

**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, August 5, 2025, at 10:00 A.M. at the Heritage Landing Golf & Country Club, Clubhouse, 14601 Heritage Landing Boulevard, Punta Gorda, Florida 33955.

Present and constituting a quorum:

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

Also present were:

| | |
|---------------|------------------|
| James P. Ward | District Manager |
| Greg Urbancic | District Counsel |

Audience:

Jill Auger
Anthony Kiernan
Timothy May
David Marks

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 P. Ward called the meeting to order at approximately 10:00 a.m. Roll was taken and all Members of the Board were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

July 11, 2025 – Regular Meeting Minutes

Mr. Ward asked if there were any corrections or deletions to the Minutes. He noted Mr. Hamilton's name would be corrected in the minutes. There were no further corrections.

On MOTION made by Gary Hamilton, seconded by Robert Brady, and with all in favor, the July 11, 2025 Regular Meeting Minutes were approved.

THIRD ORDER OF BUSINESS

Discussion and Presentation

Discussion and Presentations on Guardhouse Operations options.

I. Proptia Presentation: Recorded Demo All Modules Vendor Informational Brochures (included in PDF)

Mr. Ward noted this was the second presentation regarding guardhouse operations, or access management system operations. He stated the firm presenting was Proptia, located in California, but he did not see Proptia on the phone or on video. He stated included in the Agenda packet was the basic information and the vendor information brochures. He indicated he and Mr. Greg Urbancic prepared two requests for proposals, one for the access management system itself, which was the technology piece of operations at the front gate, and the second was for the people needed for security operations. He reported the RFPs were completed, the advertising process had begun, a list of vendors interested in the RFPs was compiled including the technology vendors who presented at the previous meeting, today's presenter, and the companies who were scheduled to present at the next meeting. He explained RFPs were open to any vendor who wished to bid; the vendors were not required to be on the bidders list to bid. He explained the RFP proposals were due at the end of August and would come before the Board in September for consideration of award. He discussed the proposal process, which was qualification based and included price, staff, technology, etc.; evaluation would be based on points earned; selection of a vendor by the Board would be done after all proposals were reviewed, evaluated, discussed, and ranked. He explained after a vendor was selected, an agreement between the CDD and the vendor would be entered into. He stated the vendor was still not on the call, but once the vendor made an appearance the presentation could be made; until then the CDD could move forward with the remainder of the agenda.

Chairperson Tara Brady indicated the vendors would be informed the decision would be made on September 10th and their presence to answer questions would be requested. She noted the Board Members should not speak with the vendors individually but should forward all vendor questions to Mr. Ward who could distribute the information obtained to the Board.

Mr. Ward noted now that the RFP was completed he would ask the Board Members not to speak with the vendors outside of public meetings from this point forward. He said if the vendors reached out to the Board Members, the vendor should be directed to himself or Greg Urbancic to answer any questions the vendor might have. He explained why this was necessary.

FOURTH ORDER OF BUSINESS

Consideration of Agreement

Consideration of Assignment and Assumption of Agreement with RAMCO Protective of Orlando Inc., addressing the assignment, assumption and amendment to access control services to the District

Mr. Ward: What this essentially is doing, as the HOA currently has an agreement with RAMCO for the provision of all of the security and guardhouse services, in order to be able to do the transition, that agreement has to transition to the CDD to allow for two things, one is to allow us to pay for it at this point in time and then we can transition it to the extent that RAMCO doesn't bid on this project. The agreement itself has not changed from the agreement that the HOA has. The only change to the agreement is that the original agreement between RAMCO and the HOA was not terminable until August of next year. RAMCO has agreed to make it a 60 day termination effective upon the Board's approval of this agreement. I have already signed the amendment to this services agreement, and it is included in your agenda package. He asked if there were any questions.

Ms. Denise Blakely asked if there was a payout fee.

Mr. Ward: Those provisions are still in the original agreement. The only thing we have done with this agreement is transitioned over to the CDD and shortened the termination provision to 60 days. Whatever was in the original agreement has not changed.

Gary Hamilton: Originally it was termination for cause only. Is termination for convenience now in there?

Mr. Ward: We have a 60 day termination as an option. We can terminate it at any time we wish with 60 days' notice. In the assignment agreement we provided a provision that terminates it after 60 days in the agreement itself, section 6.

Ms. Vickey DeLuca: I just wanted to confirm that we are allowed to adjust hours in the addendum we are signing, so we can adjust hours as appropriate. I think it was a 72 hour clause. I want to make sure we can adjust those hours in exhibit A.

Mr. Ward: We cannot change the terms of the existing agreement. That does not change. The only thing we are doing here is allowing the CDD to terminate the agreement on 60 days' notice. The reason we did this is because once we go through the RFP process, when we choose a vendor, it can be RAMCO. There is a whole new series of conditions that they will agree to because we have a whole new agreement. This is a very short term solution to get to the point of being able to put the vendors in place that we need for operation of the gate facility but still be able to keep RAMCO until we are able to terminate the agreement.

Discussion continued regarding the agreement with RAMCO and the changes to the agreement.

Mr. Urbancic: Once we've gone through the RFP process and we know who we are going to have provide services, we can plan accordingly to make sure we give notice under this contract and start a new one.

Discussion continued regarding the agreement, section 2.02 and section 2.03 and what these sections implied regarding guardhouse hours of operation, and whether the mobile patrol services could be canceled.

Mr. Urbancic noted it was a bit of a grey area, but the CDD could make the assumption it could cancel mobile patrol services and present this to RAMCO and see what RAMCO had to say.

Ms. Vickey DeLuca stated she also would like to try to get the back gate closed as well.

Mr. Ward suggested dealing with this agreement first, and then the CDD could deal with the other issues.

On MOTION made by Tara Brady, seconded by Vickey DeLuca, and with all in favor, the agreement was accepted, and the Chair was authorized to sign.

Ms. Denise Blakely asked what the next steps were.

Mr. Ward: Let's get to step one, we need to kind of make sure this goes through in a professional manner. I have not worked with this company before I'm guessing they're going to be really good, and they have a strong relationship with the HOA. We've just got to get through this process and then we'll go from there. Give us a month.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2025-12

Consideration of Resolution 2025-12, a Resolution of the Board of Supervisors of the Tern Bay Community Development District, Adopting the Alternative Investment Guidelines for investing public funds in excess of amount needed to meet current operating expenses, in accordance with Section 218.415(17), Florida Statutes; providing for severability and invalid provisions; and providing for conflict and providing for an effective date

Mr. Ward: This is a requirement under the Florida statutes to adopt alternative investment guidelines for investing public funds. We have been going through some of our older districts, and this happens to be one of them. This is a newer version of the statute. This district was established before the 218 provision came into effect. It affects what we call our operating cash. It doesn't affect any of the investments of any of your bond issues. You have two bond issues in this district. The money that is held in trust under the bond issue is not affected by this. It affects the investments from our operating accounts. Now that we do have some money in our investment account I wanted to put it into the investment pools that I normally use for governments. In order to do that I have to have this in place, and this is also a requirement of statute. I have provided you with a copy of the resolution that indicates we will use the provisions in Florida statute 218.415(17) for purposes of investment. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Tara Brady, seconded by Gary Hamilton, and with all in favor, Resolution 2025-12 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Consideration of Bid Award

Consideration and Award of Bid - Bridge Restoration Project and authorization to enter into Agreement with Vendor

Mr. Ward: We started this project with a vendor a number of months ago. There were some issues with the vendor's staffing that were never resolved as a part of the discussions we were having with them, so we had to pivot at that point in terms of ensuring that we were able to get a vendor on site that was able to restore the bridges. In order to do the restoration project in the middle of that process we also had an evaluation done by a separate engineering firm to ensure the integrity of the bridges themselves. That was completed a couple of months ago. There is nothing wrong with the bridges. The engineer did note that all of the wood on the bridges was at the end of its useful life. These bridges were installed to my memory in the 2004/2005 timeframe. The engineers feel this is correct. We have pivoted and prepared a request for proposals. That was advertised and we received bids to replace all the wood on all four of the bridges including decking, side rails, anything that's wood on the bridges. I think we had interest from 4 bridge companies. Ultimately, we received one bid from York Bridge Concepts. That is the vendor that constructed and installed the original bridges in 2004. The price for doing all the work on all the bridges is \$997,500 dollars. I have enclosed in your agenda package a copy of what the materials were and the price that they included for doing all the work. In terms of the funding for all of this, it will wipe out all our capital or cash reserves in this District. I am looking at alternative ways to finance this on a going forward basis but at this point I am recommending that we do award the bid to the vendor we received the bid from. If we do that, this is a long process, it will be the first quarter of next year likely that the bridges will be restored because these vendors have long time schedules to get all of the wood plus all of the bridges that are already being constructed in this part of the state. This is a long process that we will have to go through. We may get it done a little earlier, but I am not hopeful that it will be much before the first quarter of 2026. The copy of their proposal and the bridge inspection report are included in the agenda package. This is for all four bridges.

Discussion ensued regarding the bridge inspection report, the condition of the bridges, and whether \$997,500 dollars was a fair price.

Mr. Hamilton asked if adjusting the labor hours from 6 days a week to 5 days a week would reduce the labor costs.

Chairperson Brady stated it would increase costs if the hours were changed from 6 days a week to 5 days a week. She noted working 6 days a week with 10 hour days was standard.

Mr. Ward explained the original plan was to only replace the decking, but after the inspection report the plan had to pivot to a full replacement of all the wood. He explained Lennar was not in any way responsible for the bridges as the bridges were constructed before Lennar entered the picture; the bridges were owned by the CDD.

Mr. Hamilton asked (indecipherable).

Mr. Ward stated the answer was yes in a construction project. He said he understood the concern; however, this was a vendor who had been around for 40 plus years, and he did not think there would be such problems, but he understood the concern. He said he had no problem discussing the matter with the vendor.

Ms. Vickey DeLuca asked if starting this project in January was smart given January was high season for the District. She asked if it might be better to delay the project until April, May, or June. She said she was worried about disruption to the residents.

Chairperson Brady stated she would prefer to get the project completed as soon as possible as the bridges continued to deteriorate. She noted yes it would be an inconvenience, but it would not be unmanageable, there would be detours available.

Mr. Ward stated he agreed with Chairperson Brady. He noted the other issue was the vendor was busy and delaying the project a couple of months might end up delaying the project even further. He asked if there were any questions; hearing none, he called for a motion.

Chairperson Brady asked if York Bridge Concepts would put up the silt fence or if the CDD was installing the silt fence in coordination with York Bridge Concepts.

Mr. Ward responded the CDD would install the silt fence in coordination with York Bridge Concepts.

On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, award of the bid to York Bridge Concepts was approved, with removal of the "lost profit" portion of the agreement.

Ms. DeLuca asked if the CDD could release information to the residents regarding the bridges.

Chairperson Brady responded she would write up a recap of today's meeting and ask Mary to send it out to the residents.

SEVENTH 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. Next Meeting: Tuesday, August 12, 2025, and Wednesday, September 10, 2025

b. Asset Management Report

c. Financial Statement for period ending April 30, 2025 (unaudited)

Mr. Ward: The lighting at the front entranceway is working as of this morning. The system wasn't in good shape; an inspection was done of it, so we are going to have to make changes to that but it's not urgent. They are operational. I thank Mary. She issued the purchase order and the HOA paid for some of the work that was done out there. The CDD helped her through the vendor process. And we fixed some parts of the system also. Going forward, the CDD will take that over operationally, and as I said, there are parts that are getting old and do need to be replaced. The

transformer is in bad shape. I think the lights out front weren't working because they were tripping all the time. I suspect that will continue to happen, but they are operational for the moment.

Mr. Hamilton: What's our plan going forward? Do we have a maintenance contract with an electrician, so we don't have to go out for public bids every month or so?

Chairperson Brady: The pricing is what does that and right now Lennar had been maintaining those lights, but we will take that over and we don't have to get – I just got a message that says they have been trying to get onto Webex and it's not working. They said that they emailed and they called. One of our residents is trying to listen to the meeting and cannot join.

Discussion ensued regarding how to solve the technical problems with Webex, the possibility of more residents experiencing difficulty logging into the meeting.

Mr. Ward explained the competitive bidding process and how the CDD only had to go through the competitive bidding process if the contract was for more than \$110,000 dollars. He said with the small electrical jobs this would likely not be necessary. He noted the vendor had begun the maintenance on the water management system; there was a separate vendor doing the maintenance on the preserves. He stated the lake maintenance scope of services changed from once monthly to once weekly. He noted there would be a lot of dead materials for a little while around the lakes, as the lakes had been sprayed, and over the next couple of months it would clear out of the system as the rains came in. He noted much of the bigger materials would be removed manually over the next couple of months, but there would still be a lot of material remaining for a couple of months. He reported over 40 hogs had been caught at this point. He stated the hog removal service vendor would be changing to the Charlotte County vendor. He thanked the Board for the emails from residents regarding where the hogs were spotted as this information was helpful in hog trap placement.

Mr. Hamilton asked about street sweeping and inspections.

Mr. Ward responded the street sweeping vendor was scheduled once a month and now that the final lift of asphalt was installed, street cleaning would begin. He indicated the stormwater report was complete, and there was a significant amount of silt in the stormwater system. He stated the cost to clean it would be approximately \$175,000 dollars. He indicated the engineer would work with Lennar to see if Lennar would pay for a portion of the cleanup. He stated the inspection report would be done annually and going forward a stormwater cleanup program would be implemented for the District.

Chairperson Brady stated she was hoping Lennar would pay to clear all pipes which were over 50% filled. She said once the pipes were cleared to 25% filled, sweeping the streets once a month would help keep the pipes clean as well.

Mr. Hamilton stated he was concerned as there were some drains which were pretty full.

Chairperson Brady noted just because the water level was higher in the drains did not mean the drains were clogged; the water level in the drains were the same level as the lakes. She said she hoped the engineer would hear back from Lennar this week.

Mr. Ward stated if Lennar did not agree to help with the cost of cleaning the pipes, the CDD would still move forward with the cleaning. He stated there was only one vendor who did this type of pipe cleaning, and once the work was authorized, it would take a month to finish. He told the Board to be prepared for Lennar's refusal to assist.

Chairperson Brady indicated the CDD also sent a list of the sidewalks it would like Lennar to fix and while she did not expect Lennar to fix all the sidewalks on the list, the request was sent. She indicated she and Ms. DeLuca checked all the basins where the curbing was sinking and sent a request to Lennar to have these fixed as well. She noted the County would be present next Monday doing traffic counts on the roads to determine whether Tern Bay could be a golf cart community and if so, residents would legally be allowed to drive golf carts on the roads in the community. She stated while present, the County would also consider whether the speed limit could be lowered to 20 mph.

Mr. Hamilton asked if the cleaning of the storm drains would include cleaning the outfalls in the ponds.

Chairperson Brady responded in the affirmative.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Chairperson Brady asked if there were any supervisor's questions or comments.

Ms. Denise Blakely asked about CDD communications with the community.

Chairperson Brady responded Mary was wonderful about sending out emails through the HOA to the residents with CDD information. She noted she sent meeting summaries to Mary who included these summaries in her community communications. She discussed the difficulties with social media communication. She stated it was easy to get in contact with Jim Ward's office with any questions and she would recommend residents give Mr. Ward a call with any questions or concerns.

NINTH 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

Chairperson Brady asked if there were any public comments.

Mr. Anthony Kiernan asked if the golf cart bridge would be updated.

Chairperson Brady responded there were no golf cart bridges included in the bridge rehabilitation program. She said the four main vehicular bridges and the associated sidewalks were being redone.

Mr. Kiernan asked whether the golf cart bridges were in need of repair.

Chairperson Brady explained the golf cart bridges were the responsibility of the Golf Association, not the CDD.

Mr. Kiernan noted there were many residents who lived in his condo complex who walked to the pool and the clubhouse and if the bridge and walkway were shut down it would be a big inconvenience to these residents. He recommended moving construction to March or April. He asked if there was a way for residents to see the distinction between operations and maintenance costs versus bond costs in the annual tax bill. He stated it would be helpful for residents to see the difference.

Mr. Ward explained most counties would not separate the costs, but he had never asked Charlotte County, so he would ask. He noted Manatee County would separate the costs on the tax bill, but no other counties would.

Chairperson Brady stated she believed Charlotte County would separate the costs, but it cost extra to have this done.

Mr. Ward noted if Charlotte County would not separate the costs on the tax bill, his phone number was on the bill, and he encouraged anyone to call him with questions regarding the tax bill. He noted the CDD's website also could provide the details of the tax bill for residents.

Mr. Kiernan asked if the proposal for security services could be advertised without roving security services.

Mr. Ward stated the RFP for security services was advertised without roving security services.

Mr. Kiernan asked how the HOA Board could get landscaping services back.

Chairperson Brady indicated common area landscaping was not removed from the HOA. She noted the CDD was working on a maintenance agreement with the HOA for the HOA to continue to do the landscaping; the CDD did not want to take over landscaping.

Mr. Kiernan noted the residents were being charged for landscaping services from the CDD in the new budget.

Chairperson Brady explained landscaping services were budgeted for in the new budget just in case a maintenance agreement could not be reached.

Mr. Kiernan asked if the \$300,000 dollars included in the budget for landscaping would come out of the budget if a maintenance agreement was reached with the HOA.

Chairperson Brady responded in the affirmative; if an agreement was reached, \$300,000 dollars would be included in the beginning balance of 2026.

Ms. Catherine ____ 59:30 asked who Chairperson Brady was referring to when she said "we" would be paying the RAMCO services.

Chairperson Brady explained when she said "we" she was referring to the CDD.

Ms. Catherine _____ asked if there would be any additional cost to the residents for security services or bridge repair services.

Chairperson Brady responded in the negative; there would be no special assessments for security services or bridge repairs; the costs were included in the \$800 dollar annual operations assessment.

Ms. Catherine _____ noted clearing away plant material from the lakes and creeks was mentioned earlier; however, this could cause problems including increased erosion, so she recommended caution.

Chairperson Brady said the vegetation being removed was not from the creeks, but from the lake banks, after which the littoral shelves would be replanted with the proper vegetation to help keep the water clean and stabilize the banks. She indicated she set out a booklet with information regarding how the County and SFWMD recommended lake banks be maintained for the residents to peruse. She agreed it was important to keep plant material around the banks and in the creeks.

Ms. Catherine _____ continued to discuss the importance of plant materials to the creeks and lakes.

Chairperson Brady noted she would be making a presentation in this regard, discussing the plan for the lakes in the community at a future meeting.

Ms. Catherine _____ stated she felt this was an excellent idea.

Mr. David Marks asked if the CDD was working in coordination with the Master HOA to ensure all technological platforms were compatible, such as with the front gate.

Chairperson Brady said she certainly hoped so, but the Master HOA was still Lennar which complicated things; however, yes, the CDD was working to ensure all technological platforms were compatible.

Mr. Marks asked if there were any recourse against Lennar for the driving of tractors, cement trucks, and heavy equipment over the bridges.

Mr. Greg Urbancic said he did have a conflict, so if the CDD wished to pursue a suit against Lennar outside counsel would be needed. He explained, however, in order to determine whether there was a case, an evaluation of the bridge, and the use, and whatever documents were in place was necessary. He explained there was an inherent understanding that when a community was being built the existing facilities would be used, so while a request could be made to Lennar to help with bridge rehabilitation, from a legal standpoint, further evaluation would be required to determine whether Lennar had any responsibility to assist, and what that might be.

Mr. Ward stated the real answer was these were public roadways, and Lennar would not be held accountable for any repairs legally.

Mr. Marks asked if Lennar put appropriate protections in place before using the bridges.

Chairperson Brady explained the bridges were rated and Lennar did not use the bridges outside of what the bridges were rated for; Lennar used the bridges appropriately. She noted the CDD could ask, however, and she would add contribution to the bridge repairs to her list for Lennar.

Mr. Marks asked if the CDD considered controlling the hogs with contraceptives. He noted the hog bait could be laced with contraceptives.

Mr. Ward responded in the negative. He explained this would have to be done in concert with Charlotte County and South Florida Water Management District.

Chairperson Brady noted the CDD was working with the USDA and would discuss the possibility of contraceptives with the USDA.

Mr. Marks asked if the pipes would be cleaned out before the next storm.

Mr. Ward stated the CDD would do its best to get the pipes cleaned out before the next storm, but it was impossible to say for certain it would be done due to the unpredictability of storm events.

Mr. Marks discussed the importance of cleaning out the stormwater drainage pipes.

Chairperson Brady noted the CDD just got the stormwater report two days ago and was working as quickly as possible to get the pipes cleared.

Mr. Ward agreed.

Mr. Marks asked if the CDD was allowed to do AI recordings of the meetings. He asked if the meetings were recorded via Webex. He asked if there were transcripts of the meetings.

Chairperson Brady responded in the affirmative; meetings were transcribed and the CDD used Webex.

Discussion ensued regarding the difficulty with virtual meetings, and the poor acoustics in the room which made recording difficult.

Mr. Ward noted his voice was quiet and difficult to hear.

Chairperson Brady asked if there were any residents online with questions or comments; there were none. She noted the only thing on the agenda for next Tuesday's meeting was another security presentation.

Mr. Ward agreed noting if the vendor did not confirm he would cancel the meeting.

Discussion ensued regarding the vendor who was supposed to make a presentation at today's meeting but did not appear.

Mr. Ward stated the vendor was on the bidders list, and the proposal would be considered as part of the process.

Ms. Blakely asked if today's vendor was the same vendor who missed the previous meeting as well.

Mr. Ward responded in the affirmative; the vendor missed the last meeting due to a sick child, but it was unknown why the vendor was unable to attend today's meeting.

TENTH ORDER OF BUSINESS

Adjournment

Ms. Brady adjourned the meeting at approximately 11:17 a.m.

On MOTION made by Gary Hamilton, 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