

# MINUTES OF THE JUNE 8, 2017 CORAL BAY COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS MEETING

Thursday, June 8, 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
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, Rich Hans, GMS, Dennis Baldis, GMS, Julio Padilla, GMS and 13 residents (copy of sign in sheet attached hereto and made a part hereof)

## 1. Roll Call and Pledge of Allegiance

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

## 2. Audience Comments/Supervisors Responses

Mr. Spavento asked for comments from the audience.

Ms. Wheeler: Katherine Wheeler, Fay's Cove. I'm here because I hit the gate arm on the rear gate, a couple of weeks ago, when I was heading out. The aluminum gates were open but the arm was down. My clicker did not raise the arm, but it looked like I had room, since the aluminum gate was stuck in the open position. So I proceeded to go

through. The gate arm hit the rear wheel of my car and fell off. I have pictures. I just wanted to come today to ask that the Board waive the gate damages, as the gate was open for me to proceed.

Ms. Hagen: Did it tap the back of your car?

Ms. Wheeler: The arm did.

Ms. Hagen: You said that the arm was down.

Ms. Wheeler: The gates were open but the arm was down. Coming into the side that I was going through, there appeared to be enough room to pass. Three-fourths of my car went through but the gate arm tapped the rear wheel and window.

Ms. Hagen: What tapped you? The arm that was down?

Ms. Wheeler: The gate arm.

Ms. Hagen: I'm confused.

Ms. Wheeler: I have pictures.

Ms. Hagen: From Envera?

Ms. Wheeler: This was from going through, so as I came to the gates, the aluminum gate was open. The arm was down and my clicker was not opening it. There was a gate malfunction, so the gate was left open.

Ms. Hagen: Did you go through the left lane?

Ms. Wheeler: I was exiting.

Ms. Hagen: It wasn't that the gate tapped you. YOU tapped the gate.

Ms. Wheeler: Yes ma'am. I am at fault for proceeding through a gate where the arm was down and I seemed to have enough room to get through.

Mr. Spavento: Did you knock the pole off?

Ms. Wheeler: Yes, yes, I did.

Mr. Spavento: You understand that we do not make a profit; that money goes towards the repair. You are asking for the community to fund the repair.

Ms. Wheeler: You are right. The only reason I had the nerve to ask is for the reason that the gate was already malfunctioning. It was already in the open position. The arm was not going up with my remote. It appeared that I had room to go through.

Mr. Spavento: You had room, but you turned your car too soon because, if the front of your car made it through and you would have stayed straight, you would have made it through. The front of your car went through without being scratched but the back of your car was hit.

Ms. Wheeler: It damaged my car.

Ms. Hagen: My problem is that you hit the gate.

Mr. Spavento: Unless a Board member is willing to make a motion to discuss this, this is pretty cut and dry.

Mr. Hall: Can we get information on the repair to see if there was a gate malfunction? It should've gone up.

Ms. Hagen: It SHOULD have gone up ... and if the gate came down on your car because it was malfunctioning, I understand it. But if you misjudged whether you could get through or not, that is a different issue.

Mr. Spavento: That's not that issue because you did get through. You just turned your car too soon.

Ms. Wheeler: I don't think I turned. I think my car might be wider in the rear.

Mr. Spavento: Do we have any motions?

Mr. Dean: I would like to see the video from Envera.

Mr. Spavento: We will move on while we obtain that information and will come back to this. Does anyone else have a comment or wish to speak?

Ms. Lawrence: Veryan Lawrence, 6563 Bayfront Drive in The Cape. I was here last month and you requested that I come back to address the feasibility of putting a speed bump by Lighthouse Place. We have crazy people driving through. You asked me to come back so that we could revisit this issue, so here I am. Additionally, there is a hedge belonging to the corner house that is very high and is blocking full view of the

traffic. Wasn't my neighbor, well down the street, supposed to get some information on how high the hedge should be? Did he get back to anybody?

Ms. Hagen: It's an HOA issue.

Mr. Spavento: This is the HOA issue.

Ms. Lawrence: I know the difference but he was here last month.

Mr. Spavento: I wasn't here, so you'll have to forgive me.

Ms. Lawrence: He was here last month and I think that was one of the things my neighbor was going to do because the house at the corner has a hedge. His issue was that I need to have the hedge cut.

Mr. Spavento: That's an HOA issue.

Ms. Lawrence: That's what he was saying, so I don't know if it tied in, but that's what he was saying. My issue is that I would like to know if we can get a speed bump.

Mr. Gallucci: As far as I know, the city has an Ordinance about running the bushes from your house all the way down to the sidewalk so you have to check with the city to make sure.

Ms. Lawrence: Yes, I think that was what he was going to do. He was taking notes. His issue was that I needed to cut the hedges and not the speed hump. But I would like a speed hump, but as far as the hedges, I was not involved in that conversation.

Ms. Hagen: Speed humps will be addressed under "Old business".

Ms. Lawrence: Did you send agendas out?

Mr. Pawelczyk: They are posted online seven days in advance of the meeting as well, just so you know for the future.

Ms. Lawrence: Ok, because I expected to receive one at this meeting.

Mr. Spavento: That would be a waste of taxpayers' money since we normally do not get much of an audience at the meeting. Does any of the other residents have any comments or questions? Since speed humps are later on in the agenda, we will talk

about the matter at that time. If you make Mr. Padilla aware of the speed hump that you are talking about, it could be added to the map.

Mr. Dean: Just for clarity, this item came up last month and we deferred it at the last meeting, so Tony could participate in the discussion about the actual map, I believe that the speed hump this lady is talking about is already on the map.

Mr. Spavento: Sir, do you have a question for the Board?

Mr. Lawrence: I spoke to Jake this morning about an issue with the lake.

Mr. Spavento: The lake is draining as we speak; hopefully, any issues are in the past.

### **3. Staff Reports**

#### **A. Attorney**

Mr. Pawelczyk reported that the request from Lisa Davis to release her debt was currently inactive, due to non-communication with Ms. Davis' attorney.

Mr. Pawelczyk recommended utilizing Jeff Lawley, an Insurance Defense Attorney, for drafting demand letters to resolve insurance issues and receive restitution, if the CDD is entitled to reimbursement of fees, in the event of a lawsuit.

Mr. Padilla would process claims of \$5,000 through the insurance company, in the most cost-effective way.

Mr. Pawelczyk reminded the Board to complete Form 1, Statement of Financial Interest and send to the State by July 1. (Tape time 16:52)

Mr. Hall recommended tabling Ms. Wheeler's request to waive gate damages, as the Envera video was not available. Mr. Pawelczyk stated that this item could not be tabled because it was not an agenda item but the Board could suspend resolution of this matter until the next meeting, after reviewing Envera's video. (Tape time: 19:00)

ACTION:	Approve suspending the request to waive Katherine Wheeler’s gate damages until the next meeting, after review of Envera’s video.
RESULT:	Suspending the request to waive Katherine Wheeler’s gate damages until the next meeting was approved, after reviewing Envera’s video.
MOVER:	John Hall
SECONDER:	Tina Hagen
AYES:	All in favor
Tape time: 19:07	

**B. Engineer – Discussion on the Lake Bank Slope Easement**

Mr. Ozyman stated that from June 5 to June 7, the District received a total of 10.14” of rain: 2.14” on June 5, 5.61” on June 6 and 2.39” on June 7. Based on statistical data, the South Florida Water Management District defined the rainfall as a 10-year storm event, which would re-occur every 10 years. Drainage issues were caused by blockages. The current drainage could withstand a 10-year storm but not a 25-year storm event, which was 12 ½ ” of rain.

Ms. Hagen asked if there was a standard for lowering water levels in the lakes in advance, based on the amount of expected rainfall. Mr. Hall recalled that lake levels were too high prior to the storm event.

After further discussion, the Board asked Mr. Ozyman to contact the South Florida Water Management District to discuss why the weir gates were not opened until Wednesday morning, after the District was under water, and whether it was possible to modify the District’s drainage system to be compatible with the current 25-year rainfall event. (Tape time: 32:41)

Mr. Spavento recommended that the Board review the Hurricane Plan and discuss scheduling monthly weir maintenance. Mr. Gallucci suggested removing vegetation and

debris from the new grate, replacing it or removing it prior to a storm event. Mr. Kapalka believed that construction contributed to the flow of canals.

Discussion ensued by the Board and residents regarding the drainage issues. Mr. Dean requested an update on whether the tunnel between the North Bay Drive canal and the lake was checked for blockages, as drainage was slow. (Tape time: 41:25)

Mr. Spavento recommended tabling the lake bank slope easement discussion. There was Board consensus. (Tape time: 42:15)

### **C. Field Manager's Lake Report (Formerly Item 3D 2)**

Mr. Spavento requested that the Field Manager's Report be moved up the agenda. (Tape tie: 42:42)

Mr. Spavento stated for the record, the District received great cooperation from the City. Mr. Spavento also stated he was able to attend the City Commission meeting the previous night and the City Manager immediately started looking for pumps, the Chief of Police provided police officers to protect and guard the gates, the Fire Chief issued a Code Red alert to update the community, and the City Engineer already had his men out there until the middle of the night providing pumps to work with. Public Works, Nick Cucunato provided crews in the middle of the night to pump the water. Mr. Spavento also mentioned that Julio Padilla worked until 3:00 a.m. and was in touch with him all night trying to get pumps and succeeded in getting one. Dennis Baldis also worked very hard on this situation, and so he wanted to thank all the staff people that made the streets dry. As a further item, Mr. Spavento stated, perhaps not this month but he wanted to show appreciation to the City by making a small donation, or something else to sing the praises of the City, perhaps at one of the next City meetings. Mr. Spavento commented that he wanted the Board and management to keep this in mind, of something the District could do to show our appreciation. Mr. Pawelczyk advised that the District cannot make a donation utilizing assessment funds. Mr. Spavento proposed donating a specimen tree to be planted in a public place. Mr. Pawelczyk stated if it's being put in a public place, yes. (Tape time: 47:03)

Mr. Baldis reported that the gates at the weir by the hospital were removed and water was flowing 100%. South Bay Drive had tremendous flow out of the lake; however,

one gate could not be removed safely, due to water pressure. The North Bay Drive gates were removed and water was flowing. Mr. Dean stated that the water on North Bay Drive was receding but was still the most flooded area. Mr. Baldis stated that the North Bay grates were blocked but there is now flow under North Bay Drive. Additional gates would be removed, once the water receded.

Mr. Spavento asked if the City Manager could remove their pumps. Mr. Baldis stated absolutely, the pumps were off and could be removed. (Tape time: 50:14)

Mr. Baldis stated that debris in the canals were the largest issues. A shopping cart and a portion of porch roof was removed from one canal. Ms. Hagen thanked Mr. Spavento for his hard work during the storm. Mr. Hall asked if the issue was the garbage or fish barriers or a combination of both. Mr. Baldis stated that the fish gate required by the South Florida Water Management District caused the entire flooding problem.

Mr. Baldis suggested removing weeds mechanically and Mr. Dean recommended reviewing the Lake Maintenance and Disaster Preparedness Plans. (Tape time: 50:14)

Mr. Baldis stated that Broward County did nothing to help the District, they came out and approached Julio and informed Mr. Padilla that it was the District's problem.

Mr. Spavento thanked Mr. Dean for updating the community website to keep the community informed. Mr. Spavento also asked staff to assess the damage to the sprinkler system from residents driving over landscaping and on the side of the roads and requested from management a street sweepers. (Tape time: 59:00)

Mr. Hall favored mechanically clearing debris once or twice a year from canals and including funds in the budget. Mr. Baldis stated he's going to keep a very close eye on it and would return the rented pump tomorrow. (Tape time: 1:00:35)

Mr. Spavento asked the landscaper to look at the lawn of the resident closer to the weir, since the lawn had been damaged as a result of the work needed to reverse the flooding, and replace sod that was removed, as good neighbors.

Ms. Lawrence asked if the community would be sprayed for mosquitos. Mr. Baldis stated that spraying for mosquitos was a Broward County responsibility. Mr. Hall advised residents to turn over anything that could collect standing water.



Ms. Sabrina Lima of Fay’s Cove lost her car to the flooding water. Mr. Dean showed video from North Bay Drive showing that the water was drained.

**D. Treasurer**

**1) Approval of Check Run Summary and Invoices**

Ms. Hagen motioned to approve the Check Run Summary and Mr. Hall seconded the motion. (Tape time: 1:05:00)

Mr. Spavento requested holding Check #13247 with Lake & Wetland Management company and discussing under the Field Manager’s Report.

Ms. Hagen withdrew her motion. (Tape time: 1:05:06)

ACTION:	Approve Check Run Summary, subject to removing Check #13247, with Lake & Wetland Management.
RESULT:	Check Run Summary was approved, subject to removing Check #13247, with Lake & Wetland Management.
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 1:05:27	

**2) Combined Balance Sheet, Statement of Revenues and Expenditures**

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

**E. Field Manager**

**1) Monthly Report**

Mr. Padilla reviewed the items listed on the Field Manager’s Report, which was included in the agenda package.

Item 1 - Comcast service upgrades: Completed.

Item 3 – Curbing: Completed, except for Sunset Circle, which is pending District Engineer approval.

Item 4 - Triploid Carp: Installed on Friday.

Item 7 - Southbound accident damage to District property: Settled. The check should be received in next five business days. The District received \$171 less by settling, versus spending \$500 for District Counsel to send a demand letter or paying a \$500 deductible through the insurance company. Total amount received was \$4,014.82.

Item 8 - Northbound exit gate median vehicle damage: Mr. Padilla will update the Board.

Item 10 - 30<sup>th</sup> Street Right Entrance Gate: Swing gate should be repaired by next week.

Item 11 - Clubhouse pool lift: Parts were ordered to replace damaged pool lift.

Item 12 - Pool signage: Mr. Padilla obtained two proposals; one to erase and change the language on existing sign and the other for a new sign. Adding a sign underneath would be less expensive. A proof must be sent to the Health Department for approval.

Item 13 – Current gate tower is not compatible with LED barrier arms. Proposals would be provided if the Board would like to provide new LED tower barrier arms.

Item 14 - Lake-canal-weir-littoral-preserve: Mr. Padilla requested a proposal to have Lake & Wetland clean up trash around the entire lake and canal once a week.

Mr. Spavento asked if the check with Lake & Wetland Management was for Peninsula Park or the tot lot. Mr. Baldis stated that it was for the tot lot. Mr. Spavento stated that there were hundreds of weeds in the canal and asked if removing weeds and maintaining the lake was due to not having fish, or if it was Lake & Wetland's fault and if Mr. Baldis was satisfied with their work. Mr. Baldis acknowledged that he was not pleased with Lake & Wetland's performance and recommended mechanical weed removal and additional inspections, especially on the South Bay side.

ACTION:	Approve to hold Check #13247, with Lake & Wetland Management and release upon approval of the District Manager.
RESULT:	Holding Check #13247, with Lake & Wetland Management was approved, subject to approval of release from the District Manager.
MOVER:	Dan Dean
SECONDER:	John Hall
AYES:	All in favor
Tape time: 1:18:06	

Mr. Hall asked if the District was reimbursed for the replacement coach light. Mr. Padilla stated that a request for reimbursement was submitted to the driver's insurance company. It took months to research who was responsible. At the Board's request, Mr. Padilla will contact the insurance company and try to expedite reimbursement. (Tape time: 1:20:44)

Mr. Spavento asked that the Field Manager to have IGM review the Hurricane Plan and run a practice drill of it. (Tape time: 1:21:16)

**F. CDD Manager - Approval of the Minutes of the May 11, 2017 Meeting**

Mr. Hall stated that the minutes were not in correct order. Ms. Hagen felt that the minutes were correct, as discussion went back and forth.

ACTION:	Approve minutes of May 11, 2017 meeting
RESULT:	May 11, 2017 meeting minutes were approved
MOVER:	Tina Hagen
SECONDER:	John Hall
AYES:	All in favor
Tape time: 1:23:30	

*The meeting was recessed at approximately 8:27 p.m. (Tape time: 1:24:14)*

*The meeting was reconvened at approximately 8:35 p.m. (Tape time: 1:34.06)*

## 5. Old Business

### A) Discussion of Lake Easement Report

This item was tabled until the next meeting.

### B) Discussion of Speed Hump Map and Traffic Study

Mr. Padilla presented the Speed Hump Map.

Mr. Hall preferred speed humps over speed bumps, especially at the intersections of North Bay Drive and Southwind Lane, and Indian Key Boulevard and Buena Vista Drive. This subject has been brought back up since the City of Margate is now allowing Coral Bay to install speed humps without going through the DRC process. Mr. Dean recommended a speed table at the intersection of Southwind Lane and North Bay Drive.

Mr. Dean stated that speed humps must be included in the budget and recalled that the last proposal for speed humps was \$4,000 to \$5,000. Mr. Ozyman stated that the last proposal was \$11,500 for 10 speed humps, plus \$700 for warning signs. Mr. Gallucci felt that residents residing at the locations at which speed humps were being proposed must be taken into consideration. Ms. Hagen asked if an easement was necessary on roads that do not have sidewalks. Mr. Pawelczyk stated that the District had a right-of-way from sidewalk-to-sidewalk, and you, as a landowner are responsible to maintain the swale, the green space, assuming there's right-of-way.

Mr. Dean suggested separating the interior streets from exterior streets, and the District Manager and District Engineer clarify the signage requirement to see if signage could be placed on one side of the street only. Mr. Dean wanted a plan for resident input on the interior streets.

Mr. Spavento urged resident input as to speed humps which affects 100% of the community 24-hours per day. He compared it to the lighting-of-the-perimeter-road proposed project that only involved 2% of residents who walk. Mr. Hall disagreed with Mr. Spavento and felt that if you're going to try and put up obstacles to prevent the community from doing something you don't like, that's not right. Mr. Spavento clarified that he was asking for resident input. Mr. Hall recalled that any time resident input was requested, no one responded, and only served to delay the progress by three to six months. Mr. Dean pointed out the lights were an estimated \$750,000 project, a much larger project than the speed humps.

Mr. Baldis suggested that the Board consider affixing solar powered reflectors to the pavement, which would replace 17 signs which is state approved. The reflectors shine white to slow people down and blink red at night.

Ms. Hagen first stated that the entire Board and most residents believe that speeding is a problem. She then requested that Mr. Spavento and/or any other Board member define a good solution, other than speed humps, to control speeding, other than hiring off-duty police officers 24/7 to issue tickets. Mr. Spavento felt that speed humps were not a complete solution as it penalized residents who drive the speed limit, causing wear and tear on their cars and felt that there were not enough speed humps on the map that had been created to sufficiently slow down the speeders. Ms. Hagen suggested that each Board member drive over a speed hump and requested any alternative recommendations to deal with the perimeter road, which was being used as a speedway. (Tape time: 2:09:35)

Mr. Dean recommended trying to drive over the speed humps at the entrances.

Mr. Maywald stated that he lives in Las Brisas and asked, as residents, if there was anything they could do to help other residents, or something that he could do

personally, perhaps going door to door to the homes and asking them to sign some kind of a petition or paperwork if they don't want to show up here, if it is inconvenience.

*A lengthy discussion ensued by the Board and residents regarding the speed hump and other alternatives. (Tape time: 2:09:40)*

The Board asked District Counsel to provide more information on right-of-way issues and for the District Engineer to separate internal speed humps from the perimeter road. (Tape time: 2:11:29)

Mr. Irving Lawrence, who lives in The Cape recommended speed humps in the interior, especially on Lighthouse Place where kids walk to the pool.

Mr. Spavento voiced concern about speed humps blocking drainage and stated that the drainage would be considered.

Ms. Lawrence questioned the process to get a speed hump.

Mr. Spavento stated that each area would be studied and completed in stages. Mr. Hall did not believe that the city would issue a permit for a speed hump on Ms. Lawrence's corner because speed humps were for straight-aways, not intersections.

Mr. Dean moved to budget \$30,000 for speed humps in Fiscal Year 2018 budget for 20 speed humps and Ms. Hagen seconded the motion. (Tape time: 2:24:23)

*Discussion ensued.*

Ms. Hagen suggested budgeting \$40,000 and authorizing District Counsel to provide information on right-of-way issues and for the District Engineer to separate internal speed humps from the perimeter road. (Tape time: 2:25:48)

Mr. Alan Kapalka, of 3106 W. Buena Vista Drive, was in favor of doing what was necessary, whether a speed hump, rumble strip or lights and felt that \$30,000 was ample to protect residents.

Mr. Michael Gordon, of 3090 W. Buena Vista Drive, suggested using Margate police officers. Mr. Spavento stated that officers were used in the past. Mr. Kapalka asked if the Board would remove the speed humps next year if the problem was not resolved. Mr. Hall stated that the speed humps would be removed if an alternative was presented. Ms. Lawrence questioned the timeline for the speed hump process. Mr.

Spavento anticipated that the speed humps would be installed within the next fiscal year and, hopefully, within the next six months.

**ACTION:** Approve budgeting \$40,000 for 20 speed humps in the Fiscal Year 2018 budget, authorizing District Counsel to provide information on right-of-way issues and the District Engineer to separate internal speed humps from the perimeter road.

**RESULT:** Budgeting \$40,000 for 20 speed humps in the Fiscal Year 2018 budget was approved and District Counsel was authorized to provide information on right-of-way issues and the District Engineer was authorized to separate internal speed humps from the perimeter road.

**MOVER:** Dan Dean

**SECONDER:** Tina Hagen

**AYES:** Four in favor and Mr. Spavento voting no.

Tape time: 2:36:45

## 4. New Business

Ms. Hagen presented a fiscal year budget analysis with actuals from 2013 to 2017 and estimated budget projections for 2018, 2019 and 2020. She further proposed increasing the annual assessment by \$75 to \$100 per home. This would provide sufficient funds for the normal maintenance of the district, allow for proposed new discretionary projects (like the speed humps), and maintain a sufficient level of reserves necessary for the beginning of every fiscal year. Ms. Hagen noted that the annual assessment has been the same since 2007, and the bond for the wall will not be paid off until during fiscal year 2020. Ms. Hagen indicated that the original proposed budget for fiscal year 2018, created by management, had \$75,000 in discretionary funds allocated in it (\$25,000 for “Landscape repairs and improvements”, and \$50,000 for “Major projects”), which would not allow much to be done by itself. (Tape time: 2:43:48)

Mr. Hall favored raising assessments to give residents what they wanted, which was a little over \$6 a month, and proposed sending out assessment increase notices to all CDD homeowners ASAP to meet the required advance notice time.

*Mr. Ozyman left the meeting.*

Mr. Spavento proposed raising the budget limit to \$120,000 (\$120 per home per year or \$10 per home per month) to provide flexibility.

Mr. Kapalka asked the Board to consider replacing pads, installing tables and benches and beautifying Peninsula Park. Ms. Hagen stated that \$50,000 was budgeted under "Major projects" and stated that Mr. Kapalka's requested would be added to the list of discretionary projects that would then be prioritized.

**ACTION:** Approval to amend the proposed budget upward by \$120,000 for capital projects and authorizing staff to send out assessment letters to residents.

**RESULT:** Amending the proposed budget upward by \$120,000 for capital projects was approved and staff was authorized to send out assessment letters to residents.

**MOVER:** Tina Hagen

**SECONDER:** Dan Dean

**AYES:** All in favor.

Tape time: 3:03:33



## 6. Adjournment

ACTION:	Adjourn the meeting
RESULT:	Meeting adjourned at 10:03 p.m.
MOVER:	Tina Hagen
SECONDER:	Dan Dean
AYES:	All in favor
Tape time: 3:03:53	

---

Secretary/Assistant Secretary

---

Chairman/Vice Chairman