

**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 Wednesday, May 11, 2022 at 10:00 a.m. at the Vyne House, 16665 Toscana Circle, Naples, Florida 34110.

Present and constituting a quorum were:

James Proctor	Chairman
Steven Wishner	Vice Chairman
Sheila Leith	Assistant Secretary
Kevin Shields	Assistant Secretary
Mike Smale	Assistant Secretary

Also present were:

Paul Winkeljohn	District Manager
Alyssa Willson	District Counsel (by phone)
Josh Evans	District Engineer

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

***Audience Comments (Related to Right to Speak Statute Changes)***

There not being any, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the March 9, 2022 Meeting**

Mr. Winkeljohn: Moving on to item No. 3, the minutes from the March 9th meeting have been circulated. If those are in order, a motion to approve would be appreciated.

On MOTION by Mr. Wishner seconded by Mr. Smale with all in favor, the Minutes of the March 9, 2022 Meeting were approved.

**FOURTH ORDER OF BUSINESS**

**Public Hearing to Adopt the Fiscal Year 2023 Budget**

**A. Motion to Open the Public Hearing**

Mr. Winkeljohn: Today's meeting was set for a couple of reasons, one, it's before the June 15th cutoff, so that this Board could have a few options for adopting its budget, or postponing, and know that's one of the discussions. We can go ahead and open the public hearing or have that discussion before we open the public hearing, it doesn't really matter, but I just know that we wanted to talk about it and decide how you wanted to proceed.

Mr. Wishner: I'm ok either way.

Mr. Winkeljohn: Ok, so I guess the point was that we had a lot of work still to happen whether the community would bite off a very large one-time project, or continue on the plan to repair the irrigation, if I get this right, repair the irrigation with the current amount of funds that are available, and then a year from now, make the decision on how to do landscaping. Should you want to do it all at once, and do one assessment, that's certainly prudent, and if that's what you want to do, you could re-set today's hearing for more than 60 days from now. We would need to know how high that assessment is, which I don't think we know at this time, so we're sort of in a little bit of a corner, but not totally.

Mr. Wishner: Why do we not know that, what are the unknowns driving that statement?

Mr. Winkeljohn: Well, the actual cost of anything is hard, and the irrigation from the last meeting required the specifications to be developed and bid out, we don't have that back yet. So, just the first stepping stone isn't in place yet.

Mr. Wishner: So, the specifications have been developed, and bid out, but we haven't gotten the bids back yet?

Mr. Shields: He just sent it over, or he finally found a plan for the berm because we couldn't find one, no survey or anything, so he finally found one 2 weeks ago, so it works, so he said he'd have it done by the end of the month.

Mr. Winkeljohn: Ok.

Mr. Wishner: It being?

Mr. Shields: The design of the specs.

Mr. Winkeljohn: For the irrigation.

Mr. Shields: Then we can bid it out from there. On the other hand, there's no landscape plan either, so if you want to have a design landscape plan, you have to hire a designer.

Mr. Winkeljohn: Right, a designer or an architect.

Mr. Wishner: I thought we substantially had to replace the plantings as they were initially installed.

Mr. Winkeljohn: Yes, so I asked Josh to do some homework on that topic as well, and I don't know how far you got on that, but basically, conceptually, you have to meet what was approved, conceptually, there are variations, alternations, you can usually petition for reasonable requests.

Mr. Evans: But Paul, that approval date would have been when, under WCI?

Mr. Winkeljohn: Yes, way before that.

Mr. Evans: Ok, so what was planted they likely submitted that plan, so technically, I guess they could come back and make you put the original back in, but what I suggest is, if you want to go to a lower plan, do a planting plan and we just submit it as, it's called an insubstantial change to the county, and that way it's in the records, and that way they can't ever come back, and you could do a lot less, and they would probably never ever come back and question because it still far exceeds what the code minimum is, but if you really want to keep it buttoned up, you'd do a plan, we'd submit to the county and make it official.

Mr. Winkeljohn: And my thinking, just to give you one picture of how to handle this with today's decisions and the next two years' decisions, is I think irrigation, and Kevin can agree or disagree, I think irrigation is a baseline regardless of where you go. You bite off the irrigation with existing funds, no assessment change, and then assess again what

you want to do for landscaping, but with the irrigation, and with what Josh just said, I think that gives you the most agility, because if you have a sound issue or a visual issue, you could spot plants and tackle small strategic areas because the irrigation is there, you'd be able to grow it in, you'd be able to maintain it, the survival rate would be higher. Without the irrigation, you'd always be stuck.

Mr. Wishner: Right, and I don't want to speak for the rest of the committee, but I haven't heard, or discussions of this to date, that there's any pushback on doing the irrigation plan first. That seems to make the most sense and I think we should proceed with that as quickly as we expeditiously can. There's a sense of the committee, there was a meeting of, and I don't know how many people were there, maybe 150.

Mr. Smale: It was 100 to 150, it was actually a meeting of the transition committee.

Mr. Wishner: And we took that opportunity to get a sense of the community as to how they feel about the berm, and how they want to deal with the berm, and there was an overwhelming, near unanimous sense that they want to do the berm as quickly as possible because they find the condition of the berm along I-75 to be visually offensive, and they want it brought back to the representative of what they think this community is, and they're willing to incur an assessment which was estimated to be in the range of \$1,000 a unit, or a home, coming to a total of approximately \$500,000, if necessary to complete the project in a more expeditious and timely manner. There were several additional issues or pushbacks with respect to that, however, and that is a) they would want that to be a one-time assessment, they would want it peeled back afterwards, they did not want to establish a new higher level that would continue as an infinite item, b) if that assessment were to occur now, and the work could not be done until let's say next year, they would want those funds fully earmarked for this project so that they could not be used for any other purpose or project, and whether it's \$1,000 or \$1,200, there was not expressed any particular concern about the exact number, the greater concern was, can we get it done faster if we do this, this being the assessment, and we tried to make it clear that we're not sure that we can do an accelerated timeframe due to supply chain issues, etc., but that if other factors would allow us to accelerate the timing of this project, they would be willing to support it financially.

Mr. Smale: I was also at that meeting, and I'll add to your comments.

Mr. Wishner: Did I misstate anything there?

Mr. Smale: Well, I'll say what I think, there were several items discussed at that meeting, including other types of assessments. There was some pushback among members there that if there are going to be several assessments, whether it's the berm, or whatever projects, that they should be prioritized and not just all brought in at once, that was what was expressed at the end of the meeting by one of the participants. The other point I'll make is, let's say there were 150 people there, there's 550 voters plus in our community, and I think it's unfair to take representation from that meeting where there was a lot of group things going, everybody was raising their hands about everything, and have that speak for all voters in the community. So, I don't feel, but in that crowd, maybe there was an overwhelming sense that we should do everything at once. Everybody's hands went up for everything, but if you want to prioritize things, what is the priority was the hanging question at the end of that meeting, and again, if there were 150 people there, it doesn't provide a majority of the voters.

Mr. Proctor: I would agree with Mike's comments to that end. I think it's how maybe that was presented on the need to do it sooner, or later, and the scope of what should be done. Mike and I actually went up on the berm a few days ago and inspected it from the north to the south end, and there's places where the irrigation doesn't appear to be hooked up as such, but there's not that many areas where there's dead bushes, and the growth of the plantings and the trees is fairly significant. There's 5 tiers to The Terraces that was done from I-75 up, so I think not understanding what was approved originally and what is required and not having the estimates, of what the scope of the dollars are, there's no way you can even consider an assessment now, and secondly, I think if you polled maybe everyone in relationship to spending money there versus other places, I for one, when you're going down I-75, you're going 70 mph plus, you're going to look over to that berm, and you might look two or three seconds and then try to keep your eye back on the road, so I don't know how one can say how important that whole illustration is there quite frankly. I think illustration coming through our front gate, coming through our back gate, which is the issue now, because the course of the people are trimming their shrubs and trees that encroach upon Veterans that the CDD is responsible for and is being

maintained properly, so that's an issue, but that's a different type of issue. I don't think we're prepared to discuss doing anything with this berm until we get more information.

Mr. Smale: Well, with all due respect to Steve's presentation, at that meeting, there was not an expert there who presented the actual condition of the berm, the condition of the irrigation, a cost estimate, and what exactly is our responsibility in terms of maintaining, it doesn't need to go back to the original plan 15 years ago, or we could do something that's less beautiful from the road but, might provide more sound barrier, it's what do you want, and what are you going to get for your money.

Mr. Shields: That original process went from blue for the plants and all it did was, say you had island or coco palms or whatever in that group, they were missing from the tree that blew over, they just plugged that same plant right in that same area, it wasn't like they were changing any design or anything, they were just plugging in those areas, and I think the design should focus more on the noise element versus the whole beautification item because those little plants that they add will then be replaced and it really helps the noise.

Mr. Evans: Yes, and it's like the south end of the berm towards the outside, that never got finished back there, and you can see right through to I-75, and you see the big hillside of those back coach homes looking right at it, so I would address that area before you address some of the other areas.

Ms. Leith: Right at the end you're talking about?

Mr. Evans: Yes.

Ms. Leith: Yes, you can actually see that from I-75.

Mr. Smale: Jim and I drove up there the other day, there's really a lot of vegetation there, and I don't know how much was lost in Irma, and really if it makes much difference to the noise, and you know more about that than I do Kevin, but it's hard to drive down there and say, oh we're missing a lot of vegetation here, I mean it's everywhere, and there's tiers of it. It looks like it's pretty well maintained. I don't know how they get down there on those lower tiers and cut all that stuff.

Mr. Wishner: So, I understand what you guys are saying, and I don't necessarily disagree with anything that you've said, with the exception of the fact that there are other issues in the community that may be brought to the community for assessment are

completely outside of our purview. Our purview is to deal with the berm, not to deal with other community issues that may necessitate an assessment. So, I think our job here is to understand what we can do with respect to our obligation to repair the berm, which to my understanding is well overdue, and should have been done in the past, and I think there's some disappointment within the community, not with us, but with the powers that be from the past, that this was not addressed in a timely manner. The community, in my mind, has, you're never going to get 100% of the community, unless you put it up to a vote which I don't know that we can even do, but, the point is I am sharing with this committee the fact that I got a sense from the community that they'd like to make sure we address this in the most timely manner possible, and if that were to require a one-time modest assessment, that didn't seem to be a barrier that was of particular concern, as much as, let's just get this moving, and I tried to be clear.

Mr. Evans: But to Mike's point, you only had about 30% of the people there of the residents.

Mr. Wishner: Ok, how many people typically vote in a vote? Probably not much more than that.

Mr. Winkeljohn: Well, the one point that you said that I'd like to sort of capsule a little bit is expertise. That is where I usually go when I hear this type of a discussion, and this amount of money, I say time out, let's look to a professional, and what's missing in the whole thing, and Kevin fills a lot of that naturally and through Josh. We've got that part rolling but, what's missing in this is an expert landscape architect to basically take the needs and wants and then tell us what the options are, A, B, C. A, a full assessment, full replacement, upgrade, whatever the A plus answer is, then a more economical strategic tier of that. What I'm seeing is, you definitely can still go with the irrigation and have that with some flexibility to it where whatever gets planted it can be adjusted.

Mr. Shields: Yes, and that just got changed.

Mr. Winkeljohn: So, there's no handcuffs there. We have the funds to definitely do that. We have the funds to hire a landscape architect to put an agreeable plan in front of the residents this time next year, because I think if you hand the residents \$1,000, you're going to find out about the ones that weren't at the meeting, and they're going to say what

they want and that's not professional, and they'd probably be pointing at me, which I don't mind but it would be hard to say that.

Mr. Wishner: I want to be clear, I'm not in any way saying assessment.

Mr. Winkeljohn: I know, you're expressing.

Mr. Wishner: I am typically the kind of guy that pushes back against assessments. all I'm trying to do is bring to the table the discussion about what has been expressed to me by a significant portion of the community.

Mr. Winkeljohn: Right, so I wouldn't advise being in a public meeting with all of your neighbors and friends and family, asking for \$1,000 without the homework really perfectly tied together, so I think we have that opportunity. It's not as quick as that tone that you've expressed from your meeting but, it's better on a professional and due diligence side of it, so I think it's kind of in the middle to go that way. That's just me trying to hem this together for you.

Mr. Shields: Well, I think a part of that design should have a focus on noise issues.

Mr. Winkeljohn: Yes, and we can give this potential professional a laundry list of goals. They know that, they're used to that, and then they come back with a preliminary and then we review the preliminary as a Board, or you can have Kevin and one Board member do it if you want to be really fast, but the ideal timing is February next year to have a good financial handle on what the future project would look like, then you'll know, and you'll be able to pick from either a menu of how big you want to spend, and if that's the case you'll know with a professional's backing what those costs would be.

Mr. Shields: Right, and I wouldn't do anything until after June of next summer. That's the first I would do it, because we're going to go through that period without water there, probably January, February, and maybe into March, and you don't want to plant something there.

Mr. Winkeljohn: Right, you can't plant then anyway.

Mr. Shields: The plants are used to being what they got through this dry season, so I wouldn't do anything until it started raining.

Mr. Winkeljohn: So, the ability to do that, do you have a landscape architect on staff, or do you have one that you work with?

Mr. Evans: Not on staff.



Mr. Winkeljohn: To fit in the rules of the District, what we often do is ask our engineer to subcontract and just basically pass through a qualified person to serve in that role because otherwise it requires a full RFQ, request for qualification process, which is very lengthy, but it's very appropriate for our engineer who may not have that size of a staff to sub to us through him that talent, is that comfortable with you?

Mr. Evans: Yes.

Mr. Winkeljohn: And not everybody wants to do that but, usually, if you're near a business you know that you can count on to understand that process, so that's one option of how to handle this.

Mr. Smale: I would say since I've been on the committee here for the last couple of years, outside this room, or outside the meetings, I've heard many more questions about the noise than I have about how it looks from I-75. Multiple people from Carrera have said, when are we going to do something to get the noise down, but until that meeting nobody was saying, gee we really need to make that look better.

Mr. Winkeljohn: And that's a task we could ask, is through the architect and our engineers to test the sound, and really identify if there's a decibel hot spot, or if there's the ambient versus the sound. I've done that many times where perception is a big hard thing to manage, but some science kind of helps.

Mr. Smale: Yes.

Mr. Wishner: From what I understand, relative to the noise, prior to the hurricane there were a lot of plantings at the very south end that were either destroyed or blown over, or whatever, that were never replanted, and I don't necessarily mean the south end of the berm, I mean the south end of the property, and this predates me because I've absorbed comments from Carrera, which is where I live, from people who have been there longer than I have who said the noise level was much lower prior to the hurricane because of all the vegetation at the south end, and the noise level seems to have increased post-hurricane because there's more space for that noise to come through.

Mr. Evans: Well, to understand you correctly, the south end was never really finished, so maybe it was never there.

Mr. Smale: So, Kevin, how much was really blown down during the hurricane? Was it significant?

Mr. Shields: Just a lot of big trees, big oak trees on the outside. The problem is with that, Josh knows, those trees grow, there's roots that are out and when that tree blows over, it tears the wire basket and how that berm was built.

Mr. Evans: It's not really the right place to put an oak tree.

Mr. Shields: Right.

Mr. Smale: So, were those oak trees like pre-existing or were they planted?

Mr. Shields: They were planted there.

Mr. Smale: They were planted there, so would you plant oak trees again based on what you just said?

Mr. Evans: I wouldn't, I mean for a noise thing, yes, it would probably help out a lot better but, for structural of that berm, I wouldn't, it was all for initial wow factor.

Mr. Winkeljohn: And I'll bet we could find an alternative.

Mr. Evans: But the berm itself should be a pretty significant sound barrier, so I don't know what you could add to the berm itself, but, on the other sides of the wall we put sound barriers all the time.

Mr. Winkeljohn: Well, for today's purpose, do we have a sense of what we might want to do? Do you feel comfortable?

Mr. Wishner: Yes.

Mr. Winkeljohn: Ok, so if I can jump forward, and you can give me some specific direction by motion later, I think if I'm right, the public hearing to adopt the proposed budget is probably in order to move forward on, so is there a motion to open the public hearing?

On MOTION by Mr. Smale seconded by Mr. Proctor with all in favor, opening the Public Hearing was approved.

**B. Public Comment and Discussion**

**C. Consideration of Resolution #2022-04 Annual Appropriation Resolution**

Mr. Winkeljohn: So, again, I've mentioned that there are no members of the public here today, and anyone on the phone is staff. I do see one new caller. Is there somebody on the phone that wishes to speak about today's budget? Hearing none, we can move on to resolution #2022-04, the annual appropriate resolution sets the assessment and again, we've talked quite lengthy about whether it's going up or not. This would adopt the prior year assessment, and for background, you have built in project funds for the last few years, those are accumulating and they would allow you to accomplish all the things that this Board has tangible knowledge of, including possibly a landscape architect and design for a future berm renovation, that would be easily absorbed in this current budget, and staff recommends approval in that context of resolution #2022-04.

Mr. Smale: Before we approve that, my question would be, do we need any operation and maintenance increase based on inflation and the increase in landscape costs, anything that we have under current contract, but the contract is going to expire before this budget is completed.

Mr. Winkeljohn: So, at our last meeting we approved a handful of adjustments to any of the contracts that had a CPI adjustment and those are incorporated in this budget, so that was already anticipated.

Mr. Smale: Ok, but the assessment will stay the same?

Mr. Winkeljohn: Yes, within the existing assessment, right, you had close to \$200,000 in discretionary funds. Those are generating the reserves, but they also allow you, and they were all small adjustments, we had to do with the landscaper, particularly last meeting.

Mr. Smale: Ok.

Mr. Wishner: And where will, in this budget, where do the reserves start and where do they end?

Mr. Winkeljohn: Ok, so the budget for government accounting does not reflect reserves, it reflects the use of that assessment year. In that, you can see towards the bottom of the maintenance line items, repairs general, contingency, and special projects, those three-line items are \$100,000 right there. In addition to that, you do carry every year an allocation of \$90,000 toward first quarter operating, you only need that money

technically once, because once it's in your reserves you just use it every year and it replenishes, so between those two, that's where I calculate about \$200,000 in this budget. Now in the financials where reserves are reflected, you have a fund balance of over \$700,000 today, and your annual cost each year are only \$600,000. So, you're well ahead of that, so you're looking at over \$300,000 in discretionary liquid options, which would certainly meet the irrigation costs and any other professionals that would be in scope of a berm replacement.

Mr. Wishner: So, within this budget, aside from the fact that we have \$300,000 of available funds to deal with issues, there are no costs baked into this budget relative to the issue of designing the landscaping and the irrigation and repairs that will be necessary.

Mr. Winkeljohn: Right, they are not spelled out because we're using rather broad terms to capture anything and, so special projects or contingencies, either of those lines, as we get a contract and a cost, we would amend this budget to reflect specifically what the money is for, and at this time we don't know that, so we don't have to, but we can change it at any time throughout the year, none of which would affect the assessment.

Mr. Wishner: I understand, but we talked about last time. If I remember correctly, we talked about spending in the neighborhood of \$300,000 towards the irrigation and I want to get in my head whether that spend would fully absorb the reserves that we just discussed and leave us with nothing, or where we are?

Mr. Winkeljohn: The answer is both, you would spend certainly the 2023 allocation, a portion of it, but you could also designate it as reserves, it's the same money at the end of the day but it wouldn't exceed both those numbers together or well past that. So, you might draw down your reserves a little bit, and you might eat up your contingency in the 2023 budget, but you'll still be about where you are this time next year.

Mr. Wishner: After spending that?

Mr. Winkeljohn: Yes, after spending it, if you don't spend it, you're going to be at \$500,000, or \$600,000 in reserves.

Mr. Wishner: Ok.

Mr. Winkeljohn: So, you're very flush in that respect on purpose.

Mr. Wishner: I ask primarily because if we have a more difficult hurricane season this year, I want to make sure that we're not without resources to be able to address those issues.

Mr. Winkeljohn: Yes, you're in excellent shape for that, and that would be unfortunate, but it would be timely with a renovation, but yes, you're well-funded to recover from any hurricane.

On MOTION by Mr. Proctor seconded by Mr. Smale with all in favor, Resolution #2022-04 the Annual Appropriation Resolution was approved.

**D. Consideration of Resolution #2022-05 Levy of Non-Ad Valorem Assessments**

Mr. Winkeljohn: Now that we've identified the assessment level, once again, the collection of that assessment is through the Non-Ad Valorem Assessment process of the county Tax Collector, so a motion for resolution #2022-05 would accomplish authorizing that once again.

On MOTION by Mr. Wishner seconded by Mr. Smale with all in favor, Resolution #2022-05 the Levy of Non-Ad Valorem Assessments was approved.

**E. Motion to Close the Public Hearing**

Mr. Winkeljohn: And with the hard work over, just a motion to close the public hearing would be in order.

On MOTION by Mr. Wishner seconded by Mr. Proctor with all in favor, closing the Public Hearing was approved.

Mr. Smale: I have a quick question, and this is, and we close the hearing, but related to Steve's question, let's say we had a really bad hurricane, is there some mechanism in the CDD law that would allow us to assess all the homeowners in the middle of a budget period, rather than, I guess outside of the budget, like if we had a disaster?

Mr. Winkeljohn: The assessment process doesn't have an emergency option in that sense, you can always have an assessment. The ability to collect the money is where all this ties to once a year because your ability to collect it is tied to the tax process. You can, and I don't really want to say this out loud too seriously, you could do an assessment mid-year and direct bill it, but it would be impossible for anybody to collect it, you wouldn't be able to collect it easily.

Mr. Smale: Right, so for all practical purposes, this is the only way to do it.

Mr. Winkeljohn: Right, now you would have the ability to spend, and you'd have the ability to borrow out of cycle. You could do that, you could always approve an emergency allocation, you can amend your budget, staff can do that and have it ratified in a true emergency.

Mr. Smale: We could borrow money from a bank.

Mr. Winkeljohn: Yes, we could borrow money from a bank, under 5 years, you can use operating funds for it, past 5 years, you have to do a debt assessment.

Mr. Smale: Ok, so there is in a true emergency we could borrow money.

Mr. Winkeljohn: Yes, you could do a lot of things.

Mr. Smale: Right, but based on what Kevin says, that we shouldn't really plant anything for a year.

Mr. Winkeljohn: Right, your growth season is really strict here.

Mr. Smale: And an assessment would be premature, but we should really be thinking about it.

Mr. Evans: Well, based upon, would you try to do all phases of the irrigation at once, because that was like \$50,000 to \$60,000 per phase, plus you have your price increase, so you're around \$180,000 probably all in.

Mr. Shields: At least, yes.

Mr. Winkeljohn: Which would make sense. The next item related to that would be to authorize staff to identify a professional to begin some preliminary work with this and we can bring that back to you at a later time. You don't need to necessarily authorize it, but I just want to make sure that idea was something you did want to do, so we're in step, so that say next January or February we have some product and estimates that are tangible and useful for budgeting 2024.

Mr. Smale: To make sure I understood what you said, if we authorize the staff to do this, we could get somebody.

Mr. Winkeljohn: Yes, through Josh's firm, he would bring a proposal with a scope of work, and maybe a menu of how that cost would be for each step of the process or phase. Things that they can and can't do, if they can't do sound, then we would find a sound person if we think that's necessary, just as a menu, and then when we meet again, we would have some hard facts to get your final direction, ok buy this, buy that, buy that, design this, and design that, that sort of thing.

Mr. Evans: So, I think, I have to talk to the berm tech, but I presume by the next meeting I could ask for a proposal to what's out there, that we get a proposal for him to do a planting plan for like a medium and then like a high-level planting plan, both with recommendations for sound and that would be a starting point.

Mr. Winkeljohn: Yes.

Mr. Smale: The alternative to asking staff to do that now would be to go out with an RFP.

Mr. Winkeljohn: Yes, that just takes several months and several meetings.

Mr. Smale: Right.

Mr. Winkeljohn: And that's more efficient and really their expertise is what we'd rely on anyway to that amount.

Mr. Evans: And you probably end up with the same thing, and he's got the most experienced here, and I use everybody in town with all our land development projects and he seems to be the best.

Mr. Winkeljohn: Right.

Mr. Wishner: And is that the same person who would evaluate the noise level?

Mr. Evans: That's a good question. I don't know that answer, that's where we may have to come back and hire a sound expert, because we've hired sound experts before for pump stations and things like that, but I've never dealt with it on a noise level for highway noise.

Mr. Shields: It depends on which way the wind is blowing.

Mr. Smale: That's a good point, you do it one day, it's way different than when you do it on the next day.

Mr. Winkeljohn: Right.

Mr. Evans: There's a guy in Texas that comes over and does stuff all the time for pump stations.

Mr. Winkeljohn: Yes, I've done it with pump stations specifically all the time.

Mr. Evans: But that's a wall, and it's not my expertise.

Mr. Proctor: Paul, do we need to specifically authorize Josh's firm?

Mr. Winkeljohn: No, I think he has direction, he's already hired as our engineer and his role allows bringing in a specialist through his firm.

Mr. Wishner: And do we need to specifically authorize a noise engineer if necessary?

Mr. Winkeljohn: Not at this point.

Mr. Wishner: Ok.

Mr. Evans: Give me a month on it and let's see how much experience and also production time, and if not, then I can try to find somebody, and all I'll be doing is getting a proposal anyway. If I find out and have enough time to still get a hold of a sound person for the next meeting, I'll try to do that too, but I don't know who that is yet, so I can't do it yet.

Mr. Winkeljohn: Right, I've done it for pumps and air conditioners and everything I ever built that I got yelled at because it was loud.

Mr. Evans: So, I'll try to figure it out.

Mr. Winkeljohn: Alright, are you comfortable with that?

Mr. Smale: Yes.

Mr. Winkeljohn: Alright, Alyssa, no objection to that approach I assume. Ok, we'll assume she said yes until she says otherwise.

## **FIFTH ORDER OF BUSINESS**

## **Discussion of Potential Board Member**

Mr. Winkeljohn: The next item is, there was discussion because we had two holdover non-resident members of the Board, which was to discuss putting somebody on the Board that was a resident to meet those qualifications. Both their seats are on the general election in November and we're coming close to the qualification period, which is the June period that we talked about last meeting. So, it's up to the Board if you want to



act on this or discuss the way forward, but I just put it on the agenda because it was discussed.

Mr. Wishner: And I passed contact information to you, Paul, and to Jim, of Barry Sinoway, who is a resident who has expressed interest in joining the Board, so I don't know whether that warrants discussion at this point or what, but there is someone who has stepped up and said he'd be interested in serving.

Mr. Winkeljohn: Do you guys feel comfortable with that?

Mr. Smale: I don't know Barry.

Mr. Wishner: He's an attorney, I play golf with him, he's a nice guy.

Mr. Proctor: I don't know him either, other than what Steve has represented.

Mr. Winkeljohn: Do you want to take the time and like reach out to him and, like you could call him or email him, or get comfortable with that.

Mr. Smale: I guess I'm comfortable with, or I'd personally feel comfortable with anybody who wants to do this, and the true process here is for an election on the November ballot, and how often in your experience with your Districts do members ever go to a ballot?

Mr. Winkeljohn: In your community, zero, no one has ever done it.

Mr. Smale: Of course, in our community it's never been done, but in any communities does it ever happen?

Mr. Winkeljohn: Yes, absolutely.

Mr. Smale: Does it?

Mr. Winkeljohn: Yes, you could have campaign posters, and billboards, and all the fanfare you don't want, but with you all, I think familiarity with how you all, or what we actually do, because a lot of people think we do homeowners association type of stuff, which we don't. So, if somebody is comfortable realizing they're living in those parameters.

Mr. Smale: It's a limited role.

Mr. Winkeljohn: Yes, very limited, and that they have to disclose their finances, to the degree that they have to, that there's the Sunshine law. Those are usually the checks that scare most people in your type of community fast, but I appreciate your willingness to serve. So, it's up to you all, familiarity and getting them on the Board before there's an

election is helpful too. In that respect, the sooner they start learning and seeing things the better in my mind, especially with what we're going to be tackling in the next 12 to 18 months.

Mr. Evans: Alyssa is calling me since she had problems, so she's on my phone.

Mr. Winkeljohn: Oh, she got dropped or something?

Mr. Evans: Alyssa?

Ms. Willson: Yes, hi Josh, thank you.

Mr. Evans: No problem.

Ms. Willson: Sorry to call you guys but I don't know what's going on with the audio system, but I couldn't hear anything.

Mr. Winkeljohn: Ok, well we did have a discussion, and I don't know when you got cut off, but we had a discussion about letting a landscape architect subcontract through our current engineer, and we're going to bring that proposal back.

Ms. Willson: Ok, excellent.

Mr. Winkeljohn: And I did ask if you had any objection to that strategy and I assume you didn't.

Ms. Willson: Perfect, and I had no objections, that strategy is good, as long as Josh is ok with subcontracting.

Mr. Winkeljohn: And the next item we were discussing is Board member replacement for our holdovers, should they want to spend their time differently and have a resident fill their role, and we do have a candidate but I don't remember how we ended that.

Mr. Proctor: So, as I understand it, Shelia and Kevin's term expires.

Mr. Winkeljohn: They've expired a long time ago, so they're here as a courtesy in what we call a holdover, which means they weren't replaced by an election, and they can hold their seat until they choose to resign, or an election replaces them.

Mr. Proctor: So, in your case, Sheila, what's your thinking?

Ms. Leith: Well, I would think Kevin would be the more valuable developer Board member, just with his familiarity with the property.

Mr. Winkeljohn: As a non-Board member, he's more flexible to work with the Board than being a Board member.

Ms. Leith: Yes, and he's here and I'm not.

Mr. Winkeljohn: Right.

Mr. Proctor: So, it's your desire to stay on until November?

Ms. Leith: Well, I can step down any time, or whenever Mr. Sinoway wants to come on.

Mr. Proctor: Would he be available?

Mr. Wishner: He has left for the season but he's available as soon as we would want him to serve. I think he'll be back, as I would in October, but he's available by phone or Zoom.

Ms. Willson: Ok, and I'll just say to clarify on the record, a holdover is basically a holdover in the seat until such time as the desire of the Board to appoint someone new to the seat, so technically it is not contingent on Sheila's resignation, but I will also note that, due to the extent you have more meetings before your other Board members are back, you do need to actually have 3 people that are able to meet and meeting that physical Board requirement. So, it may be helpful to have some individuals that are local to help you fulfill quorum or if you do choose to appoint somebody new to that seat now and you're not concerned about the quorum issues, that's also fine.

Mr. Winkeljohn: Ok, so it's up to you. You have a choice.

Mr. Smale: Also, just to confirm my memory, my Board seat, the term expires in November. I believe you told me that the last time.

Mr. Winkeljohn: Let me just refer to my book. You are the third person that expires this November 2022.

Mr. Smale: Ok.

Mr. Winkeljohn: So, yes, you have to fill out your paperwork at the Supervisor of Elections office in June.

Mr. Smale: Do I?

Mr. Winkeljohn: If you want to stay on the Board.

Mr. Smale: Ok, well, you'll have to guide me on what I have to do because I don't remember doing that before.

Mr. Winkeljohn: You probably didn't do it before, but I'll work with you on that.

Mr. Smale: I remember the financial disclosure thing.

Mr. Winkeljohn: Right, and you probably were appointed the last time, or re-appointed.

Mr. Smale: Ok. Do we need a motion to appoint Mr. Sinoway as a replacement for the holdover seat that Sheila's in?

Mr. Winkeljohn: If that's your direction, yes.

Mr. Smale: Ok, I would make that motion.

On MOTION by Mr. Smale seconded by Mr. Proctor with all in favor, appointing Barry Sinoway to fill the holdover seat currently occupied by Sheila Leith, seat #3 was approved.

Mr. Winkeljohn: And this would be into Sheila's seat, correct?

Mr. Smale: That's the sense.

Mr. Winkeljohn: Ok, and if I heard Alyssa correctly, this doesn't require a resignation or would you like a resignation accepted by the Board?

Ms. Willson: Just to keep them straight, yes, a resignation would be great. It's not required, but I think it's helpful.

Mr. Winkeljohn: Ok, so in anticipation of that appointment, I assume Sheila would want to resign.

Mr. Wishner: Just so that I understand the mechanics now, having appointed Mr. Sinoway to the Board, when is that appoint effective and when is it through, and what happens after that?

Mr. Winkeljohn: Ok, it's effective today, in terms of being on your Board, however, until they're sworn in, giving them the oath of office, they're not able to act as a Board member. So, the clock for this individual's paperwork, if you will, to fill out the Form 1 and submit that, is I would argue and Alyssa can correct me, when they're sworn in at a meeting, and I can swear them in outside of a meeting, but from that day they have 30 days to fill out their paperwork. So, in this situation, I'm going to lean towards whenever we want to notify him and get him to a meeting, I can go over the Sunshine law, and all the orientation type stuff.

Mr. Wishner: And would it be appropriate for me to ask you to reach out to him directly and review the Sunshine law and all that?

Mr. Winkeljohn: Totally appropriate, I'll let him know the good news and a 10-minute conversation, and I can do the oath remotely now, Florida allows virtual notaries.

Mr. Wishner: Awesome, ok great.

Mr. Winkeljohn: Yes, we can do all that.

Mr. Wishner: So, then, having it effective once he's sworn in, or effective now, but he's able to act once he's sworn in.

Mr. Winkeljohn: Right.

Mr. Wishner: When is his term good through?

Mr. Winkeljohn: So, he will get the really short term that will be reappointed or elected to in November, so that's kind of where the timing is, where he might want to get on the ballot also for this November election for her seat.

Mr. Wishner: Will you discuss that with him?

Mr. Winkeljohn: I will, I will go through every piece of it with him, I can do that.

Mr. Wishner: Ok.

Mr. Winkeljohn: So, I have been handed the resignation letter from Sheila which was necessitated by the appointment of a resident to the resident seat. Is there a motion to accept Sheila's resignation?

On MOTION by Mr. Proctor seconded by Mr. Smale with all in favor, accepting the resignation letter from Sheila Leith was approved.

Mr. Winkeljohn: And that is seat #3 for the record out loud. Now that you are leaving the Board, and I don't know if you remember if you were on other CDD Boards, but there's an exit form, and the timing is excellent because you're going to get your June renewal form, and you may have already gotten it.

Ms. Leith: No, I haven't yet.

Mr. Winkeljohn: Ok, so in the next 20 days you probably will, so I would take that one and the Form 1F, which I will give you right now, and then you'll put in your paperwork together and that removes you from the tracking system and takes you officially out of the responsibility of the state system.

Ms. Leith: Ok.

Mr. Winkeljohn: And the rest of you guys will all get your June renewal forms this year.

Mr. Wishner: I'm sorry, can you say that again, we will get what?

Mr. Winkeljohn: In the mail, the Supervisor of Elections will be mailing you the Form 1 renewal, you get it in June, it's due by July 15th.

Mr. Wishner: Ok.

Mr. Winkeljohn: And if you don't get it done by July 15th, there's a potential for fining, they usually grace you into August, but then they start fining.

Mr. Smale: Remind me what the Form 1, is that the financial thing?

Mr. Winkeljohn: Yes, it's that financial form.

Mr. Smale: Ok.

Mr. Wishner: Do you have a copy that we can look at?

Mr. Winkeljohn: I do.

Mr. Wishner: Ok.

Mr. Winkeljohn: Alright, so we got a lot of things done there.

## SIXTH ORDER OF BUSINESS

### Staff Reports

Mr. Winkeljohn: That brings us to staff reports, Alyssa, anything for our friends today?

#### A. Attorney

*(This item was inadvertently missed and addressed at the end of the meeting)*

#### B. Engineer – Discussion/Updates on Stormwater Management Needs Analysis

Mr. Winkeljohn: Moving on to item B, our engineer who has no time left in his life because of the stormwater reports, I'm sure, how is everything going?

Mr. Evans: It's fine, this one is, all I have to do is enter the costs that you gave and it's complete. It's nothing very showy because fortunately they gave us a template spreadsheet to fill out and there's a lot of data in there. Basically, it's just giving a summary of the calculated, or every linear foot of pipe that's 18", every linear foot that's 24", 36", quantify the boxes, and identify all the maintenance that occurred, and the costs spent on that maintenance, and plans for future and we'll submit it and all likelihood no one will

ever look at it, so I'm not sure what it's for, but it is a useful tool because what we did is we updated, while we were doing that we updated the GIS map, well we redlined it and they need to update it in the GIS file because we have a lot more data then when we did the GIS file, and we found some mistakes in the GIS, so it's been a useful process I guess, so we learned a lot more about the drainage system.

Mr. Winkeljohn: Right, and every District in the state is doing this right now.

Mr. Wishner: And was this drainage for the whole community, or just for the ponds?

Mr. Evans: It's the whole community, the primary drainage, so like secondary golf course drainage isn't included in that, it's not required to be included in that, it's the backbone of stormwater management system. Like you have a yard drain between two houses, that doesn't show up in this report, but we will submit that maybe next week or so, definitely before June.

Mr. Winkeljohn: Right, and the one element that he helped me sort of make some compass headings, if you will, was there's a huge financial component to it, a much bigger financial component than I initially expected, that they want to know what you're doing about replacing your equipment and most of the engineers all came back with the same answer, saying well these are 40- or 50-year life expectancy systems, and they don't really get replaced. They get repaired and maintained, but they don't get replaced, it's not like something above ground that is going to need renewal, and so we're answering that question that way, is that we're not holding money aside or assessing specifically for a full replacement, because that would be stupid, but I don't think we would word it that way but that's how I see it, and I also argue that Districts are annually financially responsible, so every year we make a choice what to buy and what to fund, and that could change one way or the other every year, so it doesn't really apply to us. Like a utility builds it into their fees, so the fees have capital replacement costs and so we're not a utility, we just maintain, in that respect. So, it's a good process, and hopefully the state will understand we're different than water and sewer.

Mr. Smale: I have a question for Josh while we're on engineering, with the lakes being down and the linings are showing in spots and so on. A resident with a non-engineering background said to me, wow, these lakes are low and the linings don't look like they're very, the lining here doesn't look like it's in very good shape or whatever, and

my response was that you do a lake inspection every year, the linings from our last conversation are in fine shape and that's confirmed by our engineer. I want to make sure I told him the correct answer.

Mr. Evans: Right, it's almost correct. We have done an inspection this year because you're about to do the golf course and it was going to be a waste of effort because you wouldn't fix anything at this point anyway, because you're about ready to redo the golf course. So, last year, yes, that's absolutely correct, but this year you would just have to say, we inspected it last year and everything was fine last year.

Mr. Smale: But you haven't inspected it this year because you're going to do that after the golf course renovation, so now that's the correct statement.

Mr. Evans: Yes, that's the correct statement, yes sir.

Mr. Smale: Ok.

Mr. Winkeljohn: And in prior years we've made corrections we've added plantings.

Mr. Evans: We have inspected it every year prior to this year.

Mr. Winkeljohn: Right.

Mr. Proctor: I have a question maybe for Josh. When will the lake at the front area, where the coach homes are, will that be filled in?

Mr. Evans: Well, it's when they get their site development plan approved, and I'm not sure when that is but it can't be too far off, I don't have a date for that, you're talking about what Kitson is going to do?

Mr. Proctor: Yes, so it would be the next step then after that's approved?

Mr. Evans: Yes, the first thing is they fill the lake.

Mr. Proctor: So, that inspection, your part wouldn't be until the following year?

Mr. Evans: Right, we wouldn't do it until they're complete, and they have a pretty thorough turnover process for themselves when they get to the first building. They have to make sure that the lakes, or the slopes are correct, they have to have the as-built survey, and there's a whole series of steps they have to go through to certify the lake before we even get to it.

Mr. Wishner: At what point would that pond be lined?

Mr. Evans: It would have to be done initially.



Mr. Wishner: So, how do we push to ensure that it is lined before they start reconstructing?

Mr. Evans: I haven't heard back from them yet as to whether they're lining it or not.

Mr. Proctor: I think the meeting we had a few months ago was that it was not determined yet.

Mr. Evans: We encourage it, or something that protected the other lakes, so I could call them and see what they ended up doing with that, because I wanted one of two things. If they didn't want the expense of lining it, I wanted some type of control wall between our other lakes and that lake because that lake would drain our other lakes, and so they needed to choose one of those two options. For that actual development, it's their aesthetics, it's not going to look good if they don't line it but, that's certainly I guess their business choice to do that, but I certainly don't want it to affect other people that have maintained control lake elevations all this time, so I'll verify that.

Mr. Winkeljohn: Any more questions for Josh?

### **C. Manager**

#### **1) Number of Registered Voters in the District – 586**

#### **2) Consideration of Proposed Fiscal Year 2023 Meeting Schedule**

Mr. Winkeljohn: Alright, moving on to manager's report, the registered voters, you're up to 586 good citizens that are registered to vote.

Mr. Wishner: Which approximately 500 doors in the community, do both residents, if it's a husband and wife, count?

Mr. Winkeljohn: Yes, and any family members that are registered, etc.

Mr. Proctor: So, Paul, the budget that we just approved was based on 577 units.

Mr. Winkeljohn: Yes, so the number of units is static but the number of people is double that usually, at least.

Mr. Proctor: Well, we have 577 versus 586.

Mr. Winkeljohn: Right, and the reason we have to put this on the agenda is, going back in time, if you only had 250 or less registered voters, there would not be a general election with the county election process, it would be a pen and paper landowner election where you come in and cast a ballot, or a proxy for a ballot here, so

that's really the distinction, you're way pass that and so you'll never go back but the state requires that I put it on an agenda and tell you about it, which I did.

Mr. Proctor: And I'm sure there are a number of homeowners that are not Florida residents.

Mr. Winkeljohn: Right, and it fluctuates too. It depends, and I don't know how those choices are made, but you can tell the percentage is about half, that would be my guess. Your meeting schedule, as you guys know, we advertise for a whole year at the same time and location, so for 2023 this location seems to be working.

Mr. Shields: Is there a reason it needs to be a on Wednesday?

Mr. Winkeljohn: No, it's just historically what it's been, and the staff schedule keeps that time available with our other clients. If there's a better day, I'm sure I can make adjustments.

Mr. Wishner: Tuesday would actually be a better day as far as I'm concerned.

Mr. Smale: And you drive over here from the other coast for this meeting, right?

Mr. Winkeljohn: Yes, and other meetings, I have another group that meets after you.

Mr. Wishner: Would Tuesdays work?

Mr. Winkeljohn: This week on Tuesday, yes, it's usually free.

Mr. Smale: Tuesday, I would be willing to do it earlier as well, as soon as you can get here.

Mr. Winkeljohn: Right, and I do have property over here if it gets really bad, I just stay in my condo, but I don't mind, whatever is convenient for you.

Mr. Proctor: Tuesday at 9:00 o'clock?

Mr. Winkeljohn: Tuesday at 9:00. Is that good with everybody?

Mr. Wishner: I'm fine with Tuesdays at 9:00 o'clock.

Mr. Winkeljohn: You don't like Tuesdays?

Mr. Shields: No, Tuesdays is fine, just the 9:00 o'clock is a little bit hard.

Mr. Wishner: I'm indifferent on the time, I don't care.

Mr. Proctor: Yes, me too.

Mr. Smale: Yes, 9:00 o'clock, 10:00 o'clock it doesn't matter.

Mr. Winkeljohn: 10:00 does work best in my world.

Mr. Smale: Ok.

Mr. Winkeljohn: Josh, any heartburn in your world?

Mr. Evan: No.

Mr. Winkeljohn: Alyssa any objections or problems for your firm?

Ms. Willson: For the second Tuesday at 9:00 or 10:00 o'clock?

Mr. Wishner: 10:00.

Mr. Winkeljohn: Right, and when you said the word second Tuesday, it triggers something in my mind, so let me just check that, because we may have to go to the third Tuesday. Yes, the second Tuesday is a really big conflict in my firm. We have a bunch of meetings on the second Tuesday.

Mr. Wishner: Ok, so is the third Tuesday better?

Mr. Winkeljohn: Yes, the third Tuesday is better.

Mr. Wishner: I'm fine with that.

Mr. Winkeljohn: Right, it doesn't matter to you, but in my world there's only so many Tuesdays a month. So, with the amendment to the third Tuesday of the month.

Ms. Willson: So, the third Tuesday at 10:00?

Mr. Winkeljohn: Yes, at 10:00 a.m.

Mr. Evans: I'll be on vacation, but I can join by phone.

Mr. Winkeljohn: Right, and if we have to meet in June, what I'm going to guess will happen is, we'll get his proposal and I can just send that around, we won't need to pull the trigger on it right that fast. We could probably authorize the basics which is the landscape analysis phase of it, because June is going to be hard for all of us, I'm sure. So, a motion to approve the meeting schedule as revised to the third Tuesday at 10:00 a.m.

On MOTION by Mr. Proctor seconded by Mr. Smale with all in favor, accepting the Proposed Fiscal Year 2023 Meeting Schedule as amended to the third Tuesday of the month at 10:00 a.m. was approved.

**SEVENTH ORDER OF BUSINESS**

**Financial Reports**

**A. Approval of Check Register**

**B. Balance Sheet and Income Statement**

Mr. Winkeljohn: And we talked about it quite a bit but, your financial reports are in your packets. If those are ok, a motion approving those would be appreciated.

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

**EIGHTH ORDER OF BUSINESS**

**Supervisors Requests**

Mr. Winkeljohn: Any other items or comments?

Ms. Willson: I think I missed my attorney's report, I just had a couple of things.

Mr. Winkeljohn: Oh, I know why we missed it. I wrote over your line, I'm sorry, that was my fault, all I saw was the engineer's report.

Ms. Willson: No problem at all. I just wanted to confirm, so the proposed budget was approved as presented?

Mr. Winkeljohn: Yes, it was.

Ms. Willson: It was, ok perfect. And I just had a quick note. I spoke with the developer's counsel, and he wanted me to update you guys that they've just been reviewing with the association and the club, our tri-party maintenance agreement that was entered into a couple of years ago just reiterating what maintenance each entity was responsible for within the community as well as some various cost shares that are provided to the specific organizations, and the association is kind of getting the process of transitioning, they realized there could be some more clarity in that agreement as individuals are phasing out of their representation on the various Boards, and turning over to residents, you don't necessarily have the historical knowledge of the project. So, there are some places where they're reviewing it and looking at it, not necessarily changing the scope of the agreement but potentially providing some additional clarity as to what exact locations are being maintained and the various responsibilities associated, so just in case you guys heard any discussions, the intent is not to change anything and obviously any amendments that are proposed will come back to you guys for approval. I just wanted to give you that update.

Mr. Wishner: Ok.

Mr. Winkeljohn: Thank you Alyssa, sorry I skipped over you like that.

Ms. Willson: No problem.


Mr. Winkeljohn: Are there any other missed items we need to cover, or comments?

**NINTH ORDER OF BUSINESS    Adjournment**

Mr. Winkeljohn: With nothing else, 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