

**BAL HARBOUR VILLAGE**  
**GATED RESIDENTIAL SECTION ADVISORY COMMITTEE**  
**REGULAR MEETING MINUTES – JUNE 12, 2012**

A Regular Meeting of the Bal Harbour Village Gated Residential Section Advisory Committee was held on Tuesday, June 12, 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

Absent: Daniel S. Holder

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

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

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Mrs. Schertzer.

**3. APPROVAL OF MINUTES:** *A motion was offered by Mr. Sobel and seconded by Mr. Gold to approve the May 1, 2012 Regular Meeting Minutes. The motion carried (4-0).*

**4. DISCUSSION OF PROPOSED RECONSTRUCTION OF ROADWAY ASPHALT PAVING AND CONCRETE CURBS AND GUTTERS:**

Mr. Treppeda reported that the Council had not made a decision on whether or not the Village would pay for a portion of the job. He anticipated that it would be discussed at the July 17<sup>th</sup> Council Meeting, if Assistant Mayor Blachar was able to attend.

**Doug Rudolph, 212 Bal Bay Drive**, voiced concern that the view outside the gates was that the curbs were only in disrepair due to the residents inside the gates and, as such, the residents inside the gates should have to pay for them.

**Nina Rudolph, 212 Bal Bay Drive**, noted a lot of residents would not be in town in July to attend the Council meeting.

**Darcee Siegel, 169 Camden Drive**, noted that if money needed to be budgeted for the project, then it should be discussed sooner than September.

Assistant Mayor Blachar clarified that the anticipation was that the job would be done two years from now.

**5. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR:** Mr. Wallace reviewed the Financial Update provided in the agenda.

Dr. Lelchuk requested clarification that 90% of the residents had paid the assessment. Mr. Wallace agreed. Assistant Mayor Blachar questioned if the eGO passes had been turned off for nonpayment. Mr. Wallace reported that hadn't been done yet but would be done sometime during the month. Dr. Lelchuk questioned the legal fees that were higher than budgeted. Mr. Wallace discussed the majority of the cost due to legal ad requirements and anticipated that the amount for the ads should decrease next year.

**Dina Cellini, 211 Bal Cross Drive**, questioned how much that hadn't been paid would be paid, to determine what needed to be budgeted. Mr. Wallace explained that would be forecasted at the end of the year, which he would provide at the next meeting.

Mr. Sobel questioned if the Council had considered broadening the Committee's mandate. Mr. Treppeda advised that the Council had approved to do that, but explained that the Committee needed to recommend the items that it would like to be able to discuss, which would then be placed on a Council agenda for consideration.

**Lori Lehman, 30 Park Drive**, questioned if the paving would be a separate assessment.

Mr. Sobel reported that it would be a separate assessment, which would be paid over a number of years. Mr. Wallace clarified that some residents may pay the full amount at once or could pay it off over 15 to 20 years. He didn't know if it would be a separate line item on the property tax bill. Assistant Mayor Blachar requested that it be kept separate. Mr. Wallace agreed that would be better, if it was allowed by the property tax office.

**6. DISCUSSION OF PROPOSED BUDGET FOR FISCAL YEAR 2012/2013 – CHRISTOPHER WALLACE, FINANCE DIRECTOR:**

Mr. Wallace reviewed a Powerpoint presentation. He reported that the assessment would show up on the property tax bill for the 2012/2013 Fiscal Year. He explained the discounts for paying early on the tax bills and noted that the property appraiser billed 1% of the amount.

The Committee reviewed the proposed budget for Fiscal Year 2012/2013 and made the following changes to the recommended amounts:

**Legal Fees: Increased to \$15,000.00**

**Professional Services: As recommended**

**Auditors Fees: Increased to \$2,000.00**

**Janitorial Contract: Increased to \$2,500.00**

**Landscape Maintenance Contract: Increased to \$90,000.00**

**Pest Control and Fertilization: Increased to \$40,000.00**

**Charette: Increased to \$5,000.00**

**Telephone, Cable TV Postage, and Utilities: As recommended**

**Water Usage: Increased to \$20,000**

**Insurance rate, Maintenance of Equipment, Printing and Binding, Legal Ads, Miscellaneous, and Operating Supplies: As recommended**

**Landscape Materials: Decreased to \$90,000.00 (this was decreased later in the meeting to \$75,000.00)**

**The Committee discussed a budget for street lights. Mr. Wallace suggested that funds could be put in Security Enhancements or as a separate Street Light account. Mr. Gold discussed the possibility of new fixtures versus retrofitting, etc. Mr. Wallace reported that the \$70,000.00 in construction fee money could be used for lighting, for security improvements. Mr. Gold suggested that \$70,000.00-\$100,000.00 be budgeted.**

**Security Enhancements: Increased to \$80,000.00 (for lighting – this item was discussed later in the meeting and increased to \$95,000.00)**

**Interfund Transfers Out: As recommended**

**Contingency: As recommended**

Mr. Wallace discussed the process for special assessments, which could only be lowered not raised, once set.

Mr. Sobel reported that the assessment would be decreased.

**Dina Cellini, 211 Bal Cross Drive**, questioned what Professional Services covered. Mr. Wallace reported that it covered the security contract as well as the Landscape Architect. He added that a cost of living increase was normally budgeted for the security contract.

Ms. Cellini questioned if the Landscaping Company Brickman no longer wanted to provide service for the area. Assistant Mayor Blachar explained that when the landscaping project was put out to bid, the lowest bidder was \$79,000.00 and Brickman didn't want bid. She read a letter provided by Brickman. Dr. Lechuk clarified that Brickman would continue to maintain the plants, but didn't want to plant them. Ms. Cellini questioned if the Brickman contract would change every year, since the landscaping would be changed. Assistant Mayor Blachar noted that Bill O'Leary, Landscape Architect, didn't think that it would change much. Ms. Cellini discussed Pest Control and Fertilization and complained about red ants in the center island. She suggested that they fumigate more often or a new company be used. Assistant Mayor Blachar requested that Spray Pro be told about the red ant problem. Ms. Cellini suggested that those services be put out to bid. Mr. Treppeda reported that the Village had used Spray Pro for many years. Mr. Sobel requested that a fire be put under them. Assistant Mayor Blachar requested that residents let her know about those issues. Mr. Treppeda will provide a list of what Spray Pro did for the Village. Ms. Cellini questioned the increase in Maintenance of Equipment. Mr. Wallace reported

that it was mostly for maintenance of the gates. Ms. Cellini discussed Landscape Materials and noted that the plants would be paid using the current budget. She didn't know about a second phase and questioned how much landscaping they intended to do. Ms. Cellini thought that the assessment would be decreased significantly by more than \$200. She would be content with the landscaping that had already been approved.

Mr. Gold clarified that there probably wouldn't be more landscaping. Mr. Sobel explained that they weren't committing to spend the money, but would like to see what the area looked like after the planting was done. He clarified that the problem areas were addressed, but that there may be some additional areas that needed to be addressed. He noted that if the money wasn't used, then it could be put into Contingency to cover an impact from a hurricane, etc. Mr. Sobel clarified that the item would be discussed before any money was spent. He noted that he wasn't anxious to spend the money, but was anxious to build up a contingency.

Ms. Cellini requested that Landscaping Materials be reviewed again, since there was \$75,000.00 left over in the budget. She discussed the increased Security Enhancement line item and questioned when the community had decided to change the lighting. She requested that more input be received from the community, because it would be a major change in the complexion of the community and she would be opposed to it. Assistant Mayor Blachar reported that several residents had spoken about the poor lighting.

Mr. Gold explained the depreciation of the lighting and paying for more watts than what was being delivered. He agreed that increased lighting was very subjective, but explained that in order to maintain the white light and get what was being paid for, it should be considered. He discussed the savings for electricity and maintenance.

Mr. Treppeda reported that the Village was still maintaining the street lights, which the legal opinion reported that the Village could still do, until they were changed. He wasn't sure who was paying for the electricity. Mr. Sobel thought that if the Village was paying for it, then it would become the Village's.

Assistant Mayor Blachar discussed the need for the lighting to be addressed. Mr. Wallace reported that money was set aside in reserves in the construction fees, which could be appropriated in Security Enhancement, for lighting.

Mr. Treppeda will provide Mr. Gold with one head from one of the poles.

**Dina Cellini, 211 Bal Cross Drive**, noted that if the bulbs were all changed then the lighting would be significantly more. Mr. Gold reported that it would be typically 30% more light, but it may not be noticeable. He clarified that the neighborhood would not be lit up like a Christmas tree. Ms. Cellini noted that people who wanted more lighting may not be satisfied with that. She spoke against putting anything in, without understanding the lighting totality.

Ms. Cellini spoke in favor of a contingency amount being six months of operation costs. She thought that a \$1 million contingency would be too much. Mr. Sobel suggested that be looked at next year.

**Nina Rudolph, 212 Bal Bay Drive**, discussed the lack of lighting and security issues. She

requested that Spray Pro be contacted to ensure that they were spraying for red ants (in the common areas). She spoke in favor of the Contingency amount and noted that the area was used to the streets being cleaned up immediately after a hurricane.

**Darcee Siegel, 169 Camden Drive**, questioned if the 1% fee that the County charged was built into the proposed budget. Mr. Wallace reported that it was.

**Steve Scheinman, 234 Bal Cross Drive**, voiced apprehension about the goal of a \$1 million Contingency, lighting, another phase of landscaping, paving, etc. He questioned what the amount would be for the repaving assessment.

**Eli Mizrahi, 178 Park Drive**, questioned if the landscaping program had changed from the initial plans. Mr. Sobel advised that it hadn't, but the bids had come in lower than anticipated. Assistant Mayor Blachar agreed that nothing was reduced. Mr. Mizrahi questioned why the largest rental property was paying the second lowest assessment amount. Mr. Sobel explained that the apportionment was discussed and agreed to at the last meeting. Mr. Mizrahi voiced concern that the marina paid such a small assessment.

Mr. Treppeda will report on who is responsible for changing the light bulbs and paying for the electricity for the lighting, as well as the number of light poles in the area.

*It was the consensus of the Committee to make the following change to the proposed budget:*

**Landscape Materials: Decreased to \$75,000.00**

The Committee discussed the need to go through a whole year to make any more changes

**Shany Biton, 168 Park Drive**, discussed concern with speeders and the safety of the children in the District.

Assistant Mayor Blachar reported that the Village Attorney was looking into if there was something else that could be done, since the Police were not presently enforcing the traffic laws.

The Committee discussed the possibility of speed bumps.

Mr. Treppeda clarified that the Police were patrolling the area, but not for traffic infractions. Mr. Gold didn't understand why people wouldn't sign the agreements. Mr. Sobel noted that there wasn't a legal opinion that a certain amount of signatures was needed. He felt that there were enough signatures to ask the Police to enforce the traffic. Assistant Mayor Blachar explained that the issue was that the area was private property and the Village Attorney felt that there needed to be close to 100% signatures. She added that Ms. Cellini felt that the Police had the authority to enforce, without the signatures. Mr. Sobel spoke in favor of the Village taking a braver stand. Mr. Gold agreed that the neighborhood was not safe. Mr. Treppeda reported that the item had been taken to the Council and no action was taken. Assistant Mayor Blachar requested that the item be brought back before the council.

**Darcee Siegel, 169 Camden Drive**, suggested signs with flashing lights, showing people that they are speeding, be placed on Park Drive and on Bal Bay Drive.

Mr. Sobel discussed the possibility of installing speed bumps. Assistant Mayor Blachar noted that some residents were willing to have them in front of their houses. Captain Quinn reported that since it was private property they could do what they wanted. Assistant Mayor Blachar suggested that money be budgeted for speed bumps. Mr. Gold noted that speed humps would take time to install. Mr. Sobel suggested that additional stop signs be placed by the Police. Captain Quinn will look into it.

**Juan Sragowicz, 141 Bal Cross Drive**, agreed that something needed to be done. He spoke in favor of the Contingency being slowly increased. He suggested waiting until after hurricane season, to consider the lighting. He suggested that the Contingency be decreased to \$150,000.00.

Assistant Mayor Blachar questioned if money should be budgeted for speed bumps or authority be given to purchase three speed bumps. Mr. Sobel would rather allocate the money for security.

**Dina Cellini, 211 Bal Cross Drive**, explained that everyone had complained about the speeding over the years, regardless of police presence. She suggested that neighbors speak to each other if they know who is speeding. She spoke against budgeting for something that the community had not agreed to. Assistant Mayor Blachar agreed and requested that it be placed on the July 31st agenda for discussion. Ms. Cellini noted that a lot of the community would be out of town. Mr. Sobel spoke against waiting for six months to debate something. He discussed those in the community who hadn't signed the agreement for traffic enforcement. Ms. Cellini reported that she had not signed an agreement. Mr. Sobel explained that he had the responsibility to do something about speeding issue, which would be discussed at the July meeting. Ms. Cellini pointed out that the Council didn't discuss important issues in the summer. Assistant Mayor Blachar explained that there were too many children in the area, not to do something. She reported that the issue would be on the next agenda.

**Neca Logan, 64 Camden Drive**, suggested additional speed limit signs and that the speed limit be possibly painted on the streets. Mr. Treppeda was directed to provide a sketch where the signs are, so it could be determined if additional signs were needed. Ms. Logan suggested that the guard remind people of the speed limits.

Mr. Sobel suggested that everyone take the responsibility and inform others of the speed limit.

Mr. Treppeda was directed to provide the cost of moveable speed bumps.

Captain Quinn, Bal Harbour Police, will put up a sign flashing the speed limit.

**A motion was offered by Mr. Gold and seconded by Mr. Sobel to tell the Council that the Committee wants the Council to allow the police to enforce the traffic law (in the gated area). The motion carried (4-0).**

Mr. Wallace encouraged the Committee to use a traffic engineer, for the process of the speed bumps. He noted that money could be used from the current budget for a study.

**A motion was offered by Mr. Gold and seconded by Dr. Lechuk to approve up to \$10,000.00 for a**

study and speed bumps, from the current budget. The motion carried (4-0).

It was the consensus of the Committee to make the following change to the proposed budget:

Security Enhancement: Increased an additional \$15,000.00 (Security was \$5,000.00 then increased to \$80,000.00, and now to \$95,000.00)

**Juan Sragowicz, 141 Bal Cross Drive**, reported that there were less than 100 light bulbs, so the cost for lighting would be less. Mr. Gold explained that the price and number of poles was an estimate. He didn't know if they could be retrofitted.

A motion was offered by Dr. Lelchuk and seconded by Mr. Gold to recommend that the Council approve the FY 2013 Budget as proposed (with the changes made by the Committee). The motion carried (4-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Mr. Gold yes; Dr. Lelchuk yes; Mr. Sobel yes; Mr. Holder absent.

**7. DISCUSSION AND RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE SECURITY AND LANDSCAPE ASSESSMENT RATE FOR FISCAL YEAR 2012/2013:** The assessment amount is to be based on the proposed budget, as approved by the Committee in the prior item.

**8. DISCUSSION AND UPDATE ON CODE ENFORCEMENT:**

**Oscar Patino, Code Enforcement Officer**, addressed the Committee.

Assistant Mayor Blachar reported that the neighborhood had requested stronger enforcement. She discussed complaints about empty lots, etc.

Mr. Patino reported on the enforcement of items at 97 Camden Drive and the property next to 211 Bal Cross Drive. He clarified that the Code allowed grass on empty lots to be up to 12 inches tall.

Mr. Wallace reported that code enforcement fines would be liens against the property and could be recorded.

**Dina Cellini, 211 Bal Cross Drive**, clarified that she didn't complain about her neighbor. She requested more attention to vacant homes, to ensure that they were maintained. She discussed problems with trucks leaving the community after the 9:00 p.m.

Mr. Gold questioned why Ms. Cellini wanted the Police for code enforcement, but not traffic. Ms. Cellini explained that she believed that the Police already had the authority to enforce the traffic, without people having to sign the agreement. She continued that she wouldn't sign a document that may have unintended consequences. Ms. Cellini believed that the Police could and should enforce all traffic and code enforcement. She agreed that she was in favor of the motion that the Committee had made to the Council regarding traffic enforcement.

Mr. Patino explained that emergency repairs happened occasionally and that residents sometimes had special permission by the Village.

Assistant Mayor Blachar requested that the code enforcement officers look around the community more and get things done.

**REQUEST FOR APPROVAL OF BID FOR LANDSCAPE**

**IMPROVEMENTS:** Mr. Treppeda recommended approval of \$79,107.00 for Landscaping Associates, Inc. (lowest bidder) to provide landscape improvements.

*A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to approve. The motion carried (4-0).*

**9. SELECTION OF FUTURE MEETING DATES/TIMES:** *It was the consensus of the Committee to schedule a meeting for August 28, 2012, at 7:00 p.m.*

**10. ANNOUNCEMENT OF NEXT MEETING DATE: JULY 31, 2012, AT 7:00 P.M.:** The next meeting date of July 31, 2012 was noted.

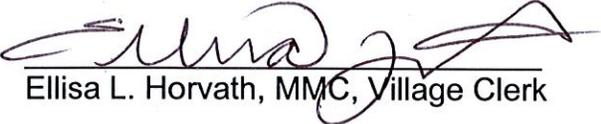
**11. OTHER BUSINESS:** None.

**12. 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 9:30 p.m.*



Assistant Mayor Joni D. Blachar

Attest:



Ellisa L. Horvath, MMC, Village Clerk