

MINUTES OF MEETING BAHIA MAR COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Bahia Mar Community Development District was held on Monday, March 17, 2025 at 9:00 a.m. at 801 Seabreeze Blvd., Mariner Room, Fort Lauderdale, Florida 33316

Present and constituting a quorum were:

Kurt Drstvensek
Ben Gerber
Michael Sperling

Chairman
Assistant Secretary
Assistant Secretary

Also present were:

Ginger Wald
Andrew Gill
Juan Alvarez

District Counsel
District Manager
District Engineer (by phone)

FIRST ORDER OF BUSINESS

Oath of Office for Landon McNeil

Mr. Gill: The oath of office for Landon McNeil will be administered whenever he's in attendance at the next meeting.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Gill called the meeting to order and called the roll.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 18, 2024 Meeting

Mr. Gill: The next item on your agenda is the approval of the minutes of the November 18, 2024, Meeting. Are there any additions, deletions or corrections? Hearing none, I'll ask for a motion to approve those minutes.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, the Minutes of the November 18, 2024, Meeting were approved.
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March 17, 2025**Bahia Mar CDD****FOURTH ORDER OF BUSINESS****Consideration of:****A. Resolution #2025-02 Appointing Paul Winkeljohn as Secretary**

Mr. Gill: The next item is consideration of three resolutions, the first one is resolution #2025-02 and this resolution appoints Paul Winkeljohn as secretary. Paul Winkeljohn is in my office, he'll be taking the place of Rich Hans who is starting his transition into retirement, so Paul will be able to sign documents if needed or checks as the secretary. So, I'm just looking for a motion to approve.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, Resolution #2025-02 appointing Paul Winkeljohn as Secretary was approved.

B. Resolution #2025-03 Designating Michael J. Pawelczyk as the District's Registered Agent

Mr. Gill: The next item up is resolution #2025-03 and this resolution designates Michael Pawelczyk as the District's registered agent. Michael Pawelczyk is a partner at the current firm, Billings, Cochran, and I believe the current registered agent is actually retired, and as you know the District always has to have a registered agent. So, we're looking for a motion to approve.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, Resolution #2025-03 designating Michael J. Pawelczyk as the District's registered agent was approved.

C. Resolution #2025-04 Approving the Proposed Fiscal Year 2026 Budget and Setting the Public Hearing

Mr. Gill: The last resolution is resolution #2025-04 and this resolution will approve the proposed fiscal year 2026 and set the public hearing to adopt that budget. Included in your packet is that proposed budget for next year, we kept the budget flat. This District has a number of meetings that we may not need to have so the budget may be lower ultimately but, at this stage we'd like to sort of set a date. We can't increase the budget after today's meeting, but we can lower it at the budget adoption date. We have to have a 60-day cushion between the date that we propose the budget and set the actual public hearing. So, I'd like some input from the Board if July or August works or earlier for dates.

Ms. Wald: What dates do you have for June, July and August?

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Mr. Gill: June, we're looking at June 16th, July 21st, and August 18th, and with this District we don't meet very often so if you guys want to forego a meeting throughout the summer and push it to August, that's ok, or if you want to do it earlier, that's fine, I just want to make sure we have 3 members present for that meeting.

Mr. Gerber: So, June 16th, and what are the other ones?

Mr. Gill: July 21st and August 18th.

Ms. Wald: Those are our regular meeting dates, you basically can pick any date because we have to advertise it anyway.

Mr. Drstvensek: Right.

Mr. Gerber: So, July is the worst.

Mr. Gill: Ok.

Mr. Gerber: So, I think that August is good.

Mr. Gill: Ok, so August 18th?

Mr. Gerber: Yes.

Ms. Wald: And do you want to do it at 611 Seabreeze address then?

Mr. Gill: Yes.

Mr. Gerber: Perfect.

Mr. Gill: So, resolution #2025-04 this approves the proposed fiscal year 2026 budget and sets the public hearing. The public hearing date will be August 18, 2025, the location is 611 Seabreeze Blvd., Fort Lauderdale, Florida 33316 and that time will be 9:00 a.m. in the morning. I'm looking for a motion to adopt resolution #2025-04.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, Resolution #2025-04 approving the proposed Fiscal Year 2026 Budget and setting the Public Hearing on August 18, 2025 at 9:00 a.m. at 611 Seabreeze Blvd., Fort Lauderdale, Florida was approved.

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FIFTH ORDER OF BUSINESS

**Consideration of Agreement
between Marty Kiar, as
Broward County Property
Appraiser and Bahia Mar
Community Development
District for Non-Ad Valorem
Assessments**

Mr. Gill: Next up is item No. 5, this is consideration of an agreement between the Broward County Property Appraiser and Bahia Mar Community Development District. This is to allow your Non-Ad Valorem Assessments once they're ready to be placed on the tax roll. This document is a template provided by the Property Appraiser for all our District that have assessments on the tax roll. If there are no questions, I'll just ask for a motion to approve this agreement between the Property Appraiser and Bahia Mar Community Development District.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, accepting the Agreement between Marty Kiar, as Broward County Property Appraiser, and Bahia Mar Community Development District for Non-Ad Valorem Assessments was approved.

SIXTH ORDER OF BUSINESS

**Ratification of Engagement Letter
with Grau & Associates to
perform the Audit for Fiscal year
Ending September 30, 2024**

Mr. Gill: Item No. 6 is ratification of the engagement letter with Grau & Associates and this is to perform your audit for fiscal year ending September 30, 2024, and this is just a ratification of that engagement letter since we already selected Grau to be our auditor.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, ratifying the engagement letter with Grau & Associates to perform the audit for Fiscal Year ending September 30, 2024 was approved.

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SEVENTH ORDER OF BUSINESS

Corrective Quit Claim Deed

Mr. Gill: Next up is item No. 7 and that is the corrective quit claim deed, this to correct the Scrivner's error, and that quit claim deed is included in your packet. If there are no questions, I'll ask for a motion to accept the corrected quit claim deed.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, accepting the corrective Quit Claim Deed was approved.

EIGHTH ORDER OF BUSINESS

First Amendment to Declaration of Restrictive Covenants

Mr. Gill: Item No. 8 is a follow up to item No. 7 this is the First Amendment to Declaration of Restrictive Covenants, and this amends that Declaration of Restrictive Covenants for that Scrivner's error, so this one, I just need an approval for the first amendment.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, accepting the First Amendment to Declaration of Restrictive Covenants as amended was approved.

NINTH ORDER OF BUSINESS

Discussion of Declaration of Air Rights, Covenants, Easement & Restrictions for BM Podium

Mr. Gill: Item No. 9 I'll turn over to Ginger and this is the declaration of air rights.

Ms. Wald: Ok, so this lovely document that you had provided, and we went through it, I spoke with Barry yesterday, there were some items in sections I had pointed out because the CDD is a part of this declaration and we are governmental entity, similar to what we had before with the declaration that you just approved the first amendment, there are some issues in regard to the CDD as to indemnification, lien rights, self-help, that the CDD is excluded there from but, because it is a lumped agreement with all parties. So, I pointed those out to Barry, we went through them and so some of the items are dealing with limited shared facilities which the CDD is not going to be a part of. The other is dealing with the shared facilities which we do not anticipate that will be located within the CDD owned property once completed with the construction, and if that is correct, that's fine

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as well. If it is for some reason, we'll have to do some revisions there but, as of the plans that have been provided, they're not. The other thing that we agreed to was some catchall language that again we discussed previously, I prepared some language and provided it to Barry regarding that if the CDD is subject or requires performance of the CDD, it will only be applicable to the CDD as to the extent provided by Florida Law, and if there's any conflict, that Florida Law would control. So, other than that, oh, one other thing, sorry, we had to send it over to the District engineer who I believe is also on the video conference in regards to the review of exhibit B, and exhibit B being the portion of the air space where the construction of the CDD parking spaces/improvements are going to be located, and so I'll let Juan give his 2 cents as to his review thereof to see if it's in compliance with the engineers report or whether any revisions would be needed.

Mr. Alvarez: Yes, and Ginger, I've reviewed the proposed declaration and particularly what's being described as the CDD parcel. You will remember that currently the CDD owns all of the Podium air space between elevations 3.5 and elevation 22.5, so the description on exhibit B, that pertains to the CDD, is a portion of that space already owned by the CDD. So, ratified that and I also saw the legal descriptions of other parcels that are labeled hotel, and condominium parcels, that are within that spaced owned by the CDD and that is consistent with the engineers report that states that some portions within the CDD owned space are going to be considered in accordance with the construction plans. So, I didn't find anything that was contrary to what was approved before in the engineers report.

Mr. Gill: Ok, thank you, Juan.

Ms. Wald: Does anyone have any questions of Juan or me?

Mr. Drstvensek: No.

Ms. Wald: Ok, so what we would be requesting is to approve this document in substantial final form, we did find some small little typographical errors that we will go ahead and get corrected and in case there are any other additions that need to be made as we go forward as long as they're not substantial based upon the information that we provided to you today, then we shouldn't have any issues with coming back for any other further approvals.

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On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, accepting the Declaration of Air Rights, Covenants, Easements & Restrictions for BM Podium in substantial final form was approved.

TENTH ORDER OF BUSINESS

Staff Reports

Mr. Gill: Next up, back to you Ginger, anything else for us?

A. Attorney

Ms. Wald: Nothing else.

Mr. Gill: Ok.

B. Engineer

Mr. Gill: Juan, anything else for the Board?

Mr. Alvarez: No, Andrew, that's all I have.

Mr. Gill: Ok, thank you.

C. Manager

Mr. Gill: Under District manager, I don't have anything specific for you.

ELEVENTH ORDER OF BUSINESS

Financial Reports

A. Approval of Funding Requests #10 & #11

B. Acceptance of Unaudited Financials

Mr. Gill: We can move on to financial reports. We have funding requests #10 and & #11 included in your packet. Are there any questions on that?

On MOTION by Mr. Drstvensek seconded by Mr. Gerber with all in favor, Funding Requests #10 & #11 were approved.

Mr. Berger: I'll make a motion to approve the unaudited financials.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, Funding Requests #10 & #11 and the Unaudited Financials were approved.

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TWLEVTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Gill: Next is Supervisor's requests and audience comments. There are no members of the audience for the public. Are there any Supervisor's requests?

THIRTEENTH ORDER OF BUSINESS

Adjournment

Mr. Gill: Not hearing any, I'll ask for a motion to adjourn the meeting.

On MOTION by Mr. Gerber seconded by Mr. Drstvensek with all in favor, the Meeting was adjourned.

Signed by:

Andrew Gill

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Secretary / Assistant Secretary

Signed by:

Kurt Drstvensek

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Chairman / Vice Chairman