

**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, May 4, 2023, at 11:30 A.M. at Country Inn and Suites Bradenton-Lakewood Ranch 5610 Manor Hill Lane, Bradenton, Florida 34203.

**Present and constituting a quorum:**

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

**Also present were:**

James P. Ward	District Manager
Scott Steady	District Attorney
Jay Gaines	Berger, Toombs, Elam, and Frank

**Audience:**

Mike Stewart

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 11:55 a.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Notice of Advertisement**

**Notice of Advertisement of Public Hearing**

**THIRD ORDER OF BUSINESS**

**Acceptance of Letter of Resignation**

**Acceptance of the Letter of Resignation from Mr. Robert Bishop, effective April 25, 2023, and whose term is set to expire November 2024, from Seat 5 of the Board of Supervisors of the Buckeye Park Community Development District**

- I. Appointment of Individual to fill Seat 5, whose term is set to expire November 2024**
- II. Oath of Office**
- III. Guide to the Sunshine Law and Code of Ethics for Public Employees**
- IV. Form 1 – Statement of Financial Interests**

Mr. Ward explained Mr. Robert Bishop’s letter of resignation was effective as of the date of the letter which was April 25, 2023. He called for a motion to accept the letter of resignation into the record.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, Robert Bishop’s letter of resignation was accepted for purposes of inclusion in the record.**

Mr. Ward indicated the Board could now fill Mr. Bishop’s seat with a simple motion and second. He noted Mike Stewart was on the phone but indicated he would prefer to defer appointment until the next meeting.

The Board agreed to defer appointment of Mr. Stewart until the next meeting.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-6**

**Consideration of Resolution 2023-6, a Resolution of the Board re-designating the Officers of the District**

This Item was deferred until the next meeting.

**FIFTH ORDER OF BUSINESS**

**Consideration of Minutes**

**February 2, 2023 - Regular Meeting**

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 Richard Fischer seconded by Anthony Sansone and with all in favor, the February 2, 2023 Regular Meeting Minutes were approved.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Audited Financial Statements**

**Consideration of and Acceptance of the Audited Financial Statements for the Fiscal Year 2022, which ended September 30, 2022**

Mr. Ward introduced Mr. Jay Gaines with the firm of Berger, Toombs, Elam, and Frank.

Mr. Jay Gaines reviewed the Audited Financial Statements for the Fiscal Year ended September 30, 2022. He stated the audit reflected a clean opinion with respect to the financial position of the governmental activities in each major fund of Buckeye Park as of September 30, 2022 and the respective changes in the financial position in the budgetary comparison for the general fund for the year then ended. He noted this was called an unmodified opinion and this was the goal as it meant the numbers in the financial statements were materially correct. He reviewed the statement of net position which was approximately \$7.3 million dollars. He reviewed the statement of activities which showed total expenses, operating contributions, and forgiveness of debt. He reviewed the fund balance sheet. He discussed the bonds payable.

Mr. Richard Fischer asked if he understood correctly that the bonds on lot 2 were being retired.

Mr. Ward responded in the negative.

Discussion ensued regarding the bonds on lot 2; a building which was being constructed on lot 2; and how much the bonds on lot 2 were.

Mr. Gaines continued with his review. He discussed revenues and changes in fund balances and changes in net position. He reviewed the budget versus actuals statement. He indicated there was nothing in the notes which needed review. He noted the Independent Auditor's Report on Internal Control Over Financial Reporting and Compliance was clean. He reported there were no new findings and only clean opinions. He noted there were a couple findings leftover from the prior year; for one the current status was the finding was no longer applicable; for the other the District was no longer in default. He indicated other information required by the Auditor General was included, along with an attestation engagement on the District's compliance which had no findings. He noted a letter was sent to the Board disclosing certain required disclosures about the audit process and he was happy to answer any question about this letter or the audited financial statements.

**Audio cut out here for approximately one minute.**

Mr. Scott Steady: *So, this year's will be typical clean audit which would be nice if somebody bought within the District.*

Mr. Ward: *This was a nice one, it will just be better next year.*

Mr. Anthony Sansone: *(Indecipherable)?*

Mr. Ward: *The underlying debt is on lots 1 and 2.*

Mr. Kompothecras: *If they bought that, then this would be over?*

Mr. Ward: *The debt would be over. The CDD would still exist.*

Discussion ensued regarding the CDD District; the bond debt; the District owning the infrastructure and being intact as long as it owned the infrastructure; Districts having sovereign immunity which put some protections into place; and FedEx.

Mr. Ward called for a motion.

**On MOTION made by Richard Fischer, seconded Gary Kompothecras, and with all in favor, the Audited Financial Statements for the Fiscal Year 2022, which ended September 30, 2022 were accepted for purposes of inclusion in the record.**

**SEVENTH ORDER OF BUSINESS**

**Public Hearing**

**PUBLIC HEARINGS – FISCAL YEAR 2024 BUDGET AND SPECIAL ASSESSMENTS**

Mr. Ward explained the Public Hearing process noting there were two public hearings, the first related to the Budget itself, the second related to putting the assessments on the properties. He noted the assessments were the same as the year prior, as well as the debt service assessments.

**a) FISCAL YEAR 2024 BUDGET**

**I. Public Comment and Testimony**

Mr. Ward called for a motion to open the Public Hearing.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, the Public Hearing was opened.**

Mr. Ward asked if there were any members of the public present via audio or video with any comments or questions with respect to the Fiscal Year 2024 Budget; there were none. He noted there were no members of the public present in person. He called for a motion to close the Public Hearing.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, the Public Hearing was closed.**

**II. Board Comment and Consideration**

Mr. Ward asked if there were any questions or comments from the Board.

**III. Consideration of Resolution 2023-6, a resolution of the Board of Supervisors adopting the Annual Appropriation and Budget for Fiscal Year 2024**

Mr. Ward called for a motion to approve the budget beginning October 1, 2023 and ending on September 30, 2024.

**On MOTION made by Richard Fischer, seconded by Gary Kompothecras, and with all in favor, Resolution 2023-6 was adopted, and the Chair was authorized to sign.**

**b) FISCAL YEAR 2024 IMPOSING SPECIAL ASSESSMENTS; ADOPTING THE ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY**

Mr. Ward indicated this public hearing was related to the imposition of the special assessments for the general fund, it certified the assessment roll and approved the general fund assessment methodology related to the Fiscal Year 2024 budget.

**I. Public Comment and Testimony**

Mr. Ward called for a motion to open the Public Hearing.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, the Public Hearing was opened.**

Mr. Ward asked if there were any members of the public present in person or via audio or video with any comments or questions; there were none. He called for a motion to close the Public Hearing.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, the Public Hearing was closed.**

**II. Board Comment and Consideration**

Mr. Ward asked if there were any questions or comments from the Board; there were none.

**III. Consideration of Resolution 2023-7, a resolution of the Board of Supervisors imposing special assessments, adopting an assessment roll, and approving the General Fund Special Assessment Methodology**

Mr. Ward called for a motion.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, Resolution 2023-7 was adopted, and the Chair was authorized to sign.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-8**

**Consideration of Resolution 2023-8, a resolution of the Board of Supervisors designating dates, time, and location for regular meeting of the Board of Supervisor’s for Fiscal Year 2023**

Mr. Ward indicated this Resolution set the meeting dates, time, and location. He explained approval did not lock the Board into these dates and time but enabled the meetings to all be advertised in one publication. He indicated the meetings would be the first Thursday of each month at 11:30 a.m. at the

Holiday Inn Express and Suites in Bradenton, Florida 34212. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, Resolution 2023-8 was adopted, and the Chair was authorized to sign.**

## **NINTH ORDER OF BUSINESS**

### **Consideration of Resolution 2023-9**

**Consideration of Resolution 2023-9, a resolution of the Board of Supervisors of the Buckeye Park Community Development District designating its agent; providing for severability and providing an effective date**

Mr. Ward indicated Resolution 2023-9 authorized the Chairman to execute an affidavit for Manatee County that allowed some changes in density and other changes related to floor area ratio and outdoor storage.

*Mr. Scott Steady: So, the Chair can sign it on behalf of the District, especially if the County asks for it, you'll have a resolution.*

*Mr. Fischer: What it does is decreases your floor area ratio, the amount of building you can put on the lot, and even though they seem to be approving outdoor storage, like Mike Stewart's lot, it says right on it "outdoor storage" and they approved it, just so that there is – and the way I've always anticipated that when they said no outdoor storage, what they were really saying is, as a type of business, where you put boats and your motor homes, and maybe park your semi tractor trailers, no, but if there's a product outside and it's part of your principle business, for example pipes and I'm a pipe company, then you're okay. Having said that, we're modifying the ordinance to state specifically that you're allowed to do outdoor storage.*

*Mr. Steady: What you are approving though, let me make sure you're comfortable, but Manatee County is asking, in order to do this, that all property owners, so we're just doing it for our property. This motion is not on behalf of the District, like, on your behalf. It's on behalf of the property that the District owns. That's my understanding.*

*Mr. Fischer: Yeah, but it's in everybody's best interest. The only reason I contacted California, they don't care, they're already built. Unless they tear the building down. And they got in prior to the adoption of this ordinance because it looks to me like they're at 0.75 already. They just got parking around the building.*

Discussion of the Resolution continued, and of when the ordinance might be passed.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, Resolution 2023-9 was adopted, and the Chair was authorized to sign.**

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**I. District Attorney**

No report.

**II. District Engineer**

No report.

**III. District Manager**

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

**1. June 1, 2023 Regular Meeting Canceled**

**b) Supervisor of Elections Qualified Elector Report dated April 15, 2023**

**c) Financial Statement for period ending January 31, 2023 (unaudited)**

**d) Financial Statement for period ending February 28, 2023 (unaudited)**

**e) Financial Statement for period ending March 31, 2023 (unaudited)**

Mr. Ward indicated Statute required the Supervisor of Elections to report the number of registered voters within the District as of April 15<sup>th</sup> of each year. He stated obviously there were no registered voters in this District. He explained the number of registered voters was only significant in a residential district which was transitioning from a developer/landowner board to a qualified elector board. He noted no action was required of the Board, but Statute still required this number to be reported annually.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor’s Requests and Audience Comments**

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

**TWELFTH ORDER OF BUSINESS**

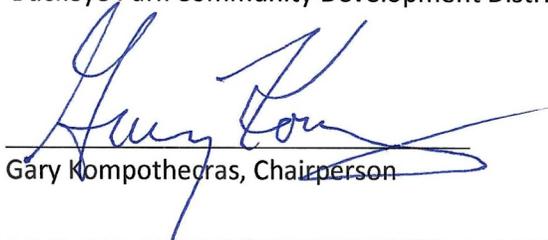
**Adjournment**

Mr. Ward adjourned the meeting at approximately 12:26 p.m.

**On MOTION made by Richard Fischer, seconded by Anthony Sansone, and with all in favor, the meeting was adjourned.**

Buckeye Park Community Development District

  
James P. Ward, Secretary

  
Gary Kompothecras, Chairperson