

**MINUTES OF MEETING  
BUCKEYE PARK  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Buckeye Park Community Development District was held on Thursday, February 2, 2023, at 11:30 A.M. at Holiday Inn Express & Suites Bradenton East Lakewood Ranch, 5464 Lena Rd, Bradenton, FL 34211.

**Present and constituting a quorum:**

Gary Kompothecras	Chairperson
Vince Payne	Vice Chairperson
Anthony Sansone	Assistant Secretary
Richard Fischer	Assistant Secretary

**Absent:**

Robert Bishop	Assistant Secretary
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**Also present were:**

James P. Ward	District Manager
Scott Steady	District Attorney

**Audience:**

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE  
TRANSCRIBED IN *ITALICS*.**

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. James Ward called the meeting to order at approximately 11:10 a.m. He conducted roll call; all Members of the Board were present, with the exception of Supervisor Bishop, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**I. November 3, 2022 – Landowners Meeting**

**II. November 3, 2022 - Regular Meeting**

Mr. Ward asked if there were any corrections or deletions to the Landowners Meeting Minutes; hearing none, he called for a motion.

**On MOTION made by Mr. Richard Fischer, seconded by Mr. Gary Kompothecras, and with all in favor, the November 3, 2022 Landowners Meeting Minutes were accepted for inclusion in the record.**

Mr. Ward asked if there were any corrections or deletions to the Regular Meeting Minutes; hearing none, he called for a motion.

**On MOTION made by Mr. Richard Fischer, seconded by Mr. Gary Kompothecras, and with all in favor, the November 3, 2022 Regular Meeting Minutes were approved.**

### THIRD ORDER OF BUSINESS

### Consideration of Resolution 2023-5

**Consideration of Resolution 2023-5, approving the proposed budget for Fiscal Year 2024 and setting a Public Hearing for Thursday, May 4, 2023, at 11:30 a.m. at the Country Inn and Suites Bradenton-Lakewood Ranch 5610 Manor Hill Lane, Bradenton, Florida 34203**

*Mr. Ward: Resolution 2023-5 starts your budget process for fiscal year 2024. The public hearing is scheduled for May 4, 2023, at 11:30 a.m. at the Country Inn and Suites Bradenton-Lakewood Ranch 5610 Manor Hill Lane, Bradenton, Florida 34203. It's different from this hotel. It's the one just on the other side of the interstate. The approval of the budget doesn't bind you to any of the costs. All it does is set a cap on what your assessments are going to be going into 2024. In the current year we are in, we levied \$126,683 dollars in assessments on the property. That included some operating items which we really haven't done at this point in time. I don't know if we are going to do them. I assume we did not do them in the budget for the balance of this year, so I carried those monies forward into next year's budget. It is \$42,000 dollars. So, it lowered your overall assessments down to \$79,000 dollars next year. The total budget was slightly less than last year. The total budget for 2024 is \$121,083 dollars. That's what I did with the budget for this year. If there is any desire to add stuff to this, fencing etc., you need to do it now, because we can't go over the numbers that I just went over with you today.*

*Mr. Richard Fisher: Now that we have different lots within the development that are going through the permitting processes, the matter of the fence and the condition of it has come up with the County. So, what we set out to do is find out whose fence is it, and the answer is it's ours, the CDDs. At least that's what I heard. Did you hear the same thing?*

*Mr. Ward: Yes.*

*Mr. Fisher: So, personally, that landscape right-of-way easement has got a lot of pepper trees in it, and it needs to be cleared out. It's in the easement, so I would guess it's part of the association [District's] responsibility, just like the right-of-way mowing the lawn. The only thing is, before we were having our lawns cut by the same guy. We canned that, but I still see somebody out there mowing the right-of-way. Which we need to do, so I think we need to get an estimate. Personally, as PVC fence it can be pressure washed. There are some slats missing, but they still make those slats, and I would hope it could just be repaired. Getting the peppers out of the landscape, because the County is saying we are supposed to have a very specific amount of trees and bushes certain distances apart. So, we need to address the*

*fence and the landscape easement, and we need to get a proposal. Now, Mike Stuart, who has several business parks here in the state, has been a wealth of information and we are sending him that budget, and he is going to take a look at it with one of his attorneys at his expense and make some suggestions to us. Of course, his lots and one of our lots has that fence on it. So, we just need to get some kind of estimates, I think.*

*Mr. Ward: The key question today is what do you want to do with the budget because once you approve it today, as I said, you can go down, but you can't go up.*

*Mr. Fisher: We have to put a placeholder in there, I think.*

Discussion ensued regarding the cost of removing the trees from the right-of-way; the difficulty in removing the trees without further damaging the fence; cutting the trees down without removing the roots and burning the trees; how much to raise the budget; setting a contingency amount in the budget; the littoral shelves and the stormwater system and lake maintenance; and SWFMD requirements regarding the lake and littoral shelves.

*Mr. Ward: I have an idea. Instead of lowering the budget by using cash, just leave the cash in place, keep the assessment level the same as we have in the current year, and then if we don't use it, just have a little bit of extra leftover. That should give you \$50,000 or \$60,000 dollars.*

Discussion continued regarding fence repair, costs, and pepper tree removal.

*Mr. Ward: So, you are going to adopt the Resolution today. I am going to remove \$41,959 dollars from the carryforward and raise the assessment level back up to the current level and then you'll have some additional cash. So, with that change, Resolution 2023-5 is recommended for your consideration.*

<p><b>On MOTION made by Mr. Richard Fischer, seconded by Mr. Gary Kompothecras, and with all in favor, Resolution 2023-5 was adopted as amended, and the Chair was authorized to sign.</b></p>
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#### **FOURTH ORDER OF BUSINESS**

#### **Staff Reports**

##### **I. District Attorney**

*Mr. Fisher: Scott, did you hear the conversation that we had with Ken \_\_\_\_\_ (ph)?*

*Mr. Scott Steady: Are we trying to make an insurance claim? Is that what we are going to try to do?*

*Mr. Fisher: I don't think we have the insurance for it.*

*Mr. Ward: We don't carry property insurance in this District.*

*Mr. Steady: What I was going to say is, do we need to start thinking about that because it's not unusual, but you have to have something to insure.*

*Mr. Fisher: If nothing else, we have common area that if somebody goes and trips and falls.*

*Mr. Ward: That would be liability. We have that.*

*Mr. Steady: I'm sure we have liability insurance, but I was just going to ask, apparently there is the question of the fence, but we don't have any other physical assets that we know of?*

*Mr. Ward: No. And I'm going to tell you, trying to get insurance on a dilapidated fence is not happening.*

*Mr. Fisher: I agree. And once it's up and fixed, it should be okay too.*

## **II. District Engineer**

No report.

## **III. District Manager**

### **a) Important Board Meeting Dates for Balance of Fiscal Year 2023**

#### **1. Public Hearings: F2024 Budget Adoption – May 4, 2023, 11:30 A.M.**

### **b) Form 8B Reminder**

### **c) Financial Statement for period ending October 31, 2022 (unaudited)**

### **d) Financial Statement for period ending November 30, 2022 (unaudited)**

### **e) Financial Statement for period ending December 31, 2022 (unaudited)**

Mr. Ward reminded the Board of the Budget Adoption Meeting on May 4, 2023 at 11:30 a.m.

## **FIFTH ORDER OF BUSINESS**

## **Supervisor's Requests and Audience Comments**

Mr. Ward asked if there were any Supervisor's requests.

*Mr. Fisher: We do know that what happened was when they built the CDD they had an association, FedEx went in and everything went dormant. So, the association state-wise was administratively dissolved for non-filing and non-payment, and that's several years long, and there are fines for every year. But, if you let an association, or any name go dormant, I can go and take that name, so I could just take that name and the thing of it is, as a title manner, there's the possibility that you're going in for financing on your building, the title and insurance company looks around and says "hey, what's this?"*

Discussion ensued regarding how the defaulted association could cause difficulties in the future.

*Mr. Fisher: Can you remove these documents? Can you file something with the Clerk of the Courts to say these documents are no longer in effect?*

*Mr. Steady: Okay, let me make this clear, I am not an association lawyer which is different than a CDD. But, as you and I talked about, as far as I know, as long as the association documents are recorded, even though the association, the corporate entity, is not currently functioning, it doesn't eliminate those requirements, because arguably the people on the property are relying on them, so they are still there. So, I don't think you can simply get rid of them.*

*Mr. Kompothecras: Why can't we have a resolution of the Board to hereby remove these bylaws?*

*Mr. Steady: Because this CDD has nothing to do with the association. Nothing.*

*Mr. Ward: What Scott is trying to say is the declaration is still of record, so it's there. But the legal entity that created the association to manage that record is gone.*

*Mr. Steady: I'm pretty sure you can't just take the name and then say that we now have the name, so now we are going to run the declaration. You need to ask a declaration lawyer who knows what he's doing. Maybe that's the case, but clearly you can't deal with it unless you have the entity, or an entity in place. So, the only thing I'm going to say, because I don't want you to go down a rabbit hole, is I'm a little leery of you saying let's just go get the name. Maybe that works, but I don't think that legally fits. You could spend the time, and then the title company still says, wait a minute, the entity that controls the declaration, you've got the name, but that corporate entity still isn't there. I really think you need to hire a lawyer.*

*Mr. Kompothecras: Do you know how much it would cost to reactivate under the original.*

*Mr. Fisher: I think it's about \$400 dollars a year.*

*Mr. Steady: I think you're going to have to bite the bullet and start doing it or you're going to have problems selling property.*

Mr. Fisher stated he had the original paperwork with the names of those who set up the original association.

*Mr. Anthony Sansone: Wouldn't they have termed out though? Wouldn't their terms be over by now?*

*Mr. Fisher: I bet they probably would. So, you've got an association sitting there with no Board.*

*Mr. Steady: Right, but this has happened before. Somebody knows how to do this. This can't be that unusual.*

*Mr. Fisher: Well, I guess I could call this attorney here, Paul Raymond, who created the documents. Now you know, the funny thing about having the attorneys that do association documents, they copy and paste everything. I've read these things and said I've seen these exact documents before. How does this board of association hold a meeting if there are no officers?*

*Mr. Steady: I agree that they cut and paste, but I think the real issue here, as you've discussed, is how to resurrect the board or can you basically go out and acquire the name, but I'm leery about that. Don't do it if it's not going to work.*

*Mr. Fisher: I get exactly what you're saying and I agree with you that there is a slippery slope there.*

*Mr. Steady: If you want me to, I could talk to him. I'll be happy to do it, but there is an answer here because it's happened. Especially during the downturn. All sorts of associations went in the tube. Again,*

*it's not CDD, but they are related and they overlap. You got to get to the bottom line on this sooner than later.*

*Mr. Fisher: The attorney's name is J. Paul Raymond if you maybe want to give him a call. It's McClaren, Ferguson, McMullen in Clearwater and their phone number was at that time, 727-441-8966.*

*Mr. Steady: I know the firm. I don't know him. But to move forward, I'll do what you guys want to find out how do you fix something like this. And if he doesn't know, I'll ask somebody else and I'll see if I can bum some free advice off of somebody.*

*Mr. Fisher: I get the feeling the person who should be getting this answer should be our attorney, not me.*

*Mr. Ward: Scott, you might ask Scott Campbell if they did anything with the HOA. He might know what they did.*

*Mr. Steady: Guys again, I'm not anywhere close to the association, but I want to help. Let's get this project done, let's get going, so on behalf of you guys, let me see if I can't get the answer. But I suspect you're going to have to pay a lawyer to do something on this. It's not me, but let's find out what you have to do. I'll email everybody. I'll try to find out next week.*

*Mr. Fisher: Okay. That's the smartest thing to do.*

Discussion ensued regarding why this was important to get taken care of to facilitate future property sales; the difficulties which could arise if nothing was done about the defaulted association; the possibility of needing to file back taxes to bring the association current.

Mr. Steady indicated if the association were renewed, and Mr. Ward were willing, there was a possibility of overlapping boards. He stated both entities would need to have separate budgets and separate meetings, but could be managed together to save funds.

*Mr. Fisher: The only other think I have is, Mike Stuart is interested in, there is a well next to lots 10, 11, and 12 – Mike Stuart is a partner and manager of the entity called Buckeye Yards, LLC. Buckeye Yards, LLC owns lots 10, 11 and 12, and they are in the development process. Their fence is going up. I feel kind of bad, but he is sort of the guinea pig.*

*Mr. Vince Payne: Has he run into these issues with the defunct association?*

*Mr. Fisher: I haven't told him the good news yet. He's a real sharp guy and I'm sure he'll have his own opinion. Like I said, he built and runs a lot of business parks and they do some pretty big stuff. So, his experience will be valuable. But there's a well there. It's on common area, association property, or CDD property, and he would like to get authorization, on his own dime, to go check the well out and see if it's something that's still usable and if it is, it could be a benefit to the entire park. As we are developing, we could do a common area sprinkler system on the sidewalks and not have to pay any utilities. So, I'm in favor of seeing if the well is still viable. Is that something we would need a motion to allow him to do that or can we just say go ahead and check it out?*

*Mr. Steady: Make a motion just to make it on the record.*

*Mr. Fisher: So, I'm in favor of allowing him to check out the viability of the well that's on CDD property.*

*Mr. Ward: Scott, you want a motion? Because I don't need one.*

*Mr. Steady: I just think it's better to make a motion so it's in the record.*

**On MOTION made by Mr. Richard Fischer, seconded by Mr. Gary Kompothecras, and with all in favor, Mr. Mike Stuart was granted permission to determine the viability of the well on CDD property.**

Mr. Ward asked if there were any audience members present in person, or via audio/video, with any questions or comments; there were none.

**SIXTH ORDER OF BUSINESS**

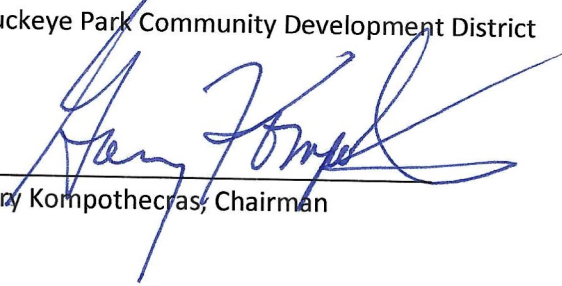
**Adjournment**

Mr. Ward adjourned the meeting at approximately 12:16 p.m.

**On MOTION made by Mr. Richard Fischer, seconded by Mr. Gary Kompothecras, and with all in favor, the meeting was adjourned.**

  
James P. Ward, Secretary

Buckeye Park Community Development District

  
Gary Kompothecras, Chairman