

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

The Board of Supervisors of the Palm Bay Community Development District held a Regular Meeting on January 13, 2022, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsma, 4014 Tampa Road, Oldsma, Florida 34677.

Present were:

Rob Bergman (via telephone)	Chair
Joe Aschenbrenner	Vice Chair
Win Williamson	Assistant Secretary
Speros Margetis	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
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FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:11 a.m. Supervisors Aschenbrenner, Margetis and Williamson were present in person. Supervisor Bergman was attending via telephone. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items

There were no public comments.

THIRD ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4

This item was deferred.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)*

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. **Form 1F: Final Statement of Financial Interests**
- D. **Form 8B – Memorandum of Voting Conflict**

This item was deferred.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

SIXTH ORDER OF BUSINESS

Continued Discussion: Capital Improvement Program and Closing Loan with FineMark National Bank & Trust

The following items were discussed:

- Instead of conducting a survey to determine the support for the Capital Improvement Program (CIP) and financing, this matter was discussed at an informal gathering and during a meeting with the Boat Club Association, clarifying this as community property.
- The CDD already assessed and collected the revenues to make the first year’s principal and interest payments on the loan.
- District Counsel summarized the results of the conversations with Mr. Adams and Mr. Aschenbrenner and emailed them to the Board. From a legal perspective, the Board Members are on firm ground to proceed as anticipated. Mr. Adams stated that the CDD is the title owner of the property underneath and has liability exposure as a result.

The Board Members voiced their opinions on proceeding with the repairs, due to liability concerns and the responsibility to increase community assets.

➤ Mr. Adams discussed valuing the asset and working with the HOA on a survey to determine if there is interest in making this community asset a private asset. If this occurs, the slip owners would reimburse the CDD for the cost of the dock repairs.

➤ The CDD is not required to conduct another survey, as research deemed no other documents regarding ownership exist; however, signatures should be authenticated.

Mr. Adams asked the Board to reaffirm their support for proceeding with closing the loan with FineMark Bank.

➤ The Boat Club (BC) collected funds that the CDD will designate as revenue contributions toward finger pier replacements.

➤ Mr. Adams to ensure the contractor bills the two separate projects, for the finger piers versus gangway, under one contract.

➤ The CDD is the landowner of Tract B, upon which the main gangway is located, and would be able to repair that area without enforcing deed restrictions to repair the rest of the area, such as the individual boat slips.

➤ The memorandum is available as a public record.

On MOTION by Mr. Margetis and seconded by Mr. Aschenbrenner, with all in favor, authorizing District Staff to proceed with closing the loan with FineMark National Bank & Trust, based upon the conditions previously outlined in the previously approved Term Sheet, was approved.

SEVENTH ORDER OF BUSINESS

Update: Stormwater Reporting Requirements

Mr. Adams stated that new legislation requires governmental entities to prepare and submit a 20-Year Stormwater and Wastewater Management Needs Analysis Report by June 30, 2022, and every five years thereafter. This will require input from the District Engineer, at an expected cost of about \$10,000 for the initial Report. Fund balance would be used since this is an unbudgeted expense. The Report would be presented at the April meeting.

On MOTION by Mr. Williamson and seconded by Mr. Margetis, with all in favor, authorizing District Staff to proceed with preparing the 20-Year Stormwater and Wastewater Management Needs Analysis Report, was approved.

EIGHTH ORDER OF BUSINESS

Discussion: Marina Remote Controls Available for Purchase by Residents

Mr. Bergman suggested allowing homeowners to purchase a marina remote control directly from Mazzella FHS, due to the CDD incurring replacement costs due to water damage. Discussion ensued regarding programming and the CDD not being involved in this process.

On MOTION by Mr. Williamson and seconded by Mr. Margetis, with all in favor, allowing homeowners to purchase Marina Remote Controls directly from Mazzella FHS, was approved.

▪ **Beach Park Enhancement Project**

This item was an addition to the agenda.

Mr. Margetis discussed the project and the costs obtained from the vendor to repair the railroad ties and gaps up to the new seawall, to prevent sand washing out, and to install about 18 yards of sand. He suggested approving a not-to-exceed amount while other proposals are being obtained but completing the project within 30 days. He discussed the scope of work and noted that removing and resetting the concrete tables and seats is expensive; a gazebo was not included. The project includes leveling pavers and repairing sod. Replacing the concrete tables with wooden tables and the staging materials, were discussed.

Mr. Margetis voiced his opinion that now is the time to remove the kayak racks and have users register and pay nominal fees to the HOA.

On MOTION by Mr. Williamson and seconded by Mr. Aschenbrenner, with all in favor, authorizing proceeding with the Beach Park Enhancement Project, in a not-to-exceed amount of \$20,000, was approved.

▪ **Changing Boat Cradle Limits**

This item was an addition to the agenda

Mr. Williamson asked the Board to reconsider the specs for the boat lift length and weight of the boat. Discussion ensued regarding the lift weight limits versus maneuverability.

On MOTION by Mr. Williamson and seconded by Mr. Margetis, with all in favor, authorizing Staff to revise the length limits for the boat cradle to 32', based on published LOA, was approved.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2021

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2021.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of October 14, 2021 Regular Meeting Minutes

Mr. Adams presented the October 14, 2021 Regular Meeting Minutes.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Margetis, with all in favor, the October 14, 2021 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Straley Robin Vericker*

There was no report.

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

There was no report.

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

- **NEXT MEETING DATE: April 14, 2022 at 9:00 a.m.**
 - **QUORUM CHECK**

The next meeting would be held on April 14, 2022.

TWELFTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

There were no public comments.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Williamson asked if there was anything else to do or discuss as an option for deeding around the marina, since the Consent to Use of Easement Agreement was not successful.

Mr. Adams stated the survey was completed and includes the slivers and allows the CDD to do exactly what it did for Mr. Ben Whited. Mr. Whited was the sole bidder and Management received his check for the minimum amount, plus expenses. Mr. Adams stated that he plans to ask if homeowners are interested in purchasing the slivers, once the documents concerning Mr. Whited and the FineMark loan are finalized.

Mr. Aschenbrenner asked about the filing fee to install the dock for the kayak launch and executing Consent to Use Agreements.

Mr. Adams stated that, once the launch is installed, the HOA has the authority to enforce future improvements. Homeowners wanting to expand their footprint would be required to contact the CDD, through the HOA review process.

Discussion ensued regarding concerns about the docks, maneuverability and liability. Funding will be available by mid-February to commence the projects.

The Board was asked to obtain updated project proposals to submit to Mr. Adams to begin issuing contracts. Affected homeowners will be advised of the upcoming dock project, in case they are interested in piggy-backing on the CDD's project.

Mr. Margetis stated the Quorum Check box on the agenda letter needs to be corrected, as follows:

Change "SPIROS" to "SPEROS"

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Williamson, with all in favor, the meeting adjourned at 10:27 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COPFALI
Secretary/Assistant Secretary

RS Bay
Chair/~~Vice Chair~~