

MINUTES OF THE DECEMBER 8, 2016 CORAL BAY COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS MEETING

Thursday, December 8, 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, Jake Ozyman, District Engineer, Dennis Baldis, GMS, Julio Padilla, GMS, L'Donnette Bailey, Donna Singh, Alan Kapalka and George Mizusawa

1. Roll Call and Pledge of Allegiance

Mr. Spavento called the meeting to order and led the pledge of allegiance.

2. Oath of Office for Newly Elected Supervisors

Mr. Baldis being a notary public of the State of Florida administered the oath of office to Tina Hagen and Tony Spavento.

3. Audience Comments/Supervisors Responses

Mr. Kapalka: Is the landscape company supposed to put weed killer on the grass because we are inundated with dollar weed, etc.

Mr. Spavento: We did our regular Wednesday tour and IGM is aware of it and they are treating it.

Mr. Mizusawa: I live on the water and there is quite of bit of vegetation that has been building up around the coastline and we used to have a company that did some spraying to control that. Are they still doing that?

Mr. Spavento: Yes, not only that if you look around the lake you will see dead patches because they just did it two or three weeks ago.

Ms. Bailey: I'm curious about the bathroom, you cannot lock the stall door.

Mr. Spavento: We have new ones coming and will be installed shortly.

Mr. Muzusawa: A neighbor of mine goes to the lighthouse with his son fishing and he brought to my attention that he was seeing quite of bit of drug activity going on. I know there are surveillance cameras but I don't know if they cover every area.

Mr. Spavento: In the daytime the cameras are on but unless we say review a certain time and date they don't. At night if people are there and there is motion, they are told to leave; but when the parks are open, an incident may be filmed, but we wouldn't know it unless somebody tells us ... and the police aren't going to do anything about it unless a witness calls.

Ms. Hagen: If he sees something he needs to call it in.

Mr. Hall: Margate will accept anonymous calls.

Mr. Dean: He has to call the non-emergency number if he wants to remain anonymous. If he calls 911, that is automatically caller ID'd, regardless of whether that person wants to be or not.

4. Organizational Matters

A. Consideration of Resolution 2017-01 Confirming the General Election Results

ACTION:	Approve Resolution 2017-01
RESULT:	Resolution 2017-01 confirming the general election results was approved
MOVER:	Dan Dean
SECONDER:	Tina Hagen
AYES:	All in favor
Tape time: 9:07	

B. Consideration of Resolution 2017-02 Electing Officers

ACTION:	Approve Resolution 2017-02
RESULT:	Resolution 2017-02 retaining the same slate of officers was approved
MOVER:	Dan Dean
SECONDER:	John Hall
AYES:	All in favor
Tape time: 10:12	

5. Staff Reports

A. Attorney

Mr. Pawelczyk reported that he is working with Julio on the encroachment issue and management is working on a letter to be sent out.

Mr. Baldis: So that I am clear, the policy is going to be that as long as there is 15 feet clearance within the easement that will not need to be removed.

Mr. Pawelczyk: 15 foot clearance in the easement? or on district property?

Mr. Spavento: In the absence of objection, staff was directed to come back at the next meeting with the 140 encroachments categorized as to shrubs, trees, structures and location to allow or not allow lake access.

Mr. Spavento: Without objection I would like to hear from the residents who live on the lake who are present.

Mr. Pawelczyk: My understanding is that staff is walking around the property to determine what conditions exist in order to come up with solutions that can best accommodate everybody's needs, including the most important need, which is the district's ability to maintain the stormwater improvements. If you have about 140 encroachments and you want to enter into agreements for all of those that do not already have one (since their encroachments in some cases have existed for a very long time), who is going to pay for that? We can do agreements but I think that is cost prohibitive. The goal was to define and adopt a policy, so we can inform residents of what that policy is and we can enforce it.

Mr. Mizusawa: If you did a survey of the encroachments you already have a survey.

Mr. Baldis: We did an inventory of what we think are problems in the lake maintenance easement. The only way for us to determine where the lake maintenance easement is, is to have a copy of everybody's survey.

Mr. Mizusawa: I have done a search and can find coordinates for everything except for coordinates as to where my land started out when it was first built. I have already considered backfilling my property since I have lost so much due to erosion.

Mr. Dean: It has to be in the plat.

Mr. Baldis: We will send a letter out to everyone who has an encroachment saying the easement has to be clear and that will initiate a conversation. We will look at individual cases and look at the survey and that way we can accurately report to the board.

Ms. Bailey: The first CDD meeting I attended I asked about erosion on my property and they said the homeowner is responsible for that. In order to prevent more erosion I did whatever it is that we needed to do to stop it immediately ... and the easy way was to put cement bags down to prevent erosion. When I look at my survey I see my property and see the 20 foot easement. Is that my property?

Mr. Spavento: It depends on your survey but most of it is probably your property.

Mr. Pawelczyk: An easement is a right of the use that the CDD has over your property. If it is within the easement you own the underlying land under the easement. You own that, but the CDD has access rights to that easement for purposes of maintaining the lake. We can't maintain the lake if we can't access the easement. There might be a drainage and flowage easement too.

Ms. Bailey: Mike said you want 15 feet of the 20 foot easement.

Mr. Pawelczyk: When you bought your home you realized the 20 foot rear setback from the rear property line, 20 feet towards your home is a lake maintenance easement that nothing goes in.

Mr. Spavento: If something goes wrong with the lake, we have to be able to bring in heavy equipment and we need to put that on your property to fix the problem; otherwise we are never going to use this easement.

Ms. Singh: When you send the encroachment violations out will you give us time to correct it?

Mr. Baldis: Absolutely. The idea is to send a letter to let everyone know there is an issue and we are going to try to resolve it. We are going to try to work through each and every issue with what is best for everybody. There will be a letter saying that there is a violation, please fix it. There will be another inspection in 30 days, or whatever the board decides, to see if the resident took care of it, and if not, there will be letters saying it has to be done or we are going to do it.

Mr. Pawelczyk: This is similar to code enforcement. If you ignore the letter, you are screwed. If you communicate, you are in better shape. The only reason I'm saying that is hopefully someone may read the minutes and understand that if they communicate

with us, maybe we can work towards a solution together. But if the letter is ignored, then the district board has no other choice but to say cut it down or move it. So it is all about communication.

Mr. Mizusawa: If something is in the way, then in order to accommodate the easement they can move it or, what is more logical, is if I had a pool that is in violation of the easement by 5 feet I would look to backfill land that I actually own even though it has been eroded away to satisfy the easement. There has to be some accommodation in permitting residents to reclaim the land.

Mr. Dean: Some of that isn't our decision it is South Florida Water Management District, the City of Margate, it is not just us.

Mr. Pawelczyk: That is true. A resident could come to the board and say: I want to restore the lake bank to its original condition and here are plans. They would then have to pay a permit fee, the engineer would review it and make sure it is consistent with the rest of the lake banks and consistent with our South Florida Water Management District permit. You could do that but it is expensive.

Mr. Mizusawa: I could dig down and erode my land without anybody questioning me, so why can't I fill it back in?

Mr. Pawelczyk: I don't think you can do that. If there is an issue and you communicate that issue to Julio and Dennis, we as a team and the board would try to come up with a solution that makes the most sense rather than telling you to remove your pool.

Mr. Kapalka: I have been on the lake for over 20 years and the reason for all of this is the way the water level is maintained by the South Florida Water Management District, it has gone up it has gone down so whatever perceived erosion you see is a result of the changing water level. If you want to know what the easement was most of us still have those shadowbox wood fences and they end on the level portion of the ground and then you have a four to one slope that goes to the water. That is basically the area the board is talking about where you are not supposed to put trees or anything else.

B. Engineer – Consideration of Proposals for Sunset Circle Curb Repairs

ACTION:	Approve proposal for Sunset Circle Curb Repairs
RESULT:	Staff authorized to negotiate with Stanford Construction Co. for the curb repairs in an amount not to exceed \$31,500.00 plus permit fees
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 1:03:19	

C. Treasurer

- 1) *Approval of Check Run Summary and Invoices***
- 2) *Combined Balance Sheet, Statement of Revenues and Expenditures***

ACTION:	Approve check run summary
RESULT:	Check run summary approved
MOVER:	Dan Dean
SECONDER:	Tina Hagen
AYES:	All in favor
Tape time: 1:09:16	

A copy of the combined balance sheet was enclosed.

D. Field Manager

- 1) *Monthly Report*
- 2) *North Bay Drive Culvert Repair Summary*
- 3) *Lake Report*
- 4) *Gate Reports*

A copy of the monthly report, North Bay Drive Culvert repair summary, lake report and gate incident damages report were included in the package.

Without objection staff was authorized to have the 30th Street gate replaced in the amount of \$2,756 and to then seek reimbursement from the person who caused the damage. People who damage the gates should be contacted immediately after the incident to request their insurance information.

E. Manager – Approval of the Minutes of the November 10, 2016 Meeting

ACTION:	Approve minutes of November 10, 2016 meeting
RESULT:	November 10, 2016 meeting minutes approved
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 1:48:48	

6. New Business

Mr. Spavento: At some point should we look at nicer signs at our entryways instead of sticking up the bulk trash and CDD meeting signs? Maybe staff can research some signage for this.

Mr. Dean: I think we can spend some time putting together a new resident packet telling new residents how to find the information that pertains to them, our rules, etc.

7. Old Business

The meeting adjourned at 8:58 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman