

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

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

Absent: Daniel Gold

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 Sybille Holder.

**3. APPROVAL OF MINUTES:** *A motion was offered by Dr. Lelchuk and seconded by Mr. Holder to approve the July 31, 2012 Regular Meeting Minutes. The motion carried (4-0).*

**4. FINANCIAL UPDATE – CHRISTOPHER WALLACE, FINANCE DIRECTOR:** The Financial Update was provided in the agenda (Mr. Wallace was not in attendance to review the report).

Assistant Mayor Blachar questioned which property was referred to that had finally paid after a long-standing issue. Mr. Treppeda wasn't sure, but offered to find out.

**5. DISCUSSION AND UPDATE ON CODE ENFORCEMENT:** Code Enforcement Officer Lori Mobley reported that she was working on cleaning up some of the properties. She reported that one home had a POD in front of it for a month, but there wasn't anything in the Code that prohibited it.

Mr. Holder questioned the status of the electric fence for the dog. Officer Mobley reported that the owner was told that the dog was not to be in the front yard without a leash. She added that the owner didn't want to remove the electric fence and the sign was up to warn people who have pacemakers. Officer Mobley hadn't seen the dog loose or received any complaints regarding the dog being loose.

Assistant Mayor Blachar reported that the ordinance prohibiting PODs had passed on first Bal Harbour Village Gated Residential Section Advisory Committee Regular Meeting Minutes 10/03/2012

reading, but she had requested that the item appear before the RAC again, before it proceeded to second reading.

**Daniel Sragowicz, 275 Bal Bay Drive**, reported that he had used his carport to store some items from his house, which he had covered up with bamboo trees to beautify, but had been told that it was not up to Code. He noted that garages were used for storage and questioned why carports could not be used for storage also.

Dr. Lelchuk clarified that the Code required that every home have a garage or carport to park cars. He knew that garages were used for storage, but there should also be room in the garage to park a car. He questioned if bicycles could be stored in a carport. Assistant Mayor Blachar suggested that Mr. Sragowicz convert his carport into a garage. Mr. Sragowicz noted that garages could not face the front. Mr. Holder suggested that Mr. Sragowicz speak to the Building Department. He voiced concern on what he would do with the items stored in the carport during a hurricane. Mr. Sragowicz explained that he could place those items in the utility room during an emergency. He pointed out that construction items were not removed during a hurricane. Mr. Holder reported that construction sites needed to be secured, prior to a hurricane. Mr. Sragowicz spoke against prohibiting PODs, but thought that time limits should be placed on them. Assistant Mayor Blachar directed Mr. Sragowicz to speak to the Building Department. Mr. Sragowicz suggested that the Architectural Review Board have input.

Officer Mobley reported that bikes were allowed under the carport, but there still had to be room for a car. She added that exercise equipment, fridges, left over construction items, etc. could not be placed in the carport.

**6. DISCUSSION OF BAN ON PODS:** Assistant Mayor Blachar requested input on the proposed Ordinance.

Mr. Holder noted that PODs were defined very strictly as an enclosed storage unit and questioned if the storage didn't have a top on it. He thought that the definition left the door open to allow other types of storage items that could be used. Dr. Lelchuk thought that the description proposed by the Attorneys was probably the best. Mr. Sobel suggested that the word "enclosed" be deleted. Assistant Mayor Blachar discussed PODs being used for construction projects, to store furniture. Mr. Sobel and Dr. Lelchuk both noted that could be stored off-site. Mr. Holder suggested that PODs be allowed or a certain number of days, for certain situations. Dr. Lelchuk was not looking forward to seeing PODs in the neighborhood. Mr. Sobel reviewed section 21-364 and suggested that it read that the placement, use, or maintenance of portable storage units would not be allowed for more than 48 hours.

**Doug Rudolph, 212 Bal Bay Drive**, questioned the need for a POD for a day or two.

Mr. Holder thought that some people shipped the POD out of the country, after it was loaded.

Code Enforcement Officer Oscar Patino suggested finding out the turnaround time from the POD company. Mr. Sobel discussed the idea to discourage the use of PODs. Officer Patino noted that some homeowners used them that were concerned about storing precious items or to save money on storage. He discussed the need to make sure that the

POD was taken off site, once it was loaded. Assistant Mayor Blachar suggested a maximum of 48 or 72 hours.

***Dina Cellini, 211 Bal Cross Drive***, thought that 48 hours was too generous. She pointed out that if someone was moving overseas then they could get a truck, since the POD was not being shipped. She clarified that the items in the POD were moved to a shipping container. She thought that the intent for people moving should be to bring in a truck, load it, and then remove it. She thought that it would be creating an exception, since trucks with signs were not supposed to be in the gated area after 9:00 p.m. Ms. Cellini spoke in favor of banning PODs or any storage that wasn't brought in and removed the same day (24 hours).

Dr. Lelchuk suggested a time limit of 24 hours. Mr. Treppeda thought that it would be a problem for companies to drop off and pick up the same day. Mr. Sobel suggested a maximum of one to two days, so that it wouldn't be an imposition on the community and would allow the homeowner some leeway. Mr. Holder agreed. Dr. Lelchuk and Assistant Mayor Blachar spoke against allowing the PODs.

***Dr. Stephen Scheinman, 234 Bal Cross Drive***, spoke in favor of allowing it for 48 to 72 hours.

Mr. Rudolph thought that RAC member Daniel Gold would probably be against having the PODs, since it allowed people to take advantage of having them. Assistant Mayor Blachar agreed.

***A motion was offered by Dr. Lelchuk and seconded by Assistant Mayor Blachar to approve the proposed Ordinance, subject to the word "enclosed" being removed from the definition for Portable Storage Unit. The motion carried (4-0).***

## **7. DISCUSSION OF BAN ON SWING SETS IN FRONT YARDS:**

Assistant Mayor Blachar discussed complaints received regarding a swing set in the front yard of a home on Camden Drive. She reported that the homeowner did not want to move the swing set. Mr. Sobel clarified that if anything was added to the Code, then the current swing set would not be affected. Assistant Mayor Blachar agreed that it would be grandfathered in and that any Ordinance would be to avoid future swing sets on front lawns. She discussed the reasons (aesthetic and safety) for the swing sets to be in the back yard, not the front yard next to the street. She also requested that the Committee consider other items such as trampolines, basketball hoops, etc. Mr. Sobel suggested that any permanent mounted recreational equipment be banned from the front yard. Mr. Holder thought that a portable basketball hoop looked just as bad as a permanent one. Assistant Mayor Blachar noted that people did play basketball in the front of their homes. Mr. Holder discussed concern of the players running out in the road. Dr. Lelchuk thought that it was more of an aesthetic reason than a safety one.

***Doug Rudolph, 212 Bal Bay Drive***, agreed that it was an appearance matter. He spoke in favor of recreational type items being in the back yard, except for a basketball hoop (permanent and temporary), since a hard surface was required for bouncing the ball. Assistant Mayor Blachar agreed.

***Dr. Stephen Scheinman***, spoke in favor of allowing the swing sets.

Mr. Holder thought that basketball hoops were as ugly as the swing sets. He also spoke against allowing ramps for skateboards.

*A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to draft an Ordinance to prohibit all permanent, temporary, portable, and fixed playground equipment, other than basketball hoops with backboards and bicycles, in the front of homes.*

**Daniel Sragowicz, 275 Bal Bay Drive**, spoke against banning the items, since they would be used for a party. Mr. Sobel explained that the goal would be to have those items in the back or side yards. Mr. Sragowicz noted that many sports required a hard surface. Assistant Mayor Blachar, Dr. Lelchuk, and Mr. Sobel agreed that it wouldn't apply to a party. Mr. Sobel noted that nothing should be left out overnight.

**Dina Cellini, 211 Bal Cross Drive**, suggested that the provision be provided that the items must be stored inside overnight. She wasn't offended by the Little Tykes playhouses and thought that the problem was only with the swing sets, which she thought the ordinance should focus on.

Assistant Mayor Blachar pointed out that some residents had trampolines and suggested that items be limited by size.

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

*A motion was offered by Mr. Sobel and seconded by Dr. Lelchuk to prohibit recreational and playground equipment in front yards overnight, with the exception of basketball hoops and backboards.*

Officer Patino noted that he saw a lot of children playing in the front yards.

**Doug Rudolph, 212 Bal Bay Drive**, suggested that the Committee consider modifying the language from overnight to sundown.

The Board spoke in favor of the Village Attorney using discretion on whether overnight or sundown should be used.

*The motion carried (4-0).*

**8. DISCUSSION OF PAVING OF STREETS:** **Greg Jeffries, CAS (Craig A. Smith & Associates)**, provided an update. He reported that the water and sewer system was 66 years old and had reached the end of its service life. He explained that the project to replace it would involve repaving the streets, so there should be a minimal or no cost to the gated area. Mr. Jeffries noted that the engineers were in the process of forecasting the costs. Assistant Mayor Blachar clarified that the gated area residents would probably not have to pay an assessment for the repaving.

Mr. Jeffries reported that they had a list of qualified construction companies for the project, which were being reviewed. Mr. Sobel questioned if David Mancini had responded. Mr. Jeffries advised that he had. Mr. Sobel pointed out that they had been used for project for Miami Beach. Mr. Jeffries reported that some temporary repairs would be done to safeguard everything, until the major project was done.

Assistant Mayor Blachar discussed the need to come up with something better to alert residents regarding boil water orders etc. Mr. Treppeda reported that he was looking into a calling system to alert residents. Mr. Sobel discussed residents providing email addresses. Mrs. Horvath noted that the Village collected email addresses, but clarified that any addresses received would become public record.

**Jay Smith, Director of Community Outreach**, explained the process for a resident to provide the Village with their email lists and the advantages of a code red system.

Mr. Holder questioned if there would be weight restrictions for the roads, once they were repaved, since heavy equipment caused damage to the roads. Mr. Jeffries clarified that weight limits were usually for bridge crossing, not roads.

Assistant Mayor Blachar discussed the need to do something regarding utility markings. Mr. Jeffries explained that there was state legislature regulating utility markings. He added that since they were life safety markings, removal or covering the marks would be a felony. He clarified that the companies could not be told to remove them when they were done. Mr. Jeffries explained that he had been holding utility coordination meetings, to work towards a pilot program for semi-permanent markers, which would alleviate some of the markings.

Mr. Holder questioned if his building would be guilty of a felony if they resealed their parking area that had red markings. Mr. Jeffries wasn't sure, but offered to research it. He noted that if the marks were no longer needed by the person who requested them, then it would probably be acceptable, but red indicated power. He will see if the project for Mr. Holder's building is completed.

**Neca Logan, 64 Camden Drive**, questioned the length of the project and its impact.

Mr. Jeffries reported that there would be an impact, but he hoped that everything would be finished in one year. He described the process. Mr. Holder questioned if the driveways would be kept open. Mr. Jeffries explained that it would be a balancing act.

**Doug Rudolph, 212 Bal Bay Drive**, discussed the importance of notification to the residents, especially for emergencies. He suggested that Police forfeiture funds be used for a code red system. Mr. Treppeda will look into that. Mr. Rudolph discussed acquiring more resident email addresses and suggested that a notice be placed in the water billing requesting residents to provide their email addresses. Assistant Mayor Blachar agreed and also suggested that it be placed in the burglar alarm permits, etc. on a separate bright pink paper.

**Dina Cellini, 211 Bal Cross Drive**, requested that the Committee provide a brief newsletter, to notify residents about items (repaving and Bal Harbour Shops project) and to also request the submittal of resident email addresses. Assistant Mayor Blachar suggested that be delayed, until Council approval could be given (for the repaving project). Mr. Treppeda will look into it in the future. Ms. Cellini volunteered to assist the Committee with a newsletter.

## **9. CONSIDERATION OF PROPOSAL FOR REMOVAL OF TREES AND TRIMMING OF TREE IN PARK AREA AT PARK DRIVE AND BAL**

## **CROSS DRIVE:**

Mr. Treppeda requested approval of \$5,850.00 for Brickman Group to trim the fig tree (in the park area next to 160 Bal Cross Drive) and to also remove the two green buttonwood trees in the park area (to the north of the first park area).

Mr. Treppeda also requested approval of \$840.00 for Brickman Group to remove the downed section of a large green buttonwood tree (along the south Park Drive median).

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

Mr. Holder requested that it be clarified that Brickman would also grind down the stumps, as part of the cost.

*The motion carried (4-0).*

Mr. Treppeda requested approval of up to \$1,000.00 to install irrigation for the new trees on Camden Court.

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

**10. TRAFFIC ENFORCEMENT UPDATE:** Captain Quinn reported that pursuant to the Village Attorney opinion the Police had started to enforce traffic in the gated area. He explained that the estimate for the speed limit signs was \$39.00 for each sign and \$34.75 for each eight-foot pole. He suggested that four signs be placed along Park Drive. He will report on if additional signs would be needed. There would be an additional cost for installation.

*A motion was offered by Mr. Holder and seconded by Mr. Sobel to add "strictly enforced" to the sign and giving Captain Quinn the discretion in ordering the signs.*

Captain Quinn reported that the current stop signs were not up to the DOT (Department of Transportation) standards. Mr. Holder added that the ADA (Americans with Disability Act) standards also needed to be complied with.

**Neca Logan, 64 Camden Drive,** spoke against additional language on the sign, since it would cost more.

Captain Quinn will meet with Mr. Treppeda regarding the number of signs that should be placed.

*The motion carried (4-0).*

Mr. Sobel left the meeting.

**Dina Cellini, 211 Bal Cross Drive,** requested that it be clarified that the Village Attorney had determined that the language in the plat was sufficient to allow for traffic enforcement in the gated area and that the traffic agreements from the residents were not needed. She recommended that residents that had sent in the agreement request it back from the Bal Harbour Village Gated Residential Section Advisory Committee Regular Meeting Minutes 10/03/2012

Village and shred it. Assistant Mayor Blachar requested that the Village Attorney letter (dated August 30, 2012) allowing traffic enforcement be attached to the minutes. Ms. Cellini requested that the Village provide the letter on the web site.

Mr. Sobel returned to the meeting.

Dr. Lelchuk questioned if the Village Attorney had changed his opinion that the residents didn't own to the center of the street.

**11. SELECTION OF FUTURE MEETING DATES:** Meetings were scheduled for November 13, 2012 and December 4, 2012, at 7:00 p.m., by consensus of the Committee.

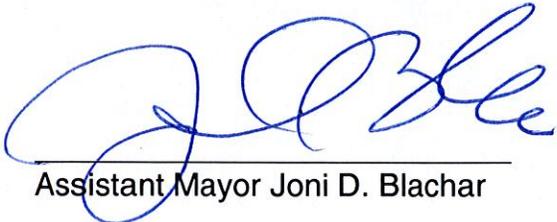
**12. OTHER BUSINESS:**

**Ruth Karp, 74 Bal Bay Drive,** requested that a stop sign be placed for cars coming from underneath the bridge, to travel south on Collins Avenue, to alleviate an accident with those vehicles trying to get in the right lane to turn into the gated area.

**Officer Laz Miel, Bal Harbour Village Police,** will contact the Department of Transportation to recommend that a crosswalk be placed there for pedestrian access, which may motivate the addition of a stop bar there.

**13. 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 8:43 p.m.

Attest:

  
Assistant Mayor Joni D. Blachar

  
Ellisa L. Horvath, MMC, Village Clerk