

PALM BAY

COMMUNITY DEVELOPMENT DISTRICT

October 8, 2020

BOARD OF SUPERVISORS

VIRTUAL REGULAR

MEETING AGENDA

Palm Bay Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone (561) 571-0010•Fax (561) 571-0013•Toll-Free (877) 276-0889

October 1, 2020

Board of Supervisors
Palm Bay Community Development District

ATTENDEES: Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.
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Dear Board Members:

The Board of Supervisors of the Palm Bay Community Development District will hold a Virtual Regular Meeting on October 8, 2020 at 9:00 a.m., via Zoom at <https://us02web.zoom.us/j/82371838205>, Meeting ID: 823 7183 8205, or via conference call at 1 929-205-6099, Meeting ID: 823 7183 8205. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: Agenda Items
3. Continued Discussion: Addition of Envera Cameras to Boat Dock/Lift and Marina
4. Discussion: Addition of Cameras to Beach/Kayak Launch
5. Acceptance of Unaudited Financial Statements as of August 31, 2020
6. Approval of July 9, 2020 Virtual Public Hearing and Regular Meeting Minutes
7. Staff Reports
 - A. District Counsel: *Straley Robin Vericker*
 - B. District Engineer: *Landmark Engineering & Surveying Corp.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - I. LANDOWNERS' MEETING: November 12, 2020 at 9:00 a.m. (*Board Members not required to attend*)
 - II. NEXT MEETING DATE: January 14, 2021 at 9:00 a.m.

• QUORUM CHECK

Rob Bergman	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Spiros Margetis	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Joe Aschenbrenner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Anthony Richards	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Win Williamson	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

- 8. Public Comments: Non-Agenda Items
- 9. Supervisors' Requests
- 10. Adjournment

“Further, please be advised that the Florida Governor’s Office has declared a state of emergency due to the Coronavirus (COVID-19). As reported by the Center for Disease Control and World Health Organization, COVID-19 can spread from person-to-person through small droplets from the nose or mouth, including when an individual coughs or sneezes. These droplets may land on objects and surfaces. Other people may contract COVID-19 by touching these objects or surfaces, then touching their eyes, nose or mouth. Therefore, merely cleaning facilities, while extremely important and vital in this crisis, may not be enough to stop the spread of this virus.”

“That said, the District wants to encourage public participation in a safe and efficient manner. Toward that end, anyone wishing to listen and participate in the meeting may do so remotely via Zoom details specified within. Additionally, participants are encouraged to submit questions and comments to the District’s manager at adamsc@whhassociates.com.”

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,

Chesley E. Adams, Jr.
 District Manager

OPTIONS FOR MEETING PARTICIPATION

<https://us02web.zoom.us/j/82371838205>

Meeting ID: **823 7183 8205**

One tap mobile

+13126266799,,82371838205# US (Chicago)

+19292056099,,82371838205# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: **823 7183 8205**

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT**

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PALM BAY
COMMUNITY DEVELOPMENT DISTRICT

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DRAFT
MINUTES OF MEETING
PALM BAY
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Palm Bay Community Development District held a Virtual Public Hearing and Regular Meeting on July 9, 2020 at 9:00 a.m., via Zoom, at <https://us02web.zoom.us/j/89098145801>, and at 1-929-205-6099, Meeting ID 890 9814 5801.

Present at the meeting, were:

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

Also present, were:

Chuck Adams	District Manager
Kristen Schalter	District Counsel
Racquel McIntosh	Grau & Associates

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:04 a.m. In consideration of the COVID-19 pandemic, this meeting was being held virtually via Zoom, and telephonically, as permitted under the Florida Governor's Executive Orders, allowing local governmental public meetings to occur by means of communications media technology, including virtually and telephonically.

Supervisors Bergman, Aschenbrenner, Richards and Margetis were present. Supervisor Williamson was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Presentation of the Audited Financial Report for Fiscal Year Ended September 30, 2019, Prepare by Grau and Associates

41 Ms. McIntosh presented the Audited Financial Report for Fiscal Year Ended September
42 30, 2019 and described the information that could be found on each page. This was a clean
43 audit; there were no findings, instances of noncompliance or deficiencies.

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45 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-05,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2019**

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50 Mr. Adams presented Resolution 2020-05.

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**On MOTION by Mr. Margetis and seconded by Mr. Richards, with all in favor,
Resolution 2020-05, Accepting the Audited Financial Report for the Fiscal Year
Ended September 30, 2019, was adopted.**

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57 A Board Member asked if the District’s fund balance was healthy. Mr. Adams replied
58 affirmatively and stated that the majority came from the sale of boat slips but the amount
59 decreased slightly when expenses increased due to switching to U.S. Filter. Although the cost is
60 higher, U.S. Filter provides a higher level of service than the prior company.

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62 **FIFTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year
2020/2021 Budget**

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65 **A. Proof/Affidavit of Publication**

66 The affidavit of publication was provided for informational purposes.

67 **B. Consideration of Resolution 2020-06, Relating to the Annual Appropriations and**
68 **Adopting the Budget for the Fiscal Year Beginning October 1, 2020, and Ending**
69 **September 30, 2021; Authorizing Budget Amendments; and Providing an Effective**
70 **Date**

71 Mr. Adams stated the proposed Fiscal Year 2021 budget was the same as the version
72 presented at the last meeting. Overall, assessment levels reflected a reduction.

73 **Mr. Adams opened the Public Hearing.**

74 **Mr. Williamson joined the meeting at 9:14 a.m.**

75 A Board Member asked if the fund balance was sufficient for the age of the community.

76 Mr. Adams replied affirmatively and stated that additional funds would be expended for the

77 bulkhead repair project and the seawall at the park. Infrastructure updates should last 15 to 20
78 years.

79 No members of the public spoke.

80 **Mr. Adams closed the Public Hearing.**

81 Mr. Adams presented 2020-06.

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On MOTION by Mr. Aschenbrenner and seconded by Mr. Bergman, with all in favor, Resolution 2020-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

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90 **SIXTH ORDER OF BUSINESS**

Consideration of Resolution 2020-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2020/2021; 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

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102 Mr. Adams presented Resolution 2020-07.

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On MOTION by Mr. Margetis and seconded by Mr. Richards, with all in favor, Resolution 2020-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2020/2021; 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.

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113 **SEVENTH ORDER OF BUSINESS**

Consideration of Resolution 2020-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2020/2021 and Providing for an Effective Date

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120 Mr. Adams presented Resolution 2020-08. Discussion ensued regarding combining the
121 October meeting with the Landowners’ meeting in November and the seats up for election.

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On MOTION by Mr. Margetis and seconded by Mr. Bergman, with all in favor, Resolution 2020-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2020/2021 and Providing for an Effective Date, was adopted.

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EIGHTH ORDER OF BUSINESS

Consideration of Street and Sidewalk Repair Proposals

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132 Mr. Williamson presented proposals from Imperial Paving, LLC and Asphalt & Concrete
133 Parking Lot Maintenance (ACPLM), which was omitted from the agenda package and shared
134 onscreen. He reviewed differences in the scope of work and recommended engaging ACPLM
135 and proceeding with the larger scope of work, which would extend the life of the asset another
136 eight years, before needing to mill and replace the roads. Board Members discussed the
137 differences in cost, scope of work, whether to proceed with repairs or begin the milling and
138 replacement project now, notifying residents of the upcoming project and traffic flow. Mr.
139 Williamson would obtain other quotes to repair the pavers, asphalt and broken sidewalk and
140 seal the entire roadway, and work with Mr. Adams to coordinate project.

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On MOTION by Mr. Richards and seconded by Mr. Margetis, with all in favor, authorizing Mr. Williamson to proceed with the asphalt and sidewalk repairs and the sealing project, in a not-to-exceed amount of \$23,000, was approved.

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NINTH ORDER OF BUSINESS

Discussion: Addition of Envera Cameras to Boat Dock/Lift and Marina

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150 Due to misuse of the boat lift, a proposal from Envera Systems Next Generation Security
151 (Envera) to install cameras at strategic locations was presented, along with an additional quote
152 to replace the key pad with a fob reader to control access. The system was similar to the one at
153 the front gate. The Board discussed the proposal, video recording process and need to install
154 high speed internet to service the area. Discussion ensued regarding improper use of the boat
155 lift, damages due to user error, holding homeowners responsible for damages, liability, etc. Mr.
156 Adams would coordinate signage regarding rules and liability. The Board opposed implementing

157 a key fob system. Mr. Adams recommended expending the funds in Fiscal Year 2021, which
158 commences October 1, 2020. A Board Member stated that he would work on having prices
159 lowered, obtain the cost for another camera to be installed when the dock project is completed
160 and obtain other options for the Beach/Marina area. The item was deferred to the next
161 meeting.

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163 **TENTH ORDER OF BUSINESS** **Discussion: Addition of Cameras to**
164 **Beach/Kayak Launch**
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166 This item was discussed during the Ninth Order of Business and deferred to the next
167 meeting.

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169 **ELEVENTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial**
170 **Statements as of May 31, 2020**
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172 Mr. Adams presented the Unaudited Financial Statements as of May 31, 2020. The
173 financials were accepted.

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175 **TWELFTH ORDER OF BUSINESS** **Approval of April 9, 2020 Telephonic Public**
176 **Meeting Minutes**
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178 Mr. Adams presented the April 9, 2020 Telephonic Public Meeting Minutes.

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180 **On MOTION by Mr. Aschenbrenner and seconded by Mr. Williamson, with all**
181 **in favor, the April 9, 2020 Telephonic Public Meeting Minutes, as presented,**
182 **were approved.**

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185 **THIRTEENTH ORDER OF BUSINESS** **Staff Reports**

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187 **A. District Counsel: *Straley Robin Vericker***

188 There being no report, the next item followed.

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

190 There being no report, the next item followed.

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

- 192 • **180 Registered Voters in District as of April 15, 2020**

193 There were 180 registered voters residing within the District as of April 15, 2020.

194 ▪ **Discussion: Boat Club**195 **This item was an addition to the agenda.**

196 Mr. Williamson reviewed the topics discussed at the Boat Club’s first meeting. At the
197 meeting, he conveyed that, although the District was waiting on the final survey, according to
198 the tax rolls the main gangway is part of Tract B and overseen by the District. The bylaws state
199 that the District can take over the Boat Club but has no interest in doing so, aside from helping
200 with the financial aspects to return it to its normal condition. Slip owners are responsible for
201 maintaining the fingers and funding paid into the Boat Club may be used to help offset those
202 costs. A Board Member asked if serving on the CDD Board and Boat Club Board was a conflict of
203 interest and stated that, if so, he would resign from the Boat Club. Mr. Adams stated he did not
204 see any conflict of interest, given the current situation. Having a liaison between the District
205 and the Boat Club would be good but, if conditions change, he recommended that the person
206 resign his position on the Boat Club. In response to the Boat Club obtaining Directors and
207 Officer’s insurance, Mr. Adams stated it was a good idea; however, it is costly for smaller
208 organizations and not required.

209 Mr. Adams stated that, as the surveyor for the boat slips cancelled at the last minute, he
210 was engaging another surveyor to survey the marina pond and would send the completed
211 survey to the Board prior to the next meeting. He did not recommend removing any
212 improvements made at the marina that the District had not approved but, rather, require
213 owners to execute a Consent to Use of Easement Agreement, which recognizes ownership
214 within the District’s parcel and indemnifies the District from doing any repairs. The last
215 outstanding item was to ensure that no Blanket Easement Agreement between the District and
216 the HOA was recorded in the public record. Discussion ensued regarding who can access the
217 gangway, conveying easement information to Boat Club owners, The Boat Club assessing
218 owners to complete projects simultaneously with the CDD, financing and the current
219 percentage rate, etc.

220 ▪ **Discussion: Homes Surrounding the Marina**221 **This item was an addition to the agenda.**

222 Mr. Bergman suggested that Mr. Adams send letters or Easement Agreements to
223 property owners describing ownership and advising that any improvements that rest on Tract
224 B, which is a CDD-owned canal, were done illegally, as they required approval from the District.
225 Mr. Adams stated that the survey would include legal descriptions and photographs of

226 encroachment areas, described in detail, which would be an exhibit to the Consent to Use of
 227 Easement Agreement and would be sent to individual property owners. Discussion ensued
 228 regarding clarifying ownership of the seawall and dock, grandfathering in the current footprint,
 229 owners renting out their slips, preparing and adopting rules, waiting for ruling on ability to
 230 rebuild the dock for real estate sale and HOA enforcement of the covenants. The HOA's
 231 Covenants and Declarations would be reviewed to determine if language regarding marina
 232 usage was included.

233 **Mr. Williamson left the meeting at 10:55 a.m.**

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 235 **FOURTEENTH ORDER OF BUSINESS**

Public Comments: Non-Agenda Items

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 237 There were no public comments.

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 239 **FIFTEENTH ORDER OF BUSINESS**

Supervisors' Requests

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 241 Mr. Richards recommended another kayak stand, since the first one was a huge success.
 242 A Board Member suggested charging a nominal annual registration fee to users of the kayak
 243 stand.

244 **Mr. Bergman rejoined the meeting, after being disconnected.**

245 Discussion ensued regarding a final ruling to address boats tied up behind homes. Mr.
 246 Adams would order a kayak stand and have it shipped to Mr. Richards' address. He would
 247 discuss a potential rental program at the next meeting.

248 Mr. Bergman asked that the Baycut Inc invoice not be paid until an issue regarding the
 249 poor job on the trees can be discussed.

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 251 **SIXTEENTH ORDER OF BUSINESS**

Adjournment

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 253 There being nothing further to discuss, the meeting adjourned.

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 255 **On MOTION by Mr. Margetis and seconded by Mr. Bergman, with all in favor,**
 256 **the meeting adjourned at 11:28 a.m.**

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 258
 259
 260 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT**

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PALM BAY COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2020/2021 MEETING SCHEDULE

LOCATION

Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 8, 2020	Regular Meeting	9:00 AM
November 12, 2020	Landowners' Meeting	9:00 AM
January 14, 2021	Regular Meeting	9:00 AM
April 8, 2021	Regular Meeting	9:00 AM
July 8, 2021	Public Hearing & Regular Meeting	9:00 AM