

**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 Tuesday, **December 6, 2022** at 3:00 p.m. at the Towne Park Amenity Center #1, 3883 White Ibis Road, Lakeland, Florida and by Zoom.

Present and constituting a quorum:

Greg Jones	Chairman
Jennifer Tidwell	Vice Chairperson
Brad Fritz	Assistant Secretary
Roger Runyan	Appointed as Assistant Secretary

Also present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, KE Law Group
Alan Rayl <i>by Zoom</i>	District Engineer
Glen Clover <i>by Zoom</i>	Rayl Engineering
Clayton Smith	Field Services Manager, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and called the roll. There were three Board members present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams noted that this time was an opportunity for any members of the public to make a statement to the Board of Supervisors. She noted that she didn't see members of the public present in the room or joining via Zoom. Ms. Adams closed the public comment period.

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THIRD ORDER OF BUSINESS**Organizational Matters****A. Consideration of Appointment to Seat #2 and Seat #3 with Terms Expiring November 2026**

Ms. Adams noted that at last month's meeting they had a discussion of two seats on the Board that transitioned to the general election process; however, no one qualified through the general election process with the Supervisor of Elections office. She explained that last month, they declared two seats vacant. She noted that they had seat #2 and seat #3 with 4-year terms. She further explained that these were seats that the Board had the opportunity to make an appointment to the Board of Supervisors. She stated that in order to make an appointment, they were looking for a qualified elector at this time. She explained that a qualified elector was someone who was at least 18 years old, a US citizen, a resident of the State of Florida, a part of the Towne Park Community Development District, and was registered to vote with a Towne Park CDD address. She stated that at this time, the Board had the ability to handle this matter, or they could defer this matter for the incumbent Board members to serve in a carry-over period until the Board was ready to take action. She turned it over to the Board to make a decision on this matter. The Board decided to handle the matter and appoint seat #2 to Roger Runyan and seat #3 to Greg Jones, Chairman, with terms expiring November 2026.

On MOTION by Mr. Fritz, seconded by Ms. Tidwell, with all in favor, Appointing Roger Runyan to Seat #2 and Greg Jones to Seat #3 and Chairman, with Terms Expiring November 2026, was approved.

B. Administration of Oaths to Appointed Board Members

Ms. Adams swore in Mr. Roger Runyan and Mr. Greg Jones.

C. Consideration of Resolution 2023-01 Electing Officers

Ms. Adams noted that each time that there was an appointment to the Board or an election, they were required to have an election of officers, which would be position of Chair, Vice Chair, Assistant Secretaries, etc. She stated that previously Greg Jones was serving as Chair, Jennifer Tidwell was serving as Vice Chair, and the remaining Board members were serving as Assistant Secretaries. She further explained that they did have some staff serving in the roles of Treasurer, Assistant Treasurer, Secretary, and Assistant Secretary for the purpose of processing accounts

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payable, processing the District's financial, and attesting the Chairman's signature. She explained that Jill Burns had been serving as Secretary, Tricia Adams was serving as Assistant Secretary, George Flint was serving as Treasurer, and Katie Costa was serving as Assistant Treasurer. She further explained that these were all staff members. She noted a couple of different options for the Board stating that they could take the positions one-by-one, if they wanted to make a nomination for Chair and then make a nomination for Vice Chair, or they could nominate a slate of officers. After Board discussion, it was decided to leave the staff as they were.

On MOTION by Mr. Fritz, seconded by Ms. Tidwell, with all in favor, Resolution 2023-01 Electing Officers with Greg Jones Serving as Chair, Jennifer Tidwell Serving as Vice Chair, the Remaining Board Members Serving as Assistant Secretaries, Jill Burns Serving as Secretary, Tricia Adams Serving as Assistant Secretary, George Flint Serving as Treasurer, and Katie Costa Serving as Assistant Treasurer, was approved.

FOURTH ORDER OF BUSINESS

New Business

A. Consideration of Group Fitness Classes at Towne Park Amenity Center

Ms. Adams noted that on page 10 of the PDF in the agenda package there was communication from a group fitness instructor who would like for the Board to consider offering group fitness classes there at the clubhouse. She explained that the person included quite a bit of detailed information in terms of their education, their experience, their concept for the class schedule, and the description of the class. She stated that they did ask for information relative to what they were thinking in terms of their compensation, which gives Board members some framework for discussion. She also noted that the Board had the ability to approve this type of activity and enter into a License Agreement with this individual for the purpose of holding group fitness classes. She further explained that when it came to the fees that were collected, the Board had discretion to allow for the instructor to directly collect those fees and for no money to be exchanged with the District. She noted that there were times when she would see that a portion of the fee imposed on residents would go back to the District to help offset the cost of operating the amenity such as increased electrical consumption, increased cleaning, etc. She stated that this was ready for Board discussion. She noted that subsequent to the person providing this written information, he also provided some video information that was received by District staff yesterday and they sent that out as soon as they received it in case Board members wanted to review that.

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Mr. Jones stated that if they do make this an option, he wanted to review some things and make sure that the HOA could be there. He also noted that he wanted to make sure that they covered their expenses because they just increased the fees. Ms. Hammock noted a few considerations stating that in the District's Standard Licenses Agreement, there were some general requirements that she recommended. Some of the requirements that she suggested were for the District staff to be named as additional insurers before they got started for insurance, to use the District's waiver form for any exercise class and attach that to any Licenses Agreement prior to being able to participate. She also added that they would want to look at the building compacity and make sure there was no limitation. She further explained that the building compacity was also important due to the fact that generally with these two sublicenses because this was a public facility and a license is not a rental, that means it's not exclusive use, so those classes would be going on at the same time that everybody else was able to use the facility. Ms. Adams stated that these were all different aspects of a License Agreement, and the staff did not want to spend time putting together a potential License Agreement unless the Board was favorable enough to do that. She also noted to understand the concern of setting precedence, but this did not obligate the Board to enter into any other License Agreement and the Board would take each License Agreement consideration on an individual basis. Ms. Hammock noted that they could include if the Board was immutable to entering into some sort of License Agreement with a 6-week trial period and see how that goes and if it really works. She noted that if it does work, they could do an optional extension beyond that first 6-week trial period. Ms. Adams noted that this proposal was written with broad cautions and there was no specific class description or class schedule. She asked the Board if it would be helpful to have a specific class schedule. The Board was not concerned as much about the schedule but was wanting to make sure the costs were covered. Ms. Adams noted that when there was a private rental for a birthday party that was benefiting the private use of the facility, this would be an activity for Towne Park CDD residents and that would be something to consider. Ms. Hammock noted that typically in the License Agreements they explained that any damage that was caused in the class would be a liability on the licensee as part of the use of the facility. She further explained additional options for financial damage protection.

After Board discussion, Ms. Adams stated that she could communicate back with the person who proposed the group fitness classes and let them see a sample copy of the License Agreement that covered the insurance requirements, the indemnifications, the liability waivers,

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and all the important legal aspects. She also noted that she could let them know that the instructor would be required to mop the floor, ensure that the facility was emptied of all fitness equipment following the session, and that the Board would want to receive 15% of the revenues to offset the cost of operating the amenity facility. She added that if all the following was agreeable, then it would be worth the staff putting together an agreement that the Board could consider at the next meeting. Ms. Adams asked if the Board wanted to write into the agreement a provision that if there was a rare opportunity to rent the facility, the group fitness classes would be subject to being canceled. The Board agreed and encouraged it to be in the early hours on Saturdays. Ms. Adams asked if the Board had any input or preference for morning classes or evening classes. The Board wanted to leave it up to the instructors.

Ms. Adams explained that the Community Development District had worked on a database of electronic mail address for Towne Park CDD residents who had applied for amenity cards. She further explained that when someone applied for an access card, they also collected their email address and would send out a notification if the pool was closed or if there were any other CDD matters. She noted that typically someone who was interested in promoting an activity for Towne Park residents may inquire about their ability to have an email blast sent out to notify residents about the schedule or about the opportunity. She asked the Board if they had any legal considerations for that or any Board input on that matter. After further Board discussion, Ms. Adams noted that they would reach out to the group fitness instructor and would discuss the terms of the agreement. She noted that if there was an interest in the terms of the agreement, they would bring back an agreement to the January meeting for Board consideration.

FIFTH ORDER OF BUSINESS**Approval of Minutes of the November 1,
2022 Board of Supervisors Meeting**

Ms. Adams presented the minutes of the November 1, 2022 Board of Supervisors meeting and asked for a motion to approve the minutes.

On MOTION by Ms. Tidwell, seconded by Mr. Jones, with all in favor, the Minutes of the November 1, 2022 Board of Supervisors Meeting, were approved.
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SIXTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Hammock welcomed the new Supervisors to the Board. She explained the Florida Ethics Laws, Florida Sunshine Laws, and Florida's Public Record Laws to the new Supervisors, which now apply to them when they act in the compacity as a Supervisor.

B. Engineer**i. Review of Revised Pavement Damage Assessment**

Mr. Rayl referred to the summary letter on page 23 of the agenda package stating that it was their review of the construction plans as they were designed with respect to the standard protocols and design criteria as it related to issues like groundwater, seasonal high-water table, underdrain systems, and the pavement sections. He noted that if the construction was done correctly per the improved plans, which it was and there were no deficiencies identified in the pavement section. He stated that as they look through the locations that were identified as having issues, they compared that to those areas of design on the plans and they were not in disagreement with what the original engineer record did in their design. He noted that there was one location where he would have added more underdrain in one spot than what was done by the engineer record. He explained that overall, they didn't find egregious errors in the design. He further explained that they had the areas of defect identified and they had the assessment of what was done with the plans, and they didn't find anything wrong. He noted that the City of Lakeland, as of yesterday, was expected to provide a punch list of items that they would need improved before they would be able to accept any of the roadway infrastructure. He stated that they didn't know if the new punch list would be the same items, more items, or less items. He noted that he could see that the City of Lakeland's viewpoint was to make sure that they were getting a satisfactory product that they would be taking over ownership and maintenance of. He further explained that was the latest status of where they were at with that. He asked the Board if they had any questions. Hearing none, he added that they would keep an eye out for the punch list and would be able to have a better idea of the path ahead of them to get from where they were at today to getting acceptance by the City of Lakeland and getting the roads turned over to them.

Ms. Adams noted that District counsel had also been involved in meetings with the City of Lakeland as it related to roadway conveyance. Ms. Hammock stated that she didn't sense that there was any hesitancy in a future date for the city to accept the roads. She explained that the City

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Representatives that she had been talking to were primarily hesitate about accepting roads that needed repair off the bat. She further explained that what they hoped to do when they did finalize their actual list of items, was to look at that and evaluate that with the engineer and come back with an idea of what was actually necessary for them to take over the roads. She noted that eventually once they did have an actual idea of what the city was going to need to take those roads, then they could go through that process.

C. Field Manager's Report

Mr. Smith presented the Field Manager's report to include the storm preparation and the site damages from the storm. He noted that Hurricane Nicole was far less in magnitude to the previous storm Ian and due to the magnitude of the storm, additional preparation was not required. He noted that several of the trees were pushed over and leaning after the storm, and a few additional fence panels were damaged. He did note that many of the trees had already been straightened by the landscaper, but there were a few areas that still needed to be straightened. It was noted that there were still some remaining items from Hurricane Ian to repair, which would be covered under an insurance claim. He discussed the completed items starting with the site mulching. He noted that they had two mulching's per year with the bigger ones being done in May and the smaller ones done in November. It was noted that the main focal areas around the community were mulched, which included the main common areas and the amenities. The next completed item that he discussed was the sod replacement stating that the approved sod was replaced along Medulla in several locations and the sod appeared to be establishing well. One of the in-progress items that was discussed was the fencing repairs. He noted that the adjuster had come out and looked at everything, approved the fence repairs, and gave a quote, which was quite high. He explained that the vendor had been given the approval to start as soon as possible. He added that the fencing was being stored onsite and in the GMS shop and would be given to the vendor. Another in-progress item that was discussed was the community benches. He noted that there were several areas in the community viable for adding benches. He stated that one bench would go at the amenity playground and five benches would go along Medulla facing the ponds. It was noted that the benches would be installed at the first available opportunity.

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i. Consideration of Proposal for Stormwater Pond Erosion Repair

The next item Mr. Smith discussed was the erosion repair, which included the entire bank on the south end of the large pond. He explained that this repair was called a DredgeSOX and was large piece of fabric with about 12' width, which they hem to the bank and fill it with soil. He noted that this pond had not eroded any more in the last three years. After Board discussion on this proposal, Ms. Adams noted that there were a few more considerations. She stated that the cost of the project was very expensive. She explained that this was over 700 linear feet and totaled \$79,059. She further explained that this repair was needed as a result of stormwater pond damage from Hurricane Ian. She noted that the District was the permit holder for the stormwater system, so staff was recommending to take the steps to make sure that they were maintained in accordance with the permit and that there were no further erosion issues. She also noted an update regarding their discussion on Hurricane Ian repairs last month stating that they spoke about their insurance claim where they had several items on the insurance claim that they expected reimbursement for. She stated that the erosion damage was not part of the insurance claim; however, there were opportunities for FEMA grants for this type of repair. She further noted that they had submitted a grant application in advance of the FEMA deadline. They do not know the status of the FEMA claim yet or if they would get that funding, but the District needed to consider this maintenance proposal independent of that FEMA funding. In order of paying for the cost of this repair with their previous fiscal year 2022, the Board allocated \$68,000 to be transferred to the Capital Reserve Fund. She noted that there was some additional money that was identified in the carry-forward surplus that could be aggregated together, so they were opening the reserve fund account with \$90,000. She also noted that they had a transfer-in scheduled as part of their current budget. She explained that there was funding that could be identified to pay for the cost of this repair. Mr. Runyan asked if this would be a contract. Ms. Adams responded that any approval that the Board takes to approve this repair would be subject to District counsel preparing an agreement in favor of the District that would cover all of the important insurance requirements, indemnification, statutory requirements, and surprised cost. After Board discussion, they decided to wait until the dryer season. This would also help financially because they would have their transfer-in and would have a better financial hold on everything. Another question asked was if they realistically thought that they would find someone else in the timeframe that they were looking for to find a better price. Mr. Smith responded no. Ms. Adams added that this was a proprietary solution. Another question

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asked was to make sure that this wasn't high enough of a threshold to make sure that they would have to bid elsewhere and that they could just take this one bid and move on. Ms. Adams responded that was correct, this did not meet the required bid threshold. She added that this was a unique situation. She noted that the Board had the option to approve this proposal today or they could wait and get confirmation of details as it related to the dock uninstallation and reinstallation, they could bring it back in January. Ms. Adams asked if the Board would like to memorialize this discussion with a motion to approve the Solitude Lake Management proposal for \$79,059 for a lake bank restoration.

On MOTION by Mr. Jones, seconded by Ms. Tidwell, with all in favor, the Solitude Lake Management Proposal for \$79,059 for Lake Bank Restoration, was approved.

Ms. Adams noted that they would work with District counsel on the form of the agreement, the deposit, and scheduling. Mr. Jones noted access also, so that way they could convey to homeowners' access, new start dates, where they are going to start from, equipment, etc. Ms. Adams asked the Board members if they wanted staff to bring back a recommendation to next months meeting and plan for correspondence and communication on the matter related to the situation with the dock uninstallation. The Board agreed. Ms. Hammock stated that any time that there was a dock installed there, there was a required License Agreement with the District and it does have a provision requiring removal at any time at the cost of the installer, and it would be up to the District to determine whether or not it should be reinstalled.

D. District Manager's Report

i. Approval of the Check Register

Ms. Adams reviewed the check register found in the agenda package. She stated that it was from October 25, 2022 through November 28, 2022 and was \$55,839.50. She added that behind the check register was a check run summary. She asked if anyone had any questions. Hearing none, she asked for a motion to approve.

On MOTION by Mr. Jones, seconded by Ms. Tidwell, with all in favor, the Check Register, was approved.

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ii. Balance Sheet and Income Statement

Ms. Adams reviewed the unaudited financial statements that were included in the agenda packet through the end of October. She noted that there was no action required from the Board.

SEVENTH ORDER OF BUSINESS

Other Business

Ms. Adams asked for any other business. There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Public Comments

Mary Riddle asked about the DredgeSOX. Mr. Smith noted that there were some YouTube videos which showed how this system worked. Mr. Smith noted that it was his opinion that this was a very simple system to use that was very natural.

Wayne Dunn asked for clarification that insurance was going to cover everything. Mr. Smith responded everything except for the deductible. He further explained that there was a \$10,000 deductible for everything and then the insurance would pay everything else. Mr. Wayne Dunn asked about the benches and if they knew where they were going to be. Mr. Jones responded yes; they had already designated where they were going to be. Ms. Adams stated to Mr. Wayne Dunn that there was a Community Development District website, TowneParkCDD.com, where there was a copy of the full agenda package for today including a diagram of where the benches would be placed.

TENTH ORDER OF BUSINESS

Adjournment

Ms. Adams adjourned the meeting.

On MOTION by Mr. Jones, seconded by Ms. Tidwell, with all in favor, the meeting was adjourned.

Tricia Adams
Secretary/Assistant Secretary

Gregory M. Jones
Chairman/Vice Chairman