

**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 12, 2023, immediately following the Landowners' Meeting scheduled to commence 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
Speros Margetis	Assistant Secretary
Joseph Timberlake	Assistant Secretary
Win Williamson (via telephone)	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, Bergman and Margetis were present. Supervisor Williamson was not present at roll call. One seat was vacant.

Mr. Adams stated that the Oath of Office was administered to newly elected Supervisors Margetis, Williamson and Aschenbrenner before this meeting.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items

There were no public comments.

THIRD ORDER OF BUSINESS

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

Supervisors Margetis, Williamson and Aschenbrenner are familiar with the following:

- 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**

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; and Providing for an Effective Date

Mr. Adams presented Resolution 2023-01. He recapped the results of the Landowners’ Election, as follows:

Seat 2	Speros Margetis	5 votes	Four-year Term
Seat 3	Joe Aschenbrenner	4 votes	Two-year Term
Seat 5	Win Williamson	5 votes	Four-year Term

On MOTION by Mr. Bergman and seconded by Mr. Margetis, with all in favor, Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 4; Term Expires November 2024

Mr. Aschenbrenner nominated Mr. Joseph Timberlake to fill Seat 4. No other nominations were made.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Margetis, with all in favor, the appointment of Mr. Joseph Timberlake to fill Seat 4, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisor.**

This item occurred following the Sixth Order of Business.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating Certain Officers of the District, and Providing for an Effective Date

The following slate of officers was nominated:

Chair	Rob Bergman
Vice Chair	Joseph Aschenbrenner
Assistant Secretary	Speros Margetis
Assistant Secretary	Edwin Williamson
Assistant Secretary	Joseph Timberlake
Assistant Secretary	Craig Wrathell

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Margetis, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, and nominated, and Providing for an Effective Date, was adopted.

- **Administration of Oath of Office to Newly Appointed Supervisor**

This item, previously part of the Fifth Order of Business, was presented out of order.

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Timberlake. He provided and explained the items listed in the Third Order of Business.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Relating to the Amendment of the General Fund Portion of the Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; and Providing for an Effective Date

Mr. Adams presented Resolution 2023-03. He discussed the loan proceeds received in Fiscal Year 2022 for the dock program and noted that the Fiscal Year 2022 budget did not anticipate and budget for the costs of the dock construction work. This amends the Fiscal Year 2022 budget to reflect adjusted revenues, expenditures and other financing sources, compared to the amounts in the originally adopted Fiscal Year 2022 budget.

On MOTION by Mr. Bergman and seconded by Mr. Aschenbrenner, with all in favor, Resolution 2023-03, Relating to the Amendment of the General Fund Portion of the Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Discussion: Boat Lift Remote Program

Mr. Bergman recalled that last year the Board approved allowing residents to purchase a boat lift remote, through the HOA. The HOA is now receiving pushback on how to handle it.

Mr. Adams suggested the CDD implement the sale of the remotes, on a quarterly basis.

Discussion ensued regarding how the remotes function.

On MOTION by Mr. Bergman and seconded by Mr. Margetis, with all in favor, authorizing the CDD to administer the sale of boat lift remotes to homeowners and boat slip owners, on a quarterly basis, was approved.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2022

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2022.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of August 2, 2022 Public Hearing and Regular Meeting Minutes

Mr. Adams presented the August 2, 2022 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Margetis, with all in favor, the August 2, 2022 Public Hearing and 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 13, 2023 at 9:00 AM**
- **QUORUM CHECK**

TWELFTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Aschenbrenner stated that everything is great at the beach and asked Mr. Williamson about the picnic table at the beach.

Supervisor Williamson had joined the meeting via telephone at an unspecified time.

Mr. Williamson stated that he did not get the picnic table at the beach; he recalled talking about working with the HOA to find out what it wants to do with the park before the CDD installs anything. He will follow up with the HOA President.

A Board Member stated that he asked someone with the HOA for a list of ideas and the thinking was to have a gazebo near the kayak racks, picnic table, fire pit, trash can, bench, etc.

He discussed creating a higher perimeter. He recommended approving budget funds for some work and finishing touches in the beach area. Mr. Adams stated some funds are available for some of the suggested items.

It was noted that ownership of the docks behind homes will be an upcoming issue; a majority of those spoken to about this indicated that they want to own the water and the land underneath the boat slips as a deeded property. A few people do not want that.

The consensus is that whatever is decided, it applies to everyone.

Regarding the options, Mr. Adams stated one is a Consent to Use of Easement (Easement) and the other is an outright purchase of the property. Two properties currently an Easement. It was noted that, with either option and regardless of whether the homeowner does neither, the homeowner is still responsible for seawall repairs; there is no way for the homeowner to avoid being responsible for seawall repairs.

Discussion ensued about the CDD performing repairs, if the homeowner's seawall is in a state of disrepair, and the CDD then billing the homeowner for the cost to remove the dock and for the seawall repairs.

It was noted that, during a recent inspection of the marina, the seawall had no worm damage or rotting so it is unlikely that it will need to be replaced within the next 10 to 20 years.

Mr. Adams stated that the Easement runs in perpetuity and essentially states that the homeowner has underlying property interest rights for the seawall to be in place. The outright purchase by the homeowner is cleaner, from a title/deed perspective.

Discussion ensued regarding homeowner boat slips, docks/slips built over the years without an easement or permission, grandfathered in properties, approaching homeowners about the options, how to handle those that refuse to purchase the property or enter into the Easement Agreement, stressing to homeowners that the seawall is their responsibility, specific areas where the seawall is the CDD's responsibility and potential future issues for property owners if the property/title/deed issues are not resolved.

Regarding homeowner purchase of the property; it was determined that ownership will only be for the seawall and the air rights to keep the footprint they have for the current dock; the homeowner would not have water rights.

Discussion ensued regarding whether allowing homeowners to own the property will enable them to prohibit people from being on the lake bank.

For the next meeting, the HOA will be asked what it has in mind for the beach area, with regard to what the CDD has in mind, such as a gazebo, fire pit, picnic table, cameras, etc.

Discussion ensued regarding Baycut Landscaping (Baycut), clogged drainage due to sand, having a vac truck clean the drains and the status of various invoices and payments.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Aschenbrenner and seconded by Mr. Bergman, with all in favor, the meeting adjourned at 10:32 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COP SAI

Secretary/Assistant Secretary



Chair/Vice Chair