

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

The Board of Supervisors of the Palm Bay Community Development District held Multiple Public Hearings and a Regular Meeting on September 9, 2021, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, 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
David Caplivski (via telephone)	Grau & Associates
Jeff Lynn	Resident
Michael Raymondo	Resident
Mike Mizrahi	Resident
Joe Timberlake	Resident
Daniel Di Giusto	Resident
Wendy Popielarcheck	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:09 a.m. Supervisors Aschenbrenner, Williamson and Margetis 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

**Presentation of Audited Financial Report
for Fiscal Year Ended September 30, 2020,
Prepared by Grau & Associates**

Mr. Caplivski presented the Audited Financial Report for the Fiscal Year Ended September 30, 2020 and noted the pertinent information found on each page. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-04, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2020

Mr. Adams presented Resolution 2021-04.

On MOTION by Mr. Williamson and seconded by Mr. Margetis, with all in favor, Resolution 2021-04, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2020, was adopted.

FIFTH ORDER OF BUSINESS

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

This item was deferred.

SIXTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor, *(the following to 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

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-06, Designating a Chair, A Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Palm Bay Community Development District, and Providing for an Effective Date

This item was deferred.

EIGHTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2021/2022 Budget

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2021-07, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams reviewed the proposed Fiscal Year 2022 budget and discussed capital outlay, surplus fund balance, the five-year financing and the 20% assessment increase.

The Board discussed vendor quotes, the gazebo, the boat dock, walkway, pavers, gravel, mulch and when the projects would commence.

Mr. Adams opened the Public Hearing.

Resident Michael Raymondo requested justification for the \$200,000 loan for the new assets and/or improvements that is being borne by the entire community when there are only 14 boat slips. Mr. Aschenbrenner explained that the 14 boat slip owners are paying for their finger piers and all the plumbing and electrical but the main gangway is common property for everyone to use and it is owned by the CDD. The CDD is only funding the improvements that are CDD-owned and the Boat Club (BC) is paying for everything that is owned by the BC and/or its members.

Resident Jeff Lynn asked for the Board to solicit the neighborhood for a vote on how to resolve the situation at the park; specifically, the commotion generated in the evening and early morning hours by area youth. Discussion ensued regarding the HOA.

Resident Mike Mizrahi voiced his opinion that it is unjust for the other 86 homeowners to have to split the bill for something that benefits 14 individual homeowners.

Mr. Bergman stated the seawall repairs were necessary because it was about to collapse. The Board discussed the need to maintain and/or improve the beach, resident demand for the kayak launch, the gazebo, the dock being a safety hazard, the sewer pump stations, the BC bylaws, decreasing liability and increasing property values.

Asked how long it has been since an assessment increase was imposed, Mr. Adams stated the last increase was in 2011 or 2012 and the CDD has been re-investing in the community infrastructure ever since. Mr. Bergman stated he is sympathetic to residents' concerns and would rather not have assessment increases; however, the CDD operates as a miniature City and some of the infrastructure is 20 to 30 years old and must be maintained to keep the neighborhood strong and in good condition.

Resident Daniel Di Giusto commented on the quality of life in the community and maintenance requirements and remarked that every additional facility will require additional maintenance over time.

The Board responded to questions regarding repair costs for the main dock, including the CDD and BC portions of the dock expansion project, security monitoring system in the marina and whether there is demand for additional transient boat parking. Mr. Aschenbrenner commented that the issue of transient boat parking was broached by an individual who leased his boat slip to a non-resident. Mr. Lynn asked for clarification of what he felt was an accusation about him. Mr. Aschenbrenner stated that Mr. Lynn leased his slip. Mr. Lynn asked if the Board was accusing him of leasing his slip to a non-resident and asked for this to be included on the record. An affirmative response was given and it was noted that the discussion is on the record.

Mr. Adams closed the public hearing.

Mr. Bergman stated the Board's goal is to improve the CDD community and increase property values while being fiscally prudent. He urged residents who are frustrated to attend regular meetings, provide feedback and become more involved in the community.

Discussion ensued regarding the assessments, a BC account and deferring some of the projects. The Board’s reasoning and justification for the dock, beach, gazebo and marina repairs was to bring more value to the CDD community and get more use out of the common areas.

Mr. Adams presented Resolution 2021-07.

On MOTION by Mr. Margetis and seconded by Mr. Aschenbrenner, with all in favor, Resolution 2021-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2021/2022, Pursuant to Florida Law

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Mailed Notice(s) to Property Owners

A copy of the mailed notice to property owners was included for informational purposes.

C. Consideration of Resolution 2021-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; 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 2021-08. This Resolution takes into consideration the budget that was just adopted and the assessments levels contained therein and directs the District Manager to finalize a lien roll for transmission to the Tax Collector’s office for placement on the property tax bills.

On MOTION by Mr. Aschenbrenner and seconded by Mr. Williamson, with all in favor, Resolution 2021-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; 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.

TENTH ORDER OF BUSINESS

Consideration of FineMark National Bank & Trust Term Sheet

Mr. Adams reviewed the FineMark National Bank & Trust Term Sheet.

A Board Member asked if the loan balance could be placed in the surplus fund balance for other capital outlays, if there are leftover funds, Mr. Adams stated there was some latitude to determine the amount to be placed back into fund balance and the action would be justified with receipts from capital projects that were previously completed.

On MOTION by Mr. Williamson and seconded by Mr. Margetis, with all in favor, the FineMark National Bank & Trust Term Sheet, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of EZ Dock of Tampa, LLC., Kayak Launch Estimate Number 10321

Mr. Adams stated the EZ Dock Tampa Bay Kayak Launch Estimate Number 10321 was for informational purposes only. The estimate was for a floating dock with aluminum gangway stairs, in the amount of \$9,297, which was unchanged from two years ago.

Discussion ensued regarding liability, signage and site inspections by the insurance carrier.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2021

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2021. The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of July 8, 2021 Regular Meeting Minutes

Mr. Adams presented the July 8, 2021 Regular Meeting Minutes.

On MOTION by Mr. Margetis and seconded by Mr. Aschenbrenner, with all in favor, the July 8, 2021 Regular Meeting Minutes, as presented, were approved.

FOURTEENTH 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: October 14, 2021 at 9:00 a.m.**
 - **QUORUM CHECK**

The next meeting would be held on October 14, 2021.

FIFTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Mr. Williamson responded to questions regarding the main dock project timeline, project details, bid process, number of proposals received and whether additional quotes were obtained.

On behalf of himself and other residents, Mr. Lynn made the following statements and expressed his opinions, as follows:

- Per County restrictions, only owners and immediate family members are supposed to be on the dock.
- The dock was supposed to be conveyed to the Boat Club the day the Builder/Developer conveyed and sold the last slip and the only reason the CDD owns the dock is because that step was missed.
- District Counsel conveyed what they thought by reading the legal description; he challenged whether District Counsel read the 55-page County Restriction document.

- The document filed by the County is governing and overarching, which residents will make certain would be enforced today, including the CDD assuming the duty of the Boat Club, which triggers the ability to dissolve the BC.
- Residents are concerned about the windfall of the five voting members having personal property and not recognizing a conflict of interest in the value of that property going up.
- Residents have done their homework, are organized and would be in touch.
- Currently, the consensus of residents is for the CDD Board to resign or be recalled.
- Residents are requesting that the Board nominate an individual who will vote in everyone's best interest.
- Legal options would be exercised by Mr. Lynn after the alleged accusation made against him earlier in the meeting.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

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

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair