

**MINUTES OF MEETING
OSPREY OAKS
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Osprey Oaks Community Development District held a Regular Meeting on May 1, 2023 at 6:30 p.m., at the Clubhouse of Osprey Oaks, located at 7054 Muscovy Court, Lake Worth, Florida 33463.

Present were:

Meredith Naim	Chair
Jeffrey Fuchs	Vice Chair
Ken Naim	Assistant Secretary
Nick Patrona	Assistant Secretary
John Flaherty	Assistant Secretary

Also present were:

Daniel Rom	District Manager
Ginger Wald	District Counsel
Jeff Schnars (via telephone)	District Engineer
Bryan Welch	HOA Property Manager
Yossi Azari	Resident
Pam Levin	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Naim called the meeting to order at 6:38 p.m. Supervisors Meredith Naim, Fuchs, Patrona and Ken Naim were present. Supervisor Flaherty was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments

Resident Pam Levin stated she has questions about a letter she received and a two-year-old report about a drainage issue with her fence, which was approved by the County twice.

Supervisor Flaherty joined the meeting at 6:39 p.m.

Mr. Rom stated the report in question is the District Engineer's Report. Some properties, including Ms. Levin's property and Mr. Azari's property, were identified as having potential drainage issues, such as a swale or artificial grass that could potentially inhibit drainage. In Ms. Levin's case, her private fence goes over part of the sewer drain pipe, which is technically in the

easement. Ms. Naim noted that the fence is an HOA issue. It was noted that the builder might have installed a fence but, in either case, a permit is required. Mr. Flaherty stated the HOA allowed homeowners permission to extend their fences to their true property line, even though the fences would be in a drainage easement; a waiver was signed with the County stating that the homeowner will move the fence, at their expense, should there be an issue. Ms. Naim reiterated that this is an HOA issue.

Ms. Wald stated the Report was prepared by the District Engineer in the course of normal business and the CDD took no action at that time because there was no issue. A courtesy letter was sent to advise Ms. Levin of the matter. As long as the stormwater system functions properly, the fence should not present an issue but it could be if access to the drain is an issue.

Resident Yossi Azari stated he is responding to the letter and he would like clarity from the HOA as to how to resolve the matter and restore flow in the area.

Ms. Naim stated the HOA will address the issue.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2023-01, Declaring a Vacancy in Seats 3 and 4 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date

Mr. Rom presented Resolution 2023-01. Since no candidate qualified to run for either Seat in the General Election, it is necessary to declare Seats 3 and 4 vacant so the Board can appoint qualified candidates to fill Seats 3 and 4, currently held by Supervisors Nick Patrona and Jeffrey Fuchs, respectively, as holdovers.

On MOTION by Ms. Naim and seconded by Mr. Flaherty, with all in favor, Resolution 2023-01, Declaring a Vacancy in Seats 3 and 4 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 3; Term Expires November 2026

Mr. Flaherty nominated Mr. Nick Patrona to fill Seat 3.

No other nominations were made.

On MOTION by Mr. Naim and seconded by Mr. Patrona, with all in favor, the appointment of Mr. Nick Patrona to Seat 3, was approved.

- **Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4; Term Expires November 2026**

This item, previously the Fifth Order of Business, was presented out of order.

Mr. Patrona nominated Mr. Jeffrey Fuchs to fill Seat 4.

No other nominations were made.

On MOTION by Mr. Patrona and seconded by Ms. Naim, with all in favor, the appointment of Mr. Jeffrey Fuchs to Seat 4, was approved.

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

Mr. Rom, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Patrona and Mr. Fuchs. Both were already familiar with the following:

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

FIFTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4; Term Expires November 2026

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

This item was addressed during the Fourth Order of Business.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2023-02,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Rom presented Resolution 2023-02. Mr. Fuchs nominated the following slate:

Chair	Meredith Naim
Vice Chair	Jeff Fuchs
Assistant Secretary	Nicholas Patrona
Assistant Secretary	John Flaherty
Assistant Secretary	Ken Naim
Assistant Secretary	Daniel Rom

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

On MOTION by Mr. Naim and seconded by Mr. Patrona, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

**Consideration of Lake Bank Erosion
Proposals**

- A. Allstate Resource Management, Inc.**
- B. American Shoreline Restoration, Inc.**
- C. Landshore Enterprises, LLC**

Mr. Rom recalled previous discussion about needed lake bank erosion remediation for one of the CDD’s lakes. Although the CDD has a Maintenance Agreement with the HOA, this is a capital item. As discussed, the HOA will solicit proposals and manage the project. A Joint Participation Agreement might be needed to allow the CDD to raise funds for the project.

Mr. Bryan Welch, of the HOA, stated that proposals were requested from the three companies most qualified to perform the work.

Mr. Rom stated that Mr. Schnars reviewed the proposals and all cover the same scope of work, all are reputable companies and the cost per linear foot seems to be the deciding factor. Allstate Resource Management, Inc. (Allstate) bid approximately \$188,000, American Shoreline Restoration, Inc. (ASR) bid approximately \$81,000 and Landshore Enterprises, LLC (Landshore) bid approximately \$101,500. Linear footage for the bids being equal, ASR was the lowest bidder.

Mr. Schnars stated he worked on this type of project with ASR in the past and ASR is well-qualified and offers the best price. All three companies' bids include fairly-equivalent materials and methodologies.

Discussion ensued regarding the bids and Mr. Schnars responded to questions.

Asked why Lake 3 has this issue and whether the other three lakes can have similar issues, Mr. Schnars stated the other lakes could. Lake 3 is the largest lake and larger lakes have more wind and stronger waves, which can cause more erosion. This is a common issue. He is unsure if the fountains or kayaks are contributing factors. He stated the CDD is obligated to maintain the integrity of the system, which includes maintaining a 4:1 lake bank slope, according to the South Florida Water Management District (SFWMD) requirements.

Asked if there is an advantage to selecting any of the other quotes, Mr. Schnars replied no; he has seen ASR's remediation work and all three bids propose the same type of geotube repairs. Mr. Schnars does not think he needs to draw up plans for this specific project.

Asked if littoral plantings could be recommended after repairs are done, Mr. Schnars stated this project will help to stabilize the bank. It is not a perfect end-all solution and, while it is a costly project, it is an economical solution that will help stabilize the bank for a longer time.

Discussion ensued regarding the project, pumping sand from the lake bottom versus trucking sand in and the 15-year warranty offered by ASR.

Mr. Fuchs noted that the bid includes installation of St. Augustine grass and asked if Citra Blue would be a better choice given ongoing issues in the CDD with mosaic disease. Mr. Schnars stated he cannot opine on the best choice of grass but the bid can be revisited if a landscaper recommends a different type of grass.

Mr. Schnars confirmed that his recommendation is to engage ASR.

The Board and Staff discussed including a contingency for a different grass type.

Ms. Wald stated the CDD and the HOA can enter into a Joint Participation Agreement whereby the CDD funds the project and the HOA enters into an agreement with a vendor or the CDD can enter into an agreement with a vendor directly. The Agreement with the HOA offers the benefit of on-site access to monitor progress and easement access to properties. Asked if use of CDD funds is an issue, Ms. Wald replied no, because the lakes are CDD assets so the repairs are considered a capital project.

Discussion ensued regarding the desire to avoid an assessment increase, the need to include repairs to any areas damaged during the course of the project and budget accurately, minimizing damage by utilizing staging areas, availability of funding, timing of the project and the HOA versus the CDD managing the project.

Mr. Naim noted that homeowners will essentially pay for the project regardless of whether it is funded by the HOA or the CDD. He echoed other Supervisors' support of the HOA managing the project.

Ms. Naim thinks it would be beneficial to allow the Maintenance Agreement to work for the benefit of the community. She noted the consensus is for the HOA to manage the project.

The Board and Staff discussed notifying the HOA that they are accepting of the ASR proposal, the need to approve a not-to-exceed amount and to allow for the 4% prepayment discount and contingency.

Mr. Schnars left the meeting at 7:29 p.m.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date

Mr. Rom presented Resolution 2023-03. He reviewed the proposed Fiscal Year 2024 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes.

Discussion ensued regarding the not-to-exceed amount for lake bank repairs, use of unassigned fund balance, goal to keep assessments as low as possible and working with the HOA on the lake bank repairs project.

Ms. Wald discussed the Joint Participation Agreement and responded to questions.

The schedule of payments to the vendor and the need to set a maximum assessment level were discussed.

Ms. Wald recommended budgeting the highest possible assessment in the proposed budget, which will be included in the Truth-in-Millage (TRIM) notices, with the understanding that the assessments can be decreased up to or at the Public Hearing but cannot be increased.

The following changes were made to the proposed Fiscal Year 2024 budget:

Page 1, "Lake bank repair" line item: Increase to \$100,000

On MOTION by Mr. Naim and seconded by Mr. Patrona, with all in favor, Resolution 2023-03, Approving a Proposed Budget for Fiscal Year 2023/2024, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for September 14, 2023 at 6:30 p.m., at the Clubhouse of Osprey Oaks, located at 7054 Muscovy Court, Lake Worth, Florida 33463; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Mr. Rom presented Resolution 2023-04.

On MOTION by Mr. Naim and seconded by Mr. Fuchs, with all in favor, Resolution 2023-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2023

- A. Check Detail
- B. Accounts Payable Invoices

These items were provided for informational purposes.

Mr. Rom presented the Unaudited Financial Statements as of March 31, 2023.

On MOTION by Ms. Naim and seconded by Mr. Naim, with all in favor, the Unaudited Financial Statements as of March 31, 2023, were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of August 1, 2022 Public Hearing and Regular Meeting Minutes

Mr. Rom presented the August 1, 2022 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Naim and seconded by Mr. Flaherty, with all in favor, the August 1, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Ms. Wald stated she will draft the Joint Participation Agreement. She suggested the District Manager communicate with the HOA and advised that the Board must approve the Agreement.

On MOTION by Ms. Naim and seconded by Mr. Flaherty, with all in favor, appointing and authorizing Vice Chair Fuchs to negotiate and execute a Joint Participation Agreement with the HOA, with a CDD contribution not-to-exceed \$100,000, was approved.

Ms. Wald suggested Mr. Flaherty advise the HOA to get the contract in place without signing it so that all specifications and actual costs and the scope of work will be known.

- B. District Engineer: Schnars Engineering Corporation

There was no report.

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

- **439 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: June 5, 2023 at 6:30 P.M.**
 - **QUORUM CHECK**

The next meeting will be June 5, 2023, unless canceled.

THIRTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Fuchs stated he did not receive a 1099 and asked if any legislative changes will affect CDDs.

Ms. Wald stated she believes the Board Supervisors will be required to complete a Sunshine Law and Ethics Continuing Education course. She will provide additional information when available. She reminded the Board Members that they should receive Form 1 in late May or early June and it is due on July 1, 2023. It is each Supervisor's individual responsibility to send them to the Supervisor of Elections of the County in which they reside.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Ms. Naim and seconded by Mr. Flaherty, with all in favor, the meeting adjourned at 8:18 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair