

MINUTES OF THE JUNE 9, 2016 CORAL BAY COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS MEETING

Thursday, June 9, 2016
7:00 p.m.

Coral Bay Recreation Center
3101 South Bay Drive, Margate, Florida

Call to Order

The meeting was called to order at 7:00 p.m. in the Coral Bay Recreation Center.

<u>Attendee Name</u>	<u>Title</u>	<u>Status</u>
Tony Spavento	Chairman	Present
Daniel Dean	Vice Chairman	Present
John Hall	Supervisor	Present
Tina Hagen	Treasurer	Present
Ronald Gallucci	Supervisor	Present

Also in attendance were Michael Pawelczyk, District Counsel, Dennis Baldis, GMS, Julio Padilla, GMS and Terence Glynn, IGM.

Pledge of Allegiance

Mr. Spavento led the pledge of allegiance.

2. Audience Comments/Supervisors Responses

Mr. Kapalka: There is a lot of trash that has collected by the cove by 30th Street where we blocked off the boat ramp and it needs to be cleaned up.

3. Staff Reports

A. Attorney – Discussion of Supplement 2016 Legislative Session Memorandum

Mr. Pawelczyk reviewed an amendment to the public records law that pertains to competitive bids and reported on progress of the cost share agreement with Toscana.

B. Engineer

There being none, the next item followed.

C. Treasurer

- **Approval of Check Run Summary, Invoices, Subsequent Check Run Summary and Invoices**

ACTION:	Approve check run summary
RESULT:	Check run summary approved
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 18:20	

- **Combined Balance Sheet, Statement of Revenues and Expenditures**

A copy of the combined balance sheet was enclosed.

D. Field Manager

1) *Monthly Report*

Mr. Padilla: Item 1 irrigation pump replacement.

Mr. Baldis: Do the other ones first.

Mr. Padilla: Item 2 is included in the package and is an update from Brilliant Lighting under old business.

Item 3 - the saltwater pool: We researched changing from freshwater pool to saltwater pool. We found out that the saltwater will damage the existing connections and other areas of the pool. We would not have this problem if the pool was a saltwater pool when it was constructed.

Item 4 - sidewalk replacements: We replaced 21 broken sidewalks throughout the subdivisions. Those were the ones where the sidewalks were cracked and were lifted.

Item 5 - order bulk trash pickup signs: I talked about the signs with Dan Dean and they have been approved and ordered. We will probably have those signs by next Friday and Terry knows how to deal with them.

Mr. Padilla: Item 6 -conference room American Flag: It has been replaced.

Item 7 - pest and rodent control proposals: I spoke to the current company, Bayo's, and we are meeting next month so I can go around and map where everything is so I can get accurate proposals to compare apples to apples. I have another meeting with him in July.

1a) The Heated Pool

Ms. Hagen: Regarding the heated pool, two things: (1) in last month's minutes it said we were going to get a bottom line total of what the project was going to cost. It is in the minutes from last month even though it is not here. (2) if we look at the operations report for what we spent so far this year and what is projected (because we are going to need that information to be accurate for us to do the next year's budget next month), there is no forecast of an additional amount yet to be spent for the pool heater. Therefore if we want to go further with this project (other than getting the estimate to complete it at some later point in time), then our budget report is missing the projection of the yet-to be spent amount and the ending balance for the fiscal year shown in the report is going to be lower by whatever further amount we spend.

Mr. Spavento: For the record, I would like to make sure that this conversation is noted in this meeting's minutes.

Ms. Hagen: Also for the record, please note that we not only need the amount for this current year end budget, but we also need the balance and the bottom line if we are even going to consider it as a major project in a subsequent year.

Mr. Padilla: The current bottom line that we have is under capital projects 2016 is \$55,000.

Ms. Hagen: Are you saying that amount is the amount that was re-verified based on what the engineer had been talking about last meeting and the numbers that you guys had? That everything is now included in that number?

Mr. Padilla: I'm sorry I wasn't finished.

Ms. Hagen: That is a yes or no answer.

Mr. Spavento: You asked before he was finished.

Mr. Padilla: That is the amount we have budgeted. Now we have spent \$4,360 in engineering fees.

Ms. Hagen: However, if you look at the report that Sharon does, there is no forecast for the remainder. Furthermore, the year to date is \$6,860 according to what is in her report if I'm reading that correctly. It says \$6,860 is actual through 5/31 then it is zero for the forecast, which means according to what she is giving us as budget results for what will be left in the account at the end of the year, we are not spending another nickel on this project. If there is any more to be spent either because we have outstanding bills or we plan on spending more to either wrap up this phase or continue the project, that amount needs to be included in the forecast in order to project the resultant lower year end balance. We also need to have the bottom line for the completed project so that we can subtract this year's expenses and know what the remaining cost would be to finish the project.

Mr. Padilla: Just to mention regarding we have spent already, we budgeted about \$4,235 within what we budgeted for the entire pool heater. There is another \$1,000 for designer fees but what I'm trying to get to is that we will get together with Sharon and also the engineer to see how much more we think we are going to need to spend and

budget for it because we have gone over money we have spent already and we haven't started the project yet. That is part of what we are going to do.

Ms. Hagen: I would like to get accurate numbers so that in the event that the Board decides to suspend the project for now, we wrap up whatever is in progress right now like if somebody is working on a report on exactly what needs to be done for the electricity (assuming it is not astronomical amounts of money). That way we have it in a nice package, so if we decide we are going to open the project up again at a later point in time, we start from that point; we don't go back to ground zero. Again, I don't know what your \$4,000 is but this says \$6,860 has been spent, that is in the report.

Mr. Padilla: I will get with her because she probably needs other numbers, for example designer fees. The designer fees have been spent, we have invoices for them and they have been paid.

Mr. Padilla: I need to confirm with her that they are part of the numbers.

Ms. Hagen In order for both management and the board to properly monitor the budget, you need to make sure that the costs that have been spent to date are in the report as actual expenses or as part of the forecast (if the invoice was received but the check was not yet cut), and you need to make sure that Sharon is given accurate information regarding what we are forecasting spending and that has to be done on any project that we do because otherwise what she is giving us is useless and we don't know where we are going to wind up.

Mr. Padilla: Okay, we will take care of that.

3) Gate Reports

1b) Irrigation Pumps and Supporting Electrical Infrastructure

Mr. Spavento: We want to continue and start talking about the other large projects. The irrigation pump.

Ms. Hagen: Is that in our meeting package?

Mr. Spavento: I looked over the numbers yesterday.

Mr. Baldis: It is not in there. We have a working sheet the chairman saw yesterday. We fine-tuned it and as you know the project is for a large pump at 30th Street that eliminates the two wells and the pump at 30th Street. The board authorized the project at \$55,000 based on the cost of the pumping system at \$31,283. So the \$55,000 given includes the costs for electric and other items, permitting and all that. We have been exploring our two options, we have one with a new transformer and we have one coming off the existing pole at 30th Street. Both of them are over that \$55,000 authorized budget number. I'm going to tell you that straight out, and we are not trying to sell either one of these. I'm just telling you what we have been able to find thru a more detailed analysis.

Ms. Hagen: But there is also nothing in the budget reports if it is going to be a major project out of that major project budget. There is nothing that indicates any cost for it, unless I'm not reading something correctly. There is no line here for that as an item, which means you may have decided to include it not in the major project budget line, but in the maintenance of the pumps budget line (in which case I don't know that that line is going to be within budget or whether it is going to be over). This is the problem.

Mr. Baldis: Anyway, we didn't do that because

I thought we were investigating this and deciding if we were going to go forward.

If we are going to move forward we can certainly put those numbers in there. We didn't have any numbers to put in anything until now.

We started out with the \$55,000 that the board authorized based on some preliminary data. We didn't know how high it was going to be until we started getting information.

Ms. Hagen: I mean not even the \$55,000 is in here. It should be in as a forecast.

Mr. Spavento: We have not given them the go ahead, they are researching.

Ms. Hagen: I'm sorry, Dennis.

Mr. Baldis: It is not anything we are doing, just information. Anyway, going from the existing pole that is on 30th Street and boring under the road in order to bring power

for the new pump is one of the options. The other option is to put a new transformer by the monument sign at 30th Street, a whole new transformer.

The existing pole option would come in at \$60,639.96, but there is a caveat to that because of the directional boring cost within this estimate I have a price of \$6,000 under the condition that if they don't hit cap rock that will be the price. They are willing to explore that and start doing drilling. They will be going through coral at the start, but cannot go through big heavy cap rock unless they have different equipment that will cost more money. We can either say no we are not going to go forward and there would be no charge at all, or we can say yes we want to go and there would be an additional \$12,000 added to that \$60,639.96.

The issue with a new transformer option is the cost of electricity. The pump is \$31,283.61, the mainline extension is \$3,378, the new electric rack mount is \$6,900, IGM new lines installation and disconnection of wells is \$4,065.63, FP&L cost is \$22,000 plus miscellaneous 10% for permits, and unforeseen items which is \$6,762.72 so it comes in at \$74,389.96.

Mr. Spavento: Those are not the numbers I looked at yesterday.

Mr. Baldis: No, that was just our notes that you looked at yesterday. The change in it was the electric rack that needed to be added to the new transformer, which was an additional \$6,900, which moved that price up. That is where we are, and we are looking for direction on whether you want to go forward or not. The one thing I know you have with a new transformer is we know that it would provide enough electricity if you needed it for other things to be added such as increased lighting for the streets. We don't know what the lighting for the streets is going to require, but it would be adequate with the new transformer to do lighting and everything else that is needed.

Mr. Dean: It strikes me there is a third option that we should probably look into which is just cutting the pavement and trenching it out. It can't be that much more than the directional bore and that gets us out of the cap rock possibility. We get a patch in the asphalt, but that is a clean cut solution. If we go that route, do we know that there is sufficient power at wherever we are taking this drop from to run the pump?

Mr. Baldis: Yes it would be an upgrade that's all. There is a transformer on that side and it would be upgraded to accommodate us.

Mr. Dean: If we were to upgrade that transformer, could that transformer be upgraded sufficiently and conduit put in to power additional things like lighting in the future should it be necessary.

Mr. Baldis: With the new transformer; we are sure.

Mr. Dean: The new transformer on the other side.

Mr. Baldis: Because it is bringing a whole new transformer there.

Mr. Dean: It strikes me again that this is kind of a "have to do it". I don't mean we are on our last legs of the well.

Mr. Baldis: That is how we got here. The goal would be to eliminate the wells and keep the staining off the perimeter wall. We didn't know the cost and it is mind boggling to me what you have to pay now, because the initial conversation with FPL was that the cost was going to be zero or maybe \$1,000. Within two other conversations, we went up to \$22,000 and that is a ballpark. How can you be off by that much in three days? That is the frustration and that's where we are at. The directional bore people I have known for a while and I said I'm not going to give you a blank check and he said if I drill and go through for \$6,000 fine, but if I get stuck and I can't do the job, you don't owe me a penny. I thought that was a really good offer.

Mr. Hall: Listening to what you said, Dennis, and knowing that sometime in the future we may actually have some lighting around here, it sounds like if we are going to bite the bullet, we might be better with the new transformer because it will not only power up the pump but give us extra power for the future. Is that correct?

Mr. Baldis: That is how I look at it, and to me it is the best option, but the \$22,000 latest number from FPL is disappointing. They are going to put a transformer there by the sign, they will tap into the existing line running along the sidewalk and have a new transformer there, and then we put in a new pump station with a new electric panel with the option that you would have enough electricity.

Mr. Hall: I think that would take care of whatever lighting we do toward that end of the community.

Mr. Baldis: I would think so absolutely.

Mr. Hall: Basically the \$55,000 is going to go up to \$77,000, an additional \$22,000. Is that what you are saying?

Mr. Baldis: The new transformer that we would have would be \$74,389, and that includes 10% we put in for permitting and anything unforeseen. We have Terry's cost in there too.

Mr. Hall: That is the total for the pump project.

Mr. Baldis: It is everything that we now know of.

Mr. Hall: If we did the boring and we were successful for the \$6,000, what does that total come to?

Mr. Baldis: That \$60,639 is the drop from the existing pole.

Mr. Hall: Going that route, if we ever do decide to light up extra parts of the community, we would then be facing more money for another upgrade that will be sufficient to handle both the pump and power the lighting and stuff we are considering. We could wind up spending more money in upgrading at another time for that.

Mr. Baldis: I will find that out for sure. My goal was dealing with the pump, the lighting came up with the new transformer. I can't say whether the boring across the street is going to give enough power for the lighting or not, I just don't know that.

Mr. Hall: If they (the new transformer option versus the upgrade now and another later) are equal in cost, obviously you do the \$60,000 or possibly cut the pavement like Dan says. But, if doing just an upgrade now is going to be barely sufficient for the pump and everything else that we are doing right now, and if there is insufficient power for the enhanced lighting project that we have been looking at, and if we are therefore going to be looking at another \$10,000, \$15,000 or \$20,000 to upgrade that another time in the future, then we might be better to bite the bullet and be done with it.

Mr. Baldis: Let me find out exactly how much electric comes across for the lighting, include that in the pump plan option 1 off the existing pole.

Ms. Hagen: Dennis, please either attach an exhibit showing all of this as an addendum or put it in our minutes next month. It is a discipline I have used in the past when you are doing a project. That way we can all see the cost/benefit and what costs you are avoiding by not doing this are. It doesn't have to be a big deal that it is written fancy or anything. I know we are avoiding some costs (for example, we are avoiding having to dig new wells).

Mr. Spavento: Do you want a letter from Terry on the costs we will be saving?

Ms. Hagen: That is fine. If we can get it on the record, then we will have it in the minutes. I would like to have it organized so that we see this is what we are avoiding, I know it is not \$70,000 but at least it is a partial offset for some of this stuff and, if we need to re-visit this in the future, this documents our reasoning for doing everything.

Mr. Spavento: Make it a standard request and make that happen.

Mr. Dean: Here is the hard part. There is no room in the budget for that. so that becomes what are we not going to do. That is what this is going to come down to. If we are going to stay on track for the budget, we will be taking something else off. It also kills the pool heater entirely, it's dead at least until next fiscal year.

Ms. Hagen: To my way of thinking, if you know we are looking to proceed with something, the pool heater is an enhancement. It is a nice thing to have but we can live without it. I would probably suspend the pool heater project (as I said just wrap it up so if and when we decide to pick it up again, we can pick up where we left off). As far as this other project is concerned, if it has that many benefits to our proceeding with it right now and if you take a look at the current budget report, we were budgeted to have the fund balance ending of \$498,000 and with the stuff as it is projected right now it is \$698,000. It is not that we don't have the money to do it; we would take a little less than \$100,000 out of the budget to do this. That is why I said we need this project's costs and benefits presented so that we know which costs we are avoiding, what costs we are going to wind up having if we don't do the project, and we are setting ourselves up (as John said) so that if and when we decide to do the lighting, that we have some of the lighting costs eliminated as a result of previously creating the necessary electrical infrastructure.

Given all of this, I think we should consider proceeding with establishing the electrical infrastructure that will best support both this project and our anticipated future needs.

Mr. Spavento: Return on investment (i.e., how long would it take to pay for the whole thing) is usually a good measure.

Ms. Hagen: We need something that gives us a rationale and gives us a basis for making an intelligent determination. Right now my gut says stop the pool and do this. That is my initial reaction but I would like to see the additional information clearly presented.

Mr. Baldis: The big thing to me that you are avoiding is having to drill wells and we don't know how long they are going to last. The cost of the wells is \$3,000 to \$5,000. Then you have the chemicals we don't have to buy to try to stop the well water from staining the wall.

Ms. Hagen: It is not going to be \$70,000, but we can show what the benefits are.

Mr. Baldis: We can put that on a sheet of paper I just wanted to get to this point.

Mr. Hall: I agree with what you are saying, and in addition to that as much as I would like to see it go forward with the lighting, at the rate we are going now, obviously nothing is going to be spent this fiscal year other than the consulting fee. When I read the communications the consultant sends to us through the management company, there are still so many unanswered questions. I see many things he has narrowing down and wanting to propose to us, but at some point in time we have to find out what is legal in the city, and if half of what he is going to propose is not going to be allowed in the city (whether it is bollards too close to the street or streetlight poles too close to the pavement), he needs to know. I mentioned to him the last time he was here that he needs to have a sit down with the building department for an hour and say: these are some of the things that I think Coral Bay needs, if we put this together are these allowed in the city, and say here is a map of the community and the location of the roadways. I don't see that happening, and the reason I'm bringing it up is we may not be doing anything on the lighting next fiscal year.

Mr. Spavento: I think there should have been something in our contract that have these numbers in front of us a month before our budget meeting.

Mr. Hall: I agree but what I'm saying is we are not really sacrificing the lighting issue because we are nowhere close. Not that we dedicated a lot of money for that, but that is a major project that is not going to be taken off the list but it is going to be pushed out, and if we have to do that and the pump project to get the infrastructure that we need to run this district, then we have to do what we have to do... so

we have to put the pool and the lighting on the backseat and go forward with the pump. I think it is more important for the community and I think we are going to reap the benefits.

Ms. Hagen: To reiterate what I said last month, I want to be on record as saying, as far as the lighting project is concerned: Yes, we need to have all these numbers and we need to know what we are talking about, but additionally, I feel very strongly that at that point we need to send something out to the community and say we are going to hold a public hearing to discuss the pros and cons of the lighting project. It is not a trivial project; it is a lot more than the \$70,000 pump project. Therefore I want to make sure that the community is in favor of that level of expenditure, that they are fully aware of what the benefits are of doing the project, and that we can present some alternatives for how it could be funded. We know that in three years one of our bonds drop off but we do have an option to do it sooner. We have to discuss alternative funding and we should have some sense of what the community feels is more important to them.

Mr. Spavento: Regarding the lighting project, another thing we need to ask the consultant is that if he is saying put a light every 60 feet (that's a total of 200 lights plus), then he needs to provide us with an estimate of how many kilowatts we are going to be using so that we know what our electric bill will be. Our electric bill will be with us long after the light fixtures and installation payments have come and gone.

Mr. Dean: Where are we leaving this one? What are we expecting GMS to do?

Mr. Spavento: Dennis is going to get the other figure.

Mr. Baldis: I am going to get the cost savings on the replacement of the wells, the cost savings on the chemical and find out whether the electric could be sufficient for any lighting and how much is there for that purpose.

Ms. Hagen: We will have that for next month because next month is when we are doing the budget, right?

Mr. Baldis: I will send that to you before the next meeting. I didn't want to send this to you because this is very fluid.

2) *Reports from Diamond Dolphin Aquatic, Inc.*

Mr. Gallucci: On the Diamond Dolphin, did we authorize them to get more carp and put in the lake?

It says they are trying to get more triploid grass carp stocked but the fish ponds don't have enough right now.

Mr. Padilla: They explained that we needed that and we authorized that to move forward as needed. The amount that we need is not the amount that most companies order, so we are trying to piggyback one of those orders.

Mr. Baldis: That is what we do. I do here and at Turtle Run. They bring a huge truck from Oklahoma or somewhere and when there is an order for Coral Springs Improvement District or North Springs then we piggyback on them

Mr. Spavento: The memo from Diamond Dolphin says they are blaming the additional work on the Toscana project and that it is going to cost us more.

Mr. Baldis: Keith from Diamond Dolphin can't do that. He is saying the cost is going up and he is asking for an increase. The big thing is the fish because that canal is full of Hydrilla and that is their favorite food and they will eat it up as long as you can keep them in there. He talked with a manager over there and I talked to Keith and said that is not his place to say that. He talked to the property manager about garbage and stuff coming in and the cost and it was a very casual conversation where the manager said I will look into it. He didn't talk to his supervisor he talked to one of the property managers. I told him that is not his position.

3) *Gate Reports*

4) *Hurricane Preparedness Report*

Mr. Spavento: Regarding Hurricane preparedness, we are just doing our annual list. Julio has to call the phone numbers and Terry needs to make sure his employees are

well prepared. Any updates not in here? Have the phone numbers been checked and updated?

Mr. Padilla: Yes.

Mr. Spavento: Mr. Dean is this part of our website?

Mr. Dean: Absolutely not. I never got it in an electronic document.

Mr. Spavento: I just asked for our list to be updated last week for the website and Julio pulled it together and checked everything out and I appreciate it very much.

Ms. Hagen: I would probably just put a note on the web page that says we have a plan.

E. Manager

1) Approval of the Minutes of the May 12, 2015 Meeting

ACTION:	Approve minutes of May 12, 2016 meeting
RESULT:	May 12, 2016 meeting minutes approved
MOVER:	Tina Hagen
SECONDER:	Dan Dean
AYES:	All in favor
Tape time: 1:00:45	

2) Discussion of Public Records Request

Mr. Baldis: My understanding is this person has requested all this information from every CDD in the State of Florida. They have been answered and provided with the financing and all that, and then some stuff we just don't have to give them. They were told if he wants that it can be compiled and we would estimate the cost and he can let us know if he wants us to proceed.

Mr. Spavento: I don't feel comfortable giving out people's emails.

Mr. Dean: You don't have a choice you have to respond to the request.

Mr. Spavento: Do we have an archive of people who have emailed us?

Mr. Baldis: We don't have an email list and we can't provide that. We could make one but we don't have a list.

Mr. Pawelczyk: We don't have an obligation to make a list. You don't have to create a record to fulfill a public records request.

4. New Business – Consideration of Permit Application for 6405 Ocean Drive

Mr. Spavento: The engineer reviewed this, what is the staff recommendation?

Mr. Baldis: We are fine with this, it meets the exact criteria that was on the website. The engineer wrote, once the construction starts we will monitor it to make sure it is done according to his specifications on the website.

Ms. Hagen moved to approve the permit application and Mr. Hall seconded for purposes of discussion.

Time: 1:06:26

Mr. Hall: Is this something he has hired a company to do like the district does when we rebuild our shoreline or is this something he is going to do himself?

Mr. Padilla: He has a company that is going to do work for him.

Mr. Hall: I would like to know the company that is going to do it is licensed to do that type of work. It does say I have or will obtain all required building and engineering permits from the City of Margate. Do you know if the City of Margate requires a permit for shoreline restoration?

Mr. Padilla: They haven't in the past.

Mr. Hall: I don't have a problem with him doing this but I remember seeing other homeowners throwing garbage and other stuff in the lake and covering it with sod and if this is going to be done by a company I would like to know what size the boulders are. I would like more information.

Mr. Spavento: In looking at the drawing it seems that he is going to extend his sod about 5 feet past where the shore is now and if his neighbors don't have the same situation his yard is going to jut five feet out further into the lake than his neighbors.

Mr. Dean: Why don't we approve this conditioned upon the engineer can stop this if he needs to.

Mr. Baldis: The photo you are looking at is the exact photo that was on the website. He just cut and pasted it.

Mr. Dean: Jim Mullen put this together ten years ago as an example. Given that we don't have the proposal we can deny it now and tell him he has to give us all the detail or we can give this to the engineer and let him work with the guy.

Mr. Spavento: The sod and grass line stays consistent with his neighbor's.

Mr. Dean: I don't know that is appropriate.

Ms. Hagen: Do we know whether or not it was his shoreline that had been eroded back and he is taking back what is essentially his property under water and if it is I think he is entitled to do it regardless of what his neighbors do.

Mr. Baldis: It is my understanding with the permit that has been on the website for ten years I think we should revisit the whole permit. One thing I think we should have on there is that if he is hiring a contractor, that contractor has the district as an additional insured in case something happens, so if something comes back it will be his insurance. That is something we developed in our small projects agreement and I would consider that to protect us. Let the engineer look at it and see and maybe put something in there that has to be reviewed before the permit and he can put all the requirements he needs to.

Mr. Pawelczyk: You could approve this subject to conditions Dennis is making now and that is fine. I don't disagree and we should probably look at this again. I think this whole permit thing came up primarily with docks. This was an option for people to do shoreline restoration because the district wasn't going to do it. We said do it this way and get a permit from us. That is not unusual, a lot of districts do take on this responsibility but they are not going to address one property at a time, they are going to wait until a

large area needs it before they do that and in the meantime if somebody wants to do this and you are okay with that then that is up to you.

Ms. Hagen: I agree. I'm not sure what our legal right is to do anything for him if five feet or ten feet of his property has gone into the water because of erosion if he has a survey it is his it could stick out ten feet.

Mr. Pawelczyk: We have heard this in a lot of districts where if I improve and do shoreline restoration on this property the adjacent properties erode faster, so you could create a larger problem. What we have heard is that the faster erosion is because of the water moves/ I don't know if that is true, but I have heard two contractors say that in meetings. They also said that sometimes if you improve an areas with the bags or rip-rap, the other areas will erode faster because of the underground catfish that burrow into the side.

Ms. Hagen: What is the legal posture if this man has a survey and his survey goes into the water and it is shoreline restoration that results in bringing back shoreline that belongs to him? Can we stop him and if it causes the sides to erode, is that our problem? He is maintaining his property.

Mr. Pawelczyk: As long as the stormwater facilities are maintaining stormwater and we are in compliance with our South Florida Water Management District permit, then we don't have to do anything. The problem is if once stuff erodes that four to one slope disappears so you could re-slope it and let it keep eroding we don't care from a stormwater management viewpoint. From a CDD local government board, a lot of boards will say that is fine but it makes sense for us to maintain the shoreline of our lakes and restore as necessary after 20 years or whatever. It is up to you. I think that is why this was created to give someone the option to restore if there was erosion.

Mr. Spavento: There is a difference between restoring and building a peninsula. I have no problem with everything below the grass, the rip-rap I think he should do it. My question is how is his neighbor going to feel when all of a sudden this guy has 5 feet into the lake with sod.

Ms. Hagen: If it is his property and he is maintaining his own property how can you stop him from doing it?

Mr. Pawelczyk: I don't disagree with you. I think what you are asking for as a board is how does this project impact the existing condition? This doesn't show the existing conditions. How is this contractor going to tie in this shoreline restoration with the neighboring properties? Those are good questions that you should ask.

Ms. Hagen: We need a survey.

Mr. Spavento: I have no objection with giving him approval for the first part of the project to do the rip-rap itself and tell him the board is doing research unless he can provide us an old survey to prove this is lost ground. Plus he doesn't have HOA approval yet.

Mr. Dean: Isn't it going to be wiser to not get into a conditional approval and just deny it, ask for more information, and bring it back?

Mr. Spavento: I would approve all this and give conditional approval on the five foot extension of the grass if he shows us a survey and HOA approval saying they don't mind him extending the grass not the rip-rap, the grass, there is a difference.

Mr. Hall: I would like to table this and request more information. I don't want to say no you can't do it. I would like to see a survey not a new one. I would like to see a survey whatever he has even if it dates back to where he bought the house, showing the house, the property line. If he is in fact going to have a contractor do this I would like a copy of the proposal showing who the contractor is, that they are licensed and what they bid and I would like a better drawing than this with more dimension. The only dimensions on here are 6 – 8 feet, it doesn't say how deep, how wide. I don't need an engineering drawing but on our HOA if somebody wants to do something we request some type of drawing with measurements on it. I would like more information. If he is going to do it himself, fine; if he is going to use a contractor attach a copy of the contract or proposal or estimate from the contractor showing his name a license number and a survey, not require him to get a new one. To make an intelligent decision we need more information, we need a survey, we need a better drawing than this.

Ms. Hagen: You need a survey and you need to know if he is extending, how far out. Is he extending beyond his property line?

Mr. Pawelczyk: Did the engineer look at this?

Ms. Hagen: They said the engineer did look at this.

Mr. Spavento: The things you are asking for isn't that covered by the permit from the City of Margate?

Mr. Hall: Margate doesn't issue permits. We didn't have to get a permit when we did ours. Julio just said when we did our own shoreline restoration there was no City of Margate permit required.

Mr. Spavento: I don't see why there should be.

Mr. Hall: I need more information before I can vote intelligently to approve or not approve it.

Ms. Hagen: I agree with you. We need to be specific about what it is we want.

ACTION:	Permit application for 6405 Ocean Drive to use rip-rap rock boulders as shoreline stabilization
RESULT:	Permit application denied
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	0
NAYS	5 nays
Tape time: 1:06:26 - 1:23:04	

Mr. Spavento: The permit denied pending more information that is made clear. I don't want to delay this too much because of the hurricane season.

Ms. Hagen: We need to be specific about what we want, not just more information. Dennis you are going to contact the resident. Do you know exactly what we want?

Mr. Baldis: Yes.

5. Old Business

A. Capital Projects and Landscaping Priority Lists

A copy of the list was included as part of the agenda package.

B. Lighting Plan Update

There being none, the next item followed.

C. Discussion of Revision to Diamond Dolphin Aquatic, Inc. Contract

Mr. Spavento: Do we have anything to move on?

Mr. Padilla: Just what we discussed.

Mr. Spavento: This isn't last month's request for more money this is this month's request.

Ms. Hagen: Have we or are we going to request that we get some other bids from contractors?

Mr. Spavento: I have already given Julio direction to start looking and start the process.

D. Discussion of Correspondence Related to Tree Maintenance

Mr. Spavento: Does the board have anything to add beyond a denial of entering into such an agreement with this gentleman and taking on this new responsibility for the community? Does anybody think it is a good idea to put in trees and take care of them forever?

Ms. Hagen: I don't want to take care of them forever. I don't want to set a precedent.

Mr. Dean: Neither do I, I have a similar situation that Terry is aware of because he has done some work for me personally. My next door neighbor is the owner of that avocado tree on North Bay Drive. I would very much like to see it go away and that is the kind of situation that we are potentially getting into if I can stand up and make noise that

this is a detriment to the entryway, etc. In fact it is on private property; it is not even mine. I'm having to deal with it by doing what Tina said in hiring an arborist to cut it at the property line. As much as you can argue that this is an entryway home, this is private property. If we are going to put in trees we put them on our side of the wall.

Mr. Spavento: Does anybody have any desire to put trees on private property?

Ms. Hagen: No.

Mr. Hall: No. I think we should answer him that there is nothing to address. If it was done in the past, it was done in error. If you want us to research it, we will and maybe we can send you a bill.

Mr. Pawelczyk: I think it is a motion to deny the request for an easement. The trees are his to enjoy.

ACTION:	Request of easement from Mr. Carberry
RESULT:	Request denied
MOVER:	John Hall
SECONDER:	Tina Hagen
AYES:	All in favor
Tape time: 1:29:16	

Ms. Hagen: Being that we will be looking at the budget next month, there is a question of how much we are going to put in major projects given where the money is. I have one problem with regard to landscaping: I don't know whether the annuals are part of the landscaping maintenance budget or the landscaping enhancement budget. Evidently the annuals aren't very happy looking annuals all year long. Does the maintenance contract include the annuals as part of our contract?

Mr. Baldis: Yes.

Ms. Hagen: If it does, then clearly we don't have a sufficient amount of annuals to look good all year. How many more plantings would we need to keep them looking "happy" all year?

Mr. Glynn: You get three rotations of flowers, winter, spring and summer.

Ms. Hagen: Is there a fourth rotation we should consider?

Mr. Baldis: Some districts have done that.

Ms. Hagen: Can you give Dennis a number so we know what it is and it would go in the maintenance number.

Mr. Dean: The other thing to look at is the quantity of annuals because I know that we have some beds that don't always get filled.

Mr. Glynn: One other issue with annuals is the theft of annuals. That was part of the problem with the winter rotation. We have also discussed some beds are more prone to vandalism or theft of annuals, removing annuals and putting in a perennial bloomer that is much less apt for somebody to take.

The meeting adjourned at 8:35 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman