

**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, **March 5, 2024**, at 6:00 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 <i>by Zoom</i>	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
Alan Rayl <i>by Zoom</i>	District Engineer, Rayl Engineering
Allen Bailey	Field Operations, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and called roll. Three Board members were present and one attending via Zoom constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams noted this is an opportunity for any members of the public to make a statement to the Board of Supervisors.

- Anjal Modi (5434 Keaton Springs Dr.) commented on notices regarding easement encroachments and asked for an extension of the deadline to remove his fence that is located within the District's easement.
- Sukhadevsingh Virdee (5438 Keaton Springs Dr.) commented on the notice on fencing located within a District easement.

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- Orville Anderson (5442 Keaton Springs Dr) commented that trees need trimmed/removed and mowed grass is turning the pond into a swamp.
- Kim Zimmerman (6233 Dolostone Dr.) stated that dog poop situation is bad even on sidewalks, asked for signage to pick up after dogs.

Mr. Adams noted topics brought up during public comment can be addressed under staff reports if okay with the Board members.

THIRD ORDER OF BUSINESS

**Approval of Minutes of February 6, 2024,
Board of Supervisors Meeting**

Ms. Adams presented the minutes from the February 6, 2024, Board of Supervisors meeting. The minutes have been reviewed by District management staff and District Counsel. The Board had no changes to the minutes.

On MOTION by Mr. Zimmerman, seconded by Mr. Runyon, with all in favor, the Minutes of February 6, 2024 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS

**Consideration of Agreement to Install
Dock on Stormwater Parcel**

Ms. Adams noted on page 16 of the agenda packet is an application submitted by Mr. Rivera of 3832 White Ibis Rd. On page 21 is the specific application provided by the HOA management team by way of providing context. There is a proposed license agreement that has been reviewed by District Counsel on page 16 that includes protections for the District. The agreement also includes indemnification, insurance requirements, and other protections for the District. This form of agreement is the same form that has been used in the past. Ms. Hammock recommended this agreement be approved in substantial form. Mr. Rayl stated he has no issues with this project. Ms. Adams noted this agreement is providing permission to install on the CDD parcel and does not provide any additional approval required by the HOA, city, county or any other party. Ms. Hammock noted they are requesting the Board approve the license agreement for the installation on District property, and not approving the dock in any way that may be required by any other authorities having jurisdiction.

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On MOTION by Mr. Jones, seconded by Mr. Runyon, with all in favor, the Agreement to Install Dock on Stormwater Parcel, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Swim Lessons with SwimKids USA at Amenity Center 2

Ms. Adams noted this was briefly discussed at last month's meeting. On page 27 of the agenda packet is additional information requested by the Board. A survey was released on February 27th to 978 users and 61 users responded. Out of that survey, 38 users stated they want to see swim lessons and would purchase as a family. Eight respondees did not want to see swim lessons and 15 said they would like to see swim lessons offered but had no family members that would participate. Swim Kids stated they need to meet the minimum of five participants. Typically, there is a percent of the tuition that is remitted back to the District to offset any increased pool maintenance expenses. Mr. Jones feels having 38 responses would warrant bringing something like this into the community and would be a good sampling as to how to proceed in the future. Mr. Runyon asked if this is for community residents only. Mr. Bailey noted there is still that caveat if they have four residents, they could advertise to try to get a fifth participant from outside of the community. Approval of swim lessons would authorize District Counsel to prepare an agreement between the District and Swim Kids USA based on the terms discussed.

On MOTION by Mr. Jones seconded by Mr. Zimmerman, with all in favor, the Swim Lessons with SwimKids USA at Amenity Center 2, was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. Discussion of Potential Dates for Ethics Training Workshop

Ms. Hammock suggested Monday July 29th and Monday September 30th for ethics training workshops via Zoom. She noted if these dates do not work for the Board, she would be happy to find other dates that are favorable to them. She would be amenable to morning or afternoon. Ms. Adams asked which timeframe would be better for the Board. Mr. Jones stated around 5:30 - 7:00 would be good. Ms. Adams noted they will bring it back to the next meeting and finalize.

B. Engineer

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i. Discussion of Repaving Work and Close Out Process with the City of Lakeland

Ms. Adams asked Alan in addition to items regarding right of way repair, during public comment there was a request from a resident on Keaton Springs to consider an easement variance in that area and asked if the District Engineer had any comments on that matter under his report. Mr. Rayl noted the repaving work was completed last month. The City of Lakeland inspection staff was present the entire time and walked the area to be repaired and was all done per the city's direction and to the city's satisfaction as well to theirs. He spoke with Philip Hart with the City of Lakeland on what to go through for formal acceptance by the city and release the CDD from any further obligations with getting the roads up to their satisfaction.

Mr. Hart acknowledged areas where striping was altered and the City of Lakeland will take care of that by replacing the thermoplastic striping. Mr. Hart stated he only needed to review the bonds that had been put in place regarding the work to make sure everything lines up and will send an email tomorrow to that effect and if any outstanding paperwork or items needed to be addressed. He noted he is confident that they did the things Lakeland was looking for in the field. He received the invoices from the contractor for the work in addition to the expected invoices, there was a change order. Two areas that were agreed to in the field and coordinated with the District on what those would be. One was once they milled off the asphalt surface, they had to do some base material below the asphalt surface and replaced that with additional asphalt base so used the same material and is satisfactory. Other additional areas were identified. Both of those were reflected in the contractors change order. The first repair with the base totaled \$2,788.50 and the second additional surface repairs that the city required totaled \$17,773.64 so the total of the change order is \$20,562.14. That along with the other invoices for the contract amounts which were \$66,051.21 and \$190,519.53 were found to be in agreement with the original work that was contemplated. He noted they verified field quantities and had discrepancies there but was also an area where the city asked for extra deep milling which then requires extra deep repaving. The contractor was going to have to prepare a change order for the extra thicknesses involved in both activities. Their change order would have exceeded the amount that he was going to reduce based on quantities so in the end it would be in the District's favor to approve their invoice as submitted and come out ahead. He noted this is his recommendation to the Board to conclude the agreed upon work with the contractor and also included was the reimbursement quantity for Dolostone which is upwards of \$33,000 that is a builder reimbursement. He asked for any questions on this work.

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Mr. Jones asked if Mr. Hart gave any indication to when this will be turned over. Mr. Rayl noted he will keep this on his front burner as this is his number one priority to put this issue to bed. Mr. Jones stated this sounds good to the Board and ready to sign off on this.

Mr. Rayl noted the sump area on Siltstone, that work is underway but not completed. The easement issue on the lots on Keaton Springs is something where the HOA is the entity that reviews and approves requests for fencing and the CDD is the entity that is responsible for surface water management system and all easements pertinent to it especially easements where there is a functional purpose in that easement that the CDD has to more actively maintain which is the case in this easement under discussion. It is on the back end of 11 lots on the north side of Keaton Springs and is not just an easement for a storm pipe to go through to discharge into a pond. The easement contains a surface swale that was designed to convey water to stormwater pond 20 which is in the northeast corner in Phase 1. It's part of the function of the stormwater management system that has to be maintained. Drainage easements preclude construction of permanent improvements such as fences anything that would impede access and ability to maintain the function of surface features like this. If the CDD is willing to entertain variance processes for these types of things, we would be happy to evaluate the merit of those. They are put in place for a reason and on every survey at the time the homeowner purchases their lot that is required to be disclosed.

ii. Ratification of QGS Change Order No. 1

Ms. Adams noted on page 35 of the agenda packet is a copy of the change order that was approved by the Chair and she asked for a motion to ratify the actions of the Chair.

On MOTION by Mr. Zimmerman, seconded by Mr. Runyon, with all in favor, QGS Change Order No. 1, was ratified.
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C. Field Manager's Report

Mr. Bailey presented the field manager's report including a damaged fence post at amenity 2 being replaced, GMS staff restored blown over fence in amenity 1, milling and paving is completed, mag locks installed in amenity 1 restroom, and amenity gate was repaired.

A Board member noted some residents posted issues with key cards and the gate. Ms. Adams noted this matter was addressed by the amenity access team on Saturday and moving forward will not be an issue.

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Mr. Bailey addressed the tree issue with the resident at 5442 Keaton Springs. He will have the landscaper take a look to see the extent of the trees falling near the berm and will remind the landscaper not to mow in such a way that the grass clippings will fall in the ponds. For the dog stations, it is more the cost of emptying them. It wouldn't be a bad idea to bring back another proposal for a waste receptacle at the fence along the walking trail. Mr. Bailey will look into signage for the dog potty issue. Ms. Adams noted the Board could consider sending out a courtesy reminder to residents via electronic mail regarding picking up after their pets.

i. Consideration of Proposals for Pool Lifts at Amenity 1 & 2

Mr. Bailey stated they have gone over the hydraulic chair lifts and he spoke with the vendor. The vendor stated they would be looking at a one-year manufacturer warranty. He agreed if one was passed now and the Board signed off for another one to be dealt with in the next fiscal year, he would purchase both for them and wouldn't charge the second one until the next fiscal year and would hold that price. He noted both would have to be signed off on before he would hold the price. Ms. Adams noted this would be a two-year purchase agreement with one being billed and installed in FY24 and one being billed and installed in FY25. The amount per pool lift is \$10,100. Ms. Hammock noted if the swim class is held at one of the amenity facilities, she would strongly recommend it be compliant before lessons commence. The pool lift would meet ADA requirements for public pools and bring the District in compliance. Ms. Adams noted this would come out of the capital reserve.

On MOTION by Mr. Jones, seconded by Mr. Runyon, with all in favor, the Proposal for Pool Lifts at Amenity 1 & 2 as Presented, was approved.

ii. Consideration of Proposals for Pool Furniture Re-strap at Amenity 1

Mr. Bailey presented the proposal from Florida Patio to re-strap 17 chairs at amenity 1 at \$1,612. Ms. Adams noted the sales tax would be removed bringing it to \$1,510.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, the Proposal for Pool Furniture Re-Strapping at Amenity 1 for \$1,510, was approved.

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D. District Manager's Report

Ms. Adams reiterated to Board members that notice was provided in mid-February that they are in receipt of the FEMA grant funds due to hurricane damages totaling \$78,000 which has been put into the General Fund. As a result of this fund, they may be able to make a larger transfer out to the Capital Reserve Fund but are evaluating the cash flow for the District this year because of higher than expected pavement expenses. She noted with the encroachment issue behind Keaton Springs, the field services team identified six parcels that had an encroachment. Six notices were sent in November by certified mail and two were not claimed. A notice was sent in February to the same six addresses but one still has not been claimed via certified mail. They are reviewing the need for additional follow up.

i. Approval of the Check Register

Ms. Adams presented the check register included in the agenda on page 49. The summary from January 21st through February 23rd 2024 totaled \$94,058.54. The detailed register follows the summary.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, the Check Register totaling \$94,058.54, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams reviewed the unaudited financial statements through the end of January.

SEVENTH ORDER OF BUSINESS**Supervisors Requests**

Mr. Jones stated in regard to the Keaton Springs issue to extend proper notice by at least a month. Ms. Adams noted it is a policy issue and final decision is up to the Board. The reason that date was chosen was to allow the District Engineer time to get in and evaluate the situation and create a scope of repair of the swale to get it back to design and get bids out and Board approval of the work prior to hurricane season. Ms. Adams noted the current direction has been not to allow fences in this swale. Mr. Runyon noted fences have to be moved so the work can be done. Mr. Jones feels they should move it back a month to May 1st. There was consensus among the Supervisors. Ms. Adams noted they will re-notice requirement of the encroachment removed by May 1st.

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EIGHTH ORDER OF BUSINESS

Adjournment

There being no additional business, the Board adjourned the meeting.

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

DocuSigned by:
Tricia Adams

Secretary/Assistant Secretary

DocuSigned by:
[Signature]

Chairman/Vice Chairman