

**MINUTES OF MEETING
TALIS PARK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Talis Park Community Development District was held on Tuesday, January 17, 2023, at 10:00 a.m. at the Vyne House, 16665 Toscana Circle, Naples, Florida 34110.

Present and constituting a quorum were:

James Proctor
Steven Wishner
Barry Sinoway
Kevin Shields
Mike Smale

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Paul Winkeljohn
Alyssa Willson
Josh Evans
Bruce Weitz
Howard Frankel
Jim Van Reitman
Mr. Souduk

District Manager
District Counsel (by phone)
District Engineer
Resident
Corsica Association
Corsica Association
Corsica Association

FIRST ORDER OF BUSINESS

**Oath of Office for Mr. Barry
Sinoway and Mr. Michael
Smale**

Mr. Winkeljohn: I have two members that need a new oath of office because their term of office is being re-set. This is the oath for the District's records to show that we've complied with it, there's a lot of confusion in the State of Florida, they send you their own oath to make you a member of the elite elected officials of the Florida club, and they also charge you \$10 for membership. So, for those of you who are on the Board, you know exactly what I'm talking about, and you've gotten that oath, and they send it back to you

if you miss one check box I found out today. So, for Mr. Sinoway and Mr. Smale, I will say, "I", then you'll state your names, and I'll read the oath, and if you agree you would just say, I do, and then you'll sign it and enter it into the District's records, so "I".

Mr. Sinoway: Barry Sinoway.

Mr. Smale: Michael Smale.

Mr. Winkeljohn: A citizen of the State of Florida and of the United States of America, and being employed by or an officer of the Talis Park Community Development District and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Mr. Sinoway: I do.

Mr. Smale: Yes, I do.

Mr. Winkeljohn: Ok, great. So, if you guys could go ahead and sign that and give it back to me, as a notary, I'll notarize it, and make it a record of the District. So, that makes you officially able to serve in today's meeting.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Winkeljohn called the meeting to order and stated we have a quorum.

THIRD ORDER OF BUSINESS

Audience Comments (Related to Right to Speak Statute Changes)

Mr. Winkeljohn: For our guests, this is a small somewhat informal meeting, there's some logistical things that I do for good record keeping but, general just catch my attention or anyone's attention if you have a question. If we had a huge crowd, we could invoke our rules which is limited to an amount of time to talk but, if no one disagrees we can do it more informally like I just described.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Consideration of Resolution #2023-01 Confirming General Election Results

Mr. Winkeljohn: Under organizational matters, last November was a general election, and we have some housekeeping resolutions to approve as a result of that election. So, you're going to do three things, you're going to confirm what the results were, we get the notice back from the County Elections office, so that's resolution #2023-01 approved by motion, is there a motion?

On MOTION by Mr. Wishner seconded by Mr. Proctor with all in favor, Resolution #2023-01 confirming the General Election results was approved.

Mr. Smale: I just want to say something about the election, I had to go down to the election office and submit some paperwork, etc., and give \$35 to get my name on the ballot, the big guy says, oh if you run unopposed your name won't be on the ballot.

Mr. Winkeljohn: Right, there's no ballot.

Mr. Smale: Just for future reference, anybody that knows or wants to know, or wants to be elected, or run, if you run uncontested you're stuck, you're here.

B. Consideration of Resolution #2023-02 Declaring Vacancy in Certain Seats – Seat #2 and Seat #3

Mr. Winkeljohn: Right, and if no one runs, it's what we're about to talk about next which is resolution #2023-02 and that's for seats #2 and #3, which is Mr. Sinoway and Mr. Shield's seat, no one actually ran for those seats officially, like you did in your case, so our action in resolution #2023-02 is to declare those seats vacant, just for obvious reason, and then you get to appoint back who you want to those seats, and I assume you can just re-appoint those people, so resolution #2023-02 accomplishes that by motion.

Mr. Smale: Does that also actually re-appoint the two Supervisors?

Mr. Winkeljohn: No, we're going to do that next.

Mr. Wishner: That would be the next one.

Mr. Winkeljohn: And we have enough people here today where we maintain a quorum.

On MOTION by Mr. Wishner seconded by Mr. Sinoway with all in favor, Resolution #2023-02 declaring vacancy in certain seats – seat #2 and seat #3 was approved.

Mr. Winkeljohn: Now, as an effect of that, it would be appropriate for the Board by motion to move the names of the people for seats #3 and #2. There's a little bit of a challenge because Kevin's seat is no longer a landowner's seat, and we're out of landowner's seats, so at this time, and technically you actually need to appoint somebody different than Kevin because he doesn't live here anymore.

Mr. Smale: Did you say that backwards, it is a landowner seat, so he can't be re-appointed?

Mr. Winkeljohn: No, his seat was vacated because nobody ran for it, and he couldn't run for it, so it's now vacant, and the only person that can fill his seat is a resident, a registered elector.

Mr. Smale: Ok.

Mr. Winkeljohn: So, we knew we were coming to this point, and when we had opportunities for a resident to take that seat, it was in the Board's best interest to keep Kevin as a Board member at that time but, we all knew at some point he would have to just be a good guy and help us out without the title of Supervisor.

Mr. Sinoway: So, for the moment that seat will remain vacant?

Mr. Winkeljohn: We can leave it open, yes.

Ms. Willson: (inaudible comment)

Mr. Winkeljohn: I'm sorry Alyssa, you're coming through as garbled but, I remember, when there is the absence of re-election, you stay, it's called a holdover technically, and he is allowed to be in that seat until you appoint somebody to it.

Mr. Sinoway: Ok.

Mr. Smale: So, I assume both those seats are homeowner's seats?

Mr. Winkeljohn: All 5 are.

Mr. Sinoway: But Kevin can keep that seat as a holdover.

Mr. Winkeljohn: Right, and Alyssa clarified that, thank you. So, with that, you're still in your seat.

Mr. Smale: Is there a limitation on how long Kevin can hold over?

Mr. Winkeljohn: There's sort of a reasonableness to it, if you follow, I think it's in the best interest to put a resident in that seat as soon as possible. You do have the discretion to take some time and think about, and take interested parties but, after a reasonable amount of time you should do it, that's my recommendation.

Mr. Smale: Ok.

Mr. Winkeljohn: So, as Alyssa pointed out, there's an automatic element to their chair.

Mr. Smale: So, it's just automatically held over.

Ms. Willson: (inaudible comment)

Mr. Winkeljohn: That's a good idea, as a matter of good paperwork, it would be in good order to have a motion re-appointing Barry Sinoway.

Mr. Wishner: I so move.

On MOTION by Mr. Wishner seconded by Mr. Smale with all in favor, authorizing to re-appoint Barry Sinoway to fill the unexpired term for seat #3 as stated on the record was approved.

C. Consideration of Resolution #2023-03 Electing Officers

(This item was inadvertently skipped over at this time)

FIFTH ORDER OF BUSINESS

Approval of the Minutes of the October 18, 2022 Meeting

Mr. Winkeljohn: Your minutes from your October 18th meeting are on your displays, if those are ok to you, we can accept the minutes by motion.

Mr. Sinoway: I had a question regarding the minutes, it stated I think at some point that the hurricane expense on the berm was approved, in fact, I think Smale and Proctor made motions to accept those, and my recollection was the expense was \$42,000 at the time, and looking at the information here, there's an additional number of \$24,720 a week later, which pushed the total to \$67,459, I guess I'd like to see some documentation on that, that seems extremely high to me. I think the representation of the meeting was, the berm was roughly 50% of the total cost, and the golf course was the other 50%, so we have over a 50% increase over what we approved, so in the future, I think the dollar

amount being approved should be represented in the minutes, because there's quite a bit of variance here.

Mr. Winkeljohn: Ok, yes, definitely. We can take it up a lot of different ways, and the minutes are what happened at that time, so what has happened since then the Board can discuss and just take action.

Mr. Sinoway: I would like the Board to review the billing.

Mr. Winkeljohn: Absolutely. I can't remember if we put those in this packet or not, we didn't but, I do want to explain quickly the two invoices and what they cover.

Mr. Shields: There was an interim where the first period, and then they didn't bill on one invoice, they billed on two invoices.

Mr. Sinoway: Well, according to the statements there's like a week apart.

Mr. Winkeljohn: Right, we got it after.

Mr. Shields: They were all in here.

Mr. Sinoway: October 3rd and October 10th.

Mr. Winkeljohn: Right, but to answer your question, I can provide that back to the Board at our next meeting, and we can go over it. I don't have it today to hit the level you're looking at.

Mr. Smale: As I recall, minutes aside, as I recall the meeting we had the \$42,000 or so invoice, and Kevin said there's going to be another one for about half of that, and I think that's what we discussed, and approved at the time. That's the way I remember the meeting, we certainly didn't have a dollar amount on the second one but, we had a rough estimate but, I think it is good, going forward if we're going to have something that's billed in the future we make a motion that limits whatever that expense would be.

Mr. Winkeljohn: Right, and typically if we knew there was another one, we'd probably have worded the motion with a not to exceed amount, just so we put a ceiling and a floor on it, so that we know what we're doing. That one came through in a little unusual pattern but, understood. Actually, I apologize, I skipped over, I wrote my notes over item No. 4C, so I'd like to go back to that before we approve the minutes.

C. Consideration of Resolution #2023-03 Electing Officers (Cont.)

Mr. Winkeljohn: Any time there's a change of Board members we re-affirm our officers, currently the officers of the Board are James Procotor as chairman, Steve Wishner as vice chairman, and all other Board members are assistant secretaries or remain the same. One simple way to do it would be to have a motion to remain the same if that's what the Board wishes to do.

Mr. Smale: I'll make that motion.

On MOTION by Mr. Smale seconded by Mr. Wishner with all in favor, Resolution #2023-02 electing officers, keep the existing slate of officers as stated on the record was approved.

Mr. Winkeljohn: And back to the minutes.

Mr. Wishner: I have a formality question for you. I was out of town and unable to attend the last meeting so, with respect to approving the minutes, should I abstain?

Mr. Winkeljohn: No, you don't have to, you're just acknowledging them as a record for today's meeting as stated, and the ultimate record of your minutes, if there's any typos or a name gets switched, is the actual audio recording, so the minutes are best effort transcription. So, is there a motion for approving the October 18th minutes?

On MOTION by Mr. Smale seconded by Mr. Proctor with all in favor, the Minutes of the October 18, 2022 Meeting were approved.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution
#2023-04 Adopting Records
Retention Policy**

A. Option 1

B. Option 2

Mr. Winkeljohn: Item No. 6 is kind of a legal situation related to records retention policies. Alyssa, did you want to help the Board with this one?

Ms. Willson: Yes, absolutely. (inaudible comment) This is just stating for the record a retention policy that you all have adopted. (inaudible comment) So, technically

the transitory messages such as when you are expecting an Outlook email invite, or other similar messages, that those could be considered District records, so we just wanted to make sure our policy was clarified to note that transitory messages may be deleted are no longer of any useful value. Additionally, we've clarified in the public records retention policy that your electronic copy of the records will serve as the official record, and that paper duplicates may be destroyed, except that they're required to be retained by law, and that would include this by adoption, and other similar items.

Mr. Winkeljohn: Very good.

Ms. Willson: So, we recommend that you approve option 2 if you want to retain these same types of record retention. (inaudible comment)

Mr. Sinoway: I'm sorry, I'm not sure I fully understand the difference between options 1 and 2, can you explain?

Mr. Winkeljohn: Yes, so option 1 is to modify the overall approach to your record keeping, and it makes it not ideal for the public record, it makes an incomplete public record.

Mr. Sinoway: But isn't that the one that is fully in compliance with State Law?

Mr. Winkeljohn: They both are.

Mr. Sinoway: Ok.

Mr. Winkeljohn: And option 2 is as she described, it's sort of a hybrid that covers all the records, but also some of the innocuous little electronic nonsense that you don't need a record of, so it seems really sensible, and on the advice of counsel I would encourage it.

Mr. Sinoway: Ok.

Mr. Winkeljohn: Is there a motion for option 2?

On MOTION by Mr. Wishner seconded by Mr. Smale with all in favor, Resolution #2023-04 adopting records retention policy, option 2 was approved.

SEVENTH ORDER OF BUSINESS

Approval of Conveyance of I-75 Berm with KE Talis Park Properties, LLC

Mr. Winkeljohn: The next item is a conveyance from I-75, actually, can we take a time out, and move on to our engineer's report because Josh has a hard stop in about 45 minutes, so I wanted to cover this, and this might be related to you as well, so let's start with you, Josh.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

(This item was skipped over and addressed later in the meeting)

B. Engineer

Mr. Evans: Sure. Alright, so Josh Evans for the record. At one of our previous Board meetings you requested that I go back, and get a proposal from a landscape architect to give us sort of a phased approach to looking at the berm. Step 1 is to figure out what's required by code for the berm, is there any permitting, and I did that part. The only thing that's actually required there is something called a type B buffer, which is a double head row, and a tree every 30', so what you have there are hundreds of times greater than code. So, we have an enormous amount of flexibility as to what you can do there.

Mr. Wishner: And we don't have to replace trees with the same kind of trees, they can be different?

Mr. Evans: Absolutely.

Mr. Wishner: And part of the project was also, I think to consult with a sound engineer to see if we could potentially address the increased level of noise that we seem to be getting.

Mr. Evans: Yes, and one step with that, my landscape architect said he's done a lot of studies, and has been around a lot of projects that the planting material itself doesn't generate much of a sound barrier at all, but the berm itself is substantial. There's a sound engineer out of Texas that I found that could come and actually do soundings but, he didn't consult on the front end, he does like monitoring. So, that's as far as I got with it, I didn't think that anything else we can do on the berm would dramatically improve the

sound deadening in addition to the landscaping, so what I found was the landscaping itself didn't provide that but, the berm itself did, and so I kind of stopped at that point.

Mr. Wishner: And if we use different, I think part of the conversation in the past was, if we use different trees that might increase the ability to dampen the sound coming up from the highway.

Mr. Evans: Right, and that's what the landscape architect, who has about 30 years of experience and has had these conversations a lot, said he's never seen any material difference in the sound deadening with different plant material. The berm is so substantially greater in performing that function that the plant material is really irrelevant.

Mr. Wishner: Ok.

Mr. Evans: We can take it further but, I really respect this landscape architect.

Mr. Wishner: Alright, thank you.

Mr. Evans: So, maybe we do a sound wall, or there are walls that are there just to break the sound, or continue the berm further but, the plant material itself standing alone wouldn't make a dramatic difference. So, what you do have to do is, when we do come up with a new conceptual plan, we have to update the county with that plan just to verify that it is still code compliant but, you'd have a hard time not making it code compliant, but we still have to go through that process. It's a relatively simple one. You take the conceptual plan that the landscape department would do, it would be something called a substantial change to your STP, it's a one-page application and it's this little part of that plan. So, the way they broke it down is, for about \$75,000 you can do a turnkey design, and have a full set of construction plans including the permitting. About \$25,000 would get you through a series of conceptual designs where they'll bring in some schematics, and some renderings. You'd look at those, provide comment, and they'd go back and modify those, and then when you sign off, that \$25,000 step would be done, and there's about a \$50,000 step where they provide basic construction level detail to those plans, and you'd be able to take it out to a contractor to put it out for bid. What wasn't included in that was construction management, and construction oversight, things that you might actually do yourself but, that's kind of where we are with it.

Mr. Smale: So, it's \$75,000 to get a landscape architect, get a plan, get the permits, etc., that doesn't include any of the plantings whatsoever, and the irrigation is also a separate issue.

Mr. Evans: That's correct.

Mr. Smale: Ok. While we're talking irrigation Kevin, can you tell us what's going on with that?

Mr. Shields: Right now, as you know we have no water on the golf course. So, what we did, there's a 3" valve from the HOA to the golf course main line up near the north end of the property, so we're back feeding the golf line from FPL basically down to the berm, so the berm is getting irrigated through that 3" line, as well as water to the plants, but it is getting water. Until we get the main line from the golf course up to #2 and down to #1 to reattach but, that won't be until, I'm thinking probably, March, April timeframe to get that up.

Mr. Wishner: And how big is that line?

Mr. Shields: Well, we have a 10" line going up #2.

Mr. Wishner: And is that also what would feed the berm?

Mr. Shields: Yes, and right now, since the two controllers ran off the golf course power, what we did was we tied into the lights that run the berm, and plugged into the south and north controllers, but we used the golf course tower on #1 to get to that south clock, and that's what that estimate was to fix that but, we did it because it would be dry and dying by now. So, the power is there, we got the water temporarily until we get there but, right now the controllers are on stand-alone which just runs one station after the next, there's no communication between the satellite boxes and the computer, it's just on a stand-alone out there until we get the communication cables from the golf course to those satellites.

Mr. Sinoway: And where are those satellite cables?

Mr. Shields: There's one by two tees, and one is kind of in the middle of the driving range up by the berm, and I think that was \$8,000 or \$9,000 to make that transition.

Mr. Winkeljohn: Right, and in keeping with what you brought up, we'd like a motion to ratify your actions, so we can pay that invoice obviously, of not to exceed \$9,000.

Mr. Shields: I gave you the invoice.

Mr. Winkeljohn: Yes, I have it, I received it after the meeting, and I can pull it up really quick I guess.

Mr. Sinoway: I'm sorry what was the \$9,000, I didn't get that.

Mr. Winkeljohn: It was the irrigation repairs he made.

Mr. Shields: Right, it was to figure out the power, and when we run the communication from the golf course, you have to buy a different board that communicates back to the computer, it's retrofitting the old stuff, but nothing new.

Mr. Smale: While you're looking for that, so the progression with the irrigation is what you just described, and then once that's accomplished you have to figure out what's not working on the smaller irrigation system up on the berm?

Mr. Shields: I mean everything is working right now.

Mr. Smale: Does it needs so much maintenance?

Mr. Shields: Yes, it's 20 years old.

Mr. Wishner: I thought all that on the berm needed to be replaced.

Mr. Shields: We're just redoing the communication part.

Mr. Smale: So, you haven't had a small pipe irrigation guy come out to look at that, and estimate it yet?

Mr. Shields: No, because we need a design and what is exactly going to be done first.

Mr. Smale: Ok, so the progression is, we need the design of the berm before we do the actual irrigation.

Mr. Shields: Right.

Mr. Smale: Ok.

Mr. Wishner: Design to include the specific plantings?

Mr. Shields: Yes, and you might not do the entire area but different areas, depending on what you decide to do.

Mr. Smale: Right.

Mr. Evans: Kevin said that the golf contractor didn't want to mess with the estimate of the berm.

Mr. Shields: Right, because he didn't know what was going on with the details, etc.

Mr. Evans: So, I guess you could put in the record the berm irrigation will always be powered through #1 fairway, that's how the connection is, and it's just too expensive to run new wiring.

Mr. Winkeljohn: So, what we're talking about is, and it's in your agenda on page 33 as \$8,900, is that correct?

Mr. Shields: Yes.

Mr. Winkeljohn: It wasn't an invoice, it's just really your email, that's all we had at this point.

A resident: I have a question, are we talking about, I remember one of the big meetings when you two gentlemen spoke, off the top of my head to fix the berms was half a million dollars or so, and I heard after that the residents said, why don't we just do it. Now, that's not all the residents, that was about 25% or 30% of the residents but, it seems to me if it's half a million dollars, and I just heard \$75,000, is just to get it ready to then do work after that, plans, approvals, permits, stuff like that. So, it's going to be more than that because to do that, you would have to engage some kind, unless Kevin is going to do it, some guy that does that PVC pipe to help you with that, and you'd have to pay him for that but, \$75,000 and it's going to take, I don't know, the rest of the year to do that, and you still didn't get to restoring the berm, and the question is really two-part. Number one, if you're going to do \$75,000 a year, it would seem to me that's going to cost you double or triple what it would cost if you did it all at once.

Mr. Winkeljohn: And you're phased several years out.

A resident: Yes, and doing it that way it's going to cost you significantly more money over 6 years as opposed to doing it once. The second part is more of a cosmetic thing, the berm looks like hell out there, just not nice for what I perceive regardless of the Kitson ownership, as the Tier 1 Club, so my question is, and I didn't know about the phased-in approach until after that meeting with you gentlemen, so I'm just curious as to what was the reason for that, and why wouldn't we do it.

Mr. Proctor: Well, I'll answer the question because I think I was the one that spoke at the meeting.

A resident: Yes.

Mr. Proctor: I don't remember if I referred to it as a phased-in approach, or if it's going to take 2 years. I think what I said was it was probably a 2 to 3-year project, and that was based on my knowledge that we had to get a landscape plan, we had to get the irrigation, and we're not going to have irrigation up on the berm until April probably at the earliest, then we need a plan. I mean by the time you get it all done, I was thinking it's going to be 2 years.

A resident: The schedule done including the work?

Mr. Proctor: Yes, including the work. So, as I said at the meeting, the opinions that I expressed were my own, and when I made that estimate it didn't necessarily involve the sense of the Board, or the fact that we were doing a phased-in 6-year project, or a 2-year project. I think that in previous Board discussions we have to know what we're doing before we approve the money, we can't assess the homeowners until we have a project. So, this is where we're starting to make some progress here because now they know, Kevin's estimate on the irrigation, we have somewhat of an estimate on the design and the plantings will come next. That doesn't mean that it's going to get done any sooner than 2 years, or later than 6 years, we haven't gotten to voting on the right plan yet because we didn't have all the information.

A resident: Yes, I understand that. At the meeting you said there were two ways to do it, all at once, or in a phased-in approach. I don't remember you saying, we're going to do a phased-in in your opinion or whatever, I heard that way after.

Mr. Proctor: I started the meeting by saying, my opinions are my own because I didn't represent the entire Board, I was at the meeting trying to provide information as a representative of the Board, but I didn't have approval of the Board to speak for anyone, so that's why I began with the thing by saying, and most of what I discussed was on the public record but, opinions were my own, so I didn't mean to be misleading.

A resident: So, I guess my question is what is the Board's feeling about, are we going to do this over 6 years, or are we going to try to recognize this whole year is going to be pre-work?

Mr. Wishner: Well, I think we have to address the sound concurrently with the landscaping. I think the sound has been more of an issue than landscaping quite frankly,

there's more issues with the sound barrier, and I think at our meeting last May Josh was going to get that processed.

A resident: Well, if that's true, you do it all together, or phased-in together, or whatever you decide.

Mr. Smale: But a good piece of information that we just got at the meeting today was, whatever we plant there probably isn't what's going to make the difference.

Mr. Winkeljohn: It's not a sound benefit, it's the berm.

A resident: Right, it's not the sound part.

Mr. Smale: And that was information that we didn't have until right now.

Mr. Wishner: And there's another piece of information that hasn't yet fully come out in this meeting but, I'm aware of it because of conversations we had a few minutes ago and that is, that according to our lawyers, we may have the opportunity to refinance the bond that's out there, and if the stars align, and we can refinance the bond, and we can do it at a low enough rate, we may be able to fund some, or a large portion of the cost of this berm into that new bond without having to assess as much as we might have had to assess. So, part of what we also need to evaluate as a Board is what is the right way to proceed with this, and the most efficient use of the tax dollars that we have available to us.

A resident: I understand all that but, it's tax dollars available to us now, or tax dollars that are bumped up in some fashion with more funding or whatever.

Mr. Winkeljohn: Or a combination of both.

Mr. Wishner: What I'm saying is, if we can refinance a bond at a lower interest rate, and take up more principal to fund some portion of the cost of the berm repair without increasing the tax base because we're at a lower interest rate, that may be an efficient way to go and we don't know that yet.

Mr. Smale: We're getting a little ahead of ourselves, we don't know yet the number.

Mr. Winkeljohn: And I was going to put this bow on it to answer your question, all of the above has been discussed, all of the above has been debated with the knowledge and the landing part was exactly what you said, we didn't know a couple of key pieces of information. One of them was the technical benefits of plantings versus berm and the acoustical strategy because the sound seemed to be rising more than aesthetics, that's

sort of how the scales tipped. So, now we know a lot more about the sound part, that it's not an investment in plants, it's really an investment in circling the berm, and the berm does the job, so today we'll move forward. My role and the role of staff would be to provide options, and one of them he's good at it, and so Friday your finance team called me and said, hey your bond is callable, meaning you don't have to pay a penalty. So, the 2013 bond is ready and it will be ripe in November, and in today's CDD bond market is really different than what it used to be, it used to be just a pure bond sale, it doesn't work that way right now because of the market peculiarities. The banks are interested, and banks issue up to \$10 million dollars in bond-eligible financing at a much lower cost and that's where his idea comes in because the margins are bigger, and you can borrow more, you can have cash, you can do a lot of stuff. So, that's all conceptually right but, the other part that staff was directed to be ready to do once we got these other pieces, the finish of the golf course was one of them, is then come back with the 2024 draft budget with columns of options, fund it all, fund it over 2 years, fund it over 6 years, use the bond financing, and I'm going to put a lot of columns on this sheet it sounds like but, that's the idea, and then this group, with your input that I'm sure they'd welcome, will check off, and our deadline that we're working against is June 15th to have it in next year's tax bundle, so, that's sort of the mental schedule we all have.

Mr. Smale: And Paul, would you also explain for the benefit of the audience, how we collect money, for example, if we wanted to do a special assessment, it would be a mess.

Mr. Winkeljohn: Right, Districts don't technically have special assessments, and so the language of it is, you have an assessment, and you choose how much is on that assessment. You automatically assess for the debt payments, which are these bonds we talked about, we have more than one bond. That's automatically built in, we can't change that without massive bond hearings and things like that but, annually we propose a budget before June 15th, which is the operations and maintenance assessment, and the berm and all that would qualify in either category by the way, you could fit it in either as a maintenance decision or a new purchase decision, it fits both. So, we have a lot of flexibility but, to answer your question, by June 15th we have to set the ceiling, the highest number we would ask for, and then before October 1st, or a little bit before that because

of our rules, really by September 1st, you need to adopt your final decision, so the clock is ticking always with us. Now, the other part to your question is, the money from that decision doesn't hit our bank account until about this week a year from now. So, that's where the year and the two-year planning starts to come in, is that we have to see the future, predict the future solidly enough to do the assessment, whether the hearing of input from our wonderful neighbors on whether they like the idea or not and then the Board makes a decision on whatever they feel is best.

A resident: So, the bottom line is it would take a year to get all the pre-stuff done, and then you guys will make a decision, do we do it completely including the sound over the next year, or over the next 5 years?

Mr. Winkeljohn: Or decisions like that, yes.

Mr. Smale: My point in asking the question about the revenue was to illustrate that, all of the revenue of the District is collected that one time in the year on your tax bill, so there's not an opportunity to say, to go out to membership, and I guess technically you could but, it would be difficult. You could say we're going to assess everybody \$1,000, come up with the money, and you've got 550 people to collect it from without the benefit of having the county do it for you.

Mr. Winkeljohn: Right, and you're comparing 100% success versus some unknown level of failure.

Mr. Smale: Yes, and if they don't pay it there's a lien on their house.

Mr. Winkeljohn: No, we don't have lien rights.

Mr. Smale: Oh, we don't?

Mr. Winkeljohn: No, that's why we put it on the tax roll.

Mr. Smale: And that's what I mean, if we do have it on the tax bill and you don't pay it, then there's a lien on your house.

Mr. Winkeljohn: And that's where they get you.

Mr. Smale: So, if we make an assessment and say, everybody pay us \$1,000 and 300 people don't pay, then it would be difficult.

Mr. Winkeljohn: We could send out a direct bill but, it would be a miserable failure. So, we sort of blurred two topics together, and the one I didn't mention in my summary was, Hurricane Ian happened, and we were still gathering and looking, and saying, ok

what did this do to us, and I haven't had the report, or your discussion on the lakes and drainage and how we did this year, that could mean something to us too if there was a bad lake or a bad problem. I know you have a particular lake issue that we're responsible to some degree, so there's other things, and this is hard business sometimes.

Mr. Smale: So, I know Josh has to leave soon and I want to ask him a question before he does, so based on Kevin's estimate we won't have irrigation until April, and then we'll need a plan before we fix any irrigation up there, can you get the landscape architect to do a plan and to have the planting type model ready to do that concurrently with April, when we do have irrigation, we can start on it?

Mr. Evans: Yes, and that's a pretty tight schedule because you'll need to do a conceptual plan, an architect landscaping plan, and by the way, the landscape architect that we sought out is the firm that actually did the original berm, so they have a lot of background on it but, what we would ideally see is a conceptual plan, he presents it to you, and you say I like this, I don't like this, and then he comes back and does another one, so there's 60 days, and we're almost at February 1st, so the end of March, and then they have to do design plans. So, I think a conceptual plan with a slight bit more data would be adequate for them to start an irrigation plan, they wouldn't need the full set of construction plans. So, the long story short is, I think if we start today, we can have a conceptual plan that's good enough for purposes of doing a conceptual irrigation design.

Mr. Wishner: Josh, can I ask a follow-up question?

Mr. Evans: Yes sir.

Mr. Wishner: Since the feedback, at least at this juncture is, that the landscaping is not what's really going to help very much with the noise but, the berm is the key, and I don't know if I'm opening a hornet's nest here but, is it possible to consider extending a berm because the noise seems to be coming primarily from the south end, and I don't know if there's an ability to extend the berm to try to address the noise because the berm is really what's key there.

Mr. Evans: I was actually going to ask before I left if you'd like me to look into a sound barrier like the walls, so yes, I didn't think about extending the berm but, I'm sure you could do that with some permitting, you'll have to get the DOT involved because stuff got messed up with Lennar when they bought that piece of property. As I know, there's

no easement to get to that south-end property through Lennar's property, so right now you've only got that last homeowner complaining about the access maintenance area back there, so you just can't get to it.

Mr. Shields: The only way to access it right now is through the north end but, he could look into that and see if there's an easement.

Mr. Evans: So, I think the next step is to see what space we'd be working with because if we have only 15' that dictates what we can do, so I'll pull the plats and research between now and the next meeting to see what working area do we have to extend to the south.

Mr. Shields: But Lennar was supposed to give us an access easement.

Mr. Winkeljohn: I think this puzzle has a lot more pieces. So, do we want to ask Josh to pull the trigger on both concepts and see what land is there and come back with the preliminary so that we don't lose a month?

Mr. Wishner: I would be in favor of that.

Mr. Winkeljohn: Is that feasible Josh, or did I say it poorly?

Mr. Evans: For a map of the conceptual landscape plan?

Mr. Winkeljohn: Well, an answer to both, what the conceptual solution would be, as sound being the higher priority, if we could do that, and maybe some order of magnitude costs because we're going to need to start putting numbers on that by February.

Mr. Smale: That sounds like it's going to be more expensive.

Mr. Winkeljohn: Well, if that's the priority, the sound.

Mr. Wishner: Nothing says we have to accept it or do it but at least we know.

Mr. Winkeljohn: Right, how big it is.

Mr. Evans: You at least need to know what we're doing so that the landscaping doesn't conflict with it. So ok, for next time we'll figure out what the legal land space is for us to work within and then I'll try to come up with a couple of ideas and their general costs.

Mr. Sinoway: But you also need to know if we can do anything, or does that go to the Department of Transportation land?

Mr. Evans: Well, it wouldn't, they wouldn't allow it but, I'll make the call if you want. Then also, I don't know if some productions can be created in the first round of conceptual plans in a 30-day limit, unfortunately, I didn't ask that question before I came in but, if I'm authorized to proceed with that, I'll push for that.

Mr. Sinoway: Ok.

Mr. Evans: Is that something you want me to do?

Mr. Smale: Well, you'll need some money, right?

Mr. Evans: Yes, and we're just running it through our firm.

Mr. Winkeljohn: So, we hire an engineer, and the engineer can in these cases add specialists through his deal, so we don't have to take 6 months to hire somebody.

Mr. Smale: So, do we need to make a motion to give him some financial leeway?

Mr. Winkeljohn: Do you have a sense of what it would take, \$10,000, \$5,000, or \$,1000?

Mr. Evans: Well, I would suggest we get approved through the conceptual fund process which is about \$25,000, so I would say if you authorize me to spend \$25,000 on this initialized RPI to get started on those first three tasks which would lead to the conceptual design but, what I'm pretty sure what we're going to find is that we have a limited amount of space, and there's already premanufactured sound walls that DOT and other places use that already have soundproofing in them. I don't anticipate us needing a separate sound engineer if we go with a prefabricated type of wall.

Mr. Winkeljohn: Right, we could pick something we already know the answer to.

Mr. Evans: Right, there's plenty of manufacturers out there, and they all have different specifications into for how much sound they deflect.

Mr. Winkeljohn: So, on the surface that sounds like a lot of money but, it opens the door for work to move a little more quickly, so I don't discourage approving a not to exceed amount as described for our engineer of \$25,000.

Mr. Evans: And the work I do on the sound wall, I'm already prepared to do however it works.

On MOTION by Mr. Smale seconded by Mr. Wishner with all in favor, authorizing a not to exceed amount of \$25,000 for the conceptual design for the berm and sound wall was approved.

Mr. Winkeljohn: And before you go, one of the questions that came up that we wanted to hear from you about was, right before Hurricane Ian a lot of people observed a different level on the lakes, and wondered if that helped, did it hurt, did you get a chance to look at it, how did we do globally, if you will, in that kind of storm.

Mr. Evans: So, I didn't look at it specifically in Talis Park but, we've been looking at it in general, and the differences between Hurricane Irma and Hurricane Ian are substantial. So, what happened with Irma, as I understand it, we didn't have any major flooding out here at all, and we saw that in most places in all the other communities that I work in. So, in Irma what happened is, when you design a project like this, you've got something called the wet season water tables to control elevations, the water table that exists due to the wet season as a typical role, and when you have a storm event, we design those to handle 12" to 14" of water in that basin when the water is at control. So, what happened with Irma, 6 years ago or so maybe a little bit more, we had already eaten up that storage, we had a 100-year storm a couple of weeks before so all the capacity in the system was gone when the storm got here. So, when that additional storm happened on top of that there was nowhere for that water to go, and we saw flooding everywhere, Bonita Springs, Estero, and here so it was an anomaly, and I think it was by a statistical analysis it was something like a 1 in a 3,000-year storm which that data is becoming somewhat outdated because we're having more and more frequent storms at higher intensities. So, what was statistically 1 in a 100-year storm, we still call it a 1 in 100 -year storm is probably more like 1 in 15, or in 1 in a 25-year storm, so South Florida Water Management District is updating their rainfall amounts to accommodate that, and as we design new projects we're building more storage in total but, I don't think we'll ever get to a point where we design for something like Irma, that is truly an anomaly.

Mr. Winkeljohn: So Hurricane Iran, we had the storage, the natural amount of storage.

Mr. Evans: It worked exactly as it was supposed to.

Mr. Winkeljohn: So, no pinch points, no weirdness?

Mr. Shields: Other than I-75.

Mr. Evans: Right, other than I-75 which is always an issue for us to get it to drain, and we call and complain about it regularly.

Mr. Winkeljohn: Thank you for that. Any other questions for Josh, I wanted him to at least give us the color of that experience.

Mr. Evans: We usually do a lake bank inspection report every year, we haven't done that this year in light of the golf course renovation.

Mr. Winkeljohn: Right, and I hate jumping around a little bit, and you had a lake question while he's here for another minute?

Mr. Frankel: I was just going to ask while Josh you're still here, myself, Howard Frankel, Mr. Souduk, and Jim Van Reitman represent the Corsica Board, it was turned over from the voters to the owners and we've had a lot of complaints, a lot of issues with, not only the aesthetic appearance of the lake, but the landscaping doesn't appear to be maintained but, the landscape has run in such a way that service equipment cannot get through there, there's not a path to get through there to do maintenance, to properly trim the landscaping and address the aesthetics of the lake. Kevin and I walked a few weeks ago, we walked the lake and there's clearly some erosion issues that are not lining issues to the lake but, just on top of landscaping where the soil has eroded, it might be an irrigation issue that's causing erosion of the soil. I think for us, and then the third piece would be, and this is a builder piece, the silt fence, that Front Door, is required to be maintained is incomplete, and so debris is getting into the lake, so it's not something that we can do anything about as an association, as the Corsica Association but, perhaps you guys can through whatever entity manages that land.

Mr. Sinoway: Which lake are you talking about?

Mr. Frankel: It's the lake behind the Corsica Coach Homes.

Mr. Sinoway: Ok.

Mr. Evans: I'd be glad to walk it with one of you guys and write a little letter and you could use it for enforcement.

Mr. Wishner: I'd like to understand what is CDD responsibility, where does it begin, where does it end in that regard, what is the builder's responsibility, and what is the HOA's responsibility.

Mr. Winkeljohn: And I use this phrase a lot which is, you are a drainage Board of Supervisors, you should be the most boring, uninteresting lake managers in the history of CDDs. You are responsible for a quantity of water to make sure that it gets into the lakes and transfers out or through the lakes, and that the shape of the lake doesn't get altered ever to the point where it doesn't work. The plantings in the lake would need to be in line with that, and you're with that hat on, so aesthetics, erosion to a degree, definitely yours, but not aesthetics. You would want as native material as possible that keeps the health of the lake at it's highest level, so that's who you are as a CDD Board. Now, in all reality we know this is a golf course community, the look of the lakes is far more significant than that, and how far you go as a Board is really your discretion, and calling in an enforcement issue on a builder for something like that if Josh identifies it, we can certainly and properly go down that road, but you don't want to call yourselves into an inspection program.

Mr. Wishner: Right, and I asked because I recall in a conversation we had relative to Kitson turning over to Lennar the lake by Livingston, we talked about the fact that we didn't know if they were going to line it, and if they didn't line it, it was going to become a lake that had much more significant variations in its levels and its growth, and that might be problematic for the owners there but, that wasn't anything that we could control or were responsible for.

Mr. Winkeljohn: Right, we didn't have leverage to force that.

Mr. Wishner: It seems to me we have a similar situation here.

Mr. Winkeljohn: It's the other lake that's not lined.

Mr. Wishner: Yes.

Mr. Frankel: Part of the issue is, and I understand and I've read enough about the benefits of lining a lake relative to the erosion at the water's edge but, travel up 10' or 15' from the water's edge is where we have a lot of erosion, and I don't know why it could be broken irrigation lines or too much irrigation, or runoff from the buildings, but we have a situation where it's impossible as it's grown currently to get any maintenance vehicle back in there to do any work.

Mr. Winkeljohn: That would trigger a big flag for this body because we have to have maintenance access.

Mr. Frankel: The issue is that there was a path but, the plantings along the lake have grown into that path basically cutting off access. Kevin, you walked it with me, what are your thoughts?

Mr. Shields: My thoughts are, where the silt fence was put up, it never got tied in correctly to the lake.

Mr. Winkeljohn: Ok, so we might have some recourse and some cooperation.

Mr. Shields: They just went to the silt fence and never really finished down in there to tie everything in.

Mr. Frankel: And what I'm referring to is basically the perimeter access that allows some maintenance entity.

Mr. Shields: Like when you go from the hedge from the condo area, you have the lake bank and you have like 4' there.

Mr. Van Reitman: The builder is currently storing construction material also right up to the lake down there.

Mr. Shields: Right.

Mr. Van Reitman: There's pollution, erosion, and debris, it's pretty bad.

Mr. Winkeljohn: My guess is if Josh looks at it he can probably identify those mistakes or missing elements.

Mr. Van Reitman: I'd like to take Josh on a tour, any time that you're available.

Mr. Evans: Ok, maybe next week, I'd be glad to do that. Another thing I had noticed, and I brought it up I think the last year, the plantings on Veterans, which the city is responsible for actually the plantings on the Corsica side encroach upon those plantings, and they're all together and it doesn't look good at all.

Mr. Frankel: So, we just terminated the builder's landscaper and have brought in Vision Landscapes, which is now doing Biansa, I think they're doing Carrera, and part of Biansa, and now soon to be all of Biansa, so their first job is to address that.

Mr. Evans: So how are you going to access it, from the Veteran's side?

Mr. Frankel: They're actually going to do it bilaterally.

Mr. Winkeljohn: So, we'll circle around this topic with our experts obviously, and we'll have to attack it from the obvious ones, the District doesn't have as big of a role as the problem is but, we'll do our part to help you get there.

Mr. Frankel: One question, who engages the landscape company that comes back there and does some type of cleanup occasionally? Is that Josh?

Mr. Winkeljohn: In our regulatory world what we do is a lake maintenance program which is fairly limited but, Kevin drives them in a pretty good direction where they chemically treat, they do some mechanical work from time to time, meaning pulling out stuff, but that would be ours. So, if they're doing anything that you don't like or you want to look at, we can help.

Mr. Frankel: So, how can you help? Clearly where there's an issue, because when the builder was selling, miraculously there was a lot of activity back there, and things looked really good, now that's come to an end for the most part.

Mr. Winkeljohn: Who was the builder?

Mr. Frankel: Front Door Communities.

Mr. Winkeljohn: And there's a couple of approaches.

Mr. Shields: Kitson paid for 100% of that.

Mr. Frankel: Right.

Mr. Winkeljohn: When a landowner brings in builders that relationship rarely benefits the CDD sometimes because we're not a party. So, what I'm hearing is, and I think I need to connect this issue with our friends at Kitson, say hey, what leverage do you have over that builder to get these problems corrected, and obviously, we've already identified one or two that were really builder driven issues, the silt fence, the debris, some landscape maintenance issues, things like that. So, that's kind of like check #1, find out what Josh says to fill in that detail, so that's 101. To Front Door, I'd rather work directly with them, with Kitson, rather than go to a regulatory approach which tends to create more problems but, if we have to we can.

Mr. Frankel: Ok, so the last question, and then I'll let you guys get on with your meeting, Front Door leaves, Kitson leaves relative to the HOA, not the club, then who properly maintains that?

Mr. Winkeljohn: Right, so that earlier conversation is the District's obligation is sort of what I described, the drainage technology of the lake, the aesthetics are typically, once our job is done, what we call the slope of the lake, at the crest of that slope is usually the District's, anything past that is usually the adjacent property owner or the HOA, or

something like that. In this case, we really stay inside the lakes, we do some littoral or plantings because of our permit and also the way they're designed they require it, so we're in the lakes still. So, outside of the lake, we don't do much, we do aeration, so we have a piece of equipment around, and we maintain that.

Mr. Frankel: And that's another issue that didn't come up but it's on our list, we have basically inoperative aeration, it looks like the batteries have been removed from that solar-kept device.

Mr. Winkeljohn: Right, and we were about to replace them and I did have the idea of potentially switching to the lithium-style batteries because of their benefits.

Mr. Shields: I assumed you got that.

Mr. Winkeljohn: Yes, so we're moving forward on that.

Mr. Van Reitman: Do you check those in all the lakes?

Mr. Winkeljohn: Yes, we have a company that does a maintenance review of them, and they just all went, almost all of them needed a big overhaul, so I said let's look at another option. Do you remember, was it worth it?

Mr. Shields: It's a big job, I think it was \$15,000 or \$20,000 more.

Mr. Winkeljohn: Right, so using lithium batteries charged off of solar might be better.

Mr. Frankel: So, are those devices inoperative right now?

Mr. Winkeljohn: Some of them, yes.

Mr. Frankel: And how does that affect the lake or the quality of what's going on in the lake?

Mr. Winkeljohn: In theory, we don't know for sure but, we know it's the thing you can do to help the lakes, so we do it.

Mr. Frankel: Is there a timeline where you plan to have that system operational, one way or the other, lithium batteries or what was currently there?

Mr. Winkeljohn: We needed to present it to the Board today but, we didn't actually prepare for that, so I'm a little bit behind on that one but I'll see if we can get through it.

Mr. Frankel: Ok.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Frankel: Our issues are, and we've tolerated the water levels but, our issues tend to be access to maintain it, and then someone needs to maintain this perimeter landscaping, and I understand you're a Charter but, it is a golf course community we're trying to create or maintain an aesthetic that appeases all the owners that face it. Thanks for your time.

Mr. Smale: If Josh is going to meet with the homeowners up there at some point, I'm going to suggest that maybe a Board member accompany them so the ears are the same type of thing, a Board member other than me.

Mr. Shields: I do that.

Mr. Smale: Ok, thank you.

Mr. Winkeljohn: So, that gives you what we can do, what we're going to do.

Mr. Frankel: Ok, thanks I appreciate it, thanks for listening.

Mr. Winkeljohn: So, the Board will review what we can do but, as the manager, I'm happy to make those calls and try to appropriately push the buttons for you.

Mr. Smale: So, one of the points we can discuss or maybe conclude is, the Board is limited in its capacity to do whatever they want to do up there, we can't just say, well it's not our responsibility but, we're going to do it anyway because it looks nice.

Mr. Winkeljohn: Right.

Mr. Smale: Because our responsibility is limited by the Statute, am I saying this correctly?

Mr. Winkeljohn: Yes, if we get into aesthetics we start to create a public benefit outside of our responsibility and you don't want to do that, it's not in your best interest as a tax-exempt bond manager to create public benefit outside of what you're allowed.

Mr. Smale: Outside our purview, so we can all sit here and say, yes it would be great if we put \$40,000 worth of plants in there but, it's not our responsibility so we can't do it.

Mr. Winkeljohn: Right, yes, the technical kickback would be, what are you supposed to do, is this in range, and it wouldn't be.

Mr. Smale: And that applies to everything.

Mr. Winkeljohn: Yes, so we tried to guide you down that line.

Mr. Frankel: Well, the real question is, you guys are doing something now to maintain that landscaping or some company that's been hired to do that, so we would like to see them do their job properly is probably a better way to frame, as long as it's within your purview.

Mr. Winkeljohn: But it sounds like the construction is really creating that hazard.

Mr. Frankel: The construction is only at one end of it, it's a pretty narrow area.

Mr. Winkeljohn: Ok, and Josh will know right away if that's a lake maintenance item, and Kevin obviously would know too, so when we get that feedback we'll certainly let you know.

Mr. Frankel: Ok, thanks.

Mr. Van Reitman: The other piece of that though is the builder is being more than sloppy about impacting the lake with garbage and silt and stuff, and we've tried to talk to him and of course, we're in negotiation with him, and we essentially got nowhere, so I don't who has maybe a better ability to put the fire under Front Door but, we've done what we can.

Mr. Winkeljohn: Ok, thank you all.

Mr. Frankel: Thank you.

Mr. Winkeljohn: We have to move back to a couple that we jumped over. One of them is with the landowner, Kitson, it's in your packet the final conveyance of the berms, the land itself. When we do this it's just a land transfer, they clean up when they leave, so that was presented to you.

Mr. Wishner: Can I ask why we're doing this, and why we're doing this now?

Mr. Winkeljohn: That's their procedure, at the end of the project is to take all the parcels and start making sure they're in the right owner's names. The operational element and the practical element of it is unchanged, it's just who is it titled to.

Mr. Smale: So, the fact is that should have been titled to the CDD 10 years ago, we're just kind of cleaning that up?

Mr. Winkeljohn: Yes, and it happens all the time, there's usually bits and pieces throughout the community that got carved out for easements.

Mr. Smale: So, similar to what we've done in the past with easements and stuff like that.

Mr. Winkeljohn: Yes, so they sent this to me January 3rd and Alyssa certainly will know the most about it, so we added it to today's agenda.

Mr. Proctor: I think we should table it to the next meeting because we're kind of getting blindsided here.

Mr. Winkeljohn: That's fine.

Mr. Weitz: I'm also curious about the liability aspects of that, of the transfer, I mean are we supposed to insure, do we insure it now?

Mr. Winkeljohn: Well, it's really the opposite for us, we carry sovereign immunity, so our concept of insurance is completely different.

Mr. Weitz: Alright, thank you.

Mr. Winkeljohn: So, we're the ideal owners for all kinds of stuff.

Ms. Willson: Correct, and you've been maintaining the area pursuant to other easement obligations, and other maintenance obligations, this is just the final land transfer and it's consistent with your bond documents. I think it would be fine just to table this for the next meeting but, this is consistent with the other conveyances within your community. You also and the new members of the Board may not be aware, but you also have the obligation for maintaining the various lakes and as the permitholder with the Water Management District over many of them, and those were just recently conveyed as well. (inaudible comment) So the District does have a maintenance easement to maintain all of the lakes.

Mr. Winkeljohn: Correct, yes the Fairgrove project is another one where we altered the easements so that they could finish the construction which was a more appropriate way and they'll convey that also to match when it's done.

Mr. Smale: Can we put them on alert early on that we're not going to take that lake unless they line it?

Mr. Shields: That would be Josh, but I know they did.

Mr. Weitz: You said with respect to the potential liability, especially with the transfer, and you said there's sovereign immunity, is it complete immunity or are there exceptions to the immunity?

Mr. Winkeljohn: Generally, as a manager I'll put it in my own words, very few things would ever arise to the level of exception and the Florida Legislature determines that if it's an exception.

Mr. Weitz: But you still carry insurance?

Mr. Winkeljohn: Yes absolutely, and all of these 5 gentlemen here are under errors and omissions and director's policy, so it's excellent insurance.

Mr. Weitz: So, when the transfer occurs that property automatically comes under your protection.

Mr. Winkeljohn: Right, and my experience from our insurance policy is there's no policy change for these types of parcels, the only time you get that is when you add a clubhouse with a pool, you get a property bill but, your liability is just like government, it's what it was intended for.

Mr. Sinoway: To that point though, I think the question is are there any statutory exceptions?

Mr. Winkeljohn: I wouldn't know specifically, I've never seen it happen, but I'm sure there are but, in my experience, they have to go to the legislature for approval to whether they are or are not an exception. So, in the CDD world when you asked, I couldn't think of one, but it's never happened that I know of. Do you know Alyssa specifically if there's a list of exceptions?

Ms. Willson: (inaudible comment) So, that would be if somebody got hurt on the berm, any sort of tort action, it would not necessarily apply to a contractual action, and then the limits that are in Chapter 68.28 are that the District is not liable to pay any claim or judgment by any one person that exceeds \$200,000, or any occurrence that could include multiple claims that would exceed \$300,000. Then if there was a judgment rendered above those amounts then that would have to go through the legislature claims, so generally, it would apply to tort action for any sort of injury actions versus a contractual obligation.

Mr. Sinoway: Ok.

Mr. Winkeljohn: Thank you. So, we'll agree to table item No. 7 for the next meeting, and if you have anything that you want to know after you've looked at it further, just let me know but, I think Alyssa gave this type of overview.

EIGHTH ORDER OF BUSINESS

Discussion of Berm Satellite (2) IC Control Installation

Mr. Winkeljohn: Back to item No. 8 which was the \$8,900, it is in your packet, it's through an email transaction between Kevin and myself that we put on today's agenda. We've covered it, that it was an interim fix due to construction, is there a motion to approve that amount?

On MOTION by Mr. Proctor seconded by Mr. Smale with all in favor, ratifying the irrigation repairs for the golf course, not to exceed \$8,900 was approved.

NINTH ORDER OF BUSINESS

Staff Reports (Cont.)

Mr. Winkeljohn: And as we were jumping around back to item No. 9 which is staff reports, and under attorney, so Alyssa do you have anything additional to what we haven't already covered that you'd like to share with our Board?

A. Attorney

Ms. Willson: Just that the Board will start seeing our legislative summary that get distributed where we monitor legislative bills that may impact CDDs, you should start seeing those shortly.

Mr. Winkeljohn: Alright, thank you

B. Engineer

Mr. Winkeljohn: Item B, the engineer, we've covered all of his report.

C. Manager

Mr. Winkeljohn: Under item C, manager, the lake aeration did just come up and we tabled the one, it was about \$38,000 for all of the aerators to get new fans, new batteries, and a few other maintenance items, and Kevin thinks that the lithium conversion would be about \$10,000 more, so let's say \$48,000. We had this level of repair about every 5 to 7 years so far, but we've only had them 10 years but, this is our second major overhaul, and they've been on this scale, the benefit analysis by my standard is that's worth going up to the lithium batteries because that gives you a full 10-year warranty.

Mr. Wishner: Is it the battery itself that fails?

Mr. Winkeljohn: That's what goes bad first.

Mr. Wishner: I wouldn't want to fund the additional cost of the battery if it's a different component that was failing.

Mr. Winkeljohn: Right, and the fans.

Mr. Shields: It's just like your golf cart, you can't just take a regular golf cart lithium battery, you have to have the converter in there, so they have to have, and I think it's the converter too that they have to replace, so it's more than just batteries.

Mr. Wishner: And the warranty covers all of that?

Mr. Shields: Yes.

Mr. Winkeljohn: So, to me, that seems to cross the line I would recommend approval at \$48,000.

On MOTION by Mr. Wishner seconded by Mr. Proctor with all in favor, authorizing a not to exceed amount of \$48,000 for aerator tune-ups as stated on the record was approved.

Mr. Winkeljohn: Another manager report I will be bringing back as I get more details on some potential refinancing options as we already discussed, and I did like the tone of the finance team saying they are really expecting our rates to get back to the normal market amounts, so we'll keep you posted.

TENTH ORDER OF BUSINESS

Financial Reports

A. Approval of Check Register

B. Balance Sheet and Income Statement

Mr. Winkeljohn: Item No. 10 in your packet is the financial reports, which include the check register, balance sheet and income statement. Just the big picture, you finished the fiscal year with about \$400,000 in reserves. We've had to spend \$80,000 or \$90,000 of that after today, so you're going to be carrying about a \$300,000 reserve which is a really solid operating type reserve for you, that would not bite off too many projects without having to be replenished past that point. So, when we get the detail of all this moving target project into us and the financing, I'll be shooting for options for you to keep your reserves at that level, use a little of them, or how much we would need to assess, and if a bond deal fits in there I'll certainly add that in as a subtraction. So, we'll see, I don't

know how it's going to fall yet but, by most Districts that don't have any property you have a lot to maintain because of the scale.

Mr. Smale: Just for a general question for the past fiscal year which ended in October, did we generate a surplus?

Mr. Winkeljohn: Yes, you were up about \$100,000, which is what we shoot for, about \$100,000 a year.

Mr. Smale: So, we've been doing that on a consistent basis.

Mr. Winkeljohn: Yes, you assess about \$500,000, a flat amount, right in there, \$510,000, so getting 20% unspent every year is excellent, that's what you want to do, and no hurricanes but you can't always control that one. Are there any other comments on the financials, or a motion to approve?

On MOTION by Mr. Smale seconded by Mr. Wishner with all in favor, the Check Register and the Balance Sheet and Income Statement were approved.

ELEVENTH ORDER OF BUSINESS Supervisors Requests

Mr. Winkeljohn: And the open portion of the agenda, are there any other items that we didn't get today, we covered a lot.

Mr. Wishner: Do we have any Supervisor's requests?

Mr. Winkeljohn: That's the same thing.

Mr. Wishner: Ok.

Mr. Winkeljohn: Are there any other items from the Board or from our guests today? Yes sir?

Mr. Smale: I'll just make a comment that it's been beneficial to have those gentlemen come to the meeting, so that everybody on the Board can hear the same thing at the same time, and I would encourage through whatever channels are available that anybody else does the same thing if there's an issue that has something to do with the CDD, that they come to a meeting because if they contact a Supervisor or a Board member who doesn't have the correct knowledge base about that specific project there's no answer.

Mr. Winkeljohn: Or through staff, because these gentlemen contacted me.

Mr. Smale: Yes, and you can see we had the engineer here, we have the attorney here.

Mr. Weitz: Where do you publish the notice of the meeting?

Mr. Winkeljohn: Districts are a little bit different than HOAs but, we have an online publish every year on the CDD website which is www.talisparkcdd.com that's the easiest one. We also have a requirement for our newspaper ad, and what we do is we publish all of them for the whole year because it's really expensive over here, and we do a small one every week if the meeting is on or off.

Mr. Smale: Is that in the Naples Daily News?

Mr. Winkeljohn: Yes, so I would always point to the website.

Mr. Smale: And we don't have a representative of the new homeowners association here but, I know Fred is involved in the transition committee, and if you could encourage through whatever next newsletter you put out to have people check talisparkcdd.com and come to a meeting, that type of thing. I think it's better when we all hear the same thing at the same time, and somebody contacts me, like when I'm going out on my golf cart to play golf and they say, hey what are we doing about the berm they'll have some information.

Mr. Winkeljohn: Excellent and if that starts to happen more regularly we might move to the other room where we have a little bit more seats if you do draw a crowd.

Mr. Weitz: And when is the next meeting?

Mr. Winkeljohn: It would be in February, the second Tuesday of the month.

Mr. Smale: So, generally the second Tuesday of every month, sometimes they're cancelled if we have no business to address. Over the summer several of the Board members are gone, as well as the residents, so things slow down and we do tend to cancel some meetings but it is updated on talisparkcdd.com

Mr. Weitz: Well, it sounds like you guys are meeting monthly for the next couple of months.

Mr. Smale: Most likely.

Mr. Winkeljohn: Yes, and I'm going to shoot for having a straw budget, a draft, so it's not going to have all the parts in it but, you can start organizing your thoughts a little bit and how you might like that budget process to look, so I'll get you one I'm hoping for

the February meeting with some columns on it, some orders of magnitude, assessment changes, and we won't adopt it at that point, we'll push it to the June deadline because I want you all getting refreshed and thinking about it.

TWELFTH ORDER OF BUSINESS Adjournment

Mr. Winkeljohn: Anything else, or is there a motion to adjourn?

On MOTION by Mr. Wishner seconded by Mr. Proctor with all in favor, the meeting was adjourned.



Secretary / Assistant Secretary



Chairman / Vice Chairman