

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

The Board of Supervisors of the Palm Bay Community Development District held a Regular Meeting on April 29, 2022, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677.

Present were:

Rob Bergman	Chair
Joe Aschenbrenner	Vice Chair
Win Williamson	Assistant Secretary
Speros Margetis	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Anthony Dewanni	HOA Board Member and Resident
Michael Dietrich	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:04 a.m. Supervisors Bergman, Aschenbrenner, Margetis and Williamson were present in person. One seat is 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

Ratification of Resolution 2022-02, Authorizing the Execution and Issuance of its Palm Bay Community Development District Capital Improvement Revenue Note Series 2022 with FineMark National Bank & Trust to Evidence a Loan in the Principal Amount of \$200,000 to Finance Capital Improvements for the District; Authorizing and Approving Certain Covenants and Agreements with the FineMark National Bank & Trust in Connection Herewith; and Providing for an Effective Date

Mr. Adams discussed the following significant dates pertaining to Resolution 2022-02 and the Bank Note:

- January 13, 2022: Staff was authorized to complete all documents necessary to finalize the closing on the note; this included the Chair executing a Resolution, which was not available at the time of the meeting.
- February 14, 2022: The Chair officially executed Resolution 2022-02.

In response to a question, Mr. Adams stated that the Fiscal Year 2022 and 2023 budgets included revenues to cover the repayment of the Fiscal Year 2022 Note.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Williamson, with all in favor, Resolution 2022-02, Authorizing the Execution and Issuance of its Palm Bay Community Development District Capital Improvement Revenue Note Series 2022 with FineMark National Bank & Trust to Evidence a Loan in the Principal Amount of \$200,000 to Finance Capital Improvements for the District; Authorizing and Approving Certain Covenants and Agreements with the FineMark National Bank & Trust in Connection Herewith; and Providing for an Effective Date, was ratified.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2022-03. Mr. Adams discussed the following:

- Project expenditures, funding and payments associated with the 2022 Note were reflected in the Fiscal Year 2022 budget and the proposed Fiscal Year 2023 budget.
- Making a slight reduction to the surplus “Fund Balance” in the General Fund to ensure assessment levels remain unchanged.

Asked if the Boat Club (BC) transactions were included in the proposed Fiscal Year 2023 budget, Mr. Adams replied affirmatively; revenues and expenses were listed as separate line items. Discussion ensued regarding the BC project overall cost of about \$27,360 and obtaining new proposals to install a new electrical panel, which the CDD can piggy pack off of, if interested in adding lighting to the dock.

- A healthy surplus fund balance at the end of Fiscal Year 2023 is projected, which is important due to the age of the community and potential necessary repairs.

A question was raised regarding how long stormwater sewer systems in other CDDs lasted before problems arose. Mr. Adams discussed the materials used to construct the CDD’s system and identified the mechanical fittings as the system’s overall weakness. The life expectancy of the CDD’s stormwater system is 75 to 100 years. Weaknesses in the sewer system and lift station were discussed. Mr. Adams responded to questions about the marina project and assessment levels. He projected about \$30,000 of the 2022 Note will remain once the projects are completed.

On MOTION by Mr. Bergman and seconded by Mr. Margetis, with all in favor, Resolution 2022-03, Approving a Proposed Budget for Fiscal Year 2022/2023, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for July 14, 2022, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-04, Designating a Date, Time and Location for a Landowners’ Meeting; Providing for Publication; Providing for an Effective Date

Mr. Adams presented Resolution 2022-04. Seats 2 and 3, currently held by Supervisors Margetis and Aschenbrenner, respectively, and Seat 5, currently vacant, will be up for election at the Landowners’ Meeting. The Board decided to change the October 13, 2022 Regular Meeting date to coincide with November 10, 2022 Landowners’ meeting

On MOTION by Mr. Margetis and seconded by Mr. Aschenbrenner, with all in favor, Resolution 2022-04, Designating a Date, Time and Location of November 10, 2022, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677 for a Landowners’ Meeting; Providing for Publication; Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2022-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date

Mr. Adams presented Resolution 2022-05. The following change was made to the Fiscal Year 2023 Meeting Schedule:

DATE: Change “October 13” to “November 10” and insert “Landowner’s Meeting and” before “Regular Meeting”

On MOTION by Mr. Margetis and seconded by Mr. Aschenbrenner with all in favor, Resolution 2022-05, Designating Dates, Times and Locations for Regular

Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023, as amended, and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Discussion/Consideration: Stormwater Management Needs Analysis Report

Mr. Adams presented the completed 20-Year Stormwater Management Needs Analysis Report. He prepared the Report, instead of the District Engineer, due to the system’s small size.

On MOTION by Mr. Williamson and seconded by Mr. Bergman, with all in favor, the 20-Year Stormwater Management Needs Analysis Report and authorizing Staff to submit the Report, was approved.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2022. The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of January 13, 2022 Regular Meeting Minutes

Mr. Adams presented the January 13, 2022 Regular Meeting Minutes.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Williamson, with all in favor, the January 13, 2022 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Straley Robin Vericker*
- B. District Engineer: *Landmark Engineering & Surveying Corp.*
There were no District Counsel or District Engineer reports.
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - 187 Registered Voters in District as of April 15, 2022

Mr. Adams stated that, since the CDD is comprised of only 100 units, it will always have a Landowner-elected Board, as it will likely never reach the 250 qualified electors required to transition to the general election process.

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

Supervisors Bergman, Aschenbrenner and Williamson confirmed their attendance at the July 14, 2022 meeting. Supervisor Margetis would not be present.

Discussion ensued regarding filling the vacant seat to establish a quorum for future meetings. When asked, Mr. Adams expounded on the conflict of interest of the HOA President holding a seat on the CDD Board.

FOURTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Resident Michael Dietrich voiced his opinion that there should have been better planning for collecting O&M assessments to keep up with dock repairs. He stated that he owns two boat slips and now needs to come up with \$7,000 to repair the deteriorating dock.

The Board provided the following information in response to Mr. Dietrich’s comment:

- A slip owner became a CDD Board Member due to the Boat Club Association’s (BCA) inactivity addressing concerns about the deteriorated condition and to get the marina assessed.
- The BCA collected nominal assessments and stopped over a 10-year period.
- The BCA bylaws called for the CDD to take over management of the BCA but opposition from the BC slip owners delayed consideration until they conducted a survey of Tract B and obtained District Counsel’s opinions due to liability concerns.
- The Developer conveyed the whole marina and basin “underlying tract of land” to the CDD and built the 16 finger docks.
- Individual homeowners built the dock behind their residences, over CDD property and only a few of the homeowners obtained the required easement from the CDD and some others refused the concept of the CDD deeding the property to them.
- The CDD and BCA partnered in repairing the main gangway and extending it 6’, which is public property, and the finger piers, respectively.
- The CAP rights were conveyed to the HOA, such that the HOA has overriding authority over the entire community to address anything that is in disarray, including on CDD property.

▪ **Proposals for Consideration**

These items were an addition to the agenda.

Mr. Aschenbrenner presented Suncoast Painting C.O. Estimate 0233. The Board decided to add the main wall to the project and advise the HOA that it can decide whether to keep or change the color.

On MOTION by Mr. Margetis and seconded by Mr. Williamson, with all in favor, Suncoast Painting C.O. Estimate 0233, with the inclusion of the main wall to the scope of work, in a not-to-exceed amount of \$7,000, was approved.

Mr. Aschenbrenner presented Baycut, Inc., Estimate No. 204327.

On MOTION by Mr. Williamson and seconded by Mr. Aschenbrenner, with all in favor, Baycut, Inc., Estimate No. 204327 for installation of plant materials, pots and pressure wash boarder block at the front entry, with the inclusion of a new pump at the fountain, in the not-to-exceed amount of \$1,600, was approved.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Aschenbrenner asked if the HOA would consider registering and collecting nominal fees from kayak users. Mr. Dewanni stated the HOA's decision is pending. Mr. Adams was asked to purchase another kayak rack.

Mr. Margetis left the meeting at 10:09 a.m.

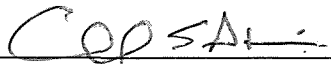
Mr. Aschenbrenner asked if the HOA would consider facilitating the marina remotes, as the vendor will not sell them to individual homeowners.

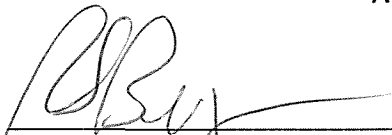
Discussion ensued regarding homeowners around the marina refusing to execute the grant of easement, which will be discussed further once the docks are repaired.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Williamson and seconded by Mr. Aschenbrenner, with all in favor, the meeting adjourned at 10:14 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair