

**HMINUTES 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, **September 5, 2023** at 3:02 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
Tom Zimmerman	Assistant Secretary
Roger Runyon	Assistant Secretary

Also present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, Kilinski Van Wyk PLLC
Alan Rayl <i>by Zoom</i>	District Engineer, Rayl Engineering
Allen Bailey	Field Services Staff, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and called the roll. There were four Board members present in person 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.

Alexander Krugla stated that he has had a couple of incidents with the volunteering people who watch the property in front of the pool. The first incident is the guy that monitor the pool at 7:00. Yesterday he stated he and his wife with friends went to the pool at 7:05 and the man named Mike closed the pool at 7:30. The website stated as of March of this year that the pools are open until 8:00 p.m. He made everyone get out at 7:30. He asked who makes up the pool hours of

September 5, 2023

Towne Park CDD

operation and who follows them and what can be done about it? He also asked in the summer can the pool stay open later than 8:00 p.m.

Ms. Adams stated this is not a question-and-answer session right now but if you can stay for the meeting, we can address that type of question under staff reports. Ms. Adams asked for any other public comments for the Board of Supervisors. Hearing no other comments, she closed the public comment period.

THIRD ORDER OF BUSINESS

**Approval of Minutes of August 1, 2023,
Board of Supervisors Meeting**

Ms. Adams stated included in the agenda packet on page five is a draft of the meeting minutes. She noted this draft has been reviewed by District Management as well as by District Counsel. She asked for any corrections from Board members or for a motion to approve.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, the Minutes of August 1, 2023 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS

**Consideration of a License Agreement for
Food Truck Event and Movie Night Event**

Ms. Adams stated from time to time an organization will come forward that would like to offer community events. This is a proposal from Keren Pagan included on page 14 of the agenda packet. She is requesting a license agreement for the food truck event as well as movie event. The Board has considered this type of license agreement in the past. She is requesting a food truck event on September 16th and a movie night in the park on November 17th. Ms. Adams stated there is usually a vendor that provides the inflatable screen, licensing agreement for the film, and all of the equipment needed to run the film. She noted these companies do outdoor events so are accustomed to working in field conditions without power supply.

On MOTION by Mr. Jones, seconded by Ms. Tidwell, with all in favor, the License Agreement for Food Truck Event and Movie Night Event, was approved.

September 5, 2023

Towne Park CDD

FIFTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Hammock had nothing to report to the Board.

B. Engineer

Mr. Rayl stated one item that we have been having some discussions with the City of Lakeland staff about the road repair work. I had intended to report something different to the Board before Friday. We had some good discussions with the City of Lakeland and were looking at setting a meeting to discuss conducting the work through the City of Lakeland and I got an email late Friday afternoon which reversed that course, and they declined the request of addressing these outstanding maintenance bond issues. He noted he has not gotten to the bottom of the change of direction yet. We were both in agreement ourselves and Lakeland staff that if this had to be done to their satisfaction, they needed to be involved in this process to ensure that was the end result. He noted his update is not originally what he was going to update with but wanted to let the Board know that he is continuing to pursue this and hopefully will get some clarity on this before the week is over.

C. Field Manager's Report

Mr. Bailey stated that the graffiti was removed from one of the entrance pillars. The landscape barrier was damaged and repaired to help maintain the mulch and plant bed area. He noted leaning signage throughout the community was straightened. The drinking areas in the dog park were developing holes from the water faucet so pavers were placed to prevent this. A few no fishing signs were put up on Track H on Salt Springs Lane. He noted the planting is completed and appears to be establishing well. Fans were removed from the amenity as directed by the Board. He stated Amenity One gate is damaged and has gathered proposals for replacing it. He noted another side item is the Keaton Spring drainage easement with an area off Track K that has a drainage easement in place, but the water is pooling behind the houses. It appears that the homes have fences in the middle of the drain easement. He noted one resident stated they have been doing repairs.

i. Approval of \$3240, 4 ft Gate Tech Proposal for Amenity Gate.

Mr. Bailey stated he spoke with Gate Tech, they looked at our gate and amenity C's gate to see the difference in how sturdy they are. He noted the 5 ft. gate puts a lot of weight on the

September 5, 2023

Towne Park CDD

edges and causes damage to them. He noted he has a proposal for 5 ft and also for a 4 ft gate. He noted the 4 ft. leaves less room for them to hang or do anything on this gate causing damage. The first gate is 5 ft. to replace what we have set up currently with a strong build. There will be a sealed gate box to hold the circuits to that gate. He noted that would be \$2,991.81 for the 5 ft. gate. The 4 ft. gate is of a similar pattern. We would have to rework where the posts are. It would come out to \$3,240.56 and a lot of that comes down to reworking where the posts actually lay. There is a third option which is labeled as heavy duty which is a gate that is much taller than the current gate. It is similar to the 5 ft. gate but uses a lot more heavy-duty materials and is a mammoth closure which is a very strong closure. This gate is on the expensive side at \$5,190.65.

Ms. Adams asked Allen for a recommendation for the Board. Mr. Bailey suggested the 4 ft. gate. Ms. Adams stated more maintenance funds have been spent this fiscal year because of repairs at the amenity center from Hurricane Ian. She noted there is offsetting revenue from the insurance company to cover some of that. She noted the new fiscal year starts October 1st so realistically this fee would be incurred in the new fiscal year.

On MOTION by Mr. Jones, seconded by Mr. Runyon, with all in favor, the Approval of \$3240.56 4 ft. Gate Tech Proposal for Amenity Gate, was approved.

**ii. Discussion of Easement Encroachments in the Vicinity of Keaton Springs
Approval of Proposal for Survey**

Ms. Adams stated this item has been reviewed by the District Engineer as well as by field services staff and District counsel. She noted there have been complaints from residents in the vicinity of Keaton Springs regarding water standing at the back of their yards. Because of the complaints, field services staff investigated the area. She noted a map of the area is included on page 31 of the agenda packet. She noted the drainage maintenance easement is highlighted in yellow. There is a CDD parcel then private residential property on Keaton Springs. There is an easement that is part of the stormwater system at the rear of residential property in this area. She noted this easement is a drainage swale which is a water conveyance almost like a drainage ditch. She noted after a heavy rain event there could be water standing in the swale but primarily it is meant to convey water to drain away from the residential property. She noted because property

September 5, 2023

Towne Park CDD

owners have encroached into this area with the installation of fences and other materials such as dirt and gravel to block the flow of water, the swale is not functioning properly.

Ms. Adams stated that the District Engineer did review the photographs of the area and Alan's staff has been on site several times. His recommendation was to require the residents to remove the fences and to have the swale restored to the way it was designed in order to function properly. She noted there have been similar issues in the past with encroachments on CDD easements. She asked the Board if they wanted a legal refresher on the easement? Ms. Hammock advised the easement is part of the private residential lot but the District has a legal right to access that area. Ms. Adams noted the swale is part of the overall stormwater management system permitted with the Water Management District. She stated because the District Engineer recommended the removal, he also suggested that we have the area surveyed to be sure of where District property lines are and where the District's easement starts and ends so that we can be directing residents appropriately. This item is ready for Board discussion. She asked Mr. Rayl for any comments before the Board discusses this item.

Mr. Rayl stated he has seen this occur in other communities before. The original engineer of record designed a rear yard swale along the back of these 11 lots involved. He noted it is a conveyance for surface water and is a part of the surface water management system that the CDD has responsibility to maintain and correctly as stated it is also a part of the lots owned by the homeowners. He noted it is their property but the District has a right for that specific use and purpose over that part of their property. He noted the easement is 20 ft. wide. He stated he has reviewed the construction plans and the swale does encumber and covers functionally that entire 20 ft. that is pretty much encumbered by the slopes and grades of the drainage easement. He noted it is very much in the Districts interest and under their responsibility to make sure that swale is maintained and functioning. What appears to be the case and why I recommended we locate the rear property corners would be to formally establish where that 20 ft. lies. There are photographs that show the profile of the swale and how it is encroached upon by the fencing. It is not so bad in the East/West direction running longitudinally with the swale but it is the side property line fences that cross the swale where obstructions are occurring.

Ms. Adams stated the field notes and observations are based on a wheeled measurement tool and not on a survey. Mr. Rayl stated that is why a survey should be done to know exactly where those fences really lie. There is a grade change that continues beyond the rear property line

September 5, 2023

Towne Park CDD

or beyond this plat boundary into Track E of the adjacent plat. Those grades are much higher, and these grade changes continue into that area. He noted it is not readily apparent where the track boundary/rear property line is and that is why we recommended that line be surveyed and clearly marked in the field and then all of the encroachments can be identified.

On MOTION by Mr. Jones, seconded by Mr. Runyon, with all in favor, the Easement Encroachments in the Vicinity of Keaton Springs – Proposal for Survey, was approved.

D. District Manager's Report

i. Approval of the Check Register

Ms. Adams stated included on page 35 of the agenda packet is a check register from July 23, 2023 through August 22, 2023 totaling \$42,512.02. Included behind the register is a detailed run summary.

On MOTION by Mr. Jones, seconded by Mr. Tidwell, with all in favor, the Check Register for \$42,512.02, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams reviewed the unaudited financial statements through July 31, 2023 which are included in the agenda packet. She noted on the combined balance sheet on page 41, your unassigned balance is monitored. She noted page 42 shows your assessments have been fully collected as of the end of July. She noted for the record that the expenditures in general administration, field and amenity are all over what the prorated budget is, again this is primarily due to Hurricane Ian expenses. There was a little bit of offsetting revenue from an insurance claim. There are expenses for professional staff related to the right-of-way conveyance to the City of Lakeland. She noted overall the prorated budget as of the end of July on page 3 of the financials, total expenditures prorated were \$654, 640 and your actual expenses were \$663,599. Nothing to report on debt service funds. She noted that there was no action required from the Board.

Ms. Adams stated the gentleman who made the comment has left the building, but I will bring to Board members attention that the pool hours are a policy that the Board sets. During daylight savings time which is from a Sunday in March when daylight savings time starts until a Sunday in November when daylight savings time ends the pool hours are 8:00 a.m. to 8:00 p.m.

September 5, 2023

Towne Park CDD

Once daylight savings time ends in November the pool hours are 8:00 a.m. to 7:00 p.m. She noted this is the first that she has heard about the pool being closed early and will certainly follow up on that. She noted video can also be reviewed to see exactly what was happening at 7:30 on Labor Day evening because in no circumstance should people be required to leave the premises before the pool hours are closed. She noted when there is a pool officer on duty, they are typically scheduled through pool hours at 8 p.m. They are required to have the facility emptied before they leave because once they leave it is closed and no one should be at the amenity center when the pool is closed. There was a question regarding the pool sign saying Dawn to Dusk and Ms. Adams noted that the CDD pool is permitted by the Florida Department of Health to stay open from Dawn to Dusk and cannot remain open for night time swimming.

SIXTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Ms. Adams stated the direction from the Board regarding recent easement encroachments was to notify the property owners that an encroachment existed and that at some time they may be required to remove that encroachment. Those letters were mailed out and they were reviewed by District Counsel and District Engineer before they were mailed. She noted that property owners received them because she received several calls from people confused about what an encroachment is and confused about the fact that they are required to maintain the easement as designed as part of the District's drainage system. She stated overall they seemed to understand better as they talked through the situation.

Ms. Adams stated staff will look into the maintenance responsibilities for the area in the right of way between the roadway and the residential lot and report back to you on the field managers' report next month.

SEVENTH ORDER OF BUSINESS

Public Comments

Ms. Adams stated that this was the other section of the agenda where they take audience comments. Mr. Dunn stated as far as the tree trimming, I did ask the developer and he said it is our property that we should trim the trees. The other comment as many times I have commented on grass being cut at the ponds and that has not happened for quite a while and he thanked the Board for taking care of that. Ms. Adams stated that there were no comments from Zoom.

September 5, 2023

Towne Park CDD

EIGHTH ORDER OF BUSINESS

Adjournment

Ms. Adams adjourned the meeting.

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

DocuSigned by:
Tricia Adams
Secretary/Assistant Secretary

DocuSigned by:
Gregory M. Jones
Chairman/Vice Chairman