

**MINUTES OF MEETING
PALM BAY
COMMUNITY DEVELOPMENT DISTRICT**

A Public Hearing and Regular Meeting of the Palm Bay Community Development District's Board of Supervisors were held on Thursday, July 5, 2018 at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677.

Present and constituting a quorum were:

Rob Bergman (via telephone)	Chair
Stacy Turner	Assistant Secretary
Gary Miller	Assistant Secretary
Win Williamson	Assistant Secretary

Also present:

Chuck Adams	District Manager
Daryl Crawford	Resident and HOA President
Cindy Barardi	Resident
Jeff Lynn	Resident
Mike Detrick (via telephone)	Resident
Wendy Popielarcheck	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:00 a.m. Supervisors Turner, Miller and Williamson were present in person. Supervisor Bergman was attending via telephone. Supervisor Aschenbrenner was not present.

On MOTION by Mr. Turner and seconded by Mr. Miller, with all in favor, authorizing Mr. Bergman's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items

Mr. Daryl Crawford, a resident and HOA President, highlighted the following issues:

- The Palm Bay sign on Cape Hatteras is weather-beaten and needs to be replaced or repaired.

- The palm trees along the entrance have dead fronds and no mulch; it makes for a bad first impression of the community and is unappealing.
- Dark brown mulch should be applied in the common areas of the community.
- Entrance gates are an ongoing issue; it takes five or more minutes to vet garbage trucks, delivery vans and other commercial vehicles for entry and residents complain about the wait.
- It was previously suggested and he asked if and when the CDD would re-implement its policy of keeping the gate open from 7:00 a.m., to 7:00 p.m.
- The mailbox area is unkempt and requires maintenance; the mailbox and post should be painted black to match the other mailboxes throughout the community.
- Roots and vines along the beach path are overgrown and create trip hazards; vines need to be removed and mulch should be installed as part of the bulkhead renovation.
- The trees and shrubs in and around the beach area need pruning, the sand needs to be replenished and the composite bench and picnic tables are broken and create safety hazards.
- The fire ant problem persists, despite recent extermination efforts.
- A survey regarding the fishing dock should be circulated to find out if a majority of residents want the amenity. If not, those funds should be utilized to improve the appearance of the community or reduce CDD fees.

Mr. Bergman stated that Baycut sprayed to eradicate weeds two weeks ago and will spray to eradicate ants on Monday. He will provide an update afterward. Baycut inspected the bench and determined not to make repairs; another contractor will be hired. The roots and vines will be addressed after the fishing pier is completed. In response to Mr. Adams' question regarding the walkway, Mr. Bergman stated that the walkway was comprised of pavers, mulch and railroad ties. Mr. Adams stated that the area should be mulched and the roots should be removed and covered with mulch to eliminate the tripping hazard and substandard appearance. He asked if Baycut could make the upgrades. Mr. Bergman replied affirmatively and suggested inviting members of the CDD and HOA to speak to Baycut crewmen because there are other maintenance issues that need to be addressed on the beach, in the marina and at the front gate. In response to Mr. Adams' question regarding Baycut's performance, Mr. Bergman felt that Baycut was not serving the CDD well enough and the contract should be amended with more specific language. Mr. Adams stated that the contract is valued at \$10,000 to \$12,000 per year and it is probably time to consider engaging another contractor.

Management could facilitate a Request for Proposals (RFP). He asked if the HOA had package landscaping or if residents hired their landscapers. Mr. Crawford stated that homeowners are responsible for their own lawn maintenance. Mr. Adams asked Mr. Bergman to contact him to receive the contract specifications in a Word document to modify the language. Discussion ensued regarding repair options for the bench, the mailbox and potential contractors.

Ms. Cindy Barardi, a resident, stated that the maintenance issues were brought up over three months ago and questioned the delay in resolving them. She voiced her concern that Baycut sprayed the area without erecting warning signs, which are legally-required, as it could endanger children, pets and certain adults.

With regard to the guard gate, Mr. Adams stated it would require Board action in order to change the hours of operation; the CDD could return to the old protocol of having the gate remain open from 7:00 a.m., to 7:00 p.m., which would allow the District to reduce its contract with Envera for the remote guard. Mr. Adams stated that the gate matter would be addressed later in the meeting. Discussion ensued regarding where the idea for a fishing pier originated, the HOA, construction costs, a kayak ramp, seawall repairs, insurance liability and circulating a survey to the community. The three projects would take a while to complete and \$60,000 is currently budgeted for them. If the fishing pier is not desired, it could be removed and the seawall and kayak ramp would be given priority. Regarding the dock project, the permit approval is pending a boundary survey, which the surveyor completed last week. Once the boundary survey is received, it will be delivered to the Hillsborough County Environmental Protection Commission (HCEPC); the dock would then be permitted and, the contract could be awarded for the dock and the seawall but, if there is no longer a desire to proceed with the dock, the project would be placed on hold and a bid on just the seawall would be obtained.

Mr. Crawford stated that prospective buyers are rejecting the community because of the appearance of the gate and the beach; guests have commented on the poor appearance of the entranceway and on the community seeming unsafe with all of the cameras and signs. Discussion ensued regarding the gates, the common areas, the dock and the escalating costs of improvements. A resident complained that it seems like all the CDD does is spend. Mr. Adams stated the last thing Management wants to do is lower assessments only to have to bring them back up in a few years; instead, the CDD should evaluate and reinvest by making necessary infrastructure improvements that will increase the life expectancy another 10 to 15 years and

then consider reducing assessments. The CDD has a few more capital investment items to address, such as the seawall at the marina and the fishing dock.

Ms. Wendy Popielarcheck, a resident, asked if the CDD owns the seawall and if residents have access to the walkways around the perimeter. Mr. Adams stated that the CDD's sole ownership is the section between the marina and the canal; the remainder is owned by the property owners with homes adjacent to the seawall, which facilitated the construction of those home sites. Ms. Popielarcheck inquired about the CDD's spending limits; she felt that a threshold should be in place. Mr. Adams stated that the Board has full authorization; there is no requirement to obtain spending approval from the community and, per Chapter 190, no amendments can be made to that. Ms. Popielarcheck questioned Envera's fees and voiced her opinion that the current system is ineffective. Discussion ensued regarding issues with Envera, barcodes, calling customer service, etc. This would be discussed during the Ninth Order of Business. Ms. Popielarcheck asked for the call-in number for meetings, as meetings are too early for her to attend. Mr. Adams would provide the number but stated, if the number of residents calling in grows, it will have to be restricted. The Board and Management discussed securing a new meeting location, current marina repairs, the Boat Club, the lift motor, palm trees and tree maintenance. Mr. Adams suggested contacting the other community and offering to take over palm trimming, as they grow into the CDD, which was the arrangement in the early 2000s. If the other community agrees, Mr. Adams would add trimming to the CDD's contract; now is the time to find out if they are willing to do that. With regard to the Palm Bay sign, Mr. Adams stated that it is starting to deteriorate, should be replaced and suggested that the HOA institute a new design contest. Mr. Crawford would appreciate it if CDD funds could contribute towards replacing the sign and welcomed a design from the CDD members.

THIRD ORDER OF BUSINESS

**Public Hearing to Hear Comments and
Objections on the Adoption of the
District's Final Budget for Fiscal Year
2018/2019, Pursuant to Florida Law**

A. Affidavit of Publication

The affidavit of publication was provided for informational purposes.

B. Consideration of Resolution 2018-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2018-05. The proposed Fiscal Year 2019 budget was revised at the previous meeting. The Board has the ability, to repurpose funds from certain line items to address any necessary changes in the upcoming year but the goal was to keep assessments the same, which this budget does. Overall, assessments were proposed to decrease from \$1,807 in Fiscal Year 2018 to \$1,804.76 in Fiscal Year 2019.

Mr. Miller asked if the \$10,000 gate allotment includes repair and maintenance, as well as the monthly cost. Mr. Adams stated that most of it includes monitoring costs, which will decrease if the Board decides to keep the gates open 7:00 a.m., to 7:00 p.m. In response to a question, Mr. Adams stated that the proposed budget anticipates completing part of the fishing dock project in Fiscal Year 2018 and part in Fiscal Year 2019. Another \$50,000 will be allotted to offset the cost of the fishing dock and the canal seawall repairs. By the end of Fiscal Year 2019, both projects would be completed, based on the current budget. The goal is to increase fund balance from \$62,000 to \$100,000.

Mr. Adams opened the public hearing.

In response to Ms. Barardi's question regarding what the \$50,000 dock allotment includes, Mr. Turner stated, for the first year, the funds would facilitate dock construction and the seawall repair and the second year would include adding electrical power and water to the dock and installing cameras. Maintenance will be part of the maintenance contract with Baycut. Mr. Adams suspected that there has been no significant increase in the Baycut contract he recommended replacing Baycut, since the level of service is lacking and the maintenance line item will increase from \$10,000 to \$20,000 to replace Baycut.

Mr. Adams closed the public hearing.

On MOTION by Mr. Miller and seconded by Mr. Williamson, with all in favor, Resolution 2018-05, Consideration of Resolution 2018-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2018-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments, Including but not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability clause; and Providing an Effective Date

Mr. Adams presented Resolution 2018-06. The assessment levying Resolution takes into consideration the recently-adopted budget and assessment levels and makes a determination of benefit for imposing a special assessment for placement on the property tax bill in November.

On MOTION by Mr. Turner and seconded by Mr. Miller, with all in favor, Resolution 2018-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments, Including but not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2018-07, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019

Mr. Adams presented Resolution 2018-07. If a more convenient meeting location can be found, the location could be subsequently changed. In response to a question, Mr. Adams stated that \$600 is budgeted for the meeting location.

On MOTION by Mr. Williamson and seconded by Mr. Turner, with all in favor, Resolution 2018-07, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019, was adopted.

SIXTH ORDER OF BUSINESS

Update: New Dock Project

Mr. Turner stated that he would complete the permitting process and prepare to award the contract; however, the project will remain on hold until the Board receives feedback from the HOA and members of the community via a survey. As to whether or not there is a timeframe for the seawall repairs, Mr. Turner stated there is no permit or regulation issue, the CDD will not be fined and the only safety issue is the stairs, which was recently restored. In response to Mr. Adams' question, three bids were received and an evaluation is needed to determine if the lowest bidder is a responsive bid.

SEVENTH ORDER OF BUSINESS

Discussion: CDD Potential Assumption of Palm Bay Boat Club Facilities and Responsibilities

Mr. Bergman stated, over the past year, a number of residents expressed concerns about home values, as the dock area has deteriorated and become a safety issue. A few individuals asked if it is possible for the CDD to manage the dock area, rather than the Palm Bay Boat Club. Management was asked to include this item on the agenda to examine the advantages, disadvantages and costs involved to determine if the CDD should undertake responsibility for the dock area. The area is a section located in the middle of the marina, which is currently private, and only those who own boat slips there can access it. If the CDD took it over, it would make room at the end of the dock for other residents and ensure everything is done properly, safely and that it is kept up-to-date. In researching the Boat Club facility, Mr. Bergman found that, when the builder designated it, the verbiage implies that it could be taken over by the CDD and the CDD would then become responsible for the maintenance, upkeep and safety of the boat dock. Discussion ensued regarding imposing additional assessments to boat slip owners, separate billing, insurance liability, current dock repairs and safety concerns. In response to a Board Member's question regarding assessing boat slip owners an additional amount, Mr. Adams understood that there is a common portion of the dock, which is the walkway to all of the finger piers, and then the individual fingers piers are owned by each person. Mr. Bergman stated that the main dock and the fingers were all under the Boat Club, for maintenance. Mr. Adams asked if the intention is to keep the exclusivity of the main dock and the finger piers to just those who are members of the Boat Club. Mr. Bergman replied no and stated, if the CDD took it over, it would open the area to

anyone who wanted to go there and fish. Mr. Adams asked if the dock would be made available to every resident, on an equal basis, or if Management should set up a special Revenue Fund, as there is exclusivity for individuals who own slips on, the finger portions; those owners would pay a separate amount to the CDD to maintain the dock. The Board must determine who will have access and if the general public will have access to the walkway, to fish or tie a boat off temporarily at the end of it, then that portion of the cost belongs in the General Fund that is currently in place. Mr. Bergman stated that the dock must be replaced within a few years, which will be very costly, and residents who do not own slips but reside in the community will be assessed, which he found unfair to them. Mr. Adams stated that is the issue and, if the Board wanted to keep it exclusive, which makes the most sense, it must consider how to restrict general access to the main walkway. He suggested acquiring proposals for the repairs or replacement of the structure and the finger piers, plus the administrative costs to set up the Special Revenue Fund, to determine assessment amounts for each of the 15 finger pier owners, who should also be contacted and informed that the Board is considering putting one entity in charge of the entire dock system. This way there is continuity, oversight and a means of collecting revenue through an assessment program on a property tax bill. Discussion ensued regarding liens, other docks, the HOA and the budget.

EIGHTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of May 31, 2018

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2018. Assessment revenue collections were at 99%. In response to Mr. Crawford's question, Mr. Adams confirmed that Boat Slip #4 was the only one available for purchase. The financials were accepted.

NINTH ORDER OF BUSINESS

Approval of April 26, 2018 Regular Meeting Minutes

A. Mr. Adams presented the April 26, 2018 Regular Meeting Minutes and asked for any deletions, additions or corrections.

On MOTION by Mr. Miller and seconded by Mr. Williamson, with all in favor, the April 26, 2018 Regular Meeting Minutes, as presented, were approved.

▪ **Gate Operating Hours Change**

This item was an addition to the agenda.

Mr. Adams stated that, although there were previous discussions regarding the gate operating hours, no action was taken by the Board. The resident consensus is for the Board to consider returning to the protocol where motorists/delivery vans pull up to the gate to gain entry to the community. He suggested posting a sign saying "Please Pull Forward to the Gate Between 7:00 a.m. and 7:00 p.m.". Discussion ensued regarding the hours of operation at the gate, circulating a survey, the kiosk, issues with the Envera system, gate technology costs and terminating the Envera contract. Mr. Adams stated that the CDD will return to the 7:00 a.m., to 7:00 p.m., hours of operation and change the daytime message to indicate that drivers should pull forward to the gate. The remote monitoring contract will be adjusted to reflect the overnight hours of 7:00 p.m., to 7:00 a.m.

On MOTION by Mr. Miller and seconded by Mr. Bergman, with all in favor, authorizing Staff to proceed with changing the operating hours for the main gate to between 7:00 a.m. to 7:00 p.m., which will require vehicles pulling up to the gate, triggering the loop and the gate will open, and continuing with remote monitoring through Envera from 7:00 p.m., until 7:00 a.m., was approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Buchanan Ingersoll & Rooney PC*

There being no report, the next item followed.

B. District Engineer: *Landmark Engineering & Surveying Corp.*

There being no report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

i. 197 Registered Voters in District as of April 15, 2018

Mr. Adams reported that there were 197 registered voters residing within the boundaries of the District as of April 15, 2018.

ii. Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit

Mr. Adams explained that this arose in response to numerous complaints being filed against private and public sector entities regarding Americans with Disabilities Act (ADA) accessibility to their websites. Egis, the CDD's insurance carrier, filed a Motion to Dismiss. Management engaged ADA Site Compliance Incorporated (ADASC) to bring its CDDs' websites into compliance. The annual cost is \$199 per CDD and includes affixing an ADA Site Compliance Shield certification to the CDD website explaining the CDD's Accessibility Policy, etc. Required documents will be converted, as necessary, outdated or unnecessary documents will be removed and, going forward, only necessary documents, in the ADA-compliant format, will be posted. In response to the question of holding off until a complaint is filed against the District, Mr. Adams stated that Districts that do not make their website ADA-compliant run the risk of not being defended by the insurance carrier, if a complaint is filed against it.

On MOTION by Mr. Turner and seconded by Mr. Miller, with all in favor, the ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit, was approved.

iii. NEXT MEETING DATE (TENTATIVE): October 11, 2018 at 9:00 A.M.

The next meeting was tentatively scheduled for October 11, 2018 at 9:00 a.m.

Mr. Adams reported that he received a 90-day termination notice from Inframark, who will no longer perform small utility management for the CDD. Management will seek a new private utility management company for the CDD's water and sewer systems utility billing.

Mr. Turner provided the following street update:

- Sealing of the pavers was completed.
- The contractor is replacing cracked pavers, at no cost to the District.
- Areas where chemicals seeped down from homes and damaged pavers are being resealed.
- Currently, 63 pavers need to be replaced.
- The contractor proposed removing some terrain and installing aggregate and sand and redoing the pavers.

➤ Mr. Turner did not want to submit an additional invoice for cracked pavers; he felt that the CDD should live with cracked pavers and discolored or stained pavers from various homes.

Mr. Turner stated it costs \$25 to repair one paver. The consensus was to redo the pavers in five or six years, when the pavers are defaced. Mr. Bergman suggested an e-blast alerting residents to abstain from dumping toxic substances that stain the pavers. Discussion ensued regarding improving communications between the District and residents, e-mail databases, written requests for resident contact information, the HOA, etc.

ELEVENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

There being no public comments on non-agenda items, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' requests, the next item followed.

▪ **Acceptance of Resignation – Gary Miller**

This item was an addition to the agenda.

Mr. Adams presented the letter of resignation from Mr. Miller.

On MOTION by Mr. Turner and seconded by Mr. Williamson, with all in favor, the resignation of Mr. Gary Miller, effective July 5, 2018, was accepted.

Mr. Adams stated that Mr. Miller's term expires November 2020. He encouraged seeking candidates to consider appointing for the remainder of the term. Interested parties should submit a letter of interest to Management for inclusion in the next agenda package.


THIRTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Turner and seconded by Mr. Williamson, with all in favor, the meeting adjourned at 11:15 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair