MINUTES OF MEETING
CYPRESS BAY WEST
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Cypress Bay West Community Development District held Public Hearings and a Regular Meeting on August 20, 2025 at 11:00 p.m., at Kays Bar-B-Que & Steaks, 1552 West King Street, Cocoa, Florida 32926.

Present:

Shelley Kaercher	Vice Chair
Roger Van Auker	Assistant Secretary
Craig Hotop	Assistant Secretary
Robyn Bronson	Assistant Secretary

Also present:

Jamie Sanchez	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates (WHA)
Jere Earlywine (via telephone)	District Counsel
Chris Allen (via telephone)	District Engineer
Emily Wainwright (via telephone)	Access Management
Chris Williams	Forestar
Dan Eshleman	Forestar
Andrea Huffman	Resident
Ken Huffman	Resident
Amy Pena	Resident
Hilda Norris	Resident
Carol Brodie	Resident
Other residents	

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 11:02 a.m. Supervisors Kaercher, Bronson, Hotop and Van Auker were present. Supervisor-elect Chris Tyree was not present.

SECOND ORDER OF BUSINESS **Public Comments**

Ms. Sanchez explained the protocols for public comments.

A resident commented that the meeting location is far from the CDD.

Ms. Sanchez stated the only requirement is for the meeting venue to be within the County and be accessible to the public and to the Board. Since this is currently a Developercontrolled Board, the location is central for them to access. However, discussions are underway regarding changing the meeting location in the near future.

THIRD ORDER OF BUSINESS **Administration of Oath of Office to Elected Supervisor Chris Tyree [Seat 4] (the following to be provided under separate cover)**

This item was deferred.

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**

B. Membership, Obligations and Responsibilities

C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

FOURTH ORDER OF BUSINESS **Ratification of Resolution 2025-02, Electing and Removing Officers of the District and Providing for an Effective Date**

This item was tabled.

FIFTH ORDER OF BUSINESS **Board Member(s) Transition**

A. Acceptance of Resignation of Supervisor

B. Consider Appointment to Fill Unexpired Term

C. Administration of Oath of Office to Appointed Supervisor

D. Consideration of Resolution 2025-07, Electing and Removing Officers of the District and Providing for an Effective Date

These items were addressed following the Fourteenth Order of Business.

SIXTH ORDER OF BUSINESS **Public Hearing on Adoption of Fiscal Year 2025/2026 Budget**

A. Affidavit of Publication

B. Consideration of Resolution 2025-08, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2025, and Ending September 30, 2026; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Sanchez presented Resolution 2025-08. The proposed Fiscal Year 2026 budget is unchanged from when it was last presented at the May meeting. She reviewed the proposed budget, highlighting increases, decreases and adjustments, compared to the Fiscal Year 2025 budget, and explained the reasons for any changes. She worked closely with Ms. Wainwright and Ms. Kaercher on the field operations line items.

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, the Public Hearing was opened.

Ms. Sanchez and Ms. Wainwright responded to questions about the increases in the "Contingency," "Total field operations" and "Tree Trimming" line items, and which entity is responsible for maintaining a grassy area behind homes adjacent to the CDD.

A resident asked if assessment increases will occur every year and when homeowners might see reductions. Ms. Sanchez explained that the main driver for the operations and maintenance (O&M) assessment increase is the landscaping budget and an additional phase was added to the CDD, which caused an increase in the landscaping line item. As to when annual assessments might level off, Ms. Sanchez stated as additional phases are added to the CDD the landscaping responsibilities, assessments will likely increase; there is no cap on O&M assessments.

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, the Public Hearing was closed.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-08, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2025, and Ending September 30, 2026; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS **Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments**

to Fund the Budget for Fiscal Year 2025/2026, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolution 2025-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2025/2026; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, the Public Hearing was opened.

Resident Andrea Huffman stated, although there was a public meeting about the budget in May, this is the first public meeting that she was notified about. She discussed the lack of tree maintenance and voiced her opinion that the "Tree trimming" line item increase is absurd.

Resident Ken Huffman questioned the "Irrigation maintenance/repair" and "Irrigation pump maintenance" line items totaling $17,000 and his opinion that there is a problem if the water pumps are in need of such repairs in one year.

Resident Hilda Norris reported a severe drainage issue between the homes resulting in muddy conditions after rains and irrigation. She thinks the situation is really bad and several homeowners are unhappy.

Resident Carol Brodie echoed Ms. Norris' comment.

A resident expressed their opinion that the retention ponds are not being properly-maintained and asked if pond maintenance is a CDD or HOA responsibility.

Regarding meeting notifications, Ms. Sanchez stated Board meetings are typically published in the local newspaper and the CDD is not obligated to notify residents individually, unless it is a special meeting or public hearing pertaining to the budget, hence the mailed notices to property owners. Mr. Earlywine stated Board meetings are also posted on the CDD website. Asked about virtual meetings, Ms. Sanchez stated meetings must be attended in person with a quorum of at least three Supervisors.

Regarding tree trimming and pump repairs, Ms. Sanchez explained that each line item has a budget amount, which is anticipated for the fiscal year. If the budgeted funds are not used, they roll over to the next fiscal year, but Staff needs to budget for those items.

Mr. Earlywine gave an overview of the CDD, reviewed its advantages, compared and contrasted it to an HOA. He discussed the fiscal year, key meetings and Board transition timing.

Regarding irrigation in between homes, Ms. Kaercher stated it is a homeowner matter. She encouraged residents experiencing this issue to submit a warranty ticket with their builder.

Ms. Kaercher motioned and Ms. Bronson seconded closing the public hearing.

Regarding possibly continuing the public hearing to September instead of closing it, Mr. Earlywine stated there should be a map attached to the meeting publication notices that the newspaper did not publish. Because of this, Staff will re-advertise the public hearing for a day in September; however, resolution 2025-09 needs to be adopted today so that the lien roll can be submitted to the County timely.

Ms. Cerbone asked the Board to retract the prior motion to close the public hearing.

Ms. Kaercher withdrew the motion.

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, continuing the Public Hearing to September 17, 2025 at 11:00 a.m., was approved.

Ms. Sanchez presented Resolution 2025-09 and read the title.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2025/2026; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS **Consideration of Resolution 2025-10, Approving the Conveyance of Certain Property to Forestar (USA) Real Estate Group, Inc.; Providing a Severability Clause; and Providing an Effective Date**

Ms. Sanchez presented Resolution 2025-10. Mr. Earlywine explained that the Resolution conveys Tract RW1, a road right-of-way (ROW), back to the Developer via a quit-claim deed;

declares it as surplus property; and authorizes Staff to update one of the requisitions documenting the fact that the CDD did not pay for the ROW.

Ms. Kaercher asked for further clarification of the conveyance of the tract in Phase 2 Journey Drive. Mr. Hotop stated that Journey Drive is the extension from Babcock to the CDD's roundabout. Eventually, the road will extend down and become a tie-in point and a junction to re-enter I-95. The City of Palm Bay expressed interest in taking over Cypress Bay West for its own use and in extending it to the County line. The plan is to set up the project for the road to be conveyed to the City. Asked if Tract RW1 is in Phase 1, Mr. Hotop stated it is in Phase 2. It was noted that there is also an RW1 plat in Phase 1; two RW1s, different plats.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-10, Approving the Conveyance of Certain Property to Forestar (USA) Real Estate Group, Inc.; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS **Consideration of Quit Claim Deed [Phase 2 Tract RW1 Surplus Property]**

Mr. Earlywine stated this is the form of the quit claim deed mentioned in the previous agenda item.

A. Phase 2 Plat Map

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, the Quit Claim Deed [Phase 2 Tract RW1 Surplus Property], for the Phase 2 Plat Map, was approved.

TENTH ORDER OF BUSINESS **Consideration of CFL Landscape Services Inc Estimate # 1600 [Sable Palm, Palm Tree Removal, Mulch]**

Ms. Sanchez presented the CFL Landscape Services Inc Estimate # 1600 for Sable Palm, Palm Tree Removal and Mulch. Mr. Hotop stated this is for the existing palms that need to be replaced and have passed their one-year warranty.

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, CFL Landscape Services Inc Estimate #1600 for Sable Palm, Palm Tree Removal and Mulch, in the amount of $9,236, was approved.

ELEVENTH ORDER OF BUSINESS **Consideration of Goals and Objectives Reporting FY2026 [HB7013 - Special Districts Performance Measures and Standards Reporting]**

- **Authorization of Chair to Approve Findings Related to 2025 Goals and Objectives Reporting**

Ms. Sanchez presented the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards. She asked for authorization to coordinate with the Board Chair to ensure that the findings of the 2025 goals and objectives are approved and posted on the District's website by the December deadline.

On MOTION by Mr. Hotop and seconded by Ms. Bronson, with all in favor, the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards and authorizing the Chair to approve the findings related to the 2025 Goals and Objectives Reporting, were approved.

TWELFTH ORDER OF BUSINESS **Ratification of Forestar (USA) Real Estate Group Inc. Requisition Number 2 [$1,812,077.92]**

Ms. Sanchez presented Forestar (USA) Real Estate Group Inc. Requisition Number 2.

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, e Forestar (USA) Real Estate Group Inc. Requisition Number 2, in the amount of $1,812,077.92, was ratified.

THIRTEENTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of June 30, 2025**

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, the Unaudited Financial Statements as of June 30, 2025, were accepted.

FOURTEENTH ORDER OF BUSINESS **Approval of June 11, 2025 Regular Meeting Minutes**

The following change was made**:**

Line 23: Change "Dave ___" to "Dan Eshleman" and insert "Forestar"

On MOTION by Ms. Kaercher and seconded by Ms. Bronson, with all in favor, June 11, 2025 Regular Meeting Minutes, as amended, were approved.

- **Board Member(s) Transition**

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

A. Acceptance of Resignation of Supervisor

> **On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the resignation of Robin Bronson, was accepted.**

B. Consider Appointment to Fill Unexpired Term

Ms. Kaercher nominated Chris Williams to Seat 5. No other nominations were made.

> **On MOTION by Ms. Kaercher and seconded by Mr. Hotop, with all in favor, the appointment of Chris Williams to fill Seat 5, was approved.**

C. Administration of Oath of Office to Appointed Supervisor

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Williams. She provided Mr. Williams with a new Supervisor packet.

D. Consideration of Resolution 2025-07, Electing and Removing Officers of the District and Providing for an Effective Date

Ms. Sanchez presented Resolution 2025-07. Ms. Kaercher nominated the following:

Shelley Kaercher	Chair
Chris Tyree	Vice Chair
Roger Van Auker	Assistant Secretary
Craig Hotop	Assistant Secretary
Chris Williams	Assistant Secretary

No other nominations were made.

This Resolution removes the following from the Board:

Robin Bronson	Assistant Secretary

The following prior appointments by the Board remain unaffected by this Resolution:

Craig Wrathell	Secretary
Cindy Cerbone	Assistant Secretary
Jamie Sanchez	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-07, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: Kutak Rock LLP

B. District Engineer: Dewberry Engineers, Inc.

There were no reports from District Counsel or the District Engineer.

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

- **Property Insurance of Vertical Assets**
- **Form 1 Submission and Ethics Training**

Staff will resend the ethics training memorandum with course links to the Board.

- **Hard Copy Agendas vs Tablets**

The Board prefers hard copy agendas to tablets.

- **NEXT MEETING DATE: September 17, 2025 at 11:00 AM**
  - **QUORUM CHECK**

SIXTEENTH ORDER OF BUSINESS **Board Members' Comments/Requests**

There were no Board Members' comments or requests.

SEVENTEENTH ORDER OF BUSINESS **Public Comments**

The Board and Staff responded to requests to hold the next meeting at a location that is easier to access, and responded to questions of when the minutes from today's meeting will be posted online, when stop signs will be installed, road conveyance to the City of Palm Bay, map of the CDD, which entity is responsible for pool maintenance and the Board transition process.

Discussion ensued regarding potential meeting locations, City of Palm Bay stop sign requirements, the CDD's internal roads and the upcoming HOA Budget meeting.

EIGHTEENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Van Auker and seconded by Ms. Kaercher, with all in favor, the meeting adjourned at 12:23 p.m.

Secretary/Assistant Secretary

Shelley Kaercher

Chair/Vice Chair