

**MINUTES OF MEETING  
BOYNTON VILLAGE  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Boynton Village Community Development District’s Board of Supervisors was held on **Tuesday, February 10, 2015 at 10:30 a.m.**, at **2300 Glades Road Blvd., Suite 202E, Boca Raton, Florida 33431.**

**Present and constituting a quorum were:**

Adam Freedman	Chair
Jim Gielda	Vice Chair
Gary Einfalt	Assistant Secretary
Mike Oliveri ( <i>via telephone/in person</i> )	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Rick Woodville	Wrathell, Hunt and Associates, LLC
Jeff Schnars	District Engineer
Gerry Knight	District Counsel
William “Bill” Horowitz	Landowner/Property Manager
John Markey	Developer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 10:37 a.m.

- **Administration of Oath of Office to Newly Elected Supervisors [Seats 1, 2 & 5] (*the following to be provided in a separate package*)**

**\*\*\*This item, previously the Third Order of Business, was presented out of order.\*\*\***

Mr. Wrathell reported that a Landowners’ Meeting was held on November 11, 2014. Mr. Mike Oliveri received 491 votes for Seat 1, Mr. Michael Smith received 492 votes for Seat 2 and Mr. Gary Einfalt received 492 votes for Seat 5. Mr. Smith and Mr. Einfalt will serve four-year terms and Mr. Oliveri will serve a two-year term.

Mr. Wrathell indicated that Mr. Smith was not present and Mr. Oliveri was currently attending via telephone but should be present towards the end of the meeting.

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Einfalt.

Mr. Wrathell provided and briefly explained the following items:

- 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**

Mr. Wrathell indicated that Mr. Einfalt was familiar with all documents and completed Form 1 when he qualified for the election.

▪ **Roll Call**

*\*\*\*This item, previously part of the First Order of Business, was presented out of order.\*\*\**

Mr. Wrathell noted, for the record, that Supervisors Freedman, Giolda and Einfalt were present, in person. Supervisor Oliveri was attending via telephone. Supervisor Smith was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Elected Supervisors [Seats 1, 2 & 5] (the following to be provided in a separate package)**

This item was addressed during the First Order of Business.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-1, Canvassing and Certifying the Results of the Landowners' Election**

Mr. Wrathell presented Resolution 2015-1 for the Board's consideration. He indicated that the Landowners' Meeting was held on November 11, 2014.

**On MOTION by Mr. Freedman and seconded by Mr. Einfalt, with all in favor, Resolution 2015-1, Canvassing and Certifying the Results of the Landowners' Election, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-2, Electing Officers of the District**

Mr. Wrathell presented Resolution 2015-2 for the Board's consideration. He explained that, following an appointment or election, the Board is required to consider its slate of officers.

Mr. Wrathell indicated that, currently, Mr. Freedman serves as Chair, Mr. Giolda as Vice Chair, Supervisors Smith, Einfalt and Oliveri as Assistant Secretaries, along with himself as Secretary and Treasurer and Mr. Woodville as Assistant Secretary.

Mr. Freedman nominated the existing slate of officers. No other nominations were made.

**On MOTION by Mr. Freedman and seconded by Mr. Einfalt, with all in favor, Resolution 2015-2, Electing Officers of the District, as nominated, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Discussion: Easements that May Require Modification for Re-plat of the Undeveloped Portions of the Project**

Mr. Schnars presented an overall plan of the Cortina property and anticipated an approved site plan and completing the final engineering plans. He pointed out that the current plan includes a single-family component of 115 houses on the south end and east side of Renaissance Commons Boulevard, an apartment community on the northeast side and two condo towers on the west. Staff is working on the final plans for all property on the east, plus the road running east/west through the condo parcel; however there are no plans to build the condos.

Mr. Schnars reported that the east side construction involves reconfiguration of the existing lake and relocation of the park. The existing lake will be moved slightly west and be smaller and a new lake will be to the south in the middle of the single-family lots. He indicated that the survey of the lake will be corrected because it does not match the South Florida Water Management District (SFWMD) permit.

Mr. Schnars referred to a five acre park on the south end of the east side of the road, which is owned by the city. A conceptual deal was made with the city to relocate a three-acre park to the west side of the new large lake. He believed that this should satisfy the city, because of the improved location and enhancements to the park. This will occur following approval of the site plan.

In response to Mr. Knight's question, Mr. Schnars indicated that the city owns the lake. Mr. Knight asked if the parcels will be expanded to enlarge the lake. Mr. Schnars explained that the property owned by the city, in its current location, will be smaller and there will be a new lake, which will be turned over to the CDD. Mr. Knight questioned whether this is an equal swap, acreage for acreage. Mr. Schnars pointed out that the water surface will be larger but was unsure if the land area would be equal because the existing lake has more bank.

Mr. Knight asked whether the CDD paid for the lake from its bond funds. Based on his perusal of the Engineer's Report, Mr. Schnars believed that the lake was conveyed and pointed out that the roadways were purchased. In response to Mr. Knight's question, Mr. Schnars indicated that he did not know if the CDD will own more land after the swap but the lake surface area will be larger.

Mr. Giolda asked whether the boundary change will be addressed through the replat and if the CDD will be a party to the plat. Mr. Knight felt that a dedication on the plat for the reconfigured lakes and a conveyance were necessary. Mr. Freedman pointed out that the park swap should be considered as the existing park is not part of the CDD boundaries. Mr. Knight asked who owns the land. Mr. Schnars confirmed that BR Cortina Acquisition, LLC owns the land where the new park will be located but the city owns the land where the current park is located, which is not part of the CDD and was "carved out. If the District wants to acquire the land, a petition to expand the District's boundaries would be necessary. Mr. Knight pointed out that the CDD will not be involved in the swap because it is between the landowner and the city; therefore, the Board can petition to expand the CDD's boundaries and verify whether the District paid for the land or lakes.

Aside from the tracts, Mr. Giolda asked if any easements were dedicated to the CDD that will change with the new reconfiguration for the final buildout. Mr. Schnars believed that no easements were dedicated to the CDD but, if any were, they may have been two drainage easements that drain Spine Road, which will remain in place. Mr. Schnars did not know if the

other internal easements on the previous plat for Cortina were dedicated to the CDD because nothing was ever built. Mr. Schnars will research this matter.

Mr. Gielda pointed out that, if the plan is to plat the WR-1 access road as a roadway tract and use CDD funds for the improvements, the infrastructure under the roadway will be conveyed; if CDD funds are used for the roadway, it should be conveyed. Mr. Freedman concurred and indicated that this matter should be discussed further. Mr. Knight inquired about remaining construction funds. Mr. Freedman replied that there were no construction funds; the funds must come from the developer. Mr. Knight indicated that the CDD can contract to build the road to benefit from the sales tax exemption. Mr. Schnars compared the financing of the road to the one in Osprey Oaks but pointed out that this could be accomplished by easements and not a separate tract.

Mr. Wrathell asked about stormwater reconfigurations, as the Board is concerned about what the District will receive in exchange. He felt that there may be an argument if the developer constructs and conveys the park, even though this is not stormwater related and there is still drainage related to it. Mr. Knight explained that it depends on if the land the CDD owns was acquired with bond funds.

Mr. Wrathell will research the requisitions to determine how the large lake was funded; however, he suspected that it was funded by the bonds. Mr. Knight believed that the excavation was funded by bond funds but questioned whether the District purchased the land where the lake was located. Mr. Freedman replied yes, according to the property appraiser. Mr. Schnars pointed out that it could have been conveyed without an exchange of funds. Mr. Wrathell recalled that the District had an appraisal. Mr. Einfalt noted that this is a moot point because a half-acre more of water surface must go into the system because it is undersized; he suspected that will be over the area currently owned. Mr. Knight advised that the District will be fine if it has more land after the swap than before. Mr. Schnars will research the matter.

Mr. Gielda concluded that the District has tract, easement and dedication issues and are looking at expansion of the boundaries.

Mr. Knight asked if the park will be owned and operated by the city. Mr. Schnars clarified that the park will be owned by the city and further improvements will be operated by the city; the developer will determine who is responsible for maintenance. Mr. Knight advised that if the developer maintains any part of the park, the District may want it to be assigned to the

CDD so residents can be assessed because they will benefit from the park. Mr. Gielda asked if the expectation is for the city to maintain it. Mr. Schnars acknowledged that the city is putting the onus on the District; a portion will be a dog park maintained by the District and a larger portion will be sodded and the CDD will maintain the landscaping.

Mr. Schnars voiced his understanding that the advantage to conveying the land to the CDD is because of the sales tax benefit; however, the land will end up with the association. Mr. Knight pointed out that it depends on the development order (DO) because it is currently, a technical land dedication of ownership to the city for the existing park tract. Mr. Knight pointed out that there will be an interlocal agreement for maintenance.

Mr. Wrathell questioned when the District will annex the property. Mr. Markey indicated that it will be quick but cannot occur before the actual land swap, unless the city signs off as a party to the boundary expansion. If the District wants to include Old Boynton Beach Boulevard, which is owned by the city, the city can execute the petition, as the owner, while the District completes the tract swap. Mr. Knight agreed with obtaining the city's consent but explained that technically, as defined in the Statute, public property does not have a landowner; for example if the District expanded its boundaries and annexed a roadway, it would not need to obtain the city's approval to annex the roadway.

Mr. Knight pointed out that the District does not want opposition from the city because the city council needs to approve the petition to expand the District's boundaries. Mr. Gielda asked if the expansion should be completed at the same time that the land swap is approved. Mr. Knight explained that the agreement to swap the properties will be approved with the site plan. Mr. Gielda pointed out that there must be a transfer of title. Mr. Schnars concurred with Mr. Markey that the land transfer should be completed with the plat. Mr. Einfalt stated that a revised site plan and plat must be completed. Mr. Schnars suggested waiting until the recording of the plat and Mr. Knight's recording of the deeds to do the land swap.

Mr. Schnars noted that going before the city commission for the plat and obtaining the petition to expand the boundaries can be accomplished at the same time. Mr. Knight will compile the necessary items to prepare the petition. Mr. Knight explained that the petition and ordinance must be adopted by the city commission. It is not the same as the ordinance that is adopted when a District is established; it requires two readings and one reading of the plat.

Discussion ensued regarding the timing and the documents for submittal. Mr. Markey suggested that the first reading occur after the rectified site plan is completed, the parcels are conveyed and the swap occurs and having the second reading after the final plat. It was noted that the association documents, for the single-family homes, should be included with the plat submitted to the city. Mr. Knight advised that the petition, land swap and plat should be submitted together.

Concern was expressed about why the CDD parcel was “carved out” and whether the city would have a problem with a CDD boundary over the new park location. Mr. Schnars did not know why the parcel was “carved out”.

Mr. Markey indicated that, since they are close to site plan approval and the conveyance is far enough along, the petition will be prepared and, once the conveyance occurs, as the landowner, he can approve the boundary expansion. Mr. Knight advised that the Opinion of Title is submitted with the petition, showing the consent of the owner of the property being annexed. Mr. Markey will coordinate this step with his attorney, Mr. Jeff Margolis.

Mr. Knight will prepare the petition and take the position of not getting consent from the city because the District is a public entity, or wait until approval of the ordinance.

Mr. Wrathell requested a motion to authorize staff to prepare and submit a petition to the City of Boynton Beach to expand the District.

Mr. Knight requested authorization to prepare a resolution and transmit it for execution.

**\*\*\*Supervisor Oliveri arrived, in person, at approximately 11:07 a.m.\*\*\***

▪ **Administration of Oath of Office to Newly Elected Supervisor Mike Oliveri**

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Oliveri.

**On MOTION by Mr. Giolda and seconded by Mr. Freedman, with all in favor, authorization for Staff to prepare and submit a petition to the City of Boynton Beach to expand the District, as discussed, and prepare Resolution 2015-3, for execution, was approved.**

This item was discussed during the Sixth Order of Business.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Expansion of CDD Boundary to Include the Land Where Current Park Tract is Located**

This item was discussed during the Sixth Order of Business.

In response to Mr. Knight’s question, Mr. Wrathell indicated that the next meeting will be February 24, 2015.

Mr. Knight advised that a resolution or motion to approve the land swap for the lakes was necessary. Mr. Wrathell will place an item on the next agenda titled “Lake property and road right-of-way swap”.

**NINTH ORDER OF BUSINESS**

**Potential Addition of Monument Signage for Future Development to be Located Along Congress Ave ROW**

Mr. Markey requested monument signage on Congress Avenue for the apartments, which are owned by Morguard Investments Limited (Morguard) and asked about easements. Mr. Freedman indicated that the Board must discuss this matter further.

In response to a Board Member’s question regarding whether there is room for signage, Mr. Markey indicated that there is a median, with no signage; there are opportunities for monuments on either side of the main east/west connector. Several locations were discussed, and a suggestion was made to place a monument sign next to the master association sign or rebuild the signs.

Mr. Markey asked if it makes sense for the District to acquire the road between Renaissance Commerce Boulevard and the Morguard property line, out to Congress Avenue, so that the CDD can maintain the road. Mr. Freedman noted that it makes sense because the road extends straight to Congress Avenue; however, the District does not want maintenance responsibilities. Mr. Freedman requested a copy of the plan from Mr. Markey.

**TENTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. September 9, 2014 Public Hearing and Regular Meeting**



**B. November 11, 2014 Landowner’s Meeting**

Mr. Wrathell presented the September 9, 2014 Public Hearing and Regular Meeting Minutes and the November 11, 2014 Landowner’s Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Giolda and seconded by Mr. Freedman, with all in favor, the September 9, 2014 Public Hearing and Regular Meeting Minutes and the November 11, 2014 Landowner’s Meeting Minutes, as presented, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being no report, the next item followed.

**B. Engineer**

There being no report, the next item followed.

**C. Manager**

**i. Approval of Unaudited Financial Statements as of December 31, 2014**

Mr. Wrathell presented the Unaudited Financial Statements as of December 31, 2014. He pointed out the “Balance Sheet”, on Page 1, and noted that there was \$1,276,857 in the SunTrust account, which was due to when tax collections arrived and the offset to debt service.

Mr. Wrathell referred to Page 2 and noted that assessment collections were at 100%, through the end of December. He pointed out that the “Debt Service” fund activity, on Page 3, corresponded to the 100% debt service assessment collections. On Page 4, there was \$191 in the “Capital projects” fund.

**On MOTION by Mr. Freedman and seconded by Mr. Oliveri, with all in favor, the Unaudited Financial Statements as of December 31, 2014, were approved.**

- ii. UPCOMING MEETINGS:**
  - A. February 24, 2015 at 10:30 A.M.**
  - B. March 10, 2015 at 10:30 A.M.**
  - C. March 24, 2015 at 10:30 A.M.**

The next meetings are scheduled for February 24, March 10 and March 24, 2015 at 10:30 a.m., at this location.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There being no Supervisors' requests, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Wrathell commented on the new meeting room and congratulated the Board.


There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Einfalt and seconded by Mr. Giolda, with all in favor, the meeting adjourned at 11:19 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair