

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

The Board of Supervisors of the Palm Bay Community Development District held a Regular Meeting on Thursday, October 11, 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	Chair
Joe Aschenbrenner	Vice Chair
Win Williamson	Assistant Secretary
Anthony Richards	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Daryl Crawford	Resident and HOA President

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:02 a.m. Supervisors Bergman, Aschenbrenner and Williamson were present, in person. Supervisors Turner and Miller were not present.

**SECOND ORDER OF BUSINESS**

**Public Comments: Agenda Items**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Consideration of Resignation of Supervisor  
Stacey Lee Turner, SEAT 2, *Term Expires  
November, 2018***

Mr. Adams presented the resignation of Mr. Turner from Seat 2.

<p><b>On MOTION by Mr. Aschenbrenner and seconded by Mr. Bergman, with all in favor, the resignation of Mr. Stacy Turner, was accepted.</b></p>
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**FOURTH ORDER OF BUSINESS**

**Discussion/Consideration: Appointment to  
SEATS 2 and 4**

As the Landowners' Election is on November 8<sup>th</sup>, Mr. Adams suggested delaying an appointment to Seat 2 to prevent going through this process twice. He recommended considering an appointment to Seat 4, previously held by Mr. Gary Miller, since the term expires November, 2020.

Mr. Bergman nominated Mr. Anthony Richards to fill Seat 4; term expires November, 2020. No other nominations were made.

**On MOTION by Mr. Bergman and seconded by Mr. Williamson, with all in favor, the appointment of Mr. Anthony Richards to Seat 4, term expires November, 2020, was approved.**

**A. Administration of Oath of Office (*the following to be provided in separate package*)**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Anthony Richards. He provided and explained the following items:

- i. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- ii. Membership, Obligations and Responsibilities**
- iii. Financial Disclosure Forms**
  - **Form 1: Statement of Financial Interests**
  - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - **Form 1F: Final Statement of Financial Interests**
- iv. Form 8B – Memorandum of Voting Conflict**

Mr. Richards was directed to submit Form 1 to the Supervisor of Elections Office, in the County in which he resides, within 30 days.

Mr. Adams stated that it was not necessary to keep documents provided by Management, since they are the District's official records custodian of the District's public records. Since they are public records and subject to inspection and requests, if CDD documents are kept, a separate email, computer file and file cabinet should be maintained solely for CDD documents and be separate from all business and personal records,.

**B. Consideration of Resolution 2019-01, Electing the Officers of the District**

Mr. Adams presented Resolution 2019-01. Mr. Williamson nominated the existing slate of officers, as follows, with the addition of Mr. Anthony Richards as Assistant Secretary:

Chair	Rob Bergman
Vice Chair	Joe Aschenbrenner
Secretary	Chuck Adams
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder
Assistant Secretary	Win Williamson
Assistant Secretary	Anthony Richards
Assistant Secretary	Vacant
Assistant Secretary	Craig Wrathell

No other nominations were made.

**On MOTION by Mr. Williamson and seconded by Mr. Richards, with all in favor, Resolution 2019-01, Electing the Officers of the District, and Providing for an Effective Date, as nominated, was adopted.**

Mr. Adams stated Seats 2, 3, and 5 would be up for election at the November Landowners' meeting.

**FIFTH ORDER OF BUSINESS**

**Discussion: Review of Marina Repairs Needed: Bulkhead, Roof over Motors, Future Upgrade of Two Pushing Motors and Re-Wiring at New Control Box**

Mr. Bergman received documents pertaining to the Marina from Mr. Gary Miller, who took over the majority of this matter. It is becoming difficult to work with FHS, the District's Service Air Company, whether its communication, slow response or repair of bulkheads, he is trying to come up with other ideas; however, it is difficult to obtain proposals from other contractors. Mr. Adams noted the recommendation of a contractor that specializes in cradles, not just boat lifts, which was provided to him a few weeks ago. He presented the bid from FHS and the scope of work, condition and perimeter of the area involved via photograph, not including repairs to the bulkhead. To hold costs down, certain areas must be addressed sooner,

to avoid the Environmental Protection Agency (EPA) and the Environmental Protection Commission (EPC) becoming involved.

Mr. Bergman stated that the commercial marine lift must be repaired in the near future; however, as few companies specialize in these services, obtaining a quote will be difficult. ND Marine, a local dock builder, gave a phone quote of \$30,000 to run two external portions that did not include the U-shape. To prevent further delays, Mr. Adams recommended approving costs in a not-to-exceed amount and seeing if other quotes can be obtained. When asked about urgent projects, the condition of the area dredged a few years back, and boaters getting stuck, Mr. Adams suggested staggering the projects, by first having the dredging materials packed into geotubes and then using it to backfill, behind the seawall, which will prevent additional costs to obtain the permits required to move materials off site.

In response to a question on whether corners can be reinforced to help alleviate tension, such as if the walls on the resident's side give way, Mr. Bergman stated the contractor mentioned reinforcing the end caps. The cradle u-shape project was not included, as it would have to be completed in phases, since it involves tearing down multiple areas. Discussion ensued regarding the areas associated with the quote, when the wall was initially installed, quotes needed for other projects, etc. Mr. Adams suggested finding out if all the projects can be done at once, since the "Capital outlay – dock" budget line item for Fiscal Year 2018 had \$45,000 remaining, Fiscal Year 2019 had \$50,000 allotted to seawall repairs and since the District was no longer installing a dock at the beach.

Mr. Bergman was concerned about the projects potentially causing a domino effect, specifically, the lift motors are working harder due to a leveling issue with the posts, what fixing it will entail, how long it has been happening, etc.; but there was no need to worry yet, since the annual safety inspection results were good. Quotes will be obtained for the U-shape and decking. He wants to address another issue and obtain quotes to upgrade the lift area, which will prevent further sun and water damages to the lift motors, along with quotes to purchase, replace and relocate electrical boxes for easy access to make repairs and install new wiring.

Mr. Bergman noted that a resident believes the CDD is trying to run the marina into the ground because he was told that, rather than servicing them, the CDD was waiting for one of the four motors to die before replacing them. The proposed project costs were approximately \$60,000 to \$70,000, barring any structural issues; however, this was a phone quote.

**On MOTION by Mr. Bergman and seconded by Mr. Aschenbrenner, with all in favor, dredging and installation of 101' of new seawall, facing the salt water canal, in a not-to-exceed amount of \$35,000, was approved.**

**SIXTH ORDER OF BUSINESS****Discussion: CDD Potential Assumption of Palm Bay Boat Club Facilities and Responsibilities**

Mr. Bergman attended the last HOA meeting. Several resident owners and Palm Bay Boat Club Members (Boat Club) expressed concerns about the value and what was happening to the Boat Club, since it is becoming an eyesore. Mr. Miller, a former Board Member, spoke with the Boat Club President regarding the CDD taking over and managing the 16 slips in the middle. Mr. Adams confirmed that the CDD would only take over slips located in the common gang way, since the others with folio numbers were privately owned.

Mr. Bergman noted that the Boat Club considered the finger piers to be included in the takeover, since the Boat Club only owns the land that is above the water and the finger piers were built at the same time as the dock. An area map was reviewed and discussion ensued regarding folios, slip ownership, etc. Mr. Adams stated he will need more time to decipher how to proceed with the CDD taking over and making improvements, especially since the CDD, as a governmental entity, cannot make improvements to a private facility. He suggested creating an overlying easement over the area and having the individual owners sign-off granting the District an easement for the purposes of owning, operating and maintaining the common walkway and the finger piers. A Special Revenue Fund would then be set up to accept assessments specifically from the slip owners in the finger piers, since it provides them access to their slips. The main walkway would remain common to everyone, with those assessments remaining with the District.

Mr. Bergman noted that the recent repairs to the dock will last two to five years and, because it was built lower than it should have been, structural issues are occurring, which will now require preparing for the cost to replace. The Boat Club currently has \$7,000 in its fund that came from the 16 owners who were assessed \$500 per year; the Boat Club is being pressured to make emergency repairs. He provided an overview of the maintenance the CDD would be taking on and recent discussions about the estimate to redo the entire dock; however, pilings, electric or water hook up were not included. He hoped slip owner's assessments would self fund its upkeep. Mr. Adams will have to research this matter further

and, if they can move forward with easements, he suggested the CDD look into financing and use assessments designated in the Special Revenue Fund to pay against the bank loan.

Discussion ensued regarding deciphering whether the CDD, individual owner or the Boat Club is responsible for the dock and inner seawall. Mr. Bergman stated further discussions regarding private ownership of seawalls along the frontage of homes was necessary, as concerns were brought up at the HOA meeting about determining who owns the docks and the walkways. This item was deferred to the January meeting, where Mr. Adams will present options, after researching it further and speaking with District Counsel.

**SEVENTH ORDER OF BUSINESS**

**Baycut Updated Scope of Work Addendum**

Mr. Bergman provided an overview of the annual contract addendum changes that were made to prevent any further confusion; those changes related mostly to project scheduling and how projects should be completed.

Mr. Adams will review the contract, accept the changes and insert a public records provision. Once the revisions are finalized, a copy of the contract will be sent to the Board.

The HOA requested pressure washing sidewalks in the entire neighborhood; however, some areas need repairs before being cleaned. Mr. Adams will obtain a schedule from the street sweeper, so residents can be made aware of when to move their vehicles to prevent any potential damage. Mr. Bergman suggested adding forms and documents to the HOA's website. Because of the Americans with Disability Act (ADA) website compliance issues, Mr. Adams will forward documents for the HOA to post to their website.

A Board Member presented graphics for the sign to be made and posted near the lake; a quote was needed and would be forward to Mr. Adams for payment.

**EIGHTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of August 31, 2018**

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2018. Boat slip sales caused assessment revenue collections to jump to 126%. Because of a bidding war, the last available boat slip sold for \$21,000, which will be reflected in the next statements. Expenditures were at 69%, well under the 92% prorated budget projections, mostly due to less spending than was projected for the "Capital outlay – dock" and "Capital outlay – Access

control" line items. Water & sewer Fund Operating Revenues were 93%, expenditures were at 86% and the Operating income was 153%, a \$7,000 difference from the amount budgeted. The financials were accepted.

**NINTH ORDER OF BUSINESS**

**Approval of July 5, 2018 Public Hearing and Regular Meeting Minutes**

Mr. Adams presented the July 5, 2018 Public Hearing and Regular Meeting Minutes and asked for any deletions, additions or corrections.

**On MOTION by Mr. Williamson and seconded by Mr. Aschenbrenner, with all in favor, the July 5, 2018 Public Hearing and Regular Meeting Minutes, as presented, were approved.**

A Board Member asked for clarification of discussion in the prior minutes regarding the front gate area, security concerns, too many cameras being a deterrent and appearance. Mr. Crawford stated prospective buyers were rejecting the community because of its overall appearance, specifically at the gate, the beach and the entranceway, as those areas appear seemingly unsafe because of the many cameras and signs posted. A Board Member stated a realtor received an email from a prospective buyer declining the community because of those reasons. He stated that with the current change in protocol, the gate issues were resolved and he has heard only positive things since then.

A Board Member noted a recent incident where a service call was placed to repair the exit gate, which was not locking; however, it was discovered that it was not broken and someone had just placed duck tape on the safety eye. Discussion ensued regarding the expense for the service call, if the cameras identified the culprit and if the Sherriff would address the issue directly with the person identified.

**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***

Mr. Adams noted the smooth transition from the CDD’s utility management provider, Inframark, to US One. The contract was upgraded to include a monitoring system on the lift station that sends the company messages 24/7 about any critical operational issues. The cost was an additional \$6,000. Routine hydrant checks and flushing will be performed soon and will result in additional costs. Discussion ensued regarding water pressure issues; it was noted that the County should be contacted directly, not the CDD.

**i. LANDOWNERS’ MEETING: November 8, 2018 at 9:00 A.M.**

Mr. Adams stated that the Landowners’ Meeting will be held on November 8, 2018 at 9:00 a.m. Board Members are not required to attend; however, Board Members may attend to cast their vote. The Proxy form was included in the last agenda package; however, he will email it to everyone. The Fiscal Year 2019 Meeting Schedule was provided for informational purposes.

**Mr. Bergman left the meeting at 10:17 a.m.**

**ELEVENTH ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

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

**TWELFTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Due to a recent incident, a Board Member asked if District Management and the HOA could provide residents with further information, instructions or a cell number and for the HOA and CDD to coordinate efforts in updating their websites, to provide all the resource links regarding who to contact for specific situations.

Because a potential owner was interested in buying the Fitzgerald house and wanted to inspect the seawall, a Board Member asked if the CDD could provide them and future buyers with documentation about seawall and dock ownership behind a residence, which could alleviate potential legal concerns. Discussion ensued regarding ownership of seawalls, docks, liability issues and the items being self-funded. Mr. Adams stated that homeowners own the seawall, deck and sidewalk path abutting a home; they are not owned by the CDD but, through the permitting process of installing a deck, the CDD has final approval.

Regarding generating interest for candidates to fill the vacant Seat at the Landowner’s Election meeting, Mr. Adams confirmed that HOA Board Members could also hold a CDD Board



Seat; however, avoiding potential Sunshine Law issues becomes a potential issue. If at the Landowners' Meeting there is no interest or nominations, the Seat will remain vacant and then, at the January meeting, the remainder of the Board could appoint someone for the remainder of the term.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Aschenbrenner and seconded by Mr. Richards, with all in favor, the meeting adjourned at 10:28 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair