



**SOUTH BAY
COMMUNITY DEVELOPMENT
DISTRICT**

**HILLSBOROUGH COUNTY
REGULAR BOARD MEETING
SEPTEMBER 9, 2022
1:00 P.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

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561.630.4922 Telephone
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AGENDA
SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT
Sunset Grill and Beach Bar
602 Bahia Del Sol Drive
Ruskin, Florida 33570
REGULAR BOARD MEETING
September 9, 2022
1:00 P.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Approval of Minutes
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- F. Old Business
- G. New Business
- H. Reports
 - 1. Manager’s Report
 - a. Financial Report.....Page 7
 - 2. Legal Report
 - 3. Engineer’s Report
 - 4. Chairman’s Report
 - 5. POA Report
- I. Administrative Matters
- J. Comments by the Public for Matters not on the Agenda
- K. Board Members Comments
- L. Adjourn

Tampa Bay Times
Published Daily

STATE OF FLORIDA
COUNTY OF Hillsborough

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Before the undersigned authority personally appeared **Jessica Attard** who on oath says that he/she is **Legal Advertising Representative** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter **RE: FY 2021/2022 REGULAR MEETING SCHEDULE** was published in **Tampa Bay Times; 9/29/21** in said newspaper in the issues of **Baylink Hillsborough**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida each day and has been entered as a second class mail matter at the post office in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2021/2022 REGULAR MEETING
SCHEDULE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the South Bay Community Development District (the "District") has revised their Fiscal Year 2021/2022 Regular Meeting Schedule by holding Regular Meetings at the Sunset Grill and Beach Bar located at 602 Bahia del Sol Drive, Ruskin, Florida 33570, at 1:00 p.m. on the following dates:

- October 8, 2021
- November 12, 2021
- December 10, 2021
- January 14, 2022
- February 11, 2022
- March 11, 2022
- April 8, 2022
- May 13, 2022
- June 10, 2022
- July 8, 2022
- August 12, 2022
- September 9, 2022

The purpose of the meetings is to conduct any and all business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (941) 244-2805 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (941) 244-2805 and/or toll-free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT
www.southbaycdd.org
PUBLISH: TAMPA BAY TIMES 09/29/21

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Signature Affiant

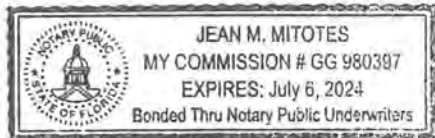
Sworn to and subscribed before me this 09/29/2021



Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 12, 2022**

A. CALL TO ORDER

The August 12, 2022, Regular Board Meeting of the South Bay Community Development District (the “District”) was called to order at 1:00 p.m. at the Sunset Grill and Beach Bar located at 602 Bahia del Sol Drive, Ruskin, Florida 33570.

B. PROOF OF PUBLICATION

Proof of publication was presented that indicated Notice of the Regular Board Meeting had been published in the *Tampa Bay Times* on September 29, 2021, as part of the District’s Fiscal Year 2021/2022 Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

It was determined that the following Supervisors constituted a quorum and was in order for the meeting to commence:

Chairman	Brett Vogeler	Present
Vice Chairman	Leah Popelka	Present
Supervisor	Kelly Evans	Present
Supervisor	W. Thomas Grimm	Present
Supervisor	Mary Madden	Present

The following staff were in attendance:

District Manager	William Crosley	Special District Services, Inc.
District Engineer	Rick Brylanski (via phone)	Hole Montes, Inc.

Also present were Glenn Patton, Hector Bertrand, Dann & Stella Beauchemin, Ian Brown, Kat Ross, Rick Soran, Michelle Davis, Melinda Calves, J. Cappoli, T. Gurry, John McEneaney.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

E. APPROVAL OF MINUTES

1. June 10, 2022, Regular Board Meeting

The June 10, 2022, Regular Board Meeting minutes were presented for consideration.

A **motion** was made by Ms. Popelka, seconded by Ms. Evans and passed unanimously approving the minutes of the June 10, 2022, Regular Board Meeting, as presented.

The Regular Board Meeting was then recessed and the Public Hearing was opened.

F. PUBLIC HEARING

1. Proof of Publication

Proof of publication was presented that indicated Notice of the Public Hearing had been published in the *Tampa Bay Times* on July 20, 2022, and July 27, 2022, as legally required.

2. Receive Public Comment on Fiscal Year 2022/2023 Final Budget

There was no public comment on Fiscal Year 2022/2023 Final Budget.

A **motion** was then made by Mr. Grimm, seconded by Ms. Evans to close the Public Hearing and reconvened the Regular Board Meeting. The **motion** carried unanimously.

3. Consider Resolution No. 2022-03 – Adopting a Fiscal Year 2022/2023 Final Budget

Resolution No. 2022-03 was presented, entitled:

RESOLUTION NO. 2022-03

A RESOLUTION OF THE SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT ADOPTING A FISCAL YEAR 2022/2023 BUDGET.

A **motion** was made by Mr. Grimm to reduce the POA Maintenance line item to \$240,000. The **motion** died for lack of a second.

A **motion** was then made by Ms. Popelka, seconded by Ms. Evans and passed unanimously adopting Resolution No. 2022-03, amended to reflect \$623,173 for total expenses.

G. OLD BUSINESS

1. Discussion Regarding Parking Information

Mr. Grimm advised that there was no requirement for parking at the beaches and further indicated that he would have hesitancy to support paid parking, unless the SPE fenced off their private property so over flow parking could not be used on those locations and that paid parking was needed to prevent overcrowding on the beach parking lots not to keep ‘riff raff’ off of the beaches. Ms. Popelka stated that a sign could be posted on the private property letting people know that parking was not permitted in those areas. There was discussion regarding how resident taxpayers could be exempt from the parking fee. The rate hearing can address how District taxpayers can be considered since they are already paying assessments to the CDD for the operation and maintenance of the District owned parking lots and roads.

A **motion** was made by Ms. Madden, seconded by Ms. Evans approving the contract, in substantial form, allowing District Staff to make necessary changes and if possible, setting the public hearing for the October 14, 2022, meeting with proposed rates of Monday thru Friday \$3/hour \$15 max per day; weekends \$5/hour \$20 max per day including weekends and holidays. The **motion** passed unanimously.

H. NEW BUSINESS

1. Consider Resolution No. 2022-04 – Adopting a Fiscal Year 2022/2023 Meeting Schedule

Resolution No. 2022-04 was presented, entitled:

RESOLUTION NO. 2022-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2022/2023 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

The new owners of the Sunset Grill restaurant where the meetings are currently being held have agreed to allow the CDD to continue using the same location for the 2022/2023 fiscal year. Mr. Patton also indicated that in the event the meeting room at the restaurant was not available, the District could use the POA meeting room, if necessary. Mr. Crosley thanked the Suntex Group team for supporting the District regarding a meeting location.

A **motion** was made by Ms. Popelka, seconded by Ms. Evans and passed unanimously adopting Resolution No. 2022-04, as presented.

2. Discussion Regarding Unapproved Signs on District Property

Mr. Grimm advised that when Lennar came into the District to begin construction, they placed several signs which were approved. There are two banners near the sales office in addition to other signs that have been placed on District property, but have not been approved. Mr. Grimm indicated that the POA should be policing any new signs that are posted to ensure they are approved by the Board.

A **motion** was made by Mr. Grimm that all signs on District property be removed that have not been previously unless they are approved by the District Board. **Motion** failed due to lack of a second.

Mr. Vogeler stated that signs erected or placed on District property without permission or license by the District Board should be sent a letter from by the POA management company letting them know they are in violation. Lack of action by the entity who placed the sign to either have the sign removed or approved by the District Board will be referred to District Counsel to address. A written request and site plan reflecting the location of the sign should be submitted to the POA, as they have the current standards/specifications for signage that the Board had previously approved.

I. REPORTS

1. Manager's Report

a. Financial Report

Mr. Crosley presented the financial report. Mr. Vogeler commented that maintenance expenses are spent from that line item in the budget, not from operating. Mr. Vogeler also stated that he wanted to see the most current up-to-date balances for the reserve items on the financials, when available.

The Board approved an expense for Proway Services in the amount of \$30,710 for roadway maintenance that will be reflected on the next financial report.

2. Legal Report

There was no Legal Report at this time.

3. Engineer's Report

- **Discussion Regarding Signing and Pavement Marking Improvements**

Mr. Brylanski reported that he had received a proposal from Proway Services in the amount of \$31,700 for items such as a new ramp to bring a crosswalk into ADA compliance, a Miami curb along Bahia del Sol that will address drainage concerns, the installation of pedestrian crossing and one way signs, road striping, and the need to clear the retention area near the high and dry boat storage to better allow drainage and prevent further erosion. There are storm sewer areas that are not owned by the District that need maintenance to be performed by the POA or private owners in order to allow proper drainage. A proposal for the Mangrove Point parking area and a speed bump along Seagrape Drive will be brought to the Board at the next meeting. **Motion** by Ms. Popelka Second Ms. Evans, **Motion** passed unanimously.

4. Chairman's Report

Mr. Vogeler advised that the amount reflected on the budget for "taxes" is actually a use tax assessed by Hillsborough County. Mr. Vogeler also commented on the seawalls.

5. POA Report

Mr. Wanninger advised that he had requested that residents living in the District not have to pay for the beach parking and also that there was a proposal for additional landscaping along Bahia Beach Boulevard, near the SPE owned property.

Mr. Wanninger also reported that the POA had entered into a lease agreement with Suntex to lease the Inn lobby office spaces, pool areas, two tennis courts with ongoing remodeling to those areas with resurfacing the tennis courts, shuffleboard court and adding amenities such as a bocce ball court and corn hole games. A fitness center was also added on the Inn first floor. The additional street lighting along Seagrape Drive has been stalled because Teco wanted the District to convey the easement over to them in order for the lights to be installed. District Counsel stated that they would not recommend the District allow that. The POA will continue to look for another entity to move forward with additional lighting with the POA being the client to the entity installing the lights and the District will provide a license agreement to the POA allowing them to be installed.

J. ADMINISTRATIVE MATTERS

Mr. Crosley noted that the next meeting was scheduled for September 9, 2022.

K. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

A question from an unidentified resident was if the street maintenance would come from the Reserve for Maintenance line item in the budget. Those expenses would come from the reserve maintenance line item in the budget. Small repairs or maintenance items are the responsibility of the POA to maintain.

Airbnb rentals were discussed, which are the responsibility of the HOA documents for rentals or Hillsborough County to regulate.

L. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

M. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Popelka, seconded by Ms. Evans adjourning the Regular Board Meeting at 2:57 p.m. That **motion** passed unanimously.

Secretary/Assistant Secretary

Chair/Vice-Chair

FINANCIAL REPORT

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**