

MINUTES OF MEETING
BAY LAUREL CENTER
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Bay Laurel Center Community Development District was held on Tuesday, April 16, 2024 at 10:00 a.m. at Circle Square Commons, Cypress Hall, 8413 S.W. 80th Street, Ocala, Florida.

Present and constituting a quorum were:

Kenneth D. Colen	Chairman
Paul Brunner	Vice Chairman
William D. McLeod	Assistant Secretary
John Gysen	Assistant Secretary
Robert "Boe" Stepp	Assistant Secretary

Also present were:

George Flint	District Manager
Gerald Colen	District Counsel
Rachel Wagoner	District Counsel
Bryan Schmalz	BLCCDD
Crystal House	BLCCDD

FIRST ORDER OF BUSINESS

Roll Call

Mr. Kenneth Colen called the meeting to order at 10:00 a.m. and Mr. Flint called the roll. All five Board members were present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Kenneth Colen: Is there anyone who wishes to address the Board? No one addressed the Board so we will close public comment period.

THIRD ORDER OF BUSINESS

Notice of Meeting

Mr. Kenneth Colen: The notice of the meeting was published in the Ocala Star Banner on September 24, 2023.

FOURTH ORDER OF BUSINESS

**Consideration of Lift Station Agreement
with On Top of the World Communities,
LLC for Lift Station #4**

Mr. Flint: We handed out a replacement page, page #3, and the only change was in paragraph 7 the last sentence was removed. It said any indemnity provisions herein shall include indemnifications for such cost and fees. The District was indemnifying for attorneys' fees and that has been removed in the revised version.

Mr. Schmalz: To provide some background regarding this agreement, the District owns and operates lift station #4 which is located adjacent to the On Top of the World sales office in the open field near Cody's and TownePlace Suites. Due to potential upcoming development in that area, On Top of the World has requested to relocate that lift station as well as On Top of the World and the District had been discussing the relocation of this facility for quite some time due to the site limitations at that location. The agreement in the agenda packet transfers the existing lift station #4 parcel to On Top of the World and transfers the new parcel still called lift station #4 to the District. It will also establish the proportional cost share of the District in the amount of \$230,000. This cost is equal to what the District would have been required to pay through budgetary improvements such as generator installation, motor control panel replacement, and electrical improvements at that site if we were going to maintain the existing location. The cost share will be paid through Wastewater AFPI credits in the amount of 56.4 equivalent residential connections.

Mr. Stepp: I need to disclose that I represent the developer on these matters as well as helping to oversee the installation of this station and drafting this agreement so I will abstain from the vote but can certainly offer any background by way of answering questions should there be any.

Mr. Kenneth Colen: Likewise, since I am President of On Top of the World Communities, LLC, I also must abstain from voting.

Mr. Flint: Mr. Chairman, I have the Form 8B here to provide to each of you if you can fill those out, we will keep those on file with the record of this meeting.

Mr. Kenneth Colen: Are there any questions regarding construction of this new lift station to replace Lift Station #4 the original one. If not, may I have a motion to accept?

On MOTION by Mr. Brunner seconded by Mr. Gysen with Mr. Brunner, Mr. Gysen, and Mr. McLeod in favor, and Mr. Kenneth Colen and Mr. Stepp Abstaining due to Conflict, the Lift Station Agreement with On Top of the World Communities, LLC for Lift Station #4 with Provision of Change Recommended by Counsel on Page 3, Paragraph 7 last Sentence, was approved.

FIFTH ORDER OF BUSINESS

Ratification of Agreement with Kimley-Horn to Prepare Consulting Engineer’s Annual Report 2023-2024

Mr. Schmalz: The agreement provided in your agenda packet provides for the annual Engineer’s Inspection Report required under Section 11.17 of the Trust Indenture. The fee is established as a lump sum fee in the amount of \$25,000 upon completion of the report. The inspection has been completed and we should be receiving a draft by the end of this week. The plan at this time is to have ready for the Board at the May meeting.

On MOTION by Mr. Brunner seconded by Mr. McLeod with all in favor, the Agreement with Kimley-Horn to Prepare Consulting Engineer’s Annual Report for 2023-2024, was ratified.

SIXTH ORDER OF BUSINESS

Consideration of Authorizing Resolution for Participation in Local Government Surplus Funds Trust Fund (Florida PRIME)

Mr. Flint: The District adopted an investment policy that authorizes the types of investments that the CDD can utilize and one of those is any interlocal government investment pool created under Statutes and specifically references the Local Government Surplus Trust Fund. This is operated by the governor and cabinet, the SBA at the state level. I believe you have other SBA accounts. This is an additional one. In order to open a new account, it requires a resolution of the Board. It is a conservative investment pool and many other governments, school boards, cities, and counties utilize it as the vehicle for investing their surplus funds.

On MOTION by Mr. Brunner seconded by Mr. Gysen with all in favor, the Authorizing Resolution for Participation in Local Government Surplus Funds Trust Fund (Florida PRIME), was approved.

SEVENTH ORDER OF BUSINESS

Ratification of Series 2022B Requisitions #53; #56 – #59

Mr. Kenneth Colen: Do you want to walk us through these or is it pretty much self-evident? Does anyone have any questions or comments on any of these expenditures?

Mr. McLeod: On the aerator, where on this is that? I assume its pretty big for that kind of money.

Mr. Schmalz: The aerators are listed under requisition #53 with Ovivo USA, LLC. There are six aerators in total, 100 horsepower located on the oxidation ditch which is the long football size structure. There is a total of six platforms that it sits on and there is a large propeller 9 ft. in diameter that sits in the water and aerates and spins, controlled through variable frequency drives to regulate the aeration of the process.

Mr. McLeod: Is this location where the huge concrete pad buried is?

Mr. Schmalz: Yes.

Mr. Kenneth Colen: For the record referring to a photograph of Bay Laurel North Water Reclamation Facility, the two rectangular, we call them oxidation ditches, about center of the photograph. Does this complete the acquisition and installation of all the aerators on the plant? They are not started up and tested yet.

Mr. Schmalz: Yes, it does and no they aren't started up and tested yet. These are specifically under the owner direct purchase items regarding #53, #56, #57 and #58 then #59 is the Wharton-Smith pay application. To date, we have paid Wharton-Smith \$73.5M approximately out of the \$104.6M contract. As far as owner direct purchases, we have paid \$13.8M approximately out of the \$14.8M approximate purchase orders issued. The original Wharton-Smith was near \$120M but we did a change order deducting the owner direct purchase items in the amount of \$14.7M approximately that lowered their contract to the \$104M.

Mr. Kenneth Colen: Counsel, can we take this as a single item?

On MOTION by Mr. McLeod seconded by Mr. Brunner with all in favor, Series 2022B Requisitions #53, #56, #57, #58 and #59, were ratified.

EIGHTH ORDER OF BUSINESS

Other Business

Mr. Kenneth Colen: Do we have any other business? Hearing none, the next item followed.

NINTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Kenneth Colen: Do we have any other Supervisor's requests? Hearing none, the next item followed.

TENTH ORDER OF BUSINESS


Next Meeting Date – May 21, 2024

Mr. Kenneth Colen: The next meeting is May 21, 2024. Do I have a motion to adjourn?

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Brunner seconded by Mr. Gysen with all in favor the meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman