

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

The Board of Supervisors of the Palm Bay Community Development District held a Public Hearing and Regular Meeting on July 28, 2023 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

Also present, were:

Chuck Adams	District Manager
Michael Raymondo	Resident
HOA Board Member	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:01 a.m. Supervisors Aschenbrenner, Bergman, Timberlake and Margetis were present. Supervisor Williamson was not present.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items

There were no public comments.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2023/2024 Budget**

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolution 2023-06, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams presented Resolution 2023-06. He reviewed the proposed Fiscal Year 2024 budget, which is unchanged from when it was last presented.

Mr. Adams opened the Public Hearing.

No members of the public spoke.

Mr. Adams closed the Public Hearing.

In response to Mr. Aschenbrenner’s question, Mr. Adams confirmed that there will be no assessment increase.

On MOTION by Mr. Margetis and seconded by Mr. Timberlake, with all in favor, Resolution 2023-06, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; 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 2023-07. This Resolution directs the District Manager to finalize the lien roll and transmit it to the Tax Collector for placement of the assessments on the property tax bills.

On MOTION by Mr. Bergman and seconded by Mr. Aschenbrenner, with all in favor, Resolution 2023-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; 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.

**PALM BAY CDD
FIFTH ORDER OF BUSINESS**

July 28, 2023

Consideration of Resolution 2023-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Mr. Adams presented Resolution 2023-08.

On MOTION by Mr. Aschenbrenner, and seconded by Mr. Margetis, with all in favor, Resolution 2023-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2023.

Discussion ensued regarding a water/sewer rate adjustment and operating expenses.

Mr. Adams will draft a notice informing residents of the water/sewer rate increase once the list is updated by the HOA.

The financials were accepted.

SEVENTH ORDER OF BUSINESS

Approval of April 13, 2023 Regular Meeting Minutes

Mr. Adams presented the April 13, 2023 Regular Meeting Minutes.

On MOTION by Mr. Timberlake and seconded by Mr. Aschenbrenner, with all in favor, the April 13, 2023 Regular Meeting Minutes, as presented, were approved.

EIGHTH 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**

Mr. Adams stated the Legislature recently passed a bill requiring Special District Supervisors to undergo four hours of ethics training each year, starting January 2024. Staff will provide an update at the next meeting.

- **189 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: October 12, 2023 at 9:00 AM**
 - **QUORUM CHECK**

NINTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Resident Michael Raymondo voiced his impression that the CDD’s position has been fairly adamant that the bulkhead around the marina is the homeowner’s responsibility and asked why the CDD is so adamant about that. He asked if the Board has copies of the Boat Club document.

Mr. Adams stated he can give Mr. Raymondo a copy of District Counsel’s legal opinion, which states that the homeowner is responsible even though their property lines do not extend into that barrier. It follows the argument that the benefitting party for the seawall/retaining wall is the adjacent property and without that adjacent property, the Developer would have built the lake retention holding pond with a 4:1 earthen slope. There would not be a backyard or even a pad to build homes on. He stated that the primary purpose of the pond is stormwater retention to receive runoff and to retain and treat runoff before it discharges; the Developer marketed it as a marina, developed it as a marina with a boat ramp and a boat cradle that is available to all residents.

Discussion ensued regarding the bulkhead, earthen slope, pond, marina, dock, finger piers, gangway and a survey. Mr. Adams will email the legal opinion to Mr. Raymondo.

Regarding the Boat Club document, Mr. Raymondo stated the document states that the Boat Club is responsible for repair and maintenance of the common areas. Mr. Bergman stated all Supervisors have a copy; it was reviewed by District Counsel, who rendered a legal opinion on it, as well.

Discussion ensued regarding the common areas that were supposed to be transferred to the Boat Club but were not, Exhibit B or Tract B, perimeter ownership of the bulkhead, the Boat Club being defunct, a grant of easement, deeding the seawall to the homeowner, grey areas,

maintenance and repair responsibilities, the boat lift, air rights, assigned benefit to adjacent property owners and District Counsel’s opinion.

Mr. Adams stated the legal opinion has less to do with the survey and more to do with the slope. He will email the legal opinion regarding the Boat Club to Mr. Raymondo.

TENTH ORDER OF BUSINESS

Supervisors’ Requests

A Board Member stated that the HOA asked for the CDD to update/improve the front entry area. He presented a quote from Baycut, to remove shrubs, add river rock and mulch, for \$4,300.

The HOA representative stated there are several dead palm trees near the nature preserve that he is trying to have Baycut clean up, as, in his opinion, the area really needs it. He expressed his opinion that the front gate area is very unattractive, has several dead bushes and needs to be spruced up. He voiced his dissatisfaction with Baycut’s level of service.

Discussion ensued regarding the condition of the front gate area, lake, fountain, marina, pedestrian gate, mulching, cost-sharing with the HOA, assessments, \$4,300 quote and Fund Balance.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Margetis, with all in favor, designating a not-to-exceed amount of \$4,500 for front entry improvements, was approved.


ELEVENTH ORDER OF BUSINESS

Adjournment

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

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair