

**MINUTES OF 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, July 14, 2020 at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Present and constituting a quorum:

Russell Smith	Chairperson
Christopher Hasty	Vice Chairperson
Anthony Burdett	Assistant Secretary
Barry Ernst	Assistant Secretary

Absent:

Ashley Kingston	Assistant Secretary
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Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel

Audience:

Kathy Carlen (ph)

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

District Manager James P. Ward called the meeting to order at approximately 10:03 a.m. He reported with the State of Emergency in Florida, and pursuant to Executive Orders 20-52, 20-69, 20-112, 20-114, and 20-150 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, May 8, 2020, and June 23, 2020, and pursuant to Section 120.54(5)9b)2., Florida, Statutes, this meeting was held utilizing communication media technology due to the current COVID-19 public health emergency. He explained all Members of the Board and Staff were present via videoconference or telephone; no persons were present in the on-site meeting room location. He asked all speakers to state their names for the record prior to speaking. He conducted roll call; all Members of the Board were present constituting a quorum, with the exception of Supervisor Russell Smith and Supervisor Ashley Kingston. Supervisor Russell Smith arrived after the Second Order of Business at approximately 10:06 a.m.

SECOND ORDER OF BUSINESS

Consideration of Minutes.

June 9, 2020 – Regular Meeting

Mr. Ward asked if there were any additions, corrections, or deletions for the June 9, 2020 Regular Meeting Minutes. Hearing none, he called for a motion.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, the June 9, 2020 Regular Meeting Minutes were approved.

THIRD ORDER OF BUSINESS**PUBLIC HEARING**

Mr. Ward indicated the primary purpose of today's meeting was to conduct two public hearings with respect to the Fiscal Year 2021 Budget for the District.

a. PUBLIC HEARING – FISCAL YEAR 2021 BUDGET**I. Public Comment and Testimony**

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

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, the Public Hearing was opened.

Mr. Ward noted the Budget was significantly different than the Fiscal Year 2020 Budget due to a new and active developer. He indicated the Budget included operations for the anticipated facilities to be owned and operated by the District in the forthcoming Fiscal Year. He reported the total Budget for Fiscal Year 2021 was \$822,195 dollars and included items related to administrative operations and certain operations related to the lift station before transfer to Charlotte County, the stormwater management system, road and street facilities, landscaping, irrigation, street lights and gate houses which would be constructed during the year. Assessment levels for the District were proposed at \$542.34 dollars per year for all residential units based on the new unit counts anticipated to be in the District next year. He stated this was the opportunity for any members of the public present by phone or video conference to ask questions or make comments with respect to the Budget. He indicated he saw a few members of the public were present via teleconference. He asked if there were any public comments or questions.

Ms. Kathy Carlen: I see on the Budget that my Fiscal Year 2020 was \$82.35, and my Fiscal Year 2021 will be \$542.34. That's for everybody in the entire development. Is that correct?

Mr. Ward responded in the affirmative. He asked if there were any other questions from the public; hearing none, he called for a motion to close the public hearing.

On MOTION made by Mr. Russell Smith, seconded by Mr. Barry Ernst, and with all in favor, the Public Hearing was closed.

II. Board Comment

Mr. Ward asked if there were any Board Comments; there were none.

III. Consideration of Resolution 2020-10 Adopting the Annual Appropriation and Budget for Fiscal Year 2021

Mr. Ward called for a motion for Resolution 2020-10.

On MOTION made by Mr. Russell Smith, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2020-10 was adopted, and the Chair was authorized to sign.

b. FISCAL YEAR 2021 IMPOSING SPECIAL ASSESSMENTS; ADOPTING AN ASSESSMENT ROLL, APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY AND SETTING AN OPERATIONS AND MAINTENANCE CAP FOR NOTICE PURPOSES ONLY

I. Public Comment and Testimony

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

On MOTION made by Mr. Barry Ernst, seconded by Mr. Russell Smith, and with all in favor, the Public Hearing was opened.

Mr. Ward explained this public hearing did nothing more than set in place the assessment rates for Fiscal Year 2021 which were discussed during the Budget public hearing. He asked if there was any public comment or testimony.

Ms. Kathy Carlen: This special assessment is for every single property or are some properties excluded?

Mr. Ward: This is for all properties in the District subject to the assessment.

Ms. Carlen: Am I subject to the assessment?

Mr. Ward responded in the affirmative. He asked if there were any other questions from the public; hearing none, he called for a motion to close the Public Hearing.

On MOTION made by Mr. Russell Smith, seconded by Mr. Barry Ernst, and with all in favor, the Public Hearing was closed.

II. Board Comment

Mr. Ward stated Resolution 2020-11 adopted the assessments for Fiscal Year 2021, adopted the assessment roll and the methodology used to levy the assessments. He asked if there were any questions; there were none.

III. Consideration of Resolution 2020-11 imposing special assessments, adopting an assessment roll, and approving the general fund special assessment methodology

On MOTION made by Mr. Barry Ernst, seconded by Mr. Russell Smith, and with all in favor, Resolution 2020-11 was adopted, and the Chair was authorized to sign.

IV. Consideration of Resolution 2020-12 setting an operations and maintenance cap for notice purposes only

Mr. Ward explained Resolution 2020-12 set a cap rate for the assessment pursuant to Exhibit A; the rate adopted today would have a cap rate of \$596.58 dollars. He explained this meant the District could adopt future Budgeted General Fund rates for years after 2021 without having to send mailed notice to all property owners in the District as long as the District assessments remained below \$596.58 dollars. He noted if the District assessment rates went over the cap rate of \$596.58 dollars, the District would be required to send mailed notice to all residents prior to adopting the new assessment rates. He stated this was an optional Resolution but was recommended for approval. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Christopher Smith, seconded by Mr. Barry Ernst, and with all in favor, Resolution 2020-12 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS**Resolution 2020-13****Consideration of Resolution 2020-13 designating dates, time, and location for regular meeting of the Board of Supervisor's for Fiscal Year 2021**

Mr. Ward stated Resolution 2020-13 set the Board Meeting dates, time and location for Fiscal Year 2021. He noted the dates, times and locations were not fixed and could be changed, added to, or subtracted from as the Board deemed appropriate. He indicated Meetings were scheduled for the second Tuesday of every month at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954. Mr. Ward asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Christopher Hasty, seconded by Mr. Barry Ernst, and with all in favor, Resolution 2020-13 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS**Staff Reports****a) Attorney**

Mr. Urbancic: We have the validation hearing on Friday. It's virtual, so hopefully we will have the Engineer and Mr. Ward, and hopefully Russ can participate as well, just in case there are any questions.

Mr. Russell Smith: I would love to.

Mr. Urbancic: And you don't have to drive anywhere, so that's good. Other than that, I didn't have any further update.

Mr. Hasty: Hey, Greg, I was going to listen in on that as well. Is that a problem with our Sunshine laws?

Mr. Urbancic: No. You will be fine. As long as you aren't talking about official District business in the background it will be fine.

b) Engineer

No report.

c) Manager

- I. Field Manager Report
- II. Financial Statement for the period ended May 31, 2020 (Unaudited)

Mr. Ward indicated he did not have a report unless there were any questions; there were none.

SIXTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

There were no Supervisor's requests or audience comments.

SEVENTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 10:19 a.m.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, the meeting was adjourned.



James P. Ward, Secretary



Tern Bay Community Development District
Russell Smith, Chairperson