

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

The Board of Supervisors of the Boyette Park Community Development District held Public Hearings and a Regular Meeting on September 26, 2022 at 6:00 p.m., at the Hilton Garden Inn Tampa/Riverview/Brandon, 4328 Garden Vista Drive, Riverview, Florida 33578.

Present at the meeting:

David Puzzo	Chair
Bob Windheuser	Vice Chair
David Allen	Assistant Secretary

Also present:

Kristen Suit (via telephone)	District Manager
Lindsay Whelan (via telephone)	District Counsel
Chris Fisher (via telephone)	District Engineer
Greg Murphy	Supervisor Appointee

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Suit called the meeting to order at 6:02 p.m. Supervisors Windheuser, Puzzo and Allen were present. Supervisors Poellnitz and Bertram were not present. Mr. Windheuser stated that, other than Mr. Murphy, no other members of the were public present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
George Bertram, SEAT 5 (*Term Expires
November 2024*)**

Ms. Suit presented the resignation of Supervisor Bertram from Seat 5.

<p>On MOTION by Mr. Windheuser and seconded by Mr. Allen, with all in favor, the Resignation of Supervisor George Bertram from Seat 5, was accepted.</p>

FOURTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 5

Mr. Windheuser nominated Mr. Greg Murphy to fill Seat 5. No other nominations were made.

On MOTION by Mr. Windheuser and seconded by Mr. Puzzo, with all in favor, the appointment of Mr. Greg Murphy to fill Seat 5, was approved.

A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)

As Ms. Suit was not present in person due to the impending hurricane, she will administer the Oath of Office to Mr. Murphy at the November meeting. Mr. Murphy was advised that he cannot vote on today’s matters and he should file Form 1 with the Supervisor of Elections office in the county of his residence.

Ms. Whelan stated she will mail the Supervisors’ binder to Mr. Murphy. She discussed the Sunshine Law and public records requests.

- I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. Membership, Obligations and Responsibilities**
- III. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- IV. Form 8B: Memorandum of Voting Conflict**

FIFTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Anita Poellnitz, SEAT 1 (*Term Expires November 2022*)

Ms. Suit presented the resignation of Supervisor Poellnitz from Seat 1.

On MOTION by Mr. Windheuser and seconded by Mr. Allen, with all in favor, the Resignation of Supervisor Anita Poellnitz from Seat 1, was accepted.

Since a majority of the CDD Board Members also sit on the HOA Board, Ms. Suit suggested advertising the HOA meetings as CDD Workshops to avoid possible Sunshine Law violations. The Board felt that it is an unnecessary expense but might reconsider at the HOA’s April 2023 annual meeting.

SIXTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 1

- **Administration of Oath of Office to Newly Appointed Supervisor**

This item was deferred.

Mr. Allen stated he will not be attending the November meeting. Ms. Suit stated that since his Seat is up for election, he will need to submit a proxy form if he wants to be elected to the Board and a quorum will need to be established to conduct the meeting.

Ms. Whelan gave an overview of the Landowner election process and stated that this will be discussed in further detail during the Thirteenth Order of Business. Subsequently, going forward, the CDD will transition to the General Election process.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-06, Designating Certain Officers of the District, and Providing for an Effective Date

Ms. Suit presented Resolution 2022-06. Mr. Windheuser nominated the following slate of officers:

David Puzzo	Chair
Bob Windheuser	Vice Chair
Craig Wrathell	Secretary
David Allen	Assistant Secretary
Greg Murphy	Assistant Secretary
Vacant	Assistant Secretary
Kristen Suit	Assistant Secretary

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, Resolution 2022-06, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget.

A. Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2022-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Suit stated the proposed Fiscal Year 2023 budget was unchanged since last presented. She reviewed the On-Roll Assessment Table on Page 6.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Windheuser and seconded by Mr. Allen, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, Resolution 2022-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Special Assessments for Operations and Maintenance for Fiscal Year 2022/2023, Pursuant to Florida Law

- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s)**

These items were included for informational purposes.

- C. Consideration of Resolution 2022-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, the Public Hearing was closed.

Ms. Suit presented Resolution 2022-08 and read the title.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, Resolution 2022-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2021, Prepared by Grau & Associates

Ms. Suit presented the Audited Financial Report for the Fiscal Year Ending September 30, 2021 and noted the pertinent information throughout the Audit. There were no findings, recommendations, deficiencies on internal control or instances of noncompliance; it was a clean audit.

Mr. Puzzo asked if the purpose of the Audit is to ensure proper handling of the CDD accounts by the District Manager. Ms. Suit replied affirmatively. Ms. Suit and Ms. Whelan explained that this an annual statutory requirement; it is not in response to any specific inquiry.

Mr. Puzzo asked how often the CDD switches Auditors. Ms. Whelan stated, under statutory requirements, the CDD must go through the Request for Proposals (RFP) process every three to five years and, if the current Auditor is not doing a good job, the Board can choose to go out to RFP any time.

ELEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-09,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2021**

Ms. Suit presented Resolution 2022-09.

**On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor,
Resolution 2022-09, Hereby Accepting the Audited Financial Report for the
Fiscal Year Ended September 30, 2021, was adopted.**

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2022-10,
Amending the General Fund Portion of the
Budget for Fiscal Year 2021; and Providing
for an Effective Date**

Ms. Suit presented Resolution 2022-10. This budget amendment is necessary as expenditures exceeded revenues by an overall of \$11,955.

**On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor,
Resolution 2022-10, Amending the General Fund Portion of the Budget for
Fiscal Year 2021; and Providing for an Effective Date, was adopted.**

THIRTEENTH ORDER OF BUSINESS

**Update: Landowners' Meeting on
November 28, 2022 at 6:00 PM**

Ms. Suit stated Ms. Whelan will email the instructions for the Landowners' Meeting.

A. Seats Subject to Election

- **Seat 1, currently vacant**
- **Seat 2, currently held by David Allen**
- **Seat 3, currently held by Robert Windheuser**

B. Instructions, Proxy and Ballot

These items were included for informational purposes.

It was noted that Board Members wishing to retain a Seat on the Board and unable to attend the meeting were advised to execute a proxy form to have someone else vote on their behalf; they can also obtain proxies from other Landowners for the proxy holder to cast votes on their behalf.

FOURTEENTH ORDER OF BUSINESS

Ratification of Stormwater Needs Analysis

Ms. Suit presented the Stormwater Management Needs Analysis Report, which included adjustments and modifications discussed at the last meeting. She received confirmation that the County received the Report by the June 30, 2022 due date.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, the Stormwater Management Needs Analysis Report, was ratified.

FIFTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of August 31, 2022**

Ms. Suit presented the Unaudited Financial Statements as of August 31, 2022. A budget amendment for Fiscal Year 2022 will be necessary due to unexpected expenses, such as the preparation of the Stormwater Management Needs Analysis Report, Supervisor fees and Legal Advertising Fees. She expected the overall expenses to exceed budget by approximately \$11,000.

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, the Unaudited Financial Statements as of August 31, 2022, were accepted.

SIXTEENTH ORDER OF BUSINESS**Approval of April 25, 2022 Regular Meeting Minutes**

Ms. Suit presented the April 25, 2022 Regular Meeting Minutes.

On MOTION by Mr. Windheuser and seconded by Mr. Puzzo with all in favor, the April 25, 2022 Regular Meeting Minutes, as presented, were approved.

SEVENTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: *Kutak Rock LLP***

There was no report.

B. District Engineer: *Clearview Land Design, P.L.*

Mr. Fisher stated that the new construction development agreed with Mr. Murphy that one of the mitered end sections in a pond in the southwest corner needed to be repaired. Mr. Murphy stated the repair was completed.

A Board Member stated construction of several commercial businesses, a car wash and Pet Store commenced to the right and left of the CDD's entrances on Boyette Road. He asked if the CDD needs to be concerned. Ms. Whelan replied no and suggested Mr. Fisher contact the Project Engineer to confirm that there is no impact to the CDD stormwater system.

Mr. Fisher identified the roadway as a County right-of-way (ROW) and stated that the adjacent property stormwater drainage will tie and flow into the CDD northwest corner pond, as designed in the Master Plan. Due to rezoning for a pet store, the permit is not issued yet. He will circulate his findings upon further review of the Master Plan and the Southwest Florida Water Management District (SWFWMD) permits and contacting the Project Engineer.

A Board Member asked for ownership of the sidewalks and signage to be correctly defined on the map.

Ms. Whelan addressed concerns about the HOA reporting any illicit discharges into the CDD pond to the SWFWMD, as financial and liability responsibilities fall under the Maintenance Agreement with the HOA.

Mr. Fisher reviewed the Master Plan and confirmed that the pet store has manholes tied into the CDD’s manholes and that the swales are built into their design. The roadway also ties into manholes before it ties into the CDD’s systems. He ask the Developer if a Maintenance Agreement was specified in the purchase or sale agreement with the owner of the three-acre outparcel. Anything exceeding three acres will need its own drainage system.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

I. 595 Registered Voters in District as of April 15, 2022

II. NEXT MEETING DATE: November 28, 2022 at 6:00 P.M. (Landowners’ Meeting and Regular Meeting]

- **QUORUM CHECK**

Supervisors Murphy, Windheuser and Puzzo confirmed their attendance at the November 28, 2022 meeting. Staff will establish a quorum closer to the meeting date.

EIGHTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

NINETEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

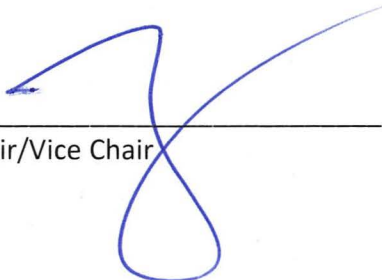
TWENTIETH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Allen and seconded by Mr. Puzzo, with all in favor, the meeting adjourned at 7:12 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair