested that the Village be aware of the fact that it would be using heavy machinery and tearing up their roads, to do work for the Village. He questioned if they could be ready to re curb/repave after the Village water main project was completed. Mr. Kunen explained that was the intent. Mr. Jeffries explained that the project could be phased in. Mr. Sobel questioned Mr. Wallace if financing could be in place by June, for the project. Mr. Wallace thought so.

Mr. Treppeda clarified that the water/sewer project was being funded by the water/sewer fund, not the Gated Area.

Mr. Sobel clarified that the paving project needed to be approved, bid, awarded, and financed, by June. Mr. Kunen clarified that the water/sewer project, if done continuously, should be completed before the end of the year. He questioned when the Committee would

want the paving project to begin. He clarified that if it was started after the utility work was completed, then work could start the first quarter of next year (2013). Mr. Sobel clarified that would give the Committee time to get everything in order. Assistant Mayor Blachar discussed the possibility of placing the paving assessment on the property taxes and the timing involved to do so.

Dr. Lelchuk questioned the condition the roads would be left in, after the water project. He discussed the concept of following behind the water project with the paving project (in phases) and questioned if the water project would have to be completed first before any of the paving project started. Mr. Kunen will look into the sequencing and phasing of the project. Dr. Lelchuk would rather use the funds to repave the roads, instead of it being used to temporarily repair the roads. Mr. Kunen explained that the six foot wide trenches would be done at the end of each block, which would be repaved temporarily after the water main was placed. He added that the new paving would then be done after that. He explained that in order to have the roads uniform they would need to pave as much as possible, at the same time, for it to look seamless. Mr. Sobel discussed the patchwork that would be created after the water main work, which concerned the residents.

Mr. Sobel questioned how to address a home under construction cutting into the new paving, to tie into the system. Mr. Kunen noted that it would depend on the Village requirements, for the homeowner to restore the road. He explained that the roads would normally be affected by a sewer construction. He suggested that homeowners be required to repave a larger area, to blend it in better with the new pavement. Mr. Sobel questioned how that would be mandated. Assistant Mayor Blachar suggested that something be placed in the Village Code. Mr. Treppeda suggested that the Village Attorney look into that. Mr. Jeffries suggested that a restoration bond be used. Mr. Sobel questioned the type of repair that would be aesthetically pleasing, after the road was just repaved.

Mr. Holder questioned if a single contractor would do all phases of the work. Mr. Kunen explained that one contractor would do the utility work (construction of the water main), with the possibility of them having a paving subcontractor. He thought that would provide lower prices. Mr. Holder questioned if Mr. Kunen was comfortable mixing the Village contract with the RAC contract and still knowing how much each would pay. Mr. Sobel noted that it would be a Village contract, since the Committee would not sign a contract. Mr. Holder noted that the Committee needed to determine what they would be paying for. Mr. Kunen will look into the best mechanism to have in place for the contract to achieve that.

Mr. Holder questioned the procedure if the driveways were torn up or didn't meet the curbing. Mr. Kunen explained that driveway restoration would be part of the contract and would be the Contractor's responsibility. He noted that the contract would be bonded (performance and payment bonds).

Mr. Kunen discussed minimizing future home construction impacts to the roads. He explained that new homes would be looking at the sewer/gravity system, as well as the laterals. He added that if he was aware of future home construction, then they could look at putting in a new lateral connection for the new home to tie into, including any vacant lots, prior to the repaving project. Mr. Treppeda reported that would be charged to the water/sewer fund. Assistant Mayor Blachar agreed that should be done. Mr. Kunen will do that.

Assistant Mayor Blachar questioned the Village Attorney looking into holding the construction site responsible, for the damage done to the road. Mr. Treppeda will have the Village Attorney look into that. Assistant Mayor Blachar suggested that homeowners be provided with a list of contractors to use for the repaving, instead of doing it themselves.

Mr. Sobel questioned if there would be different RFPs (Request for Proposals) for the water/sewer line and the repaving. Mr. Kunen explained that they would look into that, for the best option.

Dr. Lelchuk questioned the possibility of an upcoming FPL or other utility project. Mr. Kunen is looking into the FPL projects, to tie in with the repaving project. Assistant Mayor Blachar questioned if repaving after the FPL project was another cost that could be borne by the Village. Mr. Kunen didn't know but would look into it.

Mr. Gold questioned the possibility of the Village discounting the amount that would have been repaved by them and using that towards the repaving project. Mr. Treppeda reported that anything that would have to be repaved, as a result of the water/sewer project, would be credited, so the area would not have to pay for that portion. Mr. Gold clarified that the roads needed to be done, during the same timeline, to be economic.

**Bill Landis, Village Engineer - Craig A. Smith & Associates**, clarified that every lot was provided with a sewer lateral, so there were existing sewer laterals. He added that the plumbing design should accommodate the existing lateral connections, so they didn't anticipate any cutting of the roads for sewer laterals. He clarified that if the connection was done improperly then they would need to dig up the street and restore the lateral to the condition that it should have been installed in, which was usually a function of the home that was built. Mr. Landis discussed the difference between doing a patch and paving a larger area, for a better look. He discussed damage that was done to the roads/curbs caused by a home under construction. He suggested that the homeowners be required, per Village Code, to replace the curbs and the paving (either one or two lanes), in front of that new home. Mr. Landis explained that the water line work would be a specialty contractor and paving would be its own unique construction. He clarified that it could be done as one or two contracts, but recommended that there be two separate contractors. He added that they would review the FPL plans.

Mr. Sobel clarified that the Village needed to recognize that the entire road area (one to two lanes) needed to be done, for restoration projects. Mr. Gold agreed and added that the Village had an obligation for that to be done.

Mr. Landis discussed the water line project. He clarified that they would do small areas of patching, until the repaving project.

Mr. Holder requested that Mr. Landis ensure that when FPL or another utility company did directional drilling that they make the pipes a sufficient size so they wouldn't need to come back and redo that again. He questioned if there were standards that the Village could enforce. Mr. Landis explained that FPL had their own standards and the Village didn't have any authority with them or other utility companies. He discussed the system, which was placed in the 1940s and was inadequate. He reported that they had been trying to work with the cable companies and FPL, to do the right thing.

Mr. Jeffries explained that they held frequent utility coordination meetings at the Village, with FPL, ATT, and Atlantic Broadband to discuss their projects. He agreed that the utility companies all had their own standards of what to install, which was normally the minimal amount to get by with and without consideration of future expansion.

Mr. Sobel noted that the Committee couldn't make a recommendation on the repaving project, until it knew what the Village was going to be responsible for (curbing, paving, etc.).

Assistant Mayor Blachar thought that once the Engineers had received pricing they would present that to the Committee and the Council. Mr. Sobel questioned if Mr. Kunen would be able to allocate, in the paving costs, the portion that could be attributed to the Village. Mr. Kunen advised that would be done. Mr. Gold agreed that the Committee needed to know the financial impact.

The Committee discussed whether or not work should be done continuously, through the holidays.

**A motion was offered by Mr. Sobel and seconded by Mr. Holder to recommend that the Council approve the work to be performed continuously through the holidays.**

**Dina Cellini, 211 Bal Cross Drive**, spoke in favor of the motion, but thought that a lot of the discussion may be premature, before the figures were received. She didn't see how they would see any cost savings for the paving, from the Village's water project, since the Village was providing temporary paving. Assistant Mayor Blachar explained that it wouldn't be a complete paving, just a temporary paving, which would cost less.

Mr. Sobel hoped that the Council would seek the Committee's input regarding interruptions during holidays, etc. for other projects. Ms. Cellini agreed that should be done, but noted that the Village hadn't done that, before the Committee was formed.

Mr. Landis explained that the policy (for DOT and the Village) had been not to have construction from December through Easter/Passover. Mr. Treppeda reported that could be included in the bid, to stop for a week, etc. Mr. Landis recommended that the work be done continuously.

Mr. Landis agreed that the Council needed to determine whether or not it would pay for the curbing. He noted that the gated area would pay for virtually all of the paving, since the paving that the Village was doing was minimal. Mr. Sobel thought that the equipment being used by the Village, for its water/sewer project, would deteriorate the roads. Mr. Landis disagreed. Mr. Treppeda requested that a percentage be provided by the Engineers, for what the Village should be responsible for.

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

Assistant Mayor Blachar pointed out that the financing would be addressed later.

**7. RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE MODE OF ASESMENT FOR ALL GATED AREA PROPERTIES FOR FISCAL YEAR 2013 – DANIEL HOLDER:** Mr. Holder requested that a fair

assessment be determined for the entire community. He discussed the prior and current formulas for the assessments. He discussed the considerable increase to the current assessments, due to the area having to pay for landscaping, in addition to security. He spoke in favor of the assessments being kept to a minimum, to maintain and somewhat improve the area.

**A motion was offered by Mr. Holder and seconded by Mr. Sobel to recommend to the Village Council that the security assessment formula remain the same and that the landscaping and maintenance assessment be based on the square footage of the owned property (multi-family dwelling units would be divided by the number of living units, with each unit paying a proportional share, single family homes and vacant lots would pay the full share of the lot).**

Mr. Sobel pointed out that the marina property wasn't addressed. Mr. Holder suggested that be determined later.

**Betsey Bystock, 80 Park Drive**, spoke in favor of doing what was fair for everyone. She questioned if the paving and other assessments would follow the same formula, which she thinks would make sense. Mr. Holder thinks so. Ms. Bystock suggested that the square footage also apply to the marina property, if that was adopted. She questioned the increased amount, shown under Tab 5, for the multi-family units. Mr. Treppeda explained that the cost for a multi-family unit (based on the County taxing district method and a 15-unit building) would be increased by \$288.34. Assistant Mayor Blachar clarified that for the County's special taxing districts, everyone was charged the same for security (homes and apartments), regardless of square footage. She explained that the calculation for landscaping was an estimate based on square footage. Ms. Bystock questioned why the increase was proportionately so much higher for the units, compared to the single family homes, in the County's method. She spoke in favor of the square footage method formula for all of the properties, including the square footage of each apartment. Mr. Holder clarified that his proposal was for the cost for the multi-family units to be based on the square footage of the property, not the apartment, and then divided equally among the number of units. Ms. Bystock questioned how that would work, since there were different sized units in some of the buildings. She suggested that the buildings decide the proportion, as long as it met the whole total.

Assistant Mayor Blachar spoke in favor of following the County method for security and then basing the landscaping/maintenance on square footage.

**Doug Rudolph, 212 Bal Bay Drive**, explained that the County method for security assessment was based on a statute and court case. He explained that the difference was that the gated area was a special assessment district, not a special taxing district, and was not handled by the County because the streets were private. He noted that, since the inception of the gate, the security was paid equally, including the apartments. He explained that was changed when the multi-family units complained that it wasn't fair, so then the formula was changed (the first unit was charged a full share and the remaining units were charged approximately 40% of a share each, which was then added up and divided by the number of units in the building). Mr. Sobel questioned why the marina was charged four times the amount of a single family home. Mr. Rudolph thought that since the marina had the right to develop single family homes on the designated lots, the amount was based on the equivalent of four lots. He explained that he had questioned the County why the maintenance wasn't assessed equally (the same as the security assessment), since the

thought was that every residence (home or apartment) received the same benefit. He reported that the County informed him that was because nobody had challenged the formula for the maintenance yet. He clarified that the County assessment for maintenance was based on the total square footage of the lot size.

**Joseph Imbesi, 200 Bal Bay Drive**, reported that there weren't any homes at the marina, so he viewed them all as vacant lots. He explained that, based on the figures, he was being charged for eight (not four) vacant lots for the security and maintenance. He discussed the ability to place a multi-family unit on a lot just slightly larger than a lot for a single family home, but a multi-family building would have ten units. He thought that Mr. Holder was figuring the assessment method for his own benefit, since he was in one of the multi-family units. Mr. Holder reported that he wanted to pay what was fair. Mr. Imbesi didn't think the method he proposed was fair. Mr. Holder clarified that the Committee had been approached by residents who thought that the current assessment was unfair, so they were trying to come up with one that was fair. He thought that the method he proposed was fair, whether he benefitted from it or not. Mr. Imbesi thought that the multi-family units were the only ones who had complained about the assessment being unfair, not the single family homes. Mr. Holder agreed. Mr. Imbesi discussed the price to pay to live in Bal Harbour, which should be recognized. He spoke in favor of each residence (homes and apartments) paying equally for both the security and the maintenance. Assistant Mayor Blachar questioned how many vacant lots Mr. Imbesi estimated that he had. Mr. Imbesi anticipated the ability for three homes (or lots), on the marina property.

Mr. Gold questioned if there was any other districts similar to the gated area. He noted that the common areas were to the same benefit to the single family homes, as the apartments.

**Richard Sragowicz, 20 Park Drive**, spoke in favor of using the square footage method for the security, as well as the maintenance (landscaping).

Assistant Mayor Blachar requested the figures. Mr. Treppeda reported that under Mr. Holder's proposal, based on square footage, a multi-family unit (based on a 15-unit building) would be decreased by \$44.00 and a single family home would be increased by \$146.00. Mr. Wallace discussed that need for three assessments: one for security, one for maintenance (landscaping), and one for the roadways. He suggested that people speaking on what they think was fair explain why it was fair, in order to build the case for it.

Mr. Gold pointed out that a 15-unit building, on the same lot size as a home, had 15 times the potential for policing (security) than that of a single family home, but would be paying less. He didn't think that the square footage of the property lots had anything to do with the common areas that were being maintained.

Mr. Holder clarified that there was a difference between the police and security (the gate). Mr. Gold clarified that the units would have more residents accessing the gates.

Mr. Holder hadn't seen people using the green spaces other than to drive by and view them, so he didn't think that the residents in the apartments used them more. Mr. Gold clarified that more multi-family units benefitted from the green spaces.

**Rene Ceniani, 24 Bal Bay Drive**, questioned why the marina was considered an empty lot, since there were 20-25 boats there. He spoke in favor of the marina being charged a

unit share, for each boat. Mr. Sobel pointed out that the number of boats changed daily. Mr. Ceniani didn't think that mattered. He added that if the three homes were built in the future, then they would be charged accordingly. Dr. Lelchuk discussed the marina being charged similar to a multi-family building.

**Joseph Imbesi, 200 Bal Bay Drive**, questioned the amount for the marina assessment, under Mr. Holder's plan based on square footage. Mr. Treppeda didn't know. Mr. Holder explained that he had asked that the marina be discussed, once the single family and multi-family amounts had been determined. Mr. Imbesi pointed out that none of the boats had addresses and none of the boats were considered residences. Assistant Mayor Blachar pointed out that there were boat slips there and some people were living on the boats. Mr. Imbesi clarified that there were not residences there, but there were some minimal crew members on the boats. Mr. Sobel clarified that the marina was the only commercial enterprise, in the security district, and it needed to be viewed separately.

Mr. Sobel discussed the property values increasing, when the security district was beautified, because it would be a nicer place to live. He discussed everyone receiving the same benefit from driving by the green spaces. He noted that the marina was a commercial enterprise, which he wouldn't assess as a vacant lot or based on the number of boats that were there, but something in the middle and perhaps leaving it as it was. He didn't think that the assessment should be based on who could afford to pay, since that would render it illegal. Mr. Sobel clarified that the assessment was supposed to be based on the matter of relative benefit. He agreed with Mr. Gold that the common areas were shared equally. He didn't think that the idea that the more expensive homes should pay more for security because they could afford it made any sense. He clarified again that the common areas and the security were shared equally by everyone. His view was to keep the assessment the same as it had been, because everyone knew what the apportionment was when they bought in the district. Mr. Sobel knew that the area had to take over the landscaping and maintenance, but questioned why the fundamental rule of the apportionment should change. He thought that if the residents agreed that the relative benefit was the same for everyone, then the apportionment made sense. He thought that the marina being charged the equivalent of four single family homes was a good compromise.

Assistant Mayor Blachar agreed, but suggested that the multi-family units pay 40% of the full share for each unit (not the full share for the first unit and 40% for the remaining units).

**Joseph Imbesi, 200 Bal Bay Drive**, suggested that each multi-family unit pay 50% (no full share for the first unit).

**Neca Logan, 64 Camden Drive**, suggested that all three formula options (the existing, Mr. Holder's, and the County's) be looked at side by side. Mr. Sobel pointed out that self-interest would be served by looking at the dollar amounts. He added that they shouldn't be looking at dollars, but should be looking at the concept. Dr. Lelchuk agreed.

**Richard Sragowicz, 20 Park Drive #5**, agreed that everyone enjoyed the common areas equally, but thought that a larger home may have a more vested interest in security. He discussed the condominium units on Collins Avenue being assessed differently for the common areas, based on their unit size.

Mr. Gold pointed out that in other housing communities the homes paid the same common

area maintenance assessment, regardless of the size of their homes. He noted that if the front of the homes were being maintained then it would make sense to base the amount on the square footage of that area, but since it was for the common areas it didn't make sense to do that.

Mr. Holder agreed with Mr. Sragowicz's point and noted that in his building they paid for the common areas, but it was based on the unit size, even though they all enjoyed the common areas. He added that in the past the paving assessment was based on the size of the property.

Mr. Sragowicz questioned if there was a way to prevent the utilities from spray painting. Mr. Treppeda reported that the markings were required by law, prior to construction.

***Rene Ceniani, 24 Bal Bay Drive***, thought that the Committee needed to decide whether or not the three different types of properties would be viewed differently and then how they would be assessed. He thought that the marina was the bigger issue. He discussed the possibility of hiring someone to review the issue. Mr. Sobel noted that would just be another opinion and there was no right or wrong answer.

Assistant Mayor Blachar pointed out that the City of Miami Beach charged all of the properties a full share for the security. Mr. Sobel added that there was no other community in a similar circumstance that could be used as a comparison.

Assistant Mayor Blachar suggested that the residents do more research.

Mr. Holder thinks that the requirement, to have discussion to find a fair method, had been met. He discussed the possibility of Mr. Sobel being right in keeping the method the same.

***The motion failed (1-4); with the vote as follows: Mr. Holder yes; Dr. Lelchuk no; Mr. Sobel no; Assistant Mayor Blachar no; Mr. Gold no.***

Mr. Gold thanked Mr. Holder for taking the time to research and put together a proposal for the Committee's consideration.

Mr. Sobel suggested that the mode of apportionment (for the assessments) be placed on the May 1<sup>st</sup> Agenda. He explained that, at that time, Mr. Holder's proposal and any other proposal could be presented. He noted that he planned to make a motion, at that meeting, to continue with the current apportionment.

***A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to place discussion, presentation of proposals, and recommendation regarding the mode of apportionment for the assessments on the May 1<sup>st</sup> agenda. The motion carried (5-0).***

Assistant Mayor Blachar requested that notice be placed on the Information Channel and the Sign in the Village that the Committee would be voting on the method of assessment at the May 1<sup>st</sup> meeting.

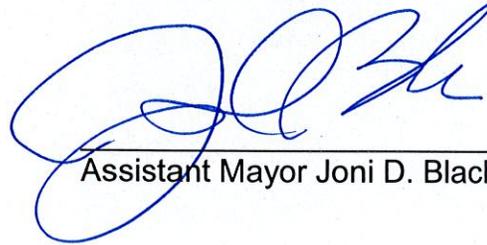
**8. DISCUSSION OF GATE ARM ON BAL BAY DRIVE:** This item was discussed earlier in the meeting.

**9. ANNOUNCEMENT OF NEXT MEETING DATE – MAY 1, 2012**

**AT 7:00 P.M.:** Assistant Mayor Blachar announced that the next meeting would be held on May 1, 2012, at 7:00 p.m. The Committee agreed that future meetings would be scheduled at the May 1, 2012, meeting.

**10. OTHER BUSINESS:** None.

**11. ADJOURN:** There being no further business, *a motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to adjourn. The motion carried (5-0) and the meeting was adjourned at 9:28 p.m.*



Assistant Mayor Joni D. Blachar

Attest:

  
Ellisa L. Horvath, MMC, Village Clerk