

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

The Regular meeting of the Board of Supervisors of the Towne Park Community Development District was held Thursday, **November 12, 2020** at 1:00 p.m. at the offices of Highland Homes, 3020 S. Florida Ave., Suite 101, Lakeland, FL.

Present and constituting a quorum:

Rennie Heath
Milton Andrade
Brian Walsh
Jeff Shenefield
Justin Frye

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Jill Burns
Michelle Rigoni *via Zoom*
Heather Wertz *via Zoom*
Clayton Smith

District Manager, GMS
Hopping Green & Sams
Absolute Engineering
GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burns called the meeting to order and called the roll. There were four members present via Zoom constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Burns stated that there were no members of the public joining the meeting via Zoom or by the phone line.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oaths to Newly Elected Board Member

Ms. Burns stated that they were swearing in Justin Frye and read the Oath of Office to Mr. Frye as required by the State of Florida. Mr. Frye then was sworn in under oath, and was given the proper paperwork to sign. Ms. Burns explained that she would go through the Sunshine Laws and forms that he would need to complete after the meeting.

B. Consideration of Resolution 2021-01 Canvassing and Certifying the Results of the Landowners' Election

Ms. Burns stated the resolution was included in the agenda package, pointing out that Seat #4 was up for election with a 4 year term. Ms. Burns had sworn in Justin Frye to that seat, and she asked for a motion to approve.

On MOTION by Mr. Heath, seconded by Mr. Walsh, with all in favor, Resolution 2021-01 Canvassing and Certifying the Results of the Landowners' Election, was approved.

C. Consideration of Resolution 2021-02 Declaring Vacancies

Ms. Burns stated that two seats had transitioned to the General Elector that would need to be filled by two residents, adding that the qualifying period was in June. She noted that no one had qualified for those seats, therefore as of the election date on November 3rd they would declare a vacancy and the district would look for residents to fill Seat #1 and #5. She explained that Mr. Walsh and Mr. Shenefield would retain those seats until they found residents to fill them. She asked for a motion to approve the resolution.

On MOTION by Mr. Walsh, seconded by Mr. Heath, with all in favor, Resolution 2021-02 Declaring Vacancies, was approved.

D. Election of Officers

Ms. Burns stated that due to change in the Board and the Landowners Election, they would do a new resolution, electing officers, which would be the next item on the agenda.

E. Consideration of Resolution 2021-03 Electing Officers

Ms. Burns asked that the Board kept her appointed as Secretary and Mr. Flint appointed at Assistant Secretary. She noted that the Board would be looking for a Chairman, Vice Chairman, and the rest of the Board would be considered Assistant Secretaries.

Mr. Andrade stated for the record that he wished to resign from his seat on the Board, and Mr. Heath made a motion to appoint Lauren Schwenk as Vice Chairman.

On MOTION by Mr. Heath, seconded by Mr. Shenefield, with all in favor, Lauren Schwenk was appointed to the Board as Seat #3, was approved.

Ms. Burns noted that they would swear in Ms. Schwenk at the next meeting at a later date. She then added that that would leave Mr. Heath as Chairman, and Mr. Walsh, Mr. Shenefield, and Mr. Frye as Assistant Secretaries.

On MOTION by Mr. Heath, seconded by Mr. Walsh, with all in favor, Resolution 2020-03 Electing Officers as stated above, was approved.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the October 8, 2020 Board of Supervisors Meeting and Audit Committee Meetings

Ms. Burns asked for a motion to approve both sets of minutes.

On MOTION by Mr. Heath, seconded by Mr. Shenefield, with all in favor, the Minutes of the October 8, 2020 Board of Supervisors Meeting and Audit Committee Meeting, were approved.

FIFTH ORDER OF BUSINESS

Consideration of Agreement with ProPlayground Equipment

Ms. Burns stated the equipment selected was included in the package and that the total amount of the quote was for \$83,308 with a 50% deposit of \$41,654.

Ms. Wertz added that there were some provisions within the agreement that she wanted to touch base with them on, and she asked that it be approved in substantial form with authority deemed to the Chairman to sign off on the final agreement.

On MOTION by Mr. Heath, seconded by Mr. Frye, with all in favor, the Agreement with ProPlayground Equipment, was approved subject to comments from counsel.

SIXTH ORDER OF BUSINESS

Consideration of Agreement with Navitas Credit for Playground Equipment Financing

Ms. Burns stated that the agreement was for a 60 month lease with a monthly amount of \$1,687.57. She noted that it was not a line item in the current budget. She reminded the Board that there was a Deficit Funding Agreement in place that could account for the extra costs.

Mr. Heath asked what would happen with the lease expired, and Ms. Burns responded that that it was just like they were financing the agreement. Mr. Heath also asked is the 50% deposit was paid through the developer, to which Ms. Burns responded that it was the credit company that make the payment. He then asked if the first payment was the security deposit, to which Ms. Burns said yes and that the first initial amount was \$3,570, with those monthly payments being made to the financing company. She asked for a motion to approve

On MOTION by Mr. Heath, seconded by Mr. Shenefield, with all in favor, the of Agreement with Navitas Credit for Playground Equipment Financing, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Access and Maintenance Easement for Landscape Improvements (Riverstone Phase 1 and Riverstone Phase 2)

Ms. Burns stated that they were looking for the Board to approve the agreement in substantial form, and referred to Ms. Rigoni to go over the agreement.

Ms. Rigoni stated that there were portions of lots located along Medulla Road in Riverstone Phase 2 that were not being maintained due to fences being put up on those lots along the easement. She stated that the proposed easement discussed in the agreement would allow for the district to have access to those areas so that it can be maintained along with the remaining landscaping along Medulla Road. She noted that a similar arrangement might be made for lots along Medulla Road and Riverstone Phase 1, but that when she spoke to the Developer requesting the easement, she wasn't sure how feasible it would be given that there might be homeowners in there already. However, she stated that if they authorized to approve it for both phases, they could see what would be feasible and go from there.

On MOTION by Mr. Heath, seconded by Mr. Shenefield, with all in favor, the Access and Maintenance Easement for Landscape Improvements (Riverstone Phase 1 and Riverstone Phase 2) and Authorization for the Chairman to Execute, was approved in substantial form.

EIGHTH ORDER OF BUSINESS

Consideration of Series 2020 Developer Agreements

A. Completion Agreement

Ms. Burns reviewed the Completion Agreement and asked for a motion to approve in substantial form.

On MOTION by Mr. Walsh, seconded by Mr. Heath, with all in favor, the Completion Agreement, was approved in substantial form.

B. Acquisition Agreement

Ms. Burns noted that district desired to commence the acquisition of certain work products that were outlined in the form of agreement.

On MOTION by Mr. Heath, seconded by Mr. Walsh, with all in favor, the Acquisition Agreement, was approved in substantial form.

C. True-Up Agreement

Ms. Burns noted that the developer and the district desired to enter into an agreement to confirm the developer's intent and obligation that is required to make true up payments related to the Assessment Area 3B Assessments. She asked for a motion to approve.

On MOTION by Mr. Walsh, seconded by Mr. Heath, with all in favor, the True-Up Agreement, was approved in substantial form.

D. Collateral Agreement

Ms. Burns explained that in the event of default in the payment of the Assessment Area 3B Assessments the developer will assign certain development rights to the district so that they can complete the Phase 3B Project or allow someone else to complete it.

On MOTION by Mr. Heath, seconded by Mr. Frye, with all in favor, the Collateral Agreement, was approved in substantial form.

E. Declaration of Consent to Jurisdiction

Ms. Burns stated that the agreement would be recorded and that the landowner confirmed that special assessment had been adopted by the Board and that all proceedings overtaken by the district have been in accordance with Florida Law, and that the district has taken all necessary actions to levy and impose the assessment. She asked for a motion to approve.

On MOTION by Mr. Heath, seconded by Mr. Shenefield, with all in favor, the Declaration of Consent to Jurisdiction, was approved in substantial form.

NINTH ORDER OF BUSINESS

**Consideration of Conveyance Documents
for Riverstone Phase 1**

Ms. Burns stated that the documents were included in the agenda as well, and within that there was a special warranty that listed all of the parcel contracts that would be conveyed to the district. She asked Mr. Smith if the areas were already being maintained by the district, to which he confirmed they were.

Ms. Rigoni added that they had previously received requests to have the common area tracts conveyed, such as the storm water ponds. She added that they had received an updated request to go ahead and convey all of the common areas that the district was already maintaining. She stated she was looking for a motion to approve in substantial form and subject to their review of the title opinion, which was still pending.

Ms. Burns asked if there were any questions, and hearing none, asked for a motion to approve.

On MOTION by Mr. Walsh, seconded by Mr. Frye, with all in favor, the Conveyance Documents for Riverstone Phase 1, was approved in substantial form.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Rigoni stated she had nothing to report.

B. Engineer

Ms. Wertz stated she had nothing further to report.

C. Field Manager's Report

i. Discussion of Shade Structure Options for Amenity Facility

Mr. Smith reviewed the field manager's report for the Board. Mr. Smith discussed shade structure options for the amenity facility with the Board.

ii. Consideration of Proposal from Floralawn for Annual Planting

After Board discussion on Floralawn's proposal for annuals, the Board gave Mr. Smith direction to plant annuals at the entrance. Ms. Burns noted that they could take staff direction since it was in the budget already.

iii. Consideration of Proposal from GMS for "No Parking" Signage and Installation

Mr. Smith noted that there had been a request for "No Parking" signs at the Amenity Center.

Mr. Smith pointed out that there were resident requests to replace some of the items around the pool area. Ms. Burns added that at the previous meeting they discussed all the options that were in the package, and that everyone wanted more time to look at them and decide. She listed some of the items, including umbrellas, cabanas, etcetera.

Mr. Smith pointed out that the cabanas were expensive, and Mr. Heath asked for confirmation that they would be replacing the existing items, to which Ms. Burns said yes. She added that when they first took over the district, there were umbrellas on the tables that had been completely ripped apart by the wind, so she thought it would be a better idea to get a heavier duty umbrella that wouldn't have to be closed every night.

Mr. Smith noted that if the Board had the budget for it, he recommended a larger 10' by 10' structure outside so that residents could have shade while sitting as well as a few replacement umbrellas. He added that the structure would cost around \$7,800. Ms. Burns pointed out that they could add the \$7,800 in to the agreement for the playground structures and add it to the financing agreement. She also gave another option of waiting until the next fiscal year.

Mr. Heath stated it would be better to wait, and Ms. Burns replied that she would add it in for consideration when they went through the next budget process.

Mr. Smith stated that there was also an issue with mosquitos in the pool area. Mr. Heath said there was no way to get around the issue of the insects due to the environment that they live in in Florida. Mr. Smith said he agreed but that he wanted to address treatment protocol, and that if they did decide to do anything the treatment would be expensive. He did point out that it was not a large issue, just that it was something brought up by residents. Ms. Burns stated it was probably in the best interest of the CDD not to use the treatment, but wanted to make sure that the Board was aware because they would hear about it in the future.

D. District Manager's Report

i. Ratification of QGS Change Orders #39 and #40 for Riverstone Phases 3 & 4

Ms. Burns asked for any questions from the Board on the change orders. There were no questions.

On MOTION by Mr. Heath, seconded by Mr. Walsh, with all in favor, QGS Change Orders #39 and #40 for Riverstone Phases 3 & 4, were ratified.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TWELTH ORDER OF BUSINESS

**Supervisors Requests and
Audience comments**

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Adjournment

Ms. Burns adjourned the meeting.

On MOTION by Mr. Heath, seconded by Mr. Frye, with all in favor, the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman