

JPWard and Associates, LLC

**TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

REGULAR MEETING

AGENDA

April 26, 2018

Board of Supervisor's

**Michael Dady, Chairperson
Neale Montgomery, Vice Chairperson
Richard Brylanski, Assistant Secretary
Adam Lerner Assistant Secretary
Leah Phpelka, Assistant Secretary**

www.ternbaycdd.org

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**Prepared by:
JPWard and Associates, LLC
TOTAL Commitment to Excellence**

TERN BAY COMMUNITY DEVELOPMENT DISTRICT

April 17, 2018

Board of Supervisors
Tern Bay Community Development District

Dear Board Members:

The Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District will be held on Thursday, April 26, 2018 at **10:00 a.m.** at the **Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.**

1. Call to Order & Roll Call
2. Consideration of Minutes
 - a) September 19, 2018 Regular Meeting
3. Consideration Acquisition of land that is now owned by Tern Bay Acquisitions, LLC.
4. Staff Reports
 - a) Attorney
 - b) Engineer
 - c) Manager
 - I. Asset Manager Report
5. Supervisor's Requests and Audience Comments
6. Adjournment

The second order of business is consideration of the minutes of the September 19, 2018 meeting.

The balance of the Agenda is standard in nature and I look forward to seeing you at the meeting, and if you have any questions and/or comments, please do not hesitate to contact me directly at (954) 658-4900.

Yours sincerely,
Tern Bay Community Development District



James P. Ward
District Manager

**THE MINUTES OF THE REGULAR MEETING
TERN BAY COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District was held on **Tuesday, September 19, 2017, at 9:30 a.m.**, at the **Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.**

Board Members Present:

Michael Dady	Chairperson
Adam Lerner	Assistant Secretary
Leah Popelka	Assistant Secretary

Also Present were:

James P. Ward	District Manager
Scott Clark	District Counsel
Bill Riley	Asset Manager
Matt Morris	District Engineer

Absent were:

Neale Montgomery	Vice Chairperson
Rick Brylanski	Assistant Secretary

Audience Present were:

Tom Fillenworth	Resident
Ceil Fillenworth	Resident
Bill Karlen	Resident
Cathy Karlen	Resident

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 9:40 p.m., and roll call determined all members of the Board were present with the exception of Supervisor Montgomery and Supervisor Brylanski.

2. Consideration of Minutes

June 13, 2017 Meeting

Mr. Ward asked if there were any additions, corrections, or deletions to the minutes. Mr. Clark noted he was present in person at this meeting.

Motion was made by Ms. Popelka and seconded by Mr. Lerner to accept the meeting minutes of June 13, 2017, with the above change, and with all in favor, the motion was approved.

3. Consideration of Resolution 2017-5 Amending the Date of the Public Hearing for Consideration of the Fiscal Year 2018 Proposed Budget

Mr. Ward stated this resolution changed the Public Hearing date, time and location to today's date, time and location.

Motion was made by Mr. Dady and seconded by Ms. Popelka, to approve Resolution 2017-5 the date of the Public Hearing as described above, and with all in favor, the motion was approved.

4. Public Hearings

a. Fiscal Year 2018 Budget

I. Mr. Ward asked for a motion to open the Public Hearing.

Motion was made by Mr. Dady and seconded by Ms. Popelka, to open the Public Hearing, and with all in favor, the motion was approved.

II. Mr. Ward stated he had received no written comments from the public to the adoption of the budget. He asked the audience for comment. Hearing none, he asked for a motion to close the Public Hearing.

Motion was made by Mr. Dady and seconded by Mr. Lerner, to close the Public Hearing, and with all in favor, the motion was approved.

III. Mr. Ward called for consideration of Resolution 2017-6 which adopted the annual appropriation and the Budget for Fiscal Year 2018.

Mr. Dady commented there were no changes to the Budget, which was an austerity budget, and he noted Mr. Ward continued to do a good job in keeping to the budget.

Motion was made by Mr. Dady and seconded by Ms. Popelka, to approve Resolution 2017-6 to adopt the Budget for Fiscal Year 2018, and with all in favor, the motion was approved.

b. Fiscal Year 2018 Imposing Special Assessments; Adopting an Assessment Roll and Approving the General Fund Special Assessment Methodology

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

Motion was made by Mr. Dady and seconded by Mr. Lerner, to open the Public Hearing, and with all in favor, the motion was approved.

II. Mr. Dady asked if all properties were direct billed which could be direct billed.

Mr. Ward responded all properties which were not in foreclosure were on the assessment rolls and all properties which were in foreclosure were direct billed. He said the rolls had been certified yesterday.

Mr. Dady said he was referring to the lots which the Board was not aware people owned, which evidently were on roll because certificates had been sold.

Mr. Ward responded if lots were in foreclosure, they would still be billed directly, including those lots which we sold by certificates, those are all lots that were in the foreclosure proceeding.

It was pointed out that 2006 and 2007 certificates were the original sales, and there were sales in 2008, 2009, and 2010 before the platted lots were taken off the roll.

Mr. Ward added although some of the certificates were selling and people were taking title, the buyers were putting them back on the market through a real estate agent and selling them. He said he then gets phone calls from individuals who had either already purchased or were in the process of purchasing. He said if these individuals were in the process, he could steer them away from purchasing, but if they had already purchased, he had to tell them that they did not own the lot anymore.

It was asked if everything had been done to put enough information in the public records to inform the public. The response was there was plenty of information if people would look, but unfortunately these transactions had been done without title searches.

Mr. Ward commented the properties were being purchased by Quit Claim Deed instead of a Warranty Deed without having title insurance.

Mr. Ward added he would send the new rolls to Mr. Clark to look at to see if there were any problems.

Mr. Ward then asked if there was any public comment or testimony with respect to the adoption of the Assessment Roll Methodology or anything else.

An audience member asked if it was the same as always. Mr. Ward responded affirmatively.

Mr. Ward then requested a motion to close the Public Hearing.

Motion was made by Ms. Popelka and seconded by Mr. Dady, to close the Public Hearing, and with all in favor, the motion was approved.

III. IMr. Dady said the Board needed to make a note for next year to reflect the new master plan. Plan changes had amended the master plan for the project, and now there was a final rezoning in October to bring Tern Bay into conformance with those changes, which lowered the number of units from 1800 to 1300. He said he didn't know if this affected the ability to put more assessments on the land.

Mr. Clark responded when the zoning came through, it would be appropriate to send the final result to himself and Mr. Ward so that next year the methodology could be revised.

Mr. Ward said that would be for the General Fund; and at that point, the bond methodology could be revised, which was more complicated.

An audience member asked since there would be fewer homes, would each home be charged more in taxes. The response was affirmative.

Mr. Ward called for a motion to adopt the Resolution 2017-7.

Motion was made by Ms. Popelka and seconded by Mr. Dady, to adopt Resolution 2017-7, and with all in favor, the motion was approved.

5. Consideration of Resolution 2017-8 Designating the Dates, Time and Location for Regular Meetings of the Board of Supervisors of the District

Mr. Ward called for comments from the Board regarding this resolution which designated the second Tuesday of each month at 9:30 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Mr. Dady requested the time of the meetings be moved from 9:30 a.m. to 10:00 a.m.

Motion was made by Mr. Dady and seconded by Ms. Popelka, to adopt Resolution 2017 with the time change noted above, and with all in favor, the motion was approved.

6. Staff Reports

a) District Attorney

Mr. Dady asked Mr. Clark about the Homeowner’s Association work which had been done. Mr. Dady said the association had been reactivated and asked if new officers had been installed.

Mr. Clark responded new officers had been installed, but he did not remember their names. He said there should be an annual meeting coming up in January or February, and he would inform Mr. Dady.

Mr. Dady asked Mr. Clark to ask his colleagues who worked on the HOA if there was any publication and to dove tail that with a CDU meeting. This would be good for the residents.

An audience member stated residents received notification of the meetings.

Ms. Popelka asked if the lawsuits had been resolved. Mr. Dady responded he did not know, but they needed to find out.

b) Asset Manager

Mr. Riley was asked to report on storm damage from Hurricane Irma. He reported the bridges and pump station sustained no damage. He said some trees and lights were down, and the landscapers would take care of that. He said there was no damage from storm surge.

c) District Engineer – No Repot given.

d) District Manager – No report given.

7. Supervisor's Requests and Audience Comments

There were no comments or discussion from the Board or audience.

8. Adjournment

Motion was made by Ms. Popelka and seconded by Mr. Lerner to adjourn the meeting, and with all in favor, the motion was approved.

The meeting was adjourned at approximately 10 a.m.

**Tern Bay Community Development
District**

James P. Ward, Secretary

Michael Dady, Chairman