

MINUTES OF THE MAY 11, 2017 CORAL BAY COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS MEETING

Thursday, May 11, 2017
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 via phone
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, and 4 residents (copy of sign in sheet attached hereto and made a part hereof)

1. Roll Call and Pledge of Allegiance

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

2. Audience Comments/Supervisors Responses

Mr. Dean asked if there were any comments from the audience.

Mr. Mizusawa: My name is George Mizusawa from 6623 Bayfront Drive. I had an observation. I talked to my neighbor across the street. She said that she noticed a couple of individuals at this pool, during the day, looking like they were loitering. She got the initial impression that they were homeless. They were fully clothed and hanging out.

It was during the daytime. I told her that we had a security system and if they were there, after hours, they would be asked to leave. I don't think there's a whole lot that we can do during the daytime. Obviously, there's a no loitering rule in the community, but I don't know if there's one at the pool. I just wanted to bring that up. I don't know if you heard anything else.

Mr. Dean: It would be good if you could get her to contact Julio directly with dates and times.

Mr. Mizusawa: I asked her about that. She had seen them here, but she's also seen them loitering around. When I asked her how frequently, she said that it had been a couple of times. It may have been a transitional thing, but I don't know. They weren't bothering anybody.

Mr. Baldis: They are here every day. They've been talked to. They used to live here, correct?

Mr. Mizusawa: They do still live here. She asked whether they were residents.

Mr. Baldis: We've heard different stories; they live here, they don't live here anymore or they have a friend who lives here. They are poor. They are here every day.

Ms. Hagen: I assume that these are adults, not teenagers.

Mr. Baldis: They are adults, grown men sitting at the pool, pretty much, all day long. I spoke to Tony about them and I said a few things to them. After I talked to them, they went on their way. I was driving through here on Friday, which was Early Release Day, and there were lots of teenage kids and teenage girls. I saw them through the trees. I did not say anything to them. I just looked at the girls about three times and walked back and they got up and left. It's very uncomfortable. I'm not sure what we can do.

Mr. Gallucci: It would be very different if the pool had a key to get in and out. If they don't, then they have to pay their fair share of the membership to get the key and that would solve the problem. But it is an ongoing issue. It's been going on for two months.

Mr. Mizusawa: Similar to what you were just mentioning, she was at the pool with some other children. She was going to leave with hers, but she stayed around, not sure what to expect. First and foremost, we have to find out if they were residents. If they're not, then we charge them. Who's going to enforce that? No one's going to enforce that. If we had a key, it could be used by anyone. We got the security system to keep an eye out. I guess there's not a whole lot that we can do; other than the fact that they are residents, they could be considered to be trespassing, if they are not. See if you can find out more information.

Resident: We used to have keys.

Mr. Mizusawa: After the security system went in, not a lot of keys were needed.

Mr. Dean: The keys were a true maintenance issue. The locks were constantly being broken.

Mr. Gallucci: The fence isn't tall enough to keep anyone out.

Mr. Dean: Dennis, I will get with you about this after the meeting. There's a couple of things that I want to go through.

Mr. Baldis: In the bathroom, there's something between the locks and the door, so it doesn't close. It was found early in the morning by Terry. Whether they live in here, I'm not sure why at 5:30 a.m. they were in the bathroom.

Ms. Hagen: The motion sensors should have picked them up.

Mr. Baldis: Unless they were there before.

Mr. Padilla: The bathroom facilities are closed to the public.

Mr. Dean: There's a couple of things that we can talk about after the meeting. Is there anyone else?

Mr. Kapalka: My name is Alan Kapalka and I live at 3106 N. Buena Vista Drive. I had mentioned a couple of months ago about all of trash all along the edge of the waterway by the entrance. It is very messy.

Mr. Dean: Thank you sir! Is there anyone else?

Mr. Mizusawa: I noticed that in the water, there's a large plume of whatever that grass is. It's starting to take over the area and suffocating whatever is out there. It's starting to get bad.

Mr. Padilla: There's ongoing treatment. There are some big bulbs, which have to die, especially for Cattails. We can only treat every two weeks, so we have to treat as we go.

Mr. Mizusawa: There are tall weeds.

Mr. Padilla: Those are Cattails.

Mr. Mizusawa: They come out of the water.

Mr. Baldis: Is it out of the water?

Mr. Mizusawa: No, it's not out of the water. It is plumbing. It's about maybe 2 to 3 feet from the surface. It's starting to propagate. It's a large bed now. I'm just bringing that up.

Mr. Gallucci: I spoke to the lake maintenance contractor the other day and asked him how it is going. He said that he killed about 70% of the problem, but if he killed about 70%, I think he started out with 200%. The Hydrilla goes so far out that you can't really fish anymore.

Mr. Dean: Why don't we pick that back up under the Lake Maintenance Report.

Ms. Hart: My name is Mary Hart and I live on Bayfront Drive. I wanted to know the feasibility of putting those speed bumps in front of my house for people coming around that corner. It makes no sense. They are coming around the corner at a speed that makes absolutely no sense. What is the feasibility of putting a hump right there?

Mr. Dean: We actually have an item on our agenda, Item 5A, "Discussion of a Speed Hump Map"; however, a request was made by the Supervisor who is on the phone that we table that until the next meeting, so that he can participate more actively in the discussion. It is something that is on our radar. The locations are a different discussion but it is something that is actively being looked at. It is probably not going to be discussed tonight.

Ms. Hagen: There is a history of us trying to do this before, and the City's position has changed, very, very recently, which is why we are bringing it up again. Our hands were tied, pretty much, until about two months ago.

Mr. Dean: Two-and-a-half months ago.

Ms. Hart: Has the City changed their position? Can we have a couple of speed humps or something in the community, because we have old and young people driving at speeds that make no sense.

Mr. Mizusawa: Just to follow up. We actually had a conversation not long ago. The reason for the speed bumps, I can understand. Her concern is similar to mine. She is trying to back out and has cars right on her. I live halfway down and had the same problem. The problem that I had was my neighbor had bushes that obstructed my vision and I couldn't see. Before I backed out, I saw them on my tail. I am concerned because I have a daughter. It may be more cost effective to ask the neighbor, right at that corner to remove the bushes. He has bushes that are 7 feet high and 3 feet wide. That is blocking her view.

Ms. Hart: That's not the issue. The issue has to do with speeding around the corner.

Mr. Mizusawa: I have to disagree. That's why I brought it up.

Ms. Dean: This has a place on the agenda. When we get there, there's going to be discussion about whether we do that now or potentially next month.

Mr. Hall: Are we tabling it or are going to discuss it and then table it?

Mr. Dean: I want to actually discuss whether we are going to table it when we get there. If you want to do that now, we can.

Mr. Hall: I would still like to have the discussion, but I respect if Tony is not here that we not make any decisions tonight until he is attendance.

Mr. Dean: That's right.

Mr. Hall: I don't think that we need to table the whole discussion.

Ms. Hagen: John, I would love to discuss it.

Mr. Dean: Tony, go ahead.

Mr. Spavento: I apologize. A discussion is one thing but when we are talking about a map, it's something visual, so I can't really have discussion.

Ms. Hagen: Yeah, I've been on that side of the phone connection before and it is very difficult to follow a conversation. While I would love to discuss it at this meeting, in all fairness, I think all five of us should be onsite to do it.

Mr. Spavento: I really do apologize and I appreciate the Board's indulgence. I'm sitting on the edge of my seat trying to make sure that I understand the conversation.

Mr. Mizusawa: Just for clarification, the property that has the hedges, regardless of what's going on, if we feel that it's a safety concern, does that fall upon the responsibility of the CDD?

Ms. Hagen: It's private property.

Mr. Dean: It's on the homeowner.

Mr. Mizusawa: That's the only house that has something that's large enough to be an obstruction to a neighbor.

Mr. Dean: That's something that you and Ron can talk about.

Mr. Mizusawa: I think the speed bumps should be discussed, just for the safety of not only Ms. Hart, but anyone around that corner that's trying to get out of their driveway.

Mr. Gallucci: That might be a City issue.

Mr. Dean: Hold on, I would like for Mike to comment.

Mr. Pawelczyk: Like Ron said, it could be a Code Enforcement issue because there are certain site issues. Cities have Ordinances that say that you can't have a hedge over 4 feet. You might want to check with them but it should be exempt because you're a Planned Unit Development (PUD). One of your calls should be to Code Enforcement.

Mr. Dean: That should be decided offline.

Mr. Mizusawa: I understand.

Mr. Baldis: I could give you the Code Officer's phone number.

Mr. Mizusawa: That would be great.

Mr. Dean: Anyone else? Yes ma'am.

Ms. Davis: My name is Lisa Davis and I live at 6444 French Angel Terrace.

Mr. Dean: She is here to discuss Item 4A. Without objection from the Board members, this item was discussed at this time.

3. Consideration of Release of Unauthorized Debt Request from Ms. Lisa Davis (Formerly Item 4A)

Mr. Padilla recalled an incident, few months ago, where a car hit the wall. The wall was inspected and two panels and one pillar must be replaced. The State Attorney charged the individual with a DUI and requested all estimates. Ms. Davis' attorney requested that she be released from any liability.

In response to Ms. Hagen's question, Mr. Padilla indicated that the cost to repair the wall was \$24,000. Ms. Hagen stated that she did not believe that the District should have to pay \$24,000 to have the repair done when the damage was due to that accident. Mr. Gallucci requested the details of the accident. Mr. Padilla stated that there was an Incident Report.

Mr. Pawelczyk advised that Ms. Davis had some responsibility, due to the fact that someone took Ms. Davis' car and hit the wall, and the State Attorney had issued a restitution order against Ms. Davis for \$1,000, the damage amount estimated by the officer that filed the accident report, an amount that was obviously inadequate. Ms. Davis felt that she had no responsibility because she did not drive the car into the wall. Mr. Pawelczyk stated that this matter should have been referred to his office, prior to the meeting, because there was limited information and if, the Board released the debt, the District did not have leverage to get any restitution. Mr. Pawelczyk recommended that Ms. Davis file a cause of action against the drunk driver, and that if the District subsequently received \$24,000 and Ms. Davis had previously paid \$1,000, then the \$1,000 would be returned to her.

Due to the limited information, Mr. Hall was also not in favor of releasing Ms. Davis from the restitution order, and recommended that the District Attorney and Ms. Davis' attorney handle this matter.

Mr. Spavento motioned to table discussion and Ms. Hagen seconded the motion. Mr. Hall preferred to deny the release, not to table this matter. (Tape time: 28:10)

ACTION:	Release of Unauthorized Debt Request from Ms. Lisa Davis
RESULT:	Request denied and referred to Attorneys.
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 31:49	

Mr. Pawelczyk requested that Ms. Davis email all paperwork to Mr. Padilla.

4. Staff Reports

A. Attorney

Mr. Pawelczyk did not have any items to report and reminded the Board to complete Form 1, Statement of Financial Interest and send to the State.

B. Engineer – Discussion on the Lake Bank Slope Easement and Update on Surface Water Permit

Mr. Ozyman referred to maps of each lot with corresponding colors. The line in yellow was the lake-bank-side owners' property line, red was the 20-foot easement and blue was the 10-foot easement. Property lines were based on Broward County Property Appraiser data. (Tape Time 34:00)

Mr. Dean stated that the purpose of the maps was to determine the levels of compliance around the lake and potential issues.

Mr. Baldis concluded that there were different degrees of encroachment, due to residents having structures and headwalls on District property; however, the only way to determine the encroachment was to have a survey. Mr. Baldis would email the maps to the Board.

Mr. Pawelczyk suggested that the Board review the map, so they could set a policy and that moving forward nothing else could be put in that would encroach. Mr. Dean suggested a count of how many residents were in violation, based on the red (20') and blue (10') lines. Ms. Hagen suggested a count of residents that did not have a 10-foot clearance on anywhere on the lake side of their property. Mr. Dean pointed out that lots within red and blue lines did not have clearance. Mr. Hall suggested looking at lots that had structures on District property without permits. Mr. Dean stated that the where the yellow line was on the grass, the land on the water side of the strip of grass was owned by the District.

Mr. Dean directed staff to provide a Violation Report of homes in that were in violation of (a) the 20' easement (blue to yellow lines), (b) a 10' clearance on the water side (red to yellow lines), and (c) a 10' clearance anywhere across the lake side of the back yard. Mr. Baldis would try to provide the maps and Violation Report to the Board, prior to the next meeting.

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:	Tina Hagen
SECONDER:	Mr. Hall
AYES:	All in favor
Tape time: 54:07	

A copy of the Combined Balance Sheet and Statement of Revenues and Expenditures were enclosed.

D. Field Manager

1) Monthly Report

2) Lake Report

Mr. Padilla reviewed the items listed on the Field Manager’s Report, Monthly Lake Report and Gate Report, which were included in the agenda package.

Mr. Padilla reported that a dump truck hit a mailbox but was replaced by the vendor.

Mr. Gallucci stated that the curb vendor parked a backhoe down the road and residents had to drive around it. Mr. Padilla said that he would speak to the vendor.

Mr. Dean noticed coconuts in the lake. Mr. Padilla stated that LakeMasters was onsite every two weeks. Mr. Dean requested that LakeMasters clean the lake. Mr. Baldis advised that there may be an additional charge, due to the size of the lake. Mr. Gallucci requested that LakeMasters remove Hydrilla from the lake. Mr. Padilla hoped to obtain permission from Fish and Wildlife for the fish by May 19. Mr. Baldis explained the purpose of the fish and that the Hydrilla was disintegrating. Mr. Dean asked if the South Florida Water Management District (SFWMD) would inspect the weirs on May 19. Mr. Baldis stated that the SFWMD received pictures of the weirs.

Mr. Padilla reported that the Health Department inspected the pools on Monday and two violations were noted; as a result, the pools were closed. One violation was the

ropes, which were being replaced. The second violation was that the community was not permitted for night swimming. Discussion ensued regarding changing the signs to say "Dawn to Dusk" and the process to permit the pool for night swimming. Mr. Spavento was aware of the lighting requirements. Mr. Dean requested that Mr. Spavento obtain information on the lighting. Mr. Baldis recommended changing the signs to say "From Dawn to Dusk". Mr. Dean requested a proposal from Mr. Baldis for the signage, that Mr. Spavento speak to Mr. Padilla about the lighting and that Mr. Baldis and Mr. Padilla review of the rules to determine if a modification was necessary. (Tape time 1:08:58)

Mr. Padilla stated that there were two incidents with the gate, and that a coach light was ordered. Mr. Hall wanted insurance issues to be resolved immediately, versus tabling from month-to-month to wait for a response from the insurance company. Mr. Pawelczyk recommended that Mr. Padilla contact the insurance companies more forcefully, wait a month, and if they had not settled, then consult with Mr. Pawelczyk's team. (Tape time 1:18:35)

3) Gate Report

A Gate Report was not provided to the Board and would be distributed after the meeting.

Mr. Baldis received a letter from a resident who had taken action to move a fence out of the 20' easement based on a letter that had been sent to all homes on the lake banks. He stated that the resident misunderstood the purpose of that letter and acted prematurely.

E. Manager

1) Approval of the Minutes of the April 13, 2017 Meeting

ACTION:	Approve minutes of April 13, 2017 meeting
RESULT:	April 13, 2017 meeting minutes approved
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 1:23:00	

2) Number of Registered Voters in the District – 1,984

A copy of the letter from the Supervisor of Elections indicating that there are 1,984 registered voters in the District, was included was part of the agenda package.

5. New Business

A. Consideration of Release of Unauthorized Debt Request from Ms. Lisa Davis

This item was discussed earlier in the meeting.

B. Consideration of Resolution #2017-04 Designating Julio Padilla as an Assistant Secretary

Mr. Baldis requested that Mr. Padilla be designed Assistant Secretary for the execution of documents.

ACTION:	Approve Resolution #2017-04 Designating Julio Padilla as an Assistant Secretary
RESULT:	Resolution #2017-04 was approved and Julio Padilla was elected an Assistant Secretary
MOVER:	John Hall
SECONDER:	Tina Hagen
AYES:	All in favor
Tape time: 1:24:43	

6. Old Business

A. Discussion of Speed Hump Map

This item was tabled until the next meeting.

Mr. Hall stated that the Parking Patrol was supposed to tag vehicles parked on or blocking District property but were not doing so. Mr. Baldis asked Mr. Hall to text him the address of the vehicle that should have been tagged. Mr. Dean will review the rules with the Parking Patrol. (Tape time 1:30:55:)

Mr. Hall noticed that the residents entrance of the North Bay Drive gate was not operating, and asked if the gate arms could have LED lights. Mr. Baldis will obtain a price and provide speed control options to the Board. (Tape time 1:33:05).

Mr. Hall requested a copy of a Traffic Study with the speed hump map in the next agenda package. (Tape Time 1:34:58)

Ms. Hagen stated that one gate arm was different than the other on the North Bay Drive gate. Mr. Padilla will address this. (Tape time 1:36:00)

7. Adjournment

ACTION:	Adjourn the meeting
RESULT:	Meeting adjourned at 8:36 p.m.
MOVER:	John Hall
SECONDER:	Tina Hagen
AYES:	All in favor
Tape time: 1:36:17	

Secretary/Assistant Secretary

Chairman/Vice Chairman