

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: November 19, 2018
8:00 A.M.

Held at
8756 Boynton Beach Boulevard, Suite 2100
Boynton Beach, Florida 33472

1. Roll Call

The meeting was called to order by the Chair, Charles Walsey, at 8:00 A.M.

The Chair then called the roll, and noted that all Supervisors, except Rick Elsner, were present.

In Attendance:

Board Members: Charles Walsey, Rick Elsner (arrived at 8:03 AM), Larry Portnoy, Pamela Duhaney and Don Johnson

District Attorney: Peter Breton

Operations Manager: Robert Poyner, RLP Property Services, Inc.

Guest: Eric Mitchell

2. Approval of Agenda

After a motion by Supervisor Duhaney and second by Supervisor Johnson, the Board unanimously approved the Agenda.

3. Approval of Minutes

By motion by Supervisor Portnoy and second by Supervisor Duhaney, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of September 17, 2018.

4. Comments from Public – Eric Mitchell

Mr. Eric Mitchell requested to address the Board concerning Section 32, also known as Santa Rosa Groves. He told the Board that the only changes since the Indian Trail Improvement District (ITID) workshop meeting that he is aware of is that the Declaration of Covenants and Restrictions has been amended. The amendment specifically allows the HOA to transfer easement rights to an improvement district. He said that Santa Rosa Groves, Inc. and the HOA are making unilateral decisions without any vote of the landowners. The residents of Section 32 want the roads and drainage to be maintained. That is not in contention. Supervisor Walsey asked if a majority of landowners wanted the roads and drainage maintained. Eric said this is complicated. A majority of the land is vacant investment property. They may not care. The large majority of the residents and business owners/operators want it, but it is hard to say if a majority of all the landowners are in favor.

Eric said that some owners may be taking legal action against Santa Rosa Groves, Inc. for failing to activate the HOA and collect dues for maintaining and repairing the infrastructure.

He said it will cost \$1 million to bond the repairs to bring it up to ITID standards. Supervisor Portnoy explained how GL Homes handles funding of HOA's while its communities are under development.

Supervisor Walsey suggested that the HOA could contract for drainage with the CDD. But Attorney Peter Breton pointed out that the CDD is not going to undertake the internal drainage repairs or maintenance. Supervisor Portnoy asked if a lot of private easements will be needed. Eric said yes and several owners have their attorneys looking into it.

Eric asked what kind of arrangement with the CDD is feasible. He said that the owners he has spoken with do not want to bring the roads up to ITID standards.

Attorney Peter Breton asked Eric why, if the association has the ability to assess the landowners, it could not just hire a contractor, like RLP Property Services, to do the maintenance? Why add a level of complexity by contracting with the CDD? The CDD is not going to enter into a contract unless we know that 100% of the landowners in section 32 are legally obligated to pay the HOA assessments. A voluntary assessment is not acceptable. Attorney Peter Breton said that the CDD has no legal right to assess anyone outside the District boundaries.

Attorney Peter Breton explained that it requires 100% of the landowners must consent in writing to become part of the CDD. But since Section 32 is already within the ITID boundaries, no landowner approval is needed to become an active unit of development.

Supervisory Portnoy asked if smaller, contiguous parts of Section 32 could be added to the CDD. Attorney Peter Breton said that it would be possible if 100% of the owners in a half section or quarter section consented. But he said that we can't have a checker board pattern. He also said that since there is only one drainage system serving the entire section, it would be hard for the CDD to maintain just a portion.

Supervisor Elsner asked if there is any statutory deadline for turning over control of the HOA. Attorney Peter Breton said no, there is not.

Supervisor Elsner expressed concern over raising the expectations of the landowners leading to complaints to the CDD.

Attorney Peter Breton said that based on his experience with many associations, their best bet is to become an active unit of development of ITID.

Supervisor Portnoy pointed out that in the long run, the CDD may be scaled back or even dissolved.

Eric thanked the Board for its input and answers.

5. Engineer's Report / State Road 7 Update / L-8 Basin Study

The District Engineer was not able to attend so there was no engineer's report this month.

6. Operations Manager's Report / L-8 Report and Report on Status of Projects

The Operations Manager distributed his written report and discussed it with the Board.

Operations Manager's Report November 19, 2018

- On November 17, 2018 the offsite L-8 Canal elevation at the North Pump was 12.9 and the onsite elevation was 17.6 The South Pump offsite elevation was 12.9 and the onsite elevation was 17.6 Lake Okeechobee water level is 13.42 September level was at 14.80
- Canals- Aquatic herbicide application complete. (Some spot treatment may occur.)

- 3rd quarter pump reports submitted.
- Picked up North pump & Installed. Possible additional repairs needed. {Discussion budget new pump 30K.) Invoice review.
- New pipe project for the intersection of 59th and section 32&33. Scheduled for 2nd week of September 2017. (DELAYED)
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 7000 gal of fuel delivered on 10/30/18 and have used 800 gal since delivery. (All compliance for 2017 current and delivered PBC ERM)
- Capital Improvement Projects and estimated cost.
 1. Clear and dredge canal between section 29&30 {June-Aug \$6000.00 estimate)ON HOLD
 2. Clear and Dredge West side of canal on the east side section 31 from south outfall canal to section 30. (June-Aug estimate \$6000.00)ON HOLD
 3. Install 72 inch pipe NW corner section 30. (Pipe From GL Homes)
 4. Install new pipe at 59th and section 32&33. {Estimate to replace \$16,000.00 +/- including pipe.
 5. Clean south outfall canal along 59th & section 33. (Estimate \$7500.00) 50% Complete
 6. New pipe needed for center road section 20&21. (Pipe received from GL Homes)
 7. Install Rip Rap North Pump canal bank.
 8. Canal bank maintenance. (Started repairing canal banks.) Includes repair to Santa Rosa South canal bank.
- Maintaining water system at 15.0 to IS.0
- Corbett canal bank possible maintenance required. (WEST CANAL SECTION 30&31&19) ITID flooding of Moss Property. Corbett draining into COD canal system. (Currently draining in North canal) (OPTIONS) Filled ditches draining into south canal. Pipe to be removed at later date.
- Stienman DEP permit challenge.
- The permanent drainage for the park has been installed. The scope of work is complete with the exception of one more pipe to be installed after farm season is over and summer water levels are being maintained.
- Long stick. GL Homes cleaning west canal. (COMPLETE)
- Santa Rosa Groves discussion. Submitted COD water permit. (Charge maintenance fee?) Conditions of permit also to include removal of all old structures. Ricobono would like to install pipes once approved. New breach west of Fernando property. Attached parcel control records. (Discussion regarding ITID & Santa Rosa) (Removal of pipes.) Eric Mitchell called regarding replacement of failing pipe in south canal.
- Tru-Flo has agreed to split the cost of the gooseneck adapters for the new pump. (\$1,132.50 our cost)
- South pump station replacement discussion. Six Ls discharge pipe located at the SW corner of section 31 west of pump station. (Pipe has been removed.) Discussion of pump station removal. (Blasting canal bottom FPL.) Hundley discussion for overflow pipe west of pump station.
- L8 canal elevations fell to 10'6" on October 5th & 24th. Cited algae bloom & city water quality.

- FPL conversation with Mathew Silver. Solar Farm. (FPL will have an onsite meeting with COD before site plans submitted.)
- CDD canal easements. Current & future land owners.

Bobby Poyner discussed problems getting additional discharges of water from Lake Okeechobee into the L-8 Canal and the impact on the south pump station. Supervisor Elsner will set up a meeting with SFWMD to explain our situation and see if they can help with the Corps.

Supervisor Duhaney asked if there is any way to store water on the property for use when the L-8 is low. Supervisor Elsner said this was too expensive to implement.

Bobby Poyner said that the north pump cannot be repaired any more so we need to plan for its replacement. It is over 20 years old and could fail without warning.

Supervisor Portnoy requested a list of properties with priorities and estimates for the next meeting.

The Board discussed possible alternatives if the water level in the L-8 continues to drop.

Bobby Poyner related his contacts with FPL representatives regarding the development of the land it acquired from IOTA Carol.

7. Treasurer's Report

The Treasurer said that the contract with Grau & Associates for the FY 2017-2018 audit is up for renewal. After discussion of the fee, Supervisor Portnoy moved approval and Supervisor Elsner seconded. The motion was unanimously approved.

8. Attorney's Report

The Attorney had nothing to report.

9. Comments by Supervisors

There were no additional comments by Supervisors.

10. Comments by Public

There were no members of the public present.

11. Announcement of Next Meeting Date

There being no further comments from Supervisors and no comments by the public, the Chair announced that the next meeting would occur on December 17, 2018, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

12. Adjournment

Upon motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously voted to adjourn at 9:25 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary