

**MINUTES OF MEETING
TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District was held on Tuesday, February 11, 2025, at 10:00 A.M. at the Country Inn and Suites 24244 Corporate Court, Port Charlotte, Florida 33954.

Present and constituting a quorum:

| | |
|----------------|---------------------|
| Tara Brady | Chairperson |
| Denise Blakely | Vice Chairperson |
| Robert Brady | Assistant Secretary |
| Vickey DeLuca | Assistant Secretary |

Also present were:

| | |
|---------------|-------------------|
| James P. Ward | District Manager |
| Greg Urbancic | District Counsel |
| Clay Rebol | District Engineer |

Audience:

David Ruff

All residents' names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS
WERE TRANSCRIBED IN *ITALICS*.**

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. James Ward called the meeting to order at approximately 10:00 a.m. He conducted roll call, and all Members of the Board were present, constituting a quorum. He noted there were members of the public present, and he reviewed when members of the public would be permitted to speak.

SECOND ORDER OF BUSINESS

Discussion of Candidate(s) for the vacancy in Seat Five (5) due to the resignation of Ms. Kathi Burke, [effective November 18, 2024] and whose term is set to expire November 2026.

- I. Appointment of individual to fill Seat 5**
- II. Oath of Office**
- III. Guide to the Sunshine Law and Code of Ethics for Public Employees**
- IV. Sample of E-filed Form 1 – Statement of Financial Interests; (changes to filing requirements)**

Mr. Ward reported three candidates were submitted to fill this position. He asked the Board to discuss the matter and appoint a candidate to fill the position.

Ms. Tara Brady thanked the candidates for submitting their names for the position. She asked the two candidates who were present to introduce themselves.

Mr. David Ruff briefly introduced himself and explained why he would like to be on the Board. He discussed his work experience which he felt qualified him for the position on the Board.

Ms. Brady stated she felt there could be a conflict of interests.

Mr. Ruff disagreed; he said there was no conflict.

Ms. Brady stated the parking in front of Mr. Ruff's condo building was the responsibility of the condo association, not the responsibility of the CDD. She stated there could be a conflict of interest as Mr. Ruff was on his condo association board.

Mr. Ruff stated (indecipherable – speaking too far away from the microphone).

Ms. Brady asked Ms. Vickey DeLuca to briefly introduce herself. She discussed her career of 25 years at Microsoft so she has a great deal of knowledge of technology. She discussed the boards on which she had served in the past. She noted she lived full time in the community for 8 months out of the year but could return for board meetings during her absence when necessary.

On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, Vickey DeLuca was appointed to fill the vacant seat on the Board.

Ms. DeLuca noted there would be another vacant position which would need to be filled next month.

Mr. Ward, as a notary public, administered the Oath of Office to Ms. Vickey DeLuca. Ms. DeLuca signed the Oath of Office and returned the Oath to Mr. Ward for inclusion in the record. He reviewed the Sunshine Laws, Code of Ethics, and Form 1. He instructed Ms. DeLuca regarding filing Form 1 and the ethics training requirements. He noted any questions should be directed to himself or Mr. Greg Urbancic, who is the Attorney for the District. Mr. Ward also discussed the requirements for Ethics Training.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2025-3

Consideration of Resolution 2025-3, a Resolution Re-Designating the Officers of the Tern Bay Community Development District

Mr. Ward asked how the Board would like to re-designate the Officers of the Tern Bay Community Development District.

The Board chose to add Ms. DeLuca as an Assistant Secretary and keep the remaining Officers in their current positions.

On MOTION made by Tara Brady, seconded by Denise Blakely, and with all in favor, Resolution 2025-3 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Consideration of Minutes

December 10, 2024 – Regular Meeting Minutes

Mr. Ward asked if there were any corrections or deletions to the Minutes; hearing none, he called for a motion.

On MOTION made by Tara Brady, seconded by Denise Blakely, and with all in favor, the December 10, 2024 Regular Meeting Minutes were approved.

FIFTH ORDER OF BUSINESS

Consideration of Audited Financial Statements

Consideration of the Acceptance of the Audited Financial Statements for the Fiscal Year ended September 30, 2024

Mr. Ward explained the District was required to have an audit performed annually. He introduced Ben Steets with Grau and Associates.

Mr. Ben Steets with Grau and Associates indicated the auditor’s opinion was clean, which meant Grau and Associates believed the financial statements were fairly presented in accordance with generally accepted accounting principles (GAP) in the United States of America. He stated pages 3 through 6 were the Management’s Discussion and Analysis which provided an overview summary of the financial position and activities of the District. He indicated pages 7 through 12 were the basic financial statements including the governmental wide financial statements and the fund level balance sheet (income statement). He stated pages 13 through 22 were the notes to the financial statements, most of which were fairly standard notes and common across Community Development Districts. He stated page 20, note 6, showed the District’s capital assets. He stated note 7 showed long term liabilities which were the series 2005 and series 2022 bonds. He indicated page 23 was a schedule comparing the general fund actual activity to the budget. He indicated page 25 included information required by the State of Florida. He stated page 26 through 28 was the report on internal controls over financial reporting. He stated the District was in compliance with all statutes which were relevant. He reported pages 29 and 30 contained the Management Letter. He stated there were no findings and no recommendations; this was a clean audit with a clean opinion. He asked if there were any questions.

Mr. Ward asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, the Audited Financial Statements for the Fiscal Year ended September 30, 2024 were accepted into the record.

SIXTH ORDER OF BUSINESS**Staff Reports****I. District Attorney**

No report.

II. District Engineer

No report.

III. District Manager**a. Important Board Meeting Dates for Balance of Fiscal Year 2025**

1. **March 4, 2025, - Request meeting moved to March 7, 2025, if meeting needed**

2. **April 1, 2025 – presentation of Proposed Budget Fiscal Year 2026**

b. Financial Statement for period ending December 31, 2024 (unaudited)**c. Financial Statement for period ending January 31, 2025 (audited)**

Mr. Ward stated there was a meeting scheduled for March 4 which would be moved to March 7 due to himself and Ms. Brady not being able to attend on March 4. He stated his team would send the calendar invite to the Board. He stated the Budget had to be presented April 1, 2025 to meet the require deadlines.

SEVENTH ORDER OF BUSINESS**Supervisor's Requests****I. Supervisor Denise Blakely:****a. Maintenance of Wood Bridges****II. Supervisor Tara Brady:****a. Trapping of Boars****b. Pathway through Conservation Area to Boat Launch****c. Discussion of Maintenance items to include in the Fiscal Year 2026 Budget**

Ms. Brady: The first thing I wanted to discuss was trapping of the boars. It has been brought to my attention that people came in and were shooting into the woods. I met with Mr. Parker (ph) to say, that needs to stop happening on CDD property, you have no right to do that. While I understand there is a need to control the boar population we need to do it the right way. Part of my concern is having random people out there shooting. They have no contract with anybody because they aren't paying anybody. I have concerns with that because while they have an insurance policy, we are not listed on the insurance policy. My understanding is that they actually have trail cameras on CDD property where they are putting feedings out to get the boars to go to those areas. They have maybe one or two single traps, and when they see them on the trail cameras, they come out to shoot

them. I can say the County does the same thing to an extent. You have to control them, however, in my opinion, random people with guns should not be running around in our development, in our woods, where we have pathways out to the water and everything, so they have not come out to do it. I have said I am more than happy to help them work up some type of a contract, but in my opinion, in speaking with the various agencies that do this, the single traps don't work. They get smart and don't go in them anymore. Both Charlotte County and Lee County use the larger pen traps where they can trap 13 at once. I can tell you both agencies use a private trapper and have contracts with the USDA because they do exotic animal control. The person who was told they could do this is a resident in the Ranchettes, they have a license, they sent me some stuff. They said they have worked with Lennar and this HOA for six years doing this, so I know something needs to be done. On the flip side of that, in speaking with the new general manager who has done golf courses for a very long time, he said he has never had a boar damage the golf course because there are no bugs due to the course being sprayed regularly. I'm not saying it's not a problem because boars will get into people's yards and damage stuff. I spoke with the golf course manager about spraying around the edge of the course more to get rid of the bugs so that they don't go as close to the course. (Indecipherable). She discussed where she had seen boars in the community. She discussed where traps were located and where traps could be located. She discussed where the trappers were shooting at the boars. She stated she was in favor of contracting someone to trap the boars using a larger pen trap and asked if the CDD was willing to contribute to the cost of trapping the boars.

Mr. Brady stated he believed it would be much more expensive if a hunter shot a child or person.

Mr. Ward: I have a number of communities along the west coast with similar problems to what you have here with the boars. The way in which Tara described it, with the pen traps, in all of my CDDs we have them removed and not shot on site. That's just the standard because I don't want a gun on the property. I think as the Manager I would recommend that we do take on this job. It's something that a CDD should be doing, especially in areas where you have as much conservation and open spaces as you do. Those things are dangerous, and they do need to be removed, and they do a lot of damage to communities. Whatever the cost is, I'm going to tell you it's less expensive than repairing damage from these hogs all the time. It's a good program for you to take on as a CDD and put in your budget, and under your umbrella.

Ms. Blakely stated the large traps sound like a good idea to me, but there might be some hunters in the community which might like to have a boar hunt day, and we could donate the meat to a charity or have a pig roast.

Mr. Ward: Our insurance would never cover that.

Discussion continued regarding the boars, the damage boars could cause, the cost of repairing boar damage compared to cost of removing boars, trapping the boars professionally versus individuals hunting boars, boar reproduction rates, and engaging the USDA regarding the boars.

Mr. Ward opened the discussion up to the audience.

A female member of the ordinance stated the only way to rid yourself of this problem would be to have a barrier to keep the boars off the property. Another option is to sterilize the boars. I think more research should be done.

Ms. Brady: We are never going to rid the community of the problem. It's not like we have a fenced in area where we can kill them and then they won't come back. They will be consistent from that preserve, and I will say trapping, getting rid of them is the better option. The fencing would literally need to be around the entire perimeter of the property, and it would need to be dug down about a foot. You can't just put up fencing, and I don't think it would be good to put hog fencing throughout the entire conservation area. I wouldn't want to see that. And you are going to limit everybody's flow. There are bobcats back there. I would not be surprised if there was a panther back there. And I wouldn't want to limit everybody else's wildlife flow, if that makes sense.

A male member of the audience discussed hunting boars, trapping boars, and shooting boars. He discussed the violent tendencies of boars and the danger the animals presented.

Ms. Brady: I agree. That's why I've made the meetings be held here, because I don't want them to be out there. I don't want to do a complete Facebook page, and I talked with Jim the other day that after today's meeting I'm going to do a whole writeup for the CDD and request that Mary send it out with that newsletter. Now whether or not she will or not I don't know, because they may say that's CDD and not us, but we are all the same. Everybody pays into all of them. It may not be every week that there is a CDD update if we don't have anything, but at least in this week's newsletter there will be something about what we've discussed today and what we're doing.

A male member of the audience discussed the use of guns near residential areas to hunt boars.

Ms. Brady indicated she would only want a hand-held pistol with a silencer used to shoot boars caught in the traps. Let's pursue a contract. Let's see what we can get from USDA and then any other ones. I would prefer to have them. I know they already do a bunch in the County, but I would like to get a contract and have the specs be pen trapping and what they think. If we were to get with the USDA they would come out and assess it and say, here's what we think you need to do that would help, but I also think we send notification to the HOA and the golf course board that they do not have permission to shoot into or access the CDD property for the purposes of hunting or trapping any wildlife.

Mr. Ward: Okay.

Ms. Brady: I also think we send notifications to the HOA and the Golf Course Board that at this time they still do not have permission. And in addition, we should know where they put these cameras. They should be removed.

Mr. Ward: Okay.

Ms. Blakely: Shouldn't we send notification to the entire community? People may think that one of those other Boards has that authority because it has not been communicated.

Ms. Brady: I will get this picture updated. There are two spots that need to be addressed, cut out and changed, and then we can send that out.

Mr. Brady stated earlier you alluded the fact that you talked to Mike Parker and HOA and they contracted with some entity to shoot –

Ms. Brady: They don't have a contract. What the Golf Board did, and he didn't do it with the HOA, he did it as Golf Board. The HOA had nothing to do with it. The Golf Board just – they didn't contract with the person because they are not paying him. They just told him that he could do it. There is no contract.

Mr. Brady: So, the Golf Course Board told these hunters that they could hunt on everybody else's property?

Ms. Brady: That is my understanding, yes. And I don't know if it was the entire Golf Board. I had a conversation with Mike Parker. I never saw the Golf Board discuss it, so I hope they aren't violating things and discussing it not at a Board Meeting. I don't think that they would have. I think they just continued a practice that Lennar had with this guy before. This same person said he has been doing this here for six years. It just so happens that this time it was done irresponsibly, and it was very noticeable. Okay, so that was boars. The next thing was the pathway to the conservation area and boat launch. We hired a person to come in and they cut back to the natural pathway that was there, which is about 10 feet, I think. They cut that back all the way down to the open area and it looks great. So, the next question would be to ask the community what they would like. It's a little rough walking back there. I don't know what you could do because there are wetlands back there. I think you could grade it out and flatten it down to the first bend to where you can see the creek and then go from there. I know we will never develop it to what the original plans had. It was a kayak launch and fishing pier and a picnic area and park and a lookout tower. All of that stuff was in the original plans and then it gets turned over to the State to maintain that. I think in 2042 it needs to be turned over to the State. So, while I would love to see a bunch of stuff done out there, I don't want to just say, hey, we should do such and such. We should ask the community what they want. I've heard mixed opinions. I would like to put up signs near the entrance to it, however you think we should word it, saying it is CDD property, but also to be cautious of wildlife because there is a variety of wildlife out here. It is a beautiful open area. You can kayak. You can get out to the harbor. It is a beautiful area and an asset to the community as a whole.

Mr. Brady: The path leading there, the concrete path, is that golf course property?

Ms. Brady: Technically, that cart path starts in the Terrace properties. It goes through that first HOA property and then it cuts across Golf Course property, and then it hits CDD property, so in this replat there will be an easement over those properties and golf course for public access to the pathway so that it is well documented.

Mr. Clay Rebol: That won't be on the replat, that will just be a separate easement that we will need to create and give proper dedication to, but it won't be on the actual replat itself.

Ms. Brady: Will you create that and do that prior to the replat?

Mr. Rebol: I think we can do that prior to it getting recorded. I did talk to Charles this morning about the other easements that we discussed yesterday, and that's not a problem. Again, that will be a separate instrument, and again you will have to sign off on the actual plat before it is recorded, so as far as moving the application forward, I think we can do that, and there will be another check prior to signing the actual plat cover.

Ms. Brady: Okay. So, we will have guaranteed access to that.

Ms. Blakely: It is beautiful back there. I know there is at least one, maybe two areas where the water goes over it with the tide and stuff, so I don't know what we could do there because that's always going to be wet.

Discussion ensued regarding the area, the width of the path being wide enough for golf carts, encouraging the residents to use the area, creating a kayak launch and picnic area, putting up kayak storage racks or stands, and including information about the area in the outgoing newsletter.

Ms. DeLuca suggested conducting group or nature walks through the area to educate the residents about the area and connect with our neighbors and the community.

Ms. Brady stated she felt group walks were a good idea.

Ms. DeLuca asked if residents were allowed to bring guns with them when walking through the conservation area. She noted she heard residents did this and she wondered if the CDD needed to be concerned and/or needed to post signage in this regard. *They bring their guns on CDD property when they go out to the ramp because they are concerned there would be a boar or a gator that interacts.*

Ms. Brady: What is State law? If that person has a permit to carry a gun, you can't stop them from carrying a gun.

Mr. Ward: We actually have no authority in that regard. The only thing we can do, or a resident can do, is call the police and report that there is somebody with a gun out there and then the police can check it out. That's the only thing we really can do.

Ms. Brady: We can put up no hunting signs.

Ms. DeLuca: I like that for signage, enter at your own risk, and no hunting.

Ms. Brady: The water is brackish. It's not a lake. It actually is mangroves. It leads out to the harbor. There are definitely gators in the water. I wouldn't have a problem with putting kayak racks out there if the residents expressed an interest in it but then there would have to be signage saying leave it at your own risk.

Mr. Ward: We could do something like that. They would just have to sign something that says this is at your own risk kind of thing. It's a cool idea.

A male member of the audience: (Indecipherable)...

Ms. Brady: According to rules if you laid down stone it would impede the water flow. If you did a decking across the top the water would just flow through it. Putting stones, it is a possibility, but I think maintenance wise, putting a little wooden bridge type deck there would be better.

A male member of the audience: (Indecipherable)...

Ms. Brady: There is a lot of barbed wire all the way along. I know there is some off 12 and 13, and there is some over by 11 and halfway along the fence. I did not ask him to remove any of that because it's back a little bit off the path. At one time, they had good, barbed wire all the way along that pathway. Anything else about the pathway or boat launch? No? Okay, and then next is maintenance items to include for the fiscal year 2026 budget. As I held up this picture, everything purple is CDD owned. I, over the last year, have voiced concerns over how the HOA maintains potholes, how they have maintained some of our signage, and whether they are out there maintaining the drainage correctly. I've had to call several times, which I don't think I should have to, because the bushes in the median were a foot and a half out into the road. So, the question is, they are our assets, is it time now that we take that back and do all of that maintenance ourselves? This would mean we could ensure we were getting the best price and if a stop sign or street sign goes down, they contact us and the contracts for all of the maintenance of our assets would be controlled by us and not an HOA Board that is still Lennar.

Ms. Blakely: Would they have to bring the assets up to certain standards?

Ms. Brady: No. They are already ours. This Board and the HOA were all Lennar before and because we are a public entity board it was easier for them to have the HOA do it because they have different rules, and they just did it. I don't think that we should leave that to them. A perfect example is after the one hurricane, we had a \$500,000 dollar assessment that we paid back to them because the HOA did it and nobody followed – the CDD, if we get hit by a major hurricane, we can apply for the FEMA funds and get reimbursed because we are a public agency. They didn't do that, so we all got the \$500,000 dollar assessment on our tax bill because nobody followed those rules. They just did it and had stuff removed and didn't do the right processes. I'd like to see that stopped.

Mr. Brady: So, the costs would just be switching?

Ms. Brady: The cost would be coming out of the HOA because they wouldn't be funding it anymore and it would come to us.

Mr. Brady: So, if they are not actually funding it, that means there is less of a chance that the quarterly fees would go up.

Ms. Brady: One would think that it is just taking the money from one and putting it out of another and they wouldn't collect for that, but I've looked at our HOA budget and I –

Mr. Brady: By doing that it almost seems that somebody will be getting double charged.

Ms. Brady: If the HOA doesn't remove it all from theirs and lower the HOA assessments, then you are correct, that is what would happen. But I have concerns that we own those assets. It's our responsibility and if we are not maintaining them – it took four months for stop signs to be put back up and if there had been a car accident we would have been liable for anything that happened because we didn't fix our asset and the HOA didn't do it.

Ms. Blakely: So, we are already collecting to provide the maintenance.

Ms. Brady: The HOA is. The CDD's operating budget is literally only to pay the electric bill for the lights.

Ms. Blakely: So, then the CDD costs would go up, but theoretically the HOA costs should go down.

Ms. Brady: Correct.

Mr. Brady: That's kind of wishful thinking.

Ms. Brady discussed what she felt the CDD should take over in terms of maintenance including road maintenance, and pond maintenance.

Mr. Ward: I tend to side with Ms. Brady on the maintenance issue. I've transitioned way too many communities in my career, and I think you have some hurtles here. This is a large community. You have a ton of assets that are worth a lot of money. We have a responsibility as a governmental agency to operate and maintain them as best as we possibly can for this community. I'm not saying anything about this HOA, but I have seen the maintenance for these types of infrastructure assets, whether you call it landscaping or the bridges or the roadways or the water management system or the conservation areas, isn't the top tier of the pile with HOAs simply because there are so many other things that they are doing. So, this becomes a lesser priority. You all are focused on maintaining this kind of infrastructure. I think it's a good idea to do it. I'm going to tell you also, cost to cost, it never works because what the HOA does is nearly what needs to be done. I can just look at your bridges driving in and know there are a lot of problems just on the bridges alone, and that's something visual that I see just coming into the community. I think it's a good idea that we evaluate those assets from a cost perspective and see what it's going to take to do it and then jump into the fray and get this project back on track. This is not going to be a one year project; it's going to take us two or three years to get us back on track. Year one is going to be evaluating and getting started on the project, and then year two you will be able to gear up your operations and home in on what works and doesn't work for you.

Ms. DeLuca: It sounds like it would be very reasonable to look at working for the next six months to put this in next year's budget which is where this is sitting and start looking at both contracts. It is the CDDs responsibility. The CDD should be managing it now, but it will take time to talk to the different entities. The sidewalks need to be fixed before they are turned over just like they fixed the golf cart paths before they turned over.

Ms. Brady: Now some of the areas have already been turned over, like the bridges and most of the roads. I have requested that the new land manager drive around with me so I can show him everything that I think needs to be fixed. You will notice that they did do all of the crosswalks off of Long Meadow, and they were yesterday digging the sidewalk between Long Meadow and Heritage Landing Blvd that they had left open. They have been doing that. I've pulled all of the contracts that they currently have. They don't have a contract for road maintenance because they just have their Lennar people come in and do it, and they don't do it to DOT standards. That is a concern for me. I think that we should have a contract with a company we can call to come out and fix things. I spoke with the County about possibly doing a memorandum of understanding with them, so we can just call the County, and they could come in and do it. The issue with that is, it would be very low priority even though technically they are public roads, because they are not true public roads. The issue is, budget is October, we need to start looking at it. That's why at the April meeting we need to figure out what those operating costs would be for our budget in October.

Mr. Ward: From a global perspective financially, I think our assessments are \$375 dollars a year. In this business we have a cap rate, which means if we go over a particular number then we have to send mailed notice to the entire community. Our cap rate is like \$635 dollars or something, so there is a \$200 dollar per unit window which generates about \$300,000 dollars in cash. That's kind of minimal dollars for all of these particular assets. For example, your Ramco (ph) contract was in the \$200,000 dollar range per year. We already know we are going to go over that cap rate. We are going to do mailed notice to all of your community, and I think in year one you start by looking at everything, and then to the extent that you need to back it off for a year you can, but we take the position that these are our assets and see what we need to do and then we go from there. Year two may be something different. As we get into this, we may back off a little bit, or you may want to say, hey, let's just get it done. It's going to be very global. There are a lot of assets to do. Clearly, between Clay's office and my office we will be able to figure out what they should be in year one, but they are going to be very global numbers at this point in time.

Ms. Brady: He says the Ramco contract because the CDD owns the guardhouse and the gates. I'd like to see the construction gates shut now. They don't need to be open. And I think if this Board were in agreement, we have every right now to say they need to be shut. Security wise I don't know if we'd be responsible for that. Would we be responsible for manning the gates? I understand we are responsible for the gates, so when they break, we are responsible for fixing them. Manning the gate, I don't know.

Mr. Ward: If you leave the manning of the gate with the HOA then the repairs need to stay with the company. It's just easier for them to do it. Otherwise, it becomes a nightmare.

Ms. Brady: Those are the things we need to think about. Do we want to take that over? I think we need to tell them to shut the construction gates.

Ms. Blakely indicated she saw people basically stealing pavers from the community using the construction gates. She agreed the construction gates should be closed. She stated calling the correct entity when something needed to be fixed, such as calling Ramco when the gates were malfunctioning, as opposed to posting something on Facebook regarding the gates would be preferred.

Ms. Brady asked for something to be sent to Ramco regarding shutting the construction gates.

Mr. Ward indicated he would contact Ramco regarding the construction gates. *I'm going to work on a budget and prepare it for you in draft form. We will get it to you by April 1. It's going to have everything in it. Just don't get sticker shocked. This is a lot of stuff to maintain. And then we will go from there. The timing, so we start on April 1, you have to approve a budget by your June meeting for purposes of setting a public hearing. I have to get the public hearing done by August 1 in order to make trim notices. Actually, we need to do it earlier, so I will do your trim notices, but we have to finish by August to get the assessments on tax bills by November 1. Those are very hard dates with the Property Appraiser and Tax Collector to get things done. If we have to do mailed notice, which I am contemplating we will, just remember that is 30 days' notice to residents which takes 60 days for us to get ready and out the door, 30 days ahead of when they have to be in residents' hands. I think we have enough to get the budget process started at this point.*

Ms. Brady: We did have the wooden bridge inspected and we will get that report. Those are already ours to fix.

Ms. DeLuca: On the new wooden bridge, before the entrance, is that in the CDD?

Ms. Brady: No, I will say that bridge is not ours. We are not responsible for that bridge.

Mr. Clay Rebol: At this point that is not yours, but it will be yours eventually.

Ms. Brady: Clay, what we spoke about yesterday, the roadway or access easements, that aren't really a road, but are in those plats for the condos, is that road easement our responsibility?

Mr. Rebol: If it is in a multifamily those are in the condo association, and they are responsible for those.

Ms. Brady: We don't own the bridge yet, so we can make sure it is brought up to standard before accepting it.

Ms. DeLuca: I heard that the pitch on that, the fire trucks specifically bottom out, (undecipherable). So, again, if you're going by you can see the pitch.

Ms. Brady: It is a big pitch, but I thought that they had fixed that.

Mr. Rebol: I know they did a temporary deal, and it wasn't very good, then they fixed it, and it was better, and I'm not sure if they've actually done the final lift to get into it, but on paper it works. The Fire Department approved it. They shouldn't bottom out. I don't think it's 100 percent completed yet. I think it's just a temporary access right now.

A male member of the audience speaks about the sidewalk and bridges.

Ms. Brady: The bridges yes, the sidewalks – they should have to fix it, and normally the County would make them fix that before they got the final permits for the final lift, so they should be. I'm going to drive around and take pictures.

A male member of the audience (undecipherable)...

Ms. Brady: They are going to have to regrade it or put up a wall. And here's the thing, that's our property. The CDD owns that property.

A female member of the audience: Are they going to go in and put the texture?

Ms. Brady stated she believed it would be done, but she could not be sure what Lennar would do.

A female member of the audience asked if Lennar was responsible for fixing the damaged sidewalks prior to being turned over to the CDD.

Ms. Brady stated she hoped that the County would not give Lennar final approval without first fixing the sidewalks, but she could not be certain it would be done. She noted it would be hard to prove that the damage to the sidewalks was caused by Lennar construction vehicles.

A male member of the audience asked (indecipherable) regarding the gates.

Ms. Brady stated the HOA had been maintaining the gates and she did not know why the HOA did not cut them. She stated the HOA had the contract with Ramco right now.

A male member of the audience asked if the CDD had the authority to tell them to start using the metal gates to prevent damage.

Ms. Brady explained the metal construction gates were shut where they were shut, but at the guardhouse they were not shut. She stated at least once every two weeks, someone who was impatient ran through them and broke the gates.

Mr. Ward: The answer is, yes, we have the authority to. If they choose to do nothing, that's kind of their mode of operandi at this point, so –

Discussion ensued regarding the construction gates, there being cameras at the gates, keeping track of those who were going through the gates illegally by license plate and charging fees for improper gate use, utility box repairs, the damaged sidewalks causing pedestrian accidents, drainage boxes, sidewalk flooding difficulties, and wanting to have the sidewalks fixed before turnover to the CDD.

Ms. Brady discussed why the CDD already owned the roadways and other property which was turned over to the CDD years ago.

A male member of the audience asked about street lighting.

Ms. Brady indicated she received the plans but had not gone out and compared the plans to the lighting; however, there was nothing to force Lennar to install what was indicated in the plans. She said there was nothing which said Lennar had to develop what was showing in the plans, just like with the canoe launch plans.

A male member asked (indecipherable).

Ms. Brady responded, all the costs for everything the CDD should take over, all the CDD assets, would be gathered and reviewed at the April meeting.

A male member of the audience asked about the center median near the condo parking and the utilities.

Ms. Brady: Charlotte County owns the utilities providing water and sewer, so if a water pipe breaks, utilities come and fix it and they own it. Stormwater the CDD owns. We have drainage easements through all different properties.

Mr. Ward: In those multifamily projects, the District has drainage easements over the roadways. The easements are for two purposes, one is that if we need to clean any drainage pipes that are in those

roadways we can do that, but originally, they were done – I think there are some of the existing FPL street lighting system that's in those multifamily projects. The District actually is paying the FPL bills for the streetlights in those areas. But we don't own the roads. We never owned the roads. It wasn't the District's responsibility to operate and maintain them. That was always a condo association problem.

A male member of the audience: Our condo association never owned the roads.

Mr. Ward: It might be the Master then. It's not the CDD, that's for sure. I put on your table this morning, Mr. Truxton who was in Seat 2 has resigned. This will be on your next agenda. The same process that you went through this time, if anybody is interested in the position, you can send an email to my office. I'm more than happy to include that in your next agenda for March or April. Mr. Truxton's term runs through 2026 and then that seat will be up for general election.

Ms. Blakely: Regarding the lighting, it's obvious when you drive through the community where the streetlights stop, and now the whole area where the new housing is going in, every third house has a streetlight whereas there are certain areas where you drive much further and there are no streetlights. Is there a way that we can add streetlights? It's just weird that now the new areas are getting streetlights.

Ms. Brady: I think part of the difference – and I agree, lighting is horrible. Heritage Landing Blvd from Black Beauty all the way down, I agree, it is horrible. I think that part of that is normally 3 to 5 homes get a streetlight which is why you are seeing them where the single family homes are, but there are no homes along Heritage Landing Blvd that would require those streetlights. The plans did show more lights than there actually are, but again, there is no way to hold them to the plans. If the CDD wanted to, depending on what infrastructure has been put in, it could. I will tell you from past communities, that it is not a cheap undertaking, and it would depend on what is already there. If the conduit is already run along the whole road, it would not be quite as bad, but if it's not it would be a huge undertaking.

Ms. Blakely: So, on houses it's more required than on condos?

Ms. Brady: I don't know if it's required, but it's kind of the standard. With the County if there are three houses lumped together and there is no lighting, they will go in and put one in, but along that whole road, there is nothing fronting that road, so that's why they stopped.

Ms. Blakely: Do you think the County could assist with putting lights in?

Ms. Brady: No, they wouldn't. Clay, can you get me who owns all of the Verandas, the Poppy Fields, all of the multifamily home pieces. If you could get that for me, that would be great.

Mr. Rebol: Sure.

EIGHTH ORDER OF BUSINESS

Public Comments

Public Comments: - Public comment period is for items NOT listed on the agenda, and comments are limited to three (3) minutes per person and assignment of speaking time is not permitted; however,

the Presiding Officer may extend or reduce the time for the public comment period consistent with Section 286.0114, Florida Statutes

Mr. Ward asked if there were any public comments; there were none.


NINTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 12:45 p.m.

On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, the meeting was adjourned.

Tern Bay Community Development District


James P. Ward, Secretary


Tara Brady, Chairperson