

**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, **April 2, 2024**, at 4:00 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 *by Zoom*
Jennifer Tidwell
Tom Zimmerman
Roger Runyon
Zabrina Sides

Chairman
Vice Chairperson
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Tricia Adams
Monica Virgen
Meredith Hammock
Savannah Hancock *by Zoom*
Alan Rayl *by Zoom*
Allen Bailey

District Manager, GMS
District Manager, GMS
District Counsel, Kilinski Van Wyk
District Counsel, Kilinski Van Wyk
District Engineer, Rayl Engineering
Field Operations, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order at 4:00 p.m. and called the roll. There were four Board members present in person and one Supervisor joining 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.

- Stephanie Vanderwerker (6319 Dolostone Dr) stated that the mailbox on Dolostone Dr. is not ADA compliant and also stated that she wants to know who owns the back gate.
- Khatri Kshitij (5434 Keaton Springs Dr) asked for an update on easement encroachment.

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- Sukhadevsingh Singh Virdee (5438 Keaton Spring Dr) requested French drain system instead of drainage swale.

THIRD ORDER OF BUSINESS

**Approval of Minutes of March 5, 2024
Board of Supervisors Meeting**

Ms. Adams presented the minutes from the March 5, 2024 Board of Supervisors meeting and asked for any comments, corrections, or changes. The Board had no changes to the minutes.

On MOTION by Ms. Tidwell, seconded by Ms. Sides, with all in favor, the Minutes of the March 5, 2024 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS

Public Hearing

Ms. Adams noted the Board previously approved setting a public hearing to consider the variance policies as well as the collection of the \$75 application fee. Ms. Adams asked for a motion to open the public hearing.

On MOTION by Mr. Zimmerman, seconded by Mr. Runyon with all in favor, Opening the Public Hearing, was approved.

- Kim Zimmerman (6223 Yellowstone Dr) asked for clarification if this is for all easements or specific easements. Ms. Adams noted in this easement policy the District can only give permission to have a variance or encroachment on an easement in favor of the District.
- Sukhadevsingh Singh Virdee (5438 Keaton Spring Dr) asked does this apply to properties that already have fences or encroachments. Ms. Adams stated on page 18 of the agenda notes on point #5 if improvements are constructed or installed within a District easement without approval, the District reserves the right to take all available legal action against the person or entity engaging in unauthorized use.
- Cheryl Thompson (HOA Board) stated that they are constantly having problems with all kinds of changes like driveway widening and also moving trees. A lot of things that have to do with easements, and they are always in question. They put a waiver in their approvals to say we are okay with that but there are other people to check with. The HOA needs crystal clear direction on what to do with any request for change or has anything to do with

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an easement. Ms. Adams noted the CDD does not have authority over private property matters. Private property matters are governed by the HOA recorded declarations. The Districts only interest is when they have an easement in favor of the District. She noted she would meet with Ms. Thompson and their HOA Board and assist them with how the CDD will move forward with the \$75 application fee and process. Ms. Thompson asked if someone sells their property, are they required to move or whatever change to the easement. Ms. Adams noted point #3 a recorded document with the public records of Polk County. The recorded document would stay with the parcel and not with the property owner.

On MOTION by Ms. Sides, seconded by Mr. Runyon, with all in favor, Closing the Public Hearing, was approved.
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A. Consideration of Resolution 2024-04 Adopting Easement Variance Policy and Fees

Ms. Adams noted included in the agenda packet on page 16 is a copy the resolution approving the variances policies, Resolution 2024-04. Approval of this resolution sets the easement variance policy and also authorizes the collection of a \$75 application fee. Attached to the resolution is a copy of the easement variance policy that is on page 18 of the agenda packet. There are certain easements throughout the District on private property and are in favor of the District giving the District a legal right to access this property. Typically, no improvements are legally installed on these easements. She noted they had communication with one of the HOA management companies that was requesting the District's assistance in reviewing applications in cases where there is an easement on private property in favor or the District. Approval of this policy gives the ability to approve easement variances. The applications would be approved by field management staff and also reviewed by the District Engineer.

Ms. Adams noted there is discussion today regarding a drainage easement and stated that they would not want to calibrate the expectation that drainage easements would be approved for a variance. The drainage easements are of paramount concern because it deals with controlling residential flooding and many properties are designed with a drainage swale at the rear of the lot. The District Engineer would make decisions on a case-by-case basis. Ms. Hammock noted this will go through HOA as well as the Engineer. Mr. Zimmerman noted the Engineer is the subject matter expert of easements and how they need to remain so if the District Engineer determines that the proposed project is unsound then that is probably enough.

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On MOTION by Ms. Sides, seconded by Mr. Zimmerman, with all in favor, Resolution 2024-04 Adopting Easement Variance Policy and Fees, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-05 Approving the Proposed Fiscal Year 2025 Budget and Setting a Public Hearing

Ms. Adams stated included on page 20 of the agenda packet is a copy of the resolution. Approval or adoption of this resolution will approve the Fiscal Year 2025 proposed budget. This is approving the proposed budget for the fiscal year starting October 1, 2024 running through September 30, 2025. Approval of this resolution also sets your public hearing for July 2, 2024 at 4:00 p.m. at Towne Park Amenity Center 1. It also allows for the District management staff to send a copy of the budget to the local government such as City of Lakeland and Polk County. It also allows for posting the budget on the Towne Park CDD website as well as publication of the notice of the public hearing. All of this would happen in accordance with Florida Statutes. The proposed budget is attached to the resolution.

Ms. Adams noted on page 24 of the agenda packet is a review of the revenue section. All of the property has been platted and the assessments are collected through the Polk County tax collector. They are Non-Ad Valorem assessments on the annual tax bill. The proposed assessment level is the same as the current fiscal year. The budget for FY24 \$1,024,144 and that exact number is proposed for FY25. There is approximately \$8,000 anticipated rental income listed as other revenue in the proposed budget for FY25. The administration section is the cost to operate the District and the proposed amount is \$184,653. There is a proposed increase in field management services such as landscape enhancements/replacements, pond maintenance and general repairs and maintenance as well as contingency. The overall proposed amount for this section is \$479,842. There is a proposed increase of amenity expenditures such as increase for pool service contracts, increased security services, general amenity repair/maintenance as well as contingency. Total proposed amount for FY25 is \$243,084. They are proposing for FY25 there is a transfer out from the general fund to the capital reserve fund. There are 1450 units and the proposed assessment level for FY25 per unit is \$759.47. On page 44 of the agenda is the Capital Reserve Fund. She noted when the Board approves the proposed budget they are capping the assessment level at the proposed amount.

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On MOTION by Ms. Tidwell seconded by Ms. Sides, with all in favor, Resolution 2024-05 Approving the Proposed Fiscal Year 2025 Budget and Setting a Public Hearing for July 2, 2024 at 4:00 p.m., was approved in substantial form.

SIXTH ORDER OF BUSINESS

Ratification of Proposal to Re-strap Furniture at Amenity Center 2

Ms. Adams stated the Chairman approved repairing pool furniture on March 22. She asked for a motion to ratify the approval of estimate 27936 from Florida Patio Furniture.

On MOTION by Ms. Sides, seconded by Mr. Zimmerman, with all in favor, the Proposal to Re-strap Furniture at Amenity Center 2, was ratified.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hammock provided an update that she is working with the city to finalize all the documentation that they need to convey the roadways. The first document they have requested is assignment of warranty so all of the warranties that were given to the District by the contractor, they are in the process of finalizing that agreement and assigning those warranties to the City of Lakeland. The Board did authorize the Chair or Vice Chair to execute any documents necessary for the conveyance. Mr. Runyon asked how long they are looking at. Ms. Hammock noted it is the city so she is staying on top of them as regularly as daily to make sure it is moving forward within their approval process.

B. Engineer

Mr. Rayl stated first the swale work on Siltstone is done and satisfactory. It has been sodded and revegetated so they expect that to address the issue. That sump will not be controlling the water level in wetland on the opposite side of the road. Second, follow up to discussions from the last month. He received a call from Mr. Virdee one of the residents among the lots that were in discussion about the fences being in conflict with the District easement and the drainage swale. He stated that he is going to be putting in a variance request per the discussed variance policy. He advised the resident that the approval of his fence to remain and any other items related to that was a Board decision and not a decision that is made by District Engineer as he just provides his

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recommendations to the Board and the Board makes the final determination. This easement covers a surface feature, a drainage swale that is 20 ft wide which is also the width of the easement. He noted regarding a recent roadway repair work, it was completed satisfactorily and they have received acknowledgement from the City of Lakeland. They are following up with them about official release and turnover of that work. The city wants to observe the new repairs performance for a six-month period. Ms. Adams noted the city has agreed to accept a warranty assignment in lieu of that six-month monitoring period.

C. Field Manager's Report

Mr. Bailey presented the Field Manager's Report. Topics included fencing post replacement, littoral shelf planting, sump swale completed, landscaping and late dormancy of trees, ponds with no algae blooms, and traffic signal installed. Ms. Sides asked if the Riverstone signs can be power washed. Mr. Bailey noted they are on the list to be power washed and touched up with paint. Ms. Sides asked if they could get rid of the builder signs throughout the neighborhood. Mr. Bailey noted once the last few homes are finished the signs will be pulled up. Ms. Tidwell questioned trimming the Crepe Myrtles.

i. Consideration of Installation of Dog Waste Signs

Mr. Bailey presented the proposal for eight dog waste pick-up signs for \$1,285 to be installed along Medulla Rd. No action was taken, and staff noted that this will be brought back for consideration at a future meeting.

**Ms. Sides left the meeting at 5:00 p.m.*

D. District Manager's Report

Ms. Adams stated there were some questions during public comment regarding the encroachments on Keaton Springs. To clarify a couple of issues, this matter was brought to the attention of the Board because residents along Keaton Springs were concerned that the water was not properly draining from their property. Field management inspected the area and identified there had been fences installed in District drainage easements and as you heard the District Engineer state it is not just a drainage easement, but a drainage easement that is a functional 20 ft. wide drainage swale. The Board discussed this matter for two Board meetings. It was the recommendation of the District Engineer that the Board was urged to consider requiring the

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removement of these encroachments and once removed the District Engineer can go back and evaluate what needs to be improved to get it back to the swale design which will allow for proper drainage. The hope is to get that work done before storm season begins. Letters were mailed to the property owners with the new date of May 1st. Some residents have inquired about their ability to reinstall the fence. For the record, no one at the District has given anyone permission to install any fences in any easements. There was a public comment on French drains. Typically, French drains are private property drainage improvements. The District has been persistent, clear and is requiring removal of these encroachments in order to bring that swale back to design and get proper drainage in that area.

i. Approval of the Check Register

Ms. Adams presented the check register on page 60 of the agenda from February 24th to March 22nd 2024 totaling \$287,620.92. Immediately following the register is a detailed run summary.

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

ii. Balance Sheet and Income Statement

Ms. Adams reviewed the unaudited financials through the end of February.

EIGHTH ORDER OF BUSINESS

Supervisors Requests

Ms. Adams asked for any Supervisor’s requests.

NINTH ORDER OF BUSINESS

Adjournment

Ms. Adams adjourned the meeting.

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

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Secretary/Assistant Secretary

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Chairman/Vice Chairman