

BRICKELL HOMEOWNERS ASSOCIATION

NEWS

VOL. XVIII NO. 2

NEWSLETTER OF THE BRICKELL HOMEOWNERS ASSOCIATION, INC.

FALL 2008

BRICKELL HOMEOWNERS ASSOCIATION is comprised of condominium association members and associate members representing some 16,000 residents along the Brickell corridor and on Brickell Key from the Miami River to the Rickenbacker Causeway. The purpose of BHA is to communicate common interests more effectively and mobilize support on important issues relating to the quality of life in our neighborhood.

www.brickellhomeowners.com



VOTE • NOV. 4

Precinct 541

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1105 SW 2nd Ave.**

Precincts 569 & 995

**Immanuel Lutheran
Church
1770 Brickell Ave.**

BRICKELL STREETScape

Project fixes, completion still linger

The report to the right is the mid-September update from the City of Miami on the Brickell Streetscape fixes needed as a result of poor and/or incomplete workmanship. BHA has been dogging officials for a year to fix broken, sinking pavers; incomplete fountains with exposed, unsightly hardware and structures; and light pole problems from paint to placement.

Sadly, the only item marked as “completed” in September was done incorrectly. BHA has been urging the City to hide the unsightly hardware structures erected behind the markers near 15th and 25th Roads. Finally plants were added, but the

Continued on page 3

City's STATUS Report

Fountain, H-Frame, Landscaping—**COMPLETED**

Fountain water spouts—**PENDING:**
Water spouts have been ordered.

Paver Crosswalks—**PENDING:** Working with contractor to determine course of action

Black paint on light poles issue—**PENDING:** Poles have been temporarily re-painted while the manufacturer runs tests on paint chips collected on site for permanent solution.

Removal of FPL light poles in median—**PENDING:** An estimate was received. Check to be hand delivered to FPL by David Hernandez.

Light pole replacement and spares—**PENDING**

BHA residents are cordially invited to

“Meet Your Neighbors”

**Hosted by Mary Brickell Village and
Downtown Miami Partnership**

Thursday, November 20, 2008 • 5:30-8:00 p.m.

This FREE event for Downtown and Brickell neighbors will feature complimentary tastings from your favorite MBV restaurants and libations from Bacardi and Presidente. Come out to the Mary Brickell Village courtyard and meet your neighbors!

Sponsored by Brickell Area Association, Brickell Homeowners Association and Miami Downtown Development Authority.

Read latest news at Mary Brickell Village....page 9



Building Community

Change seems to be the one constant we can be certain of these days. Changes at the global economic level. Changes in our country. Changes in our community. Brickell is no exception.

With more residents, new buildings, and brand-new amenities and services in the area, the Brickell neighborhood is continuing in its evolution, working its way into becoming a truly urban neighborhood. A place where people can work, play, eat, shop and be entertained, all within a short drive or walking distance.

Our community is growing with new condo associations. We've already welcomed two new associations to BHA membership: NeoVertika at 690 SW 1st Ct with 442 units represented by Property Manager Christopher Cedeño and Board

President Darryle Lipsky; and Solaris on Brickell at 186 SE 12th Terrace with 138 units, represented by Property Manager Jessica Ruiz.

As the Brickell area grows with more residents, BHA is hearing from these new neighbors in a way unprecedented in our nearly-20-year history. Sure, many of the calls and emails we get are about problems. Residents are turning to us for answers and help, viewing BHA as a resource, as a watchdog. We work with governmental staff and officials to dog your important issues until all roads to remedy are exhausted (See *Residents Speak Out* on page 4 and *WatchDog-Log* on page 14 for current issues.)

More eyes and more voices are always a good thing. The involvement of residents helps us get the attention we need at City Hall and

in County Hall on matters impacting our quality of life.

In this edition we share with you some of those issues we're hearing about from neighbors, in their own words. You'll read about residents seeking ways to make our neighborhood into a better, stronger community. Some issues are matters that BHA has been working on for years, some with more success than others.

You'll also read of a major networking event being hosted for Brickell and Downtown residents on Nov. 20 at Mary Brickell Village. We hope you will join us at this extended happy hour, where we'll look forward to seeing many of our new neighbors and long-standing members, all of whom now call Brickell "home." ●

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INFINITY AT BRICKELL

Brickell Streetscape Progress Report continued from page 1

wrong plant materials, according to Gerald Marston, principal of Wallace Roberts & Todd, the landscaping design firm retained by the City for the Brickell Streetscape project. It doesn't take an expert to see nearly half of the plantings are dead, and the plants that were used did not fully accomplish the desired effect of camouflaging the ugly hardware.

Along with removing the dead Podocarpus, Mr. Marston advised, "Additional Podocarpus should be installed to screen the ugly metal 'coat rack' from the approach at both monuments." He also said the Crotons on each side should be replaced with *Carrisa macrocarpa*, a fast-growing, wind resistant ornamental shrub.

Residents are still awaiting

pedestrian crossing warning signage promised last winter for the crosswalks at the 1800 block of Brickell. Supposedly residents have the right-of-way, but vehicles breezing along on Brickell don't even notice the crosswalk markings. Walkers say they wouldn't dare depend on cars to stop. Similar pedestrian signals and signs like those in Coconut Grove on South Bayshore Drive are desired.

And then there's the matter of the old light poles still in the medians; BHA

has been requesting and awaiting the removal of those ever since the new lighting was installed. Then there will be landscaping needed when the poles are taken away... ●



Half the plantings are dead and they don't conceal the unattractive hardware behind.

BHA News is published by the Brickell Homeowners Association to keep neighbors, public officials and others in the community informed of the activities and concerns of its residents. Advertising is accepted on a space-available basis, and BHA reserves the right to accept or reject all advertising. For advertising information or other details, reserve your space at the BHA website (www.brickellhomeowners.com) or write to Communications Director Natalie Brown at nbrown@brickellhomeowners.com. Editorial material and suggestions are also welcome for consideration.

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Residents Speak-Out

Green space for children and families lacking

No one is in a better position to talk about quality of life matters than Brickell residents themselves. The email below came from a resident answering our web survey about Brickell area quality of life. Ms. Pueyrredon raises concerns being heard more and more often among those living in Brickell as the area transforms with young families making the Brickell neighborhood home. They are looking for a balance of green space and residential neighborhood amenities, safe and within walking distance from their condos. BHA updates follow her letter.

"My husband and I chose to live and bought a condo in the neighborhood seven years ago because we thought it would develop into a place where you could live, work, shop, have fun, everything within walking distance. But the only improvements the past year have been some lights on Brickell Avenue, new bus stop shelters, some flowers...

There is still an urgent need for a PARK, a common area where people can jog, walk their dogs, take their children. There are hundreds of kids in the Brickell area that don't have a place to go. And there are hundreds of condos for sale: why would somebody move to Brickell if there aren't green spaces? It's suffocating!

Since I am a mother of two, I find there is no place to take my children to play. I have to ride them by car to Key Biscayne, where there are two parks you can choose from! I think Brickell deserves a park of its own, not only for children, but for people who want to jog, take a ride on their bicycles, walk their dogs, have lunch during weekdays. There is an urgent need for some fresh air, some open space, considering the hundreds of new condos that have been built recently. Imagine if all those condos were all occupied by residents: Wouldn't it be a bit suffocating not to have a public green area?

It's sad to say that I wouldn't

move to Brickell if I had to choose again today. My friends and other young couples with small children that are living in Brickell are very concerned about the lack of a green area and many are planning to move to Key Biscayne. Others are working on permissions to build playgrounds on their condos, but shouldn't this be a public issue, solved by the city and not by private entities? Where is the money from our taxes going?

Moreover, it's impossible to walk on Brickell Ave. The traffic lights don't allow time to cross the street properly, and it is a real danger to cross them. There should be pedestrian markings on the streets and corners that would allow safe crossings. You should come to Brickell and see how many workers struggle to simply walk to lunch.

—Marina Aranda Pueyrredon
The Palace

From BHA...

What we know— What is being done

We all are in agreement that we need more park space in the Brickell area offering all kinds of amenities. Commissioner Mark Sarnoff has often acknowledged the need and has committed to working on ways to provide accessible park space for the area. BHA anxiously awaits his creative solution, but, in the meantime, here is a summary of our park inventory and what's happening at each. The common limitation is space—for ballfields, playgrounds, and even parking.

ALICE WAINRIGHT PARK (pictured below) is located south of 26th Road at 2845 Brickell Ave. It offers the most open space among

Continued on next page



Continued from previous page

our three options, a runners path around it, some grills and tables, a playground, basketball court and restrooms. Safe access is a major factor limiting use of this park for Brickell neighbors. At the southern end of residential Brickell, it's close in terms of distance, however, one has to cross several lanes of cars fast approaching the toll station on 26th Road to get directly to the park. Old timers might recall when BHA had



BHA battled to keep this gate open for Brickell neighbors' access.

to battle homeowner Sly Stallone to maintain our access path by the Seaquarium sign and keep the gate open for Brickell neighbors. We were victorious on that one. Alice Wainright has parking for a couple dozen cars, with vehicular access via 32nd and South Miami Avenue, just before Vizcaya's entrance.

Earlier this year BHA asked FDOT consider ways to improve the pedestrian safety at the intersection to get to the park, including a pedestrian crossover or other means. FDOT immediately dismissed the notion of a pedestrian crossover, and their response in their "Brickell Pedestrian Safety Assessment" was to recommend a circuitous route crossing three streets in the intersection, each with signals barely allowing sufficient time even for the most able-bodied to get across, much less a mother with small children. (See *BHA News*, Winter 2008 issue.) BHA has asked FDOT to, at the very least, reassess the signal timing.

SIMPSON PARK is the next closest park for neighbors off South Miami Avenue at 17th Road. The park is considered a crown jewel of Miami Parks with its rare trees and plant species that cannot be found anywhere else in the state. Private interests have presented plans for improving the park and access to it, although Miami historians and naturalists will caution that not only is Simpson a sensitive native habitat, but aspects of the park, such as the rock wall, are historic. Relocation notices on 21 small trees at the cor-

Continued on next page



Simpson Park has a spacious community room, but is environmentally sensitive and without open space, not conducive for children at play

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“Residents Speak Out” continued from previous page

ner of 15th Road/Broadway and South Miami have perked the BHA WatchDog’s ears at press time. More to come.

BRICKELL PARK, just south of the Brickell Avenue Bridge, is slated to reopen by year’s end. It was closed during the major construction of The Related Group’s Icon on Brickell, in exchange for the company refurbishing the park, long overdue, and putting in place a maintenance commitment by owners at Icon. The agreement also brought about the settlement of a complicated lawsuit between the City and the Brickell family who had originally deeded the property to the City of Miami. BHA has been working with The Related Group on their planning and design for the new and improved Brickell Park. BHA neighbors want to ensure there is broad public access, that the park remain passive and offer a quiet,

contemplative respite despite the bustle of the city around it.

Well beyond walking range but still relatively closeby in our county of more than 2,400 square miles, BHA is also working with the City of Miami to provide athletic fields on **VIRGINIA KEY**. The idea is that these fields will accommodate Brickell youths and will be served by Miami-Dade Transit.

Pedestrian safety

Ms. Pueyrredon also brought up another important, continuous topic: that of pedestrian safety, along with the speed of traffic, in the Brickell area. Here’s the latest activity by BHA in trying to bring about improvements:

Continued on next page



Brickell Park at just 4 acres sandwiched in between Icon Brickell and First Presbyterian Church and between Brickell and the Bay is soon to reopen.

IMPORTANT COMMUNITY CONTACTS

The NET offices are generally residents’ first line of contact in resolving neighborhood concerns. The NET office will contact the appropriate department on your behalf, or direct you to the right resource to resolve your issue.

Coral Way NET

Administrator Liza Walton
(305) 329-4750
lwalton@ci.miami.fl.us
(Territory from 15th Road south)

Downtown NET

Administrator Eddie Padilla
(305) 579-6007
hpadilla@ci.miami.fl.us
(Territory north of 15th Road)

City of Miami Police

Officer Jeffrey Giordano
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District 2: Marc Sarnoff
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District 7: Carlos A. Gimenez
(305) 375-5680
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District 5: Bruno Barreiro
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Miami-Dade Public Schools

Board-Dist. 3: Dr. Martin Karp
(305) 995-1334
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Dist. 39: Sen. Larcenia J. Bullard
Tallahassee (850) 487-5127
Miami (305) 668-7344
bullard.larcenia.web@flsenate.gov

Florida Senate

Dist. 35: Senator Gwen Margolis
Tallahassee (850) 487-5121
Miami (305) 993-3632
margolis.gwen.web@flsenate.gov

Florida House of Representatives

Dist. 107: Rep. Luis Garcia, Jr.
Tallahassee (850) 488-9930
Miami (305) 325-2501
luis.garcia@myfloridahouse.gov

U.S. House of Representatives

Dist. 18: Congresswoman
Ileana Ros-Lehtinen
D.C. (202) 225-3931
Miami (305) 220-3281

U.S. Senate

Senator Bill Nelson
D.C. (202) 224-5274
Coral Gables (305) 536-5999
Senator Mel Martinez
D.C. (202) 224-3041
Miami: (305) 444-8332
mel_martinez@martinez.senate.gov

VOLUNTEER SPOTLIGHT

Getting to know Ernesto Cuesta, Brickell steward

By Josie Gulliksen

Motivated to excel in business and in pleasure, Ernesto Cuesta, treasurer of the Brickell Homeowners Association, credits much of what he is today to being raised by a hard working family. Along with the value of character and responsibility, they taught him the “value of location-location-location,” which influenced his decision to originally invest in property on Brickell Avenue in 1974.

Ernesto’s Brickell roots run deep, with his grandmother having first invested in the area in the 1940s. Ernesto made a natural progression to getting involved in matters involving his home and neighborhood, and first attended Brickell Homeowners Association meetings in the 1990s. He later became directly involved in 2003 at the urging of association President Tory Jacobs. The two were regulars on the tennis courts, working out Saturday mornings.

“One morning Tory mentioned the position of treasurer was open and he urged me to take it on.”

That was nearly five years ago and Ernesto has remained in the position ever since.

“BHA is the advocate for the community and does a great job.” Wearing his treasurer’s hat Ernesto reported, “Financially, the BHA is very sound. With ‘Mr. Brickell’ Tory Jacobs at the helm, we are working to improve things for every resident in this area.”

Aside from his BHA duties, Ernesto is also president of the condominium association at his building, The Metropolitan. He attributes the association’s success and the contentment of its residents to “running it like a corporation where every resident is a stockholder.” Like the



Ernesto Cuesta, on the balcony of NeoVertika.

“Like other great avenues in the world – Fifth Avenue in New York... Grand Villa in Spain – there is only one Brickell Avenue.”

BHA, Ernesto reports The Metropolitan is financially sound.

“No management company oversees us; we have our own employees. The developer turned over the association to the investors in 2001 and I became president in 2002,” he chronicled. It’s been a

Continued on next page

“Pedestrian Safety” continued from previous page

Recently another traffic signal was added at 10th Street and Brickell. FDOT plans to install timers at key intersections to show pedestrians the amount of time left to cross before the signal changes. There’s one in place at 24th Road and Brickell, although not in all directions. BHA was promised results of a study of left-turn lights and timing at that same intersection, back in April. A southbound left turn signal

was requested and BHA also asked for overall timing to be examined. Still waiting.

A pedestrian-activated signal system is also promised for the 1800 block of Brickell where the crosswalk on the pavement is barely visible to the fast-moving traffic. BHA will continue to dog this issue.

Positive news in roadway improvements that we must highlight is the completion of the 15th

Road/Broadway and South Miami Avenue traffic circle and fountain. Conceptualized and funded by BHA Associate Member Alan Ojeda, of Rilea Group, developer of One Broadway, it’s a welcome improvement. It is also a respectful nod to the early history of the location, where a circle and fountain originally sat and that part of 15th Road was called Broadway. ●

great investment and home ever since.

Professionally, Ernesto Cuesta is chairman of the Enterprises Group Corporation, a multi-faceted company that is involved in many business lines — construction, the aviation industry and real estate, to name a few. He's been chairman of the company since 1990.

Ernesto's days of tennis are over due to repeated injuries...not Tennis Elbow as you might guess, but because of chronic toe fractures—more than seven in just two years! He had to give it up, however, remaining active was still a priority.

At his doctor's recommendation, Ernesto took up the much gentler activity of walking. This soon pro-

gressed into running, however, and Ernesto was quickly immersed in the sport. In the year or so he's been running, Ernesto has entered two dozen races and has placed in the top 10 numerous times in his 45-49 year-old age category. He also ran this year's ING Half Marathon in January and plans to run it again in 2009. He says running is a great source of motivation and has also cured his feet. He no longer suffers from frequent toe fractures, and says he's in the best shape of his life.

Ernesto is equally devoted to Brickell, and always advocates in an effort to represent the desires of residents. He is particularly vocal about matters of quality of life and safety and ensuring that everyone's

voice is heard. He's been an advocate for green space and for pushing officials to find ways to make Brickell safer for pedestrians.

Ernesto describes the one-of-a-kind Brickell corridor: "Like other great avenues in the world – Fifth Avenue in New York...Grand Villa in Spain – there is only one Brickell Avenue. The condominium associations along Brickell Avenue are not experiencing the foreclosure rates seen by others around town."

Each has foundations and distinctions that outlast even the worst of times. As a treasurer for two Brickell vital entities, that's rightfully a source of pride. ●

SIGNS OF THE TIMES

Illegal signs battled by Brickell Watchdog Mac Seligman

They're trying to help us find dates, new careers and avoid foreclosure. They have ways to enable us to lose weight, get active, and get insured.

Signs for what appear to be mostly home-grown businesses crop up like weeds on Brickell Avenue. The proliferation has been aided by lower cost production of "fast signs" paired with human propensity for seeking "fast cash." Plus, Brickell's heavy traffic counts, ample trees and poles for posting, and household buying power of area residents make the Brickell neighborhood a sound marketing strategy. Except, those signs are absolutely illegal on the medians and in the swales of Brickell Avenue.

Entrepreneurial spirit is great, but not when it creates visual pollution, long-time Brickell resident

Mac Seligman will tell you. Selling, buying, trying...it doesn't matter. People are not allowed to post signs in public rights-of-way anywhere. Mac, also known as the graffiti buster of Brickell, will simply remove them. If you've not noticed the problem, it's probably because Mac is out there every morning for a five-mile walk, so he's always on the job and right behind the taggers and posters.

And what happens with the signs? Mac simply trashes them. He tried reaching out to the offenders in



Mac Seligman poses on Brickell Avenue with a collection of illegally posted signs he removed from Brickell trees and posts.

a non-confrontational, informative way by calling the numbers posted. Most however, aren't receptive to being told they are not allowed to do it and quickly hang up. He suspects they know better. ●

Mary Brickell Village Transforms Brickell Area

By Josie Gulliksen



Mary Brickell Village dominates several blocks of what was once a dilapidating neighborhood with small storefront businesses in tired, low-rise buildings. The transformation is so absolute it makes it difficult to remember what it was like before the 200,000-square-foot shopping and dining destination opened in May 2006. Provence Grill and Perricones, the first of the new establishments to open up in the blighted blocks of South Miami Avenue in the early 1990s, awaited the resurgence of their surrounding streets for many years. A long-time in coming, Mary Brickell Village has grown steadily since its debut, with additional expansion slated for the remainder of 2008 and 2009.

The two-story complex is located at 901 South Miami Avenue between SE 9th and 10th Streets, just a couple of blocks west of the Brickell Financial District. (This once was the address of a small print shop, specializing in small run offset printing and typesetting.) General Manager Fernando Perez, who came to MBV in December 2007, has overseen the progress of the Village.

“When I first started there were

already a few tenants open for business and since I’ve come on board Phase IA is now complete. This includes the upscale seafood restaurant Oceanaire, Mexican eatery Rosa Mexicana and the nightclub Blue Martini.

Other restaurants already open include PF Chang’s, Grimpa Brazilian steakhouse, Blue Pizzeria e Cucina and the sushi eatery, Avocado.

“We are very excited and happy with the success of our restaurants in our project. Lunch crowd obviously is more the business crowd from the financial district and for dinner it’s a little bit of both – business and residential,” said Mr. Perez.

Several retail stores have now been added including the women’s fashion boutiques, Mogra, Vertigo, Studio LX and Blush; men’s fashion stores Moda G and Marco Serussi; accessory boutiques Joanna Page, Barbara Palacios, Brickell Jewelers, Sowinski Jewelers, EA Lingerie, Edward Biner eyewear; and Essence Shoes. To fulfill the

practical needs of the residential base nearby, Brickell Shoe Repair and the pharmacy, Mortal and Testle, are at MBV.

Several restaurants, retail shops, a flower store and anchor tenant LA Fitness Center are slated to open in 2009. And, a new Publix, eagerly anticipated by residents, is slated for opening in February 2009. And, in response to the Village’s growth, a parking garage with more than 800

spaces with “very reasonable rates” is also scheduled to open, Mr. Perez said.

As with most construction projects, Mary Brickell Village had some construction delays, but according to Perez they are on target to open up anchors LA Fitness and Publix.

“We are very happy that we have numerous retail tenants open and another number of tenants that are scheduled to open between October and the second quarter of 2009. Currently we are 85% leased and expect to be about 70% open by the beginning of 2009,” he said.

Mr. Perez says the residents are embracing the Village and that it is re-defining the neighborhood.

“They can come here to eat, shop and for entertainment, which fits in with the City of Miami’s plan to become a 24-hour city.” ●

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Brickell Lifestyles & High Rise Health

Five Secrets to Getting the Most Out of Your Condo's Fitness Center

By Mark Spreizer, ACE Certified Personal Trainer

If you live in one of the many beautiful condominiums lining Biscayne Bay or in Downtown Miami, the chance that you have a fitness center in your building is pretty good. Regardless of what yours looks like—whether it's a giant fitness "club" or more like a fitness "closet"—the one thing that you should see is: POTENTIAL.

Exercising in your building has its advantages. A condo gym is generally very private and super convenient. However, it can also have its challenges. Condo gyms are smaller than their commercial counterparts and usually have far less equipment. But what many people don't know is that these hurdles can be easily overcome with a little creativity.

Check out these ideas to turbocharge your building's fitness center,

no matter how large or small it is.

#1 Get on the Ball!

A stability ball is a must-have for any home fitness program. It can easily take the place of ten pieces of bulky equipment. If your gym doesn't have one, buy your own and bring it with you. Most ball kits come with a list of exercises that will target every muscle from your calves all the way up to your shoulders.

#2 Take the Stairs

No cardio equipment in your gym? There's been a stair-climber in your building this whole time right in the stairwell. You can get a heart-pumping interval workout just by climbing stairs. Try climbing as many flights as you can, take a break when necessary, and repeat. Do this three times during your

workout and you'll start supercharging your fat-burning metabolism.

#3 Get on Your Feet!

Standing exercises can burn twice as many calories as the same ones done in a seated position. Focus on movements like squats, lunges, and step-ups for the legs. Standing shoulder presses and body-weight exercises like pushups and dips are great for the upper body.

#4 Complete the Circuit

Taking fewer breaks between exercises will keep your heart pumping and fire up your body's natural fat-burning furnace. Perform one strength exercise for each body part with little to no rest between exercises. Repeat this circuit two to three times per workout.

Continued on next page

Beautification comes to I-95

Residents heard of FDOT's Landscape Improvement Project for I-95 from NW 8th Street to its end at U.S. 1. Representing the final leg in an eight-mile, multi-year landscaping effort along I-95, the final stretch will involve the addition of 35,000 shrubs and 2,700 trees and palms.

Where I-95 meets U.S. 1 is considered a major gateway, and residents were assured that while the planners couldn't get everything they wanted, the results are going to be dramatic. They chose no maintenance plants that will still "look good 20 years after they are installed," FDOT consultant Jason Mihalovits said.

Pink Grape Myrtle, Royal Poinciana, Royal Palm, Orange Geiger, Live Oak, Bismark Palm and Silver Buttonwood are among the tree selections to go in.

"Over time we have learned what works well in these roadway situations," Mihalovits said. "This

project is the culmination of six years of experience."

The landscaping improvements for the 2.6 mile stretch will cost \$850,000, well under budget due to good timing and competitive economic times. ●



#5 Get Tubular

Resistance tubing is a personal trainer's "secret weapon." Invest in your own and bring it to the gym. It can take the place of key equipment your gym may be missing. Most band kits include exercise suggestions.

I've been asked over and over what is the best way to lose fat and tone up. The answer doesn't lie with the latest fitness video or the newest "super-food." The real secret lies in your lifestyle. To be truly successful, you must make fitness a part of your life, and always keep it in mind during your daily decisions.

Decide to check out your fitness center today (take the stairs). You just might realize that it has everything you need to create the body of your dreams and that your best years are still ahead of you. ●

Mark Spreizer is the president of Sustainable Shape, Inc. His company specializes in providing quality personal training and fitness services to condominium residents throughout Miami. For more information, visit his website at www.SustainableShape.com. And be sure to check out his company's ad in this publication for a special offer. You also can contact him at his email: mark@sustainableshape.com.

New code enforcement number for off-hour problems

So often those who carelessly or deliberately break rules don't do it during regular business hours.

Now, for incidents of noise, graffiti, illegal tree trimming or removal, noisy construction work being performed in non-permitted hours (before 8 a.m., after 6 p.m., on Sundays, etc.), there's a new number. A Code Enforcement Hotline has been established for weekends, holidays, and after hours. This number is supposed to be forwarded to the cell phone of the manager on duty for that period. It is: **305-416-2087**

Residents are asked to use it responsibly, which includes confirming that there is a real violation, getting the correct address, and providing a good description of what is going on. This is for EMERGENCY issues that must be dealt with immediately; like trimming more than 25% of a tree's canopy and or removing a tree without a permit.

Please do not use it to report something that can wait until regular business hours. The Code Enforcement number during business hours is 311. ●

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COLUMN

Public officials update BHA members on legislative matters impacting condos, Brickell



Florida Representative Luis Garcia, whose district includes Brickell, told BHA that maintaining the historic Brickell name to the south side of Miami River only was one of his biggest accomplishments on behalf of Brickell constituents in the past year, along with the near-completion of the dredging of the Miami River. ●



Florida Senator Gwen Margolis has been an elected official for 34 years. Her Senate district area for the past eight years has encompassed Hollywood to Deering Bay – some 30 cities along our coast. “I am delighted to have represented you for 34 years.” She is running for Property Appraiser Nov. 4th, the first time this position is to be elected in Miami-Dade County. ●



Representative Julio Robaina of District 117 of the Florida House explained what has become his specialty since first elected in 2002: “My district is U.S. 1 to the Bay, and I tell everyone I have every condo in the State of Florida. We all have our niches. I basically have centered and focused on condo issues...and what it’s all about to live in a condo association.”

Major condominium legislation was passed last year as a result of public hearings the Representative hosted throughout the state to hear from condo dwellers.

“We invited people living in condos to come tell us what is ailing them, what needs fixing. So not a single thing in this legislation is my idea. We found out condos all over the state are doing a good job. But, we had to look at the things that were brought up.”

A lot of the new rules have to do with ensuring the proper credentials and training of property managers, making them required now for smaller buildings, and ensuring that residents’ voices are heard on matters they want their boards to take up. ●

BHA Helps City Generate Revenues

In January of this year Miami Commissioner Mark Sarnoff gave BHA credit for generating over \$1 million in revenue for the City of Miami through our support before the City Commission of the Anti-Construction Sprawl ordinance one year earlier. Mr. Sarnoff had sponsored this measure “to take back the streets from developers” at BHA’s urging, which the Commissioners passed unanimously. The goal was to improve pedestrian and vehicular safety around construction sites and decrease congestion caused by contractors allowing their worksites to spill over into the sidewalks and streets. While one of the requirements — for covered walkways — has been instituted where needed, the contractors are still spreading and sprawling, and paying the fines and fees to do so. In his newsletter, the Commissioner reported that the “sprawl” revenue collected was up to \$1.5 million, part of more than \$6 million in revenues to the City as a result of his various initiatives. ●



Tory Jacobs at podium at Jan. 2007 Commission meeting while Commissioner Sarnoff presents Construction Sprawl Ordinance.

BRICKELL AREA ASSOCIATION

Getting to know BHA's business counterpart

By Josie Gulliksen

Now in existence for 20 years, the Brickell Area Association is dedicated to supporting endeavors, events and ideas that are beneficial to the Brickell area. Governed by a board of directors with daily operations led by Gloria Konsler, the BAA is considered a "mini chamber of commerce by many" with a special focus on Brickell.

The BAA was founded by a group of business owners, professionals and developers who saw the need to promote the beginning of an emerging Brickell Business district.

"We lobby for city services and promote the area as a great place to work and do business," said Konsler. "We often take a vocal stand on those things we believe are detrimental to the Brickell brand."

BAA works closely with its residential sister organization, Brickell Homeowners Association, on matters of mutual interest and concern. BAA will often collaborate with other local area organizations like the Downtown Development Authority. Currently the two are working closely to bring much needed improvements to the medians and streetscape on Brickell Avenue and to cleaning up the Mary Brickell Village area as well.

One recent success led by the BAA and supported by DDA, BHA, and others was the Florida Legislature's designation of Brickell Avenue as a historic roadway with permanent designated boundaries.

Gloria recalls the year-long battle with the developer of a project north of the Miami River who wanted to change the street name to Brickell. The State decree secured by BAA forever limited the name and

Brickell brand from being diluted into other areas of Miami.

Close communication between BHA and BAA is assured by cross-board membership. Gloria Konsler is an officer and director of BHA

and Tory Jacobs is on the BAA Board. BAA also provides links to area business owners by hosting regular networking events. The next is Nov. 11 at Mary Brickell Village's Blue Martini. BAA will also co-sponsor, along with BHA and Downtown Miami Partnership the "Meet Your Neighbors" event at Mary Brickell Village Thursday, November 20. (See front page.)

"Networking events are our way of bringing Brickell business men and women together for a bit of fun and to simply exchange business cards," Konsler said. "We hope that by providing these avenues for networking, we can aid Brickell businesses in helping each other."

The BAA membership is currently comprised of close to 100 members in the Brickell community. The President and Executive Committee each hold one-year

terms, renewed in February.

To become a member of the BAA visit the organization's web site at www.brickellarea.com. •

Houses of Worship Services in Brickell Area

Beth David Congregation

2625 SW Third Ave. • (305) 854-3911

Daily minyan 7:30 am & 5:30 pm; Saturday 9:30 am
Sunday 8 am and 5:30 pm

Christ Fellowship

500 NE 1st Ave. • (305) 379-4781

Sunday 11:00 am

First Presbyterian Church

609 Brickell Ave. • (305) 371-3439

Sunday 11:00 am

Gesu Catholic Church

118 NE 2nd Street • (305) 379-1424

Daily & Sunday Mass various times in English and Spanish; Saturday 4:00 pm (English)

Immanuel Lutheran Church

1770 Brickell Ave. • (305) 854-0840

Sunday 11:00 am

The Shul of Downtown & Brickell

1101 Brickell Ave., 2nd Floor, North Tower
(305) 373-8303

Friday night 6:30 pm; Saturday 10:00 am

Temple Israel

137 NE 19th St. • (305) 573-5900

www.templeisrael.net

Shabbat Services: Friday 7:00 pm and 7:30 pm

Saturday Shabbat Study and Morning Services:

Torah Tykes, 9:30 am; Service 9:45 to 12 noon

St. Jude Melkite Catholic Church

126 SE 15th Road • (305) 856-1500

Saturday Vigil 5:00 pm (English), 6:00 pm (Spanish);

Sunday 9:30 am (English), 11:00 am (English/Arabic), 1:30 pm (Spanish)

St. Kieran Catholic Church

3605 South Miami Avenue

Daily and Sunday Mass various times in English and Spanish; Saturday 5:00 p.m.

From the BHA WatchDog-Log

To give residents a better idea of the problems BHA volunteers dog in the interest of the Brickell neighborhood, we pulled some pages, so to speak, from our "WatchDog-Log." These are the issues BHA is dogging the City, County, FDOT and other entities about on an ongoing basis. Getting action is slow in coming, as reflected below. (And if you say the glaciers are melting faster than our government is moving, you would receive no argument.)

These first two items reflect a problem that BHA has faced before...the heart of which is the disparity condo owners experience in fees and rules by City officials compared to their single-family-owning counterparts.

From BHA to City Officials RE Solid Waste Franchise Fee for "Commercial" Hauling

September 2008:

BHA has asked the City to clarify why condominium owners pay taxes and fees for commercial trash service and, by their ad valorem taxes, also help to fund the City's solid waste service, which only serves single-family to quadraplex customers. The service provided these customers, it is widely understood, costs more than the homeowners are assessed by the City, so it seems clear others are helping to foot this bill.

BHA finds it offensive that the Legal Department's Opinion refers to condominiums as "Commercial Property Owners." BHA asks, "Are we who live vertically less residential than those who live horizontally?" Yes, some condo units are rented out, and so are some single-family homes and perhaps close to half of the duplexes. This appears to be part of the City's institutionalized

bias against condos which is contrary to both the City's actual cost of providing services and efficient use of land.

BHA considers this an equity matter, the double hit, rather than a legal matter. Aside from the question as to whether the present program is legal, BHA is asking if the City can legally eliminate the excise tax paid by condo associations to the Commercial haulers which, in turn, is passed on to the City. BHA's position is the fee should be eliminated on condos, which should be considered residential, without also eliminating the fee/tax on rental multi-family.

The latter are commercial in that they are businesses to the owner who pays for the service. (To complicate the matter, there is non-commercial multi-housing such as low-income, but we don't have a dog in that fight.) Commissioner Sarnoff, our General Counsel Mel Frankel and the City's attorneys are wrangling it out.

The Disparity Continues

The single-family/multi-family disparity is to be perpetuated in Miami 21 as it currently stands. Miami 21, the City's overhaul of its zoning code, allows single family and duplex structures after an Act of God, explosion or fire to be rebuilt—even if non-conforming—without getting any special permit. This is not allowed for a multi-family residential structure which would have to get a waiver or exception to rebuild, depending if there were less or more than 50% destruction. No

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- Cynthia Ponce, 30

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distinction is made between residential or commercial, if not single family or duplex.

When asked why M21 does not extend the same protection to a non-conforming multi-family residential structure as it does to single-family and duplex structures, BHA learned that the answer from planners was that there has been no public outcry by multi-family residents. Of course, many condo and co-op owners have no idea if their building is non-conforming and won't find out until after the disaster strikes.

This could have significant

impact on condo owners in the event of a disaster to their building. Miami 21 could be approved by the end of this calendar year. Interested persons are asked to contact BHA to be put in touch with those rallying against this measure. Send email to nbrown@brickellhomeowners.com.

Seeing Blue

The other item on the Watch Dog-Log is one we have heard from dozens about: the blue color chosen by Brickell Avenue Inn. While we must remain mindful that beauty is a matter of taste, and in

the eye of the beholder, etc. However, BHA has learned that the City has no body or process in place for pre-approving, or dis-approving after the fact, a paint color for a residential or commercial structure. (Although, the way the ordinance reads, it seems to BHA that color is covered...up

for legal interpretation currently.)

BHA has recommended that the City follow the lead of other municipalities, such as in Coral Gables, for example, where it is not an urban legend that one's house color choice needs to be approved. Coral Gables has a collection of accepted colors and anything outside that must go before its architectural review board.

Currently the property has experienced severe roof leakage and is undergoing renovation. The last update was that reopening would be in late 2008/early 2009. ●

Thanks, Downtown Miami Partnership

BHA was pleased to partner once again with the Downtown Miami Partnership for their Voter Registration Drive for Downtown and Brickell residents. The DMP and their team of volunteers registered 140 new voters and processed party and address and related changes for another 30 voters in 15 Downtown and Brickell buildings. Good job! ●



Aside from whether you like blue or not, questions about color choice arising from Brickell Avenue Inn revealed that the City of Miami has no rules restricting or governing color.



Your Watchdogs—BHA Executive Committee L-R: Mel Frankel, General Counsel; Claudia Bruce, Vice President; Gloria Konsler, Secretary; Ron Smith, Deputy General Counsel; Tory Jacobs, President; and Ernesto Cuesta, Treasurer

On the Web:

visit

brickellhomeowners.com

for the latest

news,

links,

listings.

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