

Minutes of a Regular Meeting
Board of Supervisors
Coral Bay Community Development District

May 14, 2009

Coral Bay Recreation Center

7:07 PM

3101 South Bay Dr., Margate, FL 33063

Roll Call:

Chairperson Spavento called the meeting to order at 7:07 PM.

Present: Tony Spavento (Chair), Daniel Dean (Vice Chair), Tina Hagen, John Hall and Ronald Gallucci

Absent: None

Also Present: District Attorney Michael Pawelczyk; District Engineer Robert Cole; District Manager Leigh Hoffman and Assistant District Manager Millie Otero and GMS representative Rich Hans.

Pledge of Allegiance: The Chairperson requested those in attendance to stand and recite the Pledge of Allegiance to the flag of the United States of America.

The presentation was moved to the beginning of the meeting to accommodate Mr. Rich Hans from Government Management Services (GMS).

1. Presentations

GMS had presented a written proposal for the Field Services Manager position. Rich Hans appeared before the Board to answer questions and to explain the scope of services offered by GMS. Supervisor Dean asked how the position would interface with District Management. Mr. Hans stated that they would oversee work by contractors and sign off on invoices and submit them to the District Manager. Supervisor Hagen stated that all work is not under contract and asked how that would be addressed. Mr. Hans explained that they would assess the work needed and would present quote from vendors to District Management. He added that there would be routine drive through with a Supervisor or District Management to identify matters to be addressed. Supervisor Hagen asked Mr. Hans how much time would the Field Manager spend on site. Rich Hans responded that it would be eight to twelve hours a week. He also stated that the Field Manager would be on site as needed for specific projects. Supervisor Hagen inquired if during the drive around the community the Field Manager would take the initiative to point things out that should be addressed. Mr. Hans responded that it would be a combination of input from the Supervisor or District Management and the Field Manager. Supervisor Gallucci asked if a Supervisor would drive around the property with the Field Manager; what would be the difference in doing the same with CHI Janitorial & Maintenance, Inc. Supervisor Hagen stated that she saw it as beneficial to have a separate entity going out and determining what needs to be done rather than the service provider deciding what work he would perform or not perform. Michael Pawelczyk explained that the benefit of using a Field Manager is that they would get quotes immediately for any work that would be identified. Supervisor Dean added that the issue is timeliness, where tasks can be done in a multitasking way instead of in a linear fashion. Chairman Spavento thanked Mr. Hans for his time and the presentation of GMS' services.

2. Approval of Minutes

Motion:	To approved the minutes of the meeting held on April 9, 2009
By:	Supervisor Dean
Second:	Supervisor Hagen
Vote:	5-0
Action:	To add the minutes to the District records and post on the website.
Time:	0:13.30

3. Approval of Invoices

Supervisor Dean requested check #10981 for \$500.00 to AT&T for field engineering services was added for approval. Supervisor Hagan stated there were 4 checks on the supplemental register. Supervisor Dean asked if GAB Robbins had completed the valuation. Leigh Hoffman responded the report was completed. Chairman Spavento noted the CHI bill reflected the truck expense, as a separate item instead of included is the hourly rate. Leigh Hoffman responded that the truck expense was still \$1.82 an hour and the labor cost \$31 an hour. Chairman Spavento stated that the two expenses should be combined as directed by the Board.

Motion:	To approve the check register and supplemental checks
By:	Supervisor Dean
Second:	Supervisor Hall
Vote:	4-1 (Spavento – NO; Hall – Yes; Hagen – Yes; Dean – Yes; Gallucci – Yes)
Action:	Release the signed checks.
Time:	0:18.30

4. Audience Comments

At this point in the meeting, the Chairman indicated the Board would open the floor to comments and questions from the audience.

- a. Ex-Supervisor McCormick informed the Board that during her term she did not receive the Maintenance Picture books from CHI to incorporate them into the District files. She added that she requested some of the books to review specific items but she returned them to CHI. She added that the sidewalk in front of 6332 Duval Drive in Las Brisas is a trip hazard that needs to be corrected. As a point of information Mrs. McCormick said that the taxes do not have a consistent billing methodology. Chairman Spavento informed Mrs. McCormick that she had used up the time per person for comments. Supervisor Gallucci asked if Mrs. McCormick could be given

more time to speak as long as it was valuable information for homeowners. Michael Pawelczyk responded that Chairman Spavento was only enforcing the established rules; it would be up to the Board to make an exception and allow more time for comments.

Motion:	To allow Mrs. McCormick more time to present information on the property taxes
By:	Supervisor Gallucci
Second:	Supervisor Dean
Vote:	5-0
Action:	Mrs. McCormick could share her the information she had concerning the property taxes.
Time:	0:26.20

Mrs. McCormick continued by stating she asked the county for the methodology used to determine the taxes. She discovered that there was not a set method to determine the taxes per lot. She added that as a result there are lots that are charged a higher rate than others. Mrs. McCormick asked the Board to consider a different methodology for the District's yearly assessment to address the bigger lots and the lake front properties.

- b. Mr. Niechowics informed the Board that he was in attendance representing his father concerning the District's lake easement encroachment.
- c. A homeowner that collected patio pavers that were declared surplus goods by the District expressed his gratitude to the Board and to District Management.
- e. What is the timetable for the reinstatement of the gates? What is happening with security going around the community?
- f. What is the status of receiving all District documents from New Community Strategies.
- g. There has not been a " Buzz" published since September 2008.

5. Supervisor's Comments

Supervisors commented on the following, among other items:

- a. When the community was developed the maintenance was based on the size of each property. The Developer was having problems selling the homes and in addition forgot to issue a Bond for roads. As a result, the Developer changed the assessment to \$150 per lot. Homeowners protested the change and the Developer changed the assessment to \$35 per lot, which benefited him with the lots that he still owned at the time.

- b. Supervisor Dean asked Michael Pawelczyk what would be the procedure to follow if the community wanted to change the assessment. Mr. Pawelczyk explained there would have to be a rationale that identifies how the change benefits the community and to present the methodology that would be used for the process.

Action:	Begin the process to change the methodology and the approximate cost for the study
Time:	0:050.00

- c. Supervisor Dean asked what is management doing about the sidewalks. Ms. Otero reported that she walked Las Brisas with Bob Holland from Atlantic Southern Paving. Supervisor Dean asked to have the work done under the Manager's discretion.
- d. The first stage on the security system would start shortly which addresses the parks and pools, which would be followed by the gates. Further information will be addressed later in the Agenda.
- e. Supervisor Dean asked Michael Pawelczyk to clarify the Sunshine Law. Mr. Pawelczyk stated that he does not stay more than 10 minutes after a meeting. He added during those conversations he had engaged in conversation with two or more Board member concerning other matters not related to Coral Bay. Mr. Pawelczyk stated he has not witnessed any violation of the Sunshine Law.
- f. Concerning the records after 1-½ years New Community Strategies stated they had turned over everything they had. Mr. Pawelczyk that New Community Strategies had submitted everything they had, we have no knowledge if the files were managed properly.
- g. The funds to build the infrastructure for the gates and the monitoring systems are available and the cost for the ongoing services was built into the current assessment amount.

Supervisor Gallucci requested moving up the item for the lake easement encroachment concerning Mr. Niechowics lot at 3122 W Buena Vista Dr. The Board accepted without objection. Chairman Spavento presented an e-mail from the Property Manager of Islamorada that stated he did not sign the Architectural form for the approval of the fence. Mr. Niechowics said he was not aware of the form in front of him. Mr. Pawelczyk presented to Mr. Niechowics a copy of the referenced Architectural form and of the e-mail. Mr. Niechowics said he was there to speak of the fence and the lake easement. He explained that they are interested in working out an agreement and they are not interested in interfering with the purpose of the easement. Supervisor Dean stated that any encroachment to the easement requires an agreement with the District. Supervisor Dean added that for the District to approve the encroachment the HOA would have to approve. Chairman Spavento stated an authorized agent did not sign the Architectural form. Chairman Spavento added the permit was from January 2009 and did not supply a picture of the existing fence. Mr. Pawelczyk recommended having Mr. Niechowics meet with HOA and working an agreement that can be presented to the District at the next meeting.

6. District Engineer's Report

Robert Cole reviewed the status report dated May 14, 2009 sent to the Board in advance of the meeting and, commented on, among others the following matters:

- a. Robert Cole informed the Board there were four proposals received for the Shoreline/Headwalls Project. The project was divided in two parts. The base bid which represented the work that FEMA would cover and the second part being the additional work needed. The lowest bidder was Custom Build Marine Construction with a cost of \$170,000 for the base project and \$205,00 for both parts of the project. Mr. Cole recommended awarding the contract to Custom Build Marine Construction.
- b. The contractor was asked to revise his proposal for the Dock replacement to build one dock by the clubhouse and one at Peninsula Park. The total cost for the project was \$69,740. The paperwork would be processed to execute the contract.
- c. Mr. Cole reported that he went back to the City of Margate concerning alternatives to the dumpster. He was informed that the District could have trash containers. He stated that there is not need for a permit to have the trash containers. Supervisor Dean asked what were the agreement terms with Waste Management and the cancellation terms. Leigh Hoffman explained that the agreement could be terminated. Supervisor Hagen expressed concern with the location of the containers and how they would be secured to avoid any vandalism. Supervisor Hall said that the containers could be placed in an out of site location. Chairman Spavento stated the City is going to monthly bulk pickup, which could alleviate the disposal of the bulk items. Supervisor Dean recommended trying the trash containers and returning to the dumpster if the change does not work.

Action:	District Manager to purchase trash cans and have the dumpster removed
Time:	0:1.25.00

- d. Mr. Cole inquired on the status of getting approval from the Homeowners Associations for the speed humps. Supervisor Dean stated that the District needed to send information to the community concerning the process for the gates and the speed humps. Supervisor Hall asked Mr. Cole if the approval was to come from the HOA Boards or the residents. Mr. Cole responded that the city needs the approval from the Boards.

Action:	District Manager to contact the Property Managers and the Board members of the HOA's to request approval for the speed humps.
Time:	0:1.29.00

- e. Mr. Cole stated that the current boat ramp is the same slope as the original one. He explained that after the slope there is a flat surface before hitting the water. Supervisor Gallucci stated the problem with the current ramp is the flat surface after the slope. Robert Cole agreed to request a quote to shorten the flat extension.

7. District Attorney's Report

Michael Pawelczyk informed the Board he had no report at the time.

Mr. Pawelczyk stated his office sent the auditor's letter on April 16, 2009 to the auditing firm. Supervisor Hall requested clarification from Michael Pawelczyk on the purpose of the lake easement. Supervisor Hall added that he understood it was for the maintenance of the lake. Mr.

Pawelczyk confirmed that it is a lake maintenance easement. He added that any encroachment approved clearly states if the encroachments needed to be removed it would be removed at the owner's expense.

Chairman Spavento recess the meeting at 8:50 p.m.

Chairman Spavento reconvened the meeting at 8:58 p.m.

8. Treasurer's Report

Supervisor Hagen informed the Board that her reports were back to the format of projecting. She encouraged the Board to review the reports and give her comments. Supervisor Hagen distributed copies of the general fund report with changes. She explained some of the terms used such as obligated amount, administrative cost, small projects versus large projects. Supervisor Hagen added that the FEMA income would be posted when the funds were earned.

9. District Manager's Report

- a. Leigh Hoffman informed the Board the \$500.00 to AT&T was for engineering services, and the amount would be later deducted from the monthly service contract. He also reported that he was waiting for a proposal from Comcast. Mr. Hoffman explained that in order to reduce cost Comcast was looking at going through one or two homeowner lots to reach the service facilities. Supervisor Dean requested from the Board approval to have the attorney work on an easement agreement with the lot owner(s). The Board discussed the easement that would be required from a lot owner in Port Antigua, restoration of the lot(s) and a possible landscape incentive to reduce the cost of trenching. Supervisor Hagen asked if the approved \$20,000 would cover the project cost. Supervisor Dean responded replied the project would be covered with the \$20,000 but there were additional costs for legal and lot restoration. Supervisor Hagen requested a not to exceed amount that could be used for budgeting purposed. Michael Pawelczyk recommended not having a not to exceed amount and to allow the District Manager to negotiate the incentive amount

Motion:	To have Supervisor Dean & District Manager Hoffman work with attorney and engineer to enter into an easement agreement with lot owner(s) in Port Antigua that is amicable whereby Coral Bay restores owner's land to its previous condition and an incentive to lot the owner(s) at District Manager's discretion while maintaining a cost effective solution.
By:	Supervisor Dean
Second:	Supervisor Hall
Vote:	4-1 (Spavento – Yes; Hall – Yes; Hagen – No; Dean – Yes; Gallucci – Yes)
Action:	To negotiate agreement as described above
Time:	0:2.26

Millie Otero reported on the following items:

- b. Light Pole Banners – Ms. Otero informed the Board that the artwork would be presented to Christmas Designers to start the process of having the banners made.

- c. Irrigation System - Ms. Otero reported that pump #7 is the newest pump purchased in 2008, pump #9 is the oldest pump, pump #6 was rebuilt in 2008 and all other pumps are 4 to 5+ years old.
- d. Landscaping - Millie Otero reported that IGM planted 7 palms at the entrance of South Bay Drive. They had to be smaller because of the openings on the ground were too small. There is concrete below and possibly utility lines.
- e. Insurance and Property Valuation - The Florida League of Cities added the new items to the policy as well as increase the value of other items based on results from the valuation.
- f. Maintenance Picture Books – Millie Otero informed the Board that David Ball had 14-photo book delivered to the Coral Bay office. The month of February 2008 was missing. Ms Otero stated that she informed David Ball that the February book was not received.
- g. Millie Otero informed the Board that Ms. Mercedes Castillo a resident at 2937 Sable Circle Margate had contacted her. She explained that the property is located in the neighboring community to the east of Las Brisas. Ms. Otero added that Ms. Castillo was seeking approval to install a fence in her back yard and she was directed by the City of Margate to request approval from Coral Bay.

Motion:	To provide a letter to Ms. Mercedes Castillo stating the District does not object to the installation of a fence on her lot.
By:	Supervisor Hall
Second:	Supervisor Dean
Vote:	5-0
Action:	District Management to issue the letter and mail it to the homeowners
Time:	0:2.37

Supervisor Dean asked what was IGM's plan for planting the annuals. Millie Otero replied that due to the drought they were waiting for some rain before having the annuals planted. Supervisor Dean asked when were the time clocks last checked since the light on the facilities had gone on very early. Ms. Otero responded that she would have it checked by maintenance. Supervisor Dean stated that the blue light from the LED sign at the main entrances was fading. Millie Otero responded that she would have it corrected. Chairman Spavento asked when was the last time Bayo's Pest Control serviced the boxes by the lake and there were three trap boxes missing. Leigh Hoffman responded that he would contact the vendor.

10. Old Business

- a. Pools and Parks Monitoring Agreement – Supervisor Dean stated the agreement was ready to sign but on hold due to the infrastructure.
- b. Field Management Services – Chairman Spavento asked what the hourly rate was for the Field Management Services. Michael Pawelczyk stated the rate was \$75 per hour. Supervisor Dean asked Supervisor Hagen if the funds were available in the budget to cover the Field Management agreement. Supervisor Hagen reviewed the Balance Sheet for the General Fund to illustrate the availability of funds for the agreement as well as for the cost for the Envera Services project.

Motion:	To engage GMS for Field Management Services at a fixed rate of \$1,500 per month
By:	Supervisor Dean
Second:	Supervisor Hagen
Vote:	
Action:	
Time:	0:2.55

Supervisor Dean asked Supervisor Hall his position concerning the Tennis Courts. Supervisor Dean explained that he had a concern when new projects like the dumpster enclosure are considered and the resurfacing of the Tennis Courts remained on the budget. Supervisor Dean asked Ms. Otero to get a price to resurface the tennis courts. Supervisor Hall expressed that the Field Manager will bring enhancement to the community. Mr. Dean asked Leigh Hoffman what his feelings were on having a Field Manager. Mr. Hoffman stated he doesn't have a problem, but he preferred to put the money into the community. Mr. Dean asked how can it be done by bringing vendors in. Mr. Hoffman said he can use \$18,000.00 to beautify the community. Supervisor Dean stated that having this position would allow the District to have multiple vendors working on a variety of projects. Supervisor Hagen stated it is adding to the management team to make things smoother. Chairman Spavento said he agrees with Ms. Hagen that the service was needed to have a plan and not to react. Chairman Spavento stated Coral Bay needed to have a chartered mapped plan that looks at all aspects of the community. Supervisor Hall is looking at what has been done and to expand on it. Supervisor Hall said there are things that can go on a schedule to be maintained while others where it would require a reaction. He added that the District could at the time engage in the services and to evaluate the results and in the event it does not enhance the community the agreement could be cancelled. Supervisor Dean stated Coral Bay could enter into the agreement and give GMS 6 months to see the results. Michael Pawelczyk said the contract is already done but he is going to enter an insurance clause.

The motion was modified as follows:

Motion:	To have the Board Chairman and the attorney enter into the agreement prior to the next meeting
By:	Supervisor Dean
Second:	Supervisor Hagen
Vote:	5-0
Action:	To execute the Field Management Agreement
Time:	0:3.25

Michael Pawelczyk stated that the Field Manager should run all expenditures by the District Manager before any decision making on a job.

- c. Lake Easement – Chairman Spavento asked if the lake easement discussion could be moved to the next meeting. Supervisor Dean said that the Board needed to address the topic. Supervisor Hall stated that the Board to need to give District Management direction to send notices of violations to the other homes that are

encroaching the lake easement. He added that since notices were sent to lots in Islamorada the District would need to send notices to any other lots that were in violation. Supervisor Dean stated the last time an encroachment agreement was done, was a cost of \$700 and he doesn't believe the District wants to incur such expense. Supervisor Dean stated that the District has an obligation to protect the lake easement. He added that by seeing the pictures of the encroachments it should be a matter of the HOA's. Chairman Spavento stated that the lots in Islamorada had structures that were encroaching the easement and a neighbor was complaining. Michael Pawelczyk suggested that the best approach would be to create a policy to address the lake easement. Supervisor Dean stated the Board needed to come to a resolution on the matter. Supervisor Dean downloaded the pictures and projected them for everyone's view. The Board discussed what was viewed in the pictures taken from the lake.

Action:	District Management to formulate a lake easement encroachment policy to present to the Board
Time:	0:4.0

11. New Business

- a. Shoreline – Supervisor Dean asked if the budget covered both parts of the project. Supervisor Hagen responded that the amount was available in the budget. Supervisor Dean asked if the amount for the base project was obligated by FEMA. Supervisor Hagen responded that the amount of the base project was under the obligated amount. She added that the District could only submit for what is invoiced.

Motion:	To accept recommended vendor Custom Build Marine Construction for both parts of the project at \$205,000
By:	Supervisor Hall
Second:	Supervisor Hagen
Vote:	5-0
Action:	Proceed to execute contract with the vendor
Time:	0:04.05

The District Engineer Robert Cole was excused at 11:21 p.m.

(0.4.09) Chairman Spavento passed the gavel to Supervisor Dean

- b. Audit – Leigh Hoffman reported that the Audit was moving along. Supervisor Hagen stated that she had submitted her items to the auditor. Millie Otero stated that she had submitted the list of major accomplishments.
- c. Proposed Budget – Leigh Hoffman stated that he has a draft budget including the Major Projects. Supervisor Dean asked for estimates for Christmas decorations.

Supervisor Hagen stated that all documents were sent to Martha Palmer to impute into the FloridaPA website.

Supervisor Dean requested authorization to pay for the microphone.

Supervisor Dean started that he saw a need for a timeline develop a methodology for the gates, with a timeline. He would also like to send out communication out to the community on the gate project. Chairman Spavento recommended sending out a survey to the community for input on the gates. Michael Pawelczyk sent a postcard with a link to the website. Supervisor Dean would prefer not to use the website. Supervisor Hagen expressed the community must be informed off what they would receive for the investment on the gates. Supervisor Dean agreed with Supervisor Hagen that information would have to be sent to the community.

Supervisor Hall informed the Board that he would be responding to Eddie Velie for his public comments in his newsletter to the community.

Motion:	To adjourn the meeting
By:	Supervisor Hall
Second:	Supervisor Hagen
Vote:	5-0
Action:	Meeting adjourned at 9:56
Time:	0:4.25.54

Leigh Hoffman, Secretary