# 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, December 10, 2024 at 10:00 a.m. at the Heritage Landing Amenity Center, 14571 Heritage Landing Boulevard, Punta Gorda, Florida 33955.

## Present and constituting a quorum:

Tara Brady Denise Blakely Robert Brady	Chairperson Vice Chairperson Assistant Secretary
Absent: David Truxton	Assistant Secretary
Also present were: James P. Ward Greg Urbancic	District Manager District Counsel
Clay Rebol	District Engineer

#### Audience:

Ms. Jill Auger Mr. 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, with the exception of Supervisor Truxton, constituting a quorum.

# SECOND ORDER OF BUSINESS

Administration of Oath of Office

Mr. Robert Brady and Ms. Denise Blakely, who were both elected at the November 5, 2024 General Election, were sworn onto the Board by Mr. James Ward and all requirements were recited, along with the Sunshine Law and Code of Ethics for Public Employees, and Form 1. Mr. Ward welcomes the two individuals to the Board.

Ms. Tara Brady: Jim, I have one question. Greg or Jim, you can probably answer this. I do a training for work that I have to give people on Sunshine Law and Public Records. Does that count, or do I have to do the one that you send me?

Mr. Ward: You need to do the one we sent you.

Ms. Brady: Okay.

#### THIRD ORDER OF BUSINESS Acceptance of Resignation

Kathi Burke resigned from Seat 5, who was elected at the November election.

*Mr. James Ward: Kathi was elected at the November election; she decided not to take her seat, and she did provide you with a resignation letter.* 

Mr. Ward asks for a motion to accept Ms. Burke's resignation into the record.

# On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, Kathi Burke's resignation was accepted.

The remaining members of the Board will fill the unexpired term for the remainder, through 2026.

*Ms.* Tara Brady: I would like to ask people to submit a - not an application, but to submit a letter of interest with their background to you, to then give to us. And if we could put it on the Tern Bay page and then I'll share it on the Facebook pages. I think you guys just use the Veranda Facebook page. I don't know that there's a Veranda 3 one.

Ms. Blakely: Yeah, Veranda 3.

*Ms.* Brady: Oh, you do have your own Veranda 3? Okay. I know has one that has a bunch of people in it. So, I'll put it on the main page; I'll put it on the golf page; and I'll put it on the other one, too, saying, "Hey, see this? We're looking for people." When will Mark's 1 be done?

Mr. Ward: When will what?

Ms. Brady: When will the other guys --

Mr. Ward: Mr. Truxton's seat terms out in 2026.

*Ms.* Brady: Okay. But if they turn it over before then, he'll be done before then, right? Or no, he still stays on?

Mr. Ward: He still stays on as a public official.

*Ms. Brady: Oh, okay. So, I would like to get applications submitted to us. Give us a letter of interest with a little background or something, and then we can choose at the next meeting.* 

At the next meeting in January, the Board will review applications and discuss them.

#### FOURTH ORDER OF BUSINESS Consideration of Resolution 2025-1

Mr. Ward described the responsibilities of each Board member, what is expected of them, and who will be designated to fill each new role. Ms. Tara Brady will be the chairperson; Ms. Denise Blakely will be the vice chairperson; Mr. Robert Brady will be the assistant secretary; Mr. James Ward will be the secretary and treasurer.

On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, the Consideration of Resolution 2025-1 was approved.

#### FIFTH ORDER OF BUSINESS

**Consideration of Minutes** 

#### September 10, 2024 – Public Hearing and Regular Meeting Minutes

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

On MOTION made by Tara Brady, seconded by Robert Brady, and with all in favor, the September 10, 2024 Public Hearing and Regular Meeting Minutes were approved.

#### SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2025-2** 

Discussion ensues regarding the Fiscal Year 2025 Board meetings to the first Tuesday of each month at Heritage Landing Amenity Center at 10:00 a.m.

*Ms.* Tara Brady: So, if it were okay with everybody else, I'm okay on Tuesdays, like the first Tuesday. It would be easy, as I do not always have something on that day. But there's a good chance that I would miss meetings if we schedule them for the second Tuesday at 10:00. So, if we could do the first Tuesday or the fourth --

Mr. James Ward: The first would be better for me. So, you want to do the first Tuesday?

Ms. Brady: I would prefer the first Tuesday.

Mr. Ward: Is 10:00am okay?

Ms. Brady: Yeah.

On MOTION made by Tara Brady, seconded by Denise Blakely, and with all in favor, the consideration of Resolution 2025-2 was accepted.

#### SEVENTH ORDER OF BUSINESS Staff Reports

#### I. District Attorney

Mr. Greg Urbancic congratulated Ms. Denise Blakely and Mr. Robert Brady on their new Board position (vice chairperson and assistant secretary, respectively). Asked the Board if there were any questions on Sunshine Law and Public Record, that they can be directed to him; he stressed the importance of possible violations and penalties.

#### II. District Engineer

Working on the overall asset inventory that was previously discussed. They are in the process of putting together all of the documentation.

Ms. Denise Blakely asked about an estimated date of when the documentation will be available.

Mr. Clay Rebol explained that they will need to do some survey fieldwork, with no specific date, possibly another three to four months before completion.

#### III. District Manager

- a. Financial Statement for period ending September 30, 2024 (unaudited)
- b. Financial Statement for period ending October 31, 2024 (unaudited)
- c. Financial Statement for period ending November 30, 2024 (unaudited)

#### **EIGHTH ORDER OF BUSINESS**

#### Supervisor's Requests

Supervisor Blakely - Bridge Maintenance and Kayak Launch Trail

Ms. Denise Blakely expressed concern about the wooden bridges and the kayak launch trail. She discussed the finish on the wooden bridge as being gone, splintering damage, and rotten boards. She informed the Board that she has reached out to the HOA to inquire if they are maintaining the bridges and the response was that they so not maintain the bridges. She told the Board that she has taken pictures of the bridges, and one of them has a sign from York Bridge Concepts. *I did not call them however, I did go online, and they are still in business. And they do reviews, inspections of bridges, they do repairs and maintenance on bridges. If we would like them to come out and take a look at it, or I'm sure there's other bridge companies out there.* 

Ms. Blakely continued the discussion addressing her concerns of no one taking care of or maintaining the bridges, as well as construction trucks driving through being a danger for the bridges.

Ms. Tara Brady informed Ms. Blakely that she has spoken with Jim about the situation. The HOA president does not want to sign the maintenance agreement. She discussed how the potholes are horrible and are not being repaired correctly. *So, I would like to officially take over the assets that we are responsible for and have the CDD having maintenance contract to maintain the stuff properly. A* 

couple different options we could do, there are companies like -- and I'm sure other CDDs do it -- but there are companies like FDOT uses. They come out and they do the potholes. FDOT doesn't maintain State Route 41; they have agencies that do that.

Ms. Brady continued her discussion by stating that there are other companies that could take care of the potholes. She discussed doing a memorandum with the County; though she worries that the District would not be a top priority for pothole repair.

*Ms.* Brady 25:37: I at least know it will be done correctly. But I don't know what the timeframe for that could be. But it probably would be better just to do a company like the old BBA or whoever took that over to maintain our assets, and part of that is the bridges are already ours.

Discussion continued regarding the lack of repairs for bridges.

Ms. Brady 26:04: But I was going to ask if, while Clay has the people out here collecting the assets, doing that, if they could do the bridge inspection and come up with a "here's what you need to do" and give us the actual construction. What's the word I'm looking for, Clay? Not the construction plans, but an actual critical "here's what needs to be fixed on this bridge for safety and cleaning it up, power washing it, and that kind of stuff, and an estimated cost for that at the same time.

*Mr.* Clay Rebel: And the only thing I would say is that we don't really -- we don't design bridges or inspect them.

Ms. Brady: Gotcha, okay.

Mr. Rebel: So, that'd have to be somebody else. It wouldn't come from us.

Discussion continued about bridge inspection and the dangers of not having properly taken care of stop signs and the process of how to monitor the stop signs for repairs after the storms, as well as maintenance of bridges.

Mr. Ward: Lets discuss the process for a minute on how to do that. There is no agreement with the HOA at this moment in time. For whatever reason, it just doesn't exist. You eloquently said "bye," and so that's good reason. Our budget process is October 1 through September 30<sup>th</sup>. I will start the budget process for October 1 of 2026 probably in the next 60 days. That's the time when you need to decide exactly what assets you want to put in the district. We need the budget for them. And then we will have a public hearing in the summer. And the process is then they will go on residents' tax bills in October of this year. The District owns a lot of stuff, landscaping on roadways and to the right of way line. I'll go through it real quick with you. From a landscaping perspective, it's all of the landscaping on all of your roadways, generally to the right of way line, whatever that may be. So, that means anything inside of that right of way line, which would include not only landscaping but would include sidewalks or curb and gutter or something of that nature, are all included. I know it includes some of the buffer along Burnt Store Road. Most likely, we own all of the landscaping along Burnt Store Road and the entire water management system. But that is all of the lakes; all of the preserves, including the big preserve out back; the streetlights are in the -- although they are electric FP&L lights, the District pays for all of those streetlights through the Florida Power & Light system.

You also own, as Kathi enumerated, the asphalt, the signage, the curbs, the gutters, everything in this community. So, you have a very broad array of assets to maintain. We do have a decent amount of reserves in this District, roughly a million in cash at this point in time. We can eat away at that from now until September to do some of these more critical items. But, going forward over the next couple months, the next month or two, you all need to decide what it is you want the District to maintain, whether it's all of that or a portion of that. The hard part about doing a portion of it is, we have no agreement with the HOA. I am not confident we're going get an agreement with the HOA prior to Lennar leaving. I will also tell you, when you want to negotiate one of these agreements, once the transition occurs, it becomes the most excruciatingly painful process you've ever been through. So, I would be careful about that exercise, too. So, those are kind of like the broad brushstrokes of where we are in this process and what we own and what you all want to do. I'm fine with doing whatever you guys want to do, but we do kind of need to figure out what we want to do at this point.

*Ms.* Tara Brady: The bushes in the center island to the exit sign are back out a foot over the road, and I'm like, "This is -- like, why do I have to call all the time?" The other interesting thing, that I don't know if you guys know, we own the Gatehouse.

*Mr.* Ward: Yes. Everything within the road right of way is owned by the CDD. We own the Gatehouse, right.

Ms. Brady: And I even want to have the conversation with the HOA that they're paying the guards and all. And are there really cameras, because how much have we paid to fix the bars that break cause someone drives through them every other week.

Ms. Blakely: So, we own all of that, too?

*Ms.* Brady: We own all of that. So, partially, in my head, I know it's a lot. Maybe once residents take over the HOA, it would be easier to do the -- or, you're saying it's harder when residents take it over?

Mr. Ward: It's harder, because they're so busy with 10,000 other things. It's really -- and gearing up and having a new attorney and having a new engineer. It's just excruciatingly painful. It's not impossible, it's just a painful process.

*Mr. Robert Brady: Painful for just the start-up period, right?* 

Ms. Brady: Trying to get the agreement and --

*Mr.* Ward: Get the agreement in place. It's six to eight months' worth of work just to do an agreement with an HOA.

Ms. Brady: It's worse than dealing with [indecipherable].

*Mr.* Ward: If the HOA wants to do everything and we had an agreement, I'd tell you "that's fine. Just when you guys take over, it's probably easy." But we don't have that here, so it's difficult.

Discussion ensued about the pathway being opened back up and needing more discussion with the community. Ms. Tara Brady expresses that she has someone in line to get an estimate to clear the pathway.

Ms. Brady: Because I'm with you (Tara), I want that pathway done. I personally would like to see it developed like it was supposed to be developed. But that's me. I know there's other people that feel that way, but I want to see what the majority of people want. And do people want it cleared and just have that clear out? Do people want it cleared and want the little picnic area that was supposed to be there? You know, see what people actually want and start doing stuff like that.

*Ms.* Blakely: In the meantime, it's been populated with boars, wild boars, back there. Did we get those removed or what happens with --

*Mr.* Ward: The boars, in a prior life -- before Lennar took over this project, it was in -- the developer had left; it was owned by the banks. I was actually the manager back then. So, we did all of that work. I got boars out of there and all of that stuff.

Ms. Brady: I'm going to have him come in and give us a quote to just clear it out. I don't believe that there's mangroves up to the pathway yet. But that will be the only thing, yeah. Once we get into mangroves, then that's a whole different type of trimming. You can only do windows. I mean, that's bad. So, I'd like to get him out here; he'll give us a quote to just do that, see how much that'll be. But I'm one for -- I'm not a big fan of Sunnygrove. I don't think that our landscaping -- I don't think -- I love our community, and I think our community's great. But, between my condo HOA, our Master HOA, I don't think it looks like I pay a thousand dollars a month in HOA fees to live here. I would love to see that all done a little bit better and people held accountable for those contracts, which I don't think the HOA is doing that.

Ms. Blakely: So, do we own Sunnygrove, too?

Ms. Brady: We don't own Sunnygrove. But all of the --

Ms. Blakely: is that who the landscape company is?

Ms. Brady: Yes, If we say we're going to take over our assets, that's the landscaping. It wouldn't be the landscaping here around the amenities, but it's the landscaping from the right of way to right of way around the sidewalks. So, I'm happy that I complained enough to them, and Clay was on top of it, that they had to put the crosswalk over by Poppy Field, because you can't have sidewalks dead-end. So, they still have to, and we have to see where they are with fix the end. I know there's more. But I drive along Meadow. Well, the sidewalks along Meadow right before Heritage Landing end the lot before. They have to connect those to Heritage Landing Boulevard. So, they have to come back and do that stuff. There's a lot of spots where they -- well, in front of Terrace 10, 11, and 12 -- or the last ones, 12, 13, 14 where they ripped up the sidewalk and put the water in, and it's still [indecipherable]. And that's an ABA problem. And Ashley, the last time, said to me they probably have done that because they know when I come in to put the final lift on the road, I have to fix that.. That's great, but for four months, until you do that, we have an ABA issue of unsafe sidewalks. So, I was going to do another drive-around on the golf cart and write down everything. But we really need to make sure we're on top of that before. And the hard thing is, because some of the roads we already have.

Mr. Ward: Most of them.

*Ms.* Brady: Right. So, I don't know how to -- how do we make sure that when they come back and put the final lift on, they're doing it the right way? I had that issue when they did the one in front of Veranda 1, where I brought it up. And Ashley even said they were holding payment. But they put it in the rain; nobody inspected it. It was cold asphalt by the time they put it down, so. And they're putting an eighth of an inch that's not going to hold anything.

*Mr.* Ward: I think we can -- with that level of detail, we can clearly get Clay or someone, another engineering firm, whoever you want, to do the final inspections and make sure that they're built in accordance with the plans that were -- the design plans that are approved for this project.

Ms. Brady: Okay.

Discussion ensues about how to proceed with the pathways and roadways.

*Mr.* Ward: I think the bigger issue is how do you want to proceed, not how we need to do it. The doing it is -- we can figure out. But how we want to proceed is the key question here.

*Ms. Brady: My opinion, like you said, piecemealing it is not going to work. I think, at this point, we need to just say "well, we are going start taking over the maintenance of all of our assets."* 

Mr. Robert Brady: That's going to accomplish what, getting it done, first of all?

*Ms. Brady: Yeah, getting it done, and getting it done properly, and making sure that we're not -- the CDD isn't liable if something is not fixed correctly.* 

Ms. Brady inquired about opening the floor to comment.

Mr. Ward stated he will open the floor when the Board discussion is finished.

*Mr. James Ward: So, in a normal process, if we were starting from scratch, let's just say, and the CDD was doing all of the maintenance, to the extent the asset has been turned over to the CDD, through some process that Greg and I have used a thousand times, we would maintain it when it's turned over. We go through a process that we accept it for purposes of turnover, and then the District starts to maintain it at that point in time. It's a little difficult, and I'm not -- this is not a Lennar issue. But developers are notoriously a little like "okay, we're done, so we're leaving" kind of a thing. So, you just got to be careful of that. Lennar's generally very good, though, at finishing up their stuff on other projects I've seen them work on. So, the bigger question is, if you want to take over what you own now, we plan for it going into October 1<sup>st</sup> and then we deal with the details on the parts that are not turned over to the CDD yet as a part of his report. It would be good to know that so we know what to expect going into the following year.* 

Ms. Blakely: Which is the assets, right? The asset list will tell us --

*Ms.* Brady: What is ours now and if he has the condition of it, he'll give us that, and then what will be ours.

Mr. Ward: Right.

Mr. Brady: So, do you need a motion to --

*Mr.* Ward: No. I need a sense of the Board of what you all want to do for this point. But the motions will come when we start the budget process, and you can see the numbers. So, if that's what you want to do -- I would proceed -- if it was me, what I would do is, I would proceed based upon what you've discussed today, that and Clay will get his reports ready. I would clearly start the prep of a budget for '26 that had all of this stuff in it. I think it's important to recognize at this level, since we have no background data on what it costs to maintain all of this, what the levels of service are, the first year out is always a difficult process and a transition. I've done the before; I've done them a hundred times. But it is a difficult process. It takes time to get your scopes right. It takes more than a year to get your scopes right and get this done correctly. So, it's not an easy process, so be prepared for this if this is what you want to do. But it's a doable situation.

*Ms.* Blakely: Well, it's got to get done at some time, right? The longer you wait, the more just repair [indecipherable].

*Mr.* Ward: Yeah. I mean, you're lucky, it's December. So we have nine months to get ready for this, which is better than being told in June to get ready for a budget in October, like we're adding all this. So, it's a good thing to do. So, between Greg and I and Clay, we'll be able to figure this out going forward for you all.

Mr. James Ward opens up the floor to public comments.

*Ms. Brady:* Yes. *Well, first let me say, are you guys good with Jim if we get quotes to clear the pathway so it's at least cleared now?* 

Mr. Brady: Yes.

*Ms.* Brady: Okay. So, I know the one guy's going to meet me out here next week, and it shouldn't be much.

Mr. Ward: Okay. Mr. Ruff, did you have a question?

*Mr. Ruff:* A comment. It falls under [indecipherable] CDD taking over the asset meeting. While here in the community, driving around, we have some areas that are lacking street lights. A final look [indecipherable] in my mind, [indecipherable] CDD if they are going to be taking this over, because the streetlights fall within the right of ways, that the areas are lacking them; yet, prior to the final look, there is going to be tearing something up and putting it back in. Specifically, Veranda 3, Veranda -- well, what will probably become Veranda 4, I don't know what the three terraces prior to [indecipherable] are going to be called. But none of those areas on the street that parallels Heritage Landing Boulevard have any streetlights.

*Ms. Brady:* Yeah. I don't -- I'm in Veranda 2, and I don't think -- you're talking the parking access, is what I call it, because I'm like, "It's not a street." The parking easement that hooks up to your driveways?

Mr. Ruff: Correct.

*Ms.* Brady: Yeah, they're -- I don't have any lights. In Veranda 2, we don't have any lights.

*Mr. Ruff:* There's lights on the section between the parking area and Heritage Landing Boulevard.

Mr. Ward: Yes.

*Ms. Brady: Correct, out there. But the inside road doesn't -- like, even between Veranda 1 and the - Clay, do you have the lighting plans?* 

Mr. Ward: He does not.

Ms. Brady: Not even for Phase 2?

Mr. Ward: I don't think so. Clay, do you?

Mr. Clay Rebel: Yeah, I do have locations for Phase 2. Yes.

*Ms. Brady: And Phase 2 is everything from the bridges from the first bridge passing Cherry Blossom and all the Verandas*, *right*?

*Mr.* Rebel: The Phase 2, it's past the Amenity Center, past the first -- or, the second four-story, we call it, Pod G. Everything south of that is considered Phase 2. Because the road was built up to the second set of bridges initially.

*Ms.* Brady: Okay. So, I think that really is almost where we're talking about. Where Terrace 1 is, that's bad there, too, like by Long Meadow and everything going over. Can you resend those? And I just want to go out and verify. Or, have you verified that the lights are all where they're supposed to be?

Mr. Rebel: I have not verified, no.

Ms. Brady: Can you resend the plan -- can you send the lighting plans over?

*Mr.* Rebel: Yeah, it's not that easy, because they're all done separately in different pods. So, I'll have to -let me try to piece that together. Again, there's not one master lighting plan for everything, cause they're all done individually.

*Ms. Brady: Okay. We'll see what they had in the approved plans. Because I know the County should have reviewed them, and they have to meet specific lighting.* 

*Mr. Brady:* [Indecipherable.]

*Mr. Rebel: Well, Tara, there is no County requirement for street lighting.* 

Ms. Brady: For there? Okay.

*Mr. Rebel:* No. *Technically, they don't have to put any lights in at all if they don't want to.* 

*Ms. Brady: Okay. If you send them and then we can see how they're placed, because they are very weirdly placed.* 

Discussion continues regarding streetlight placement.

*Ms.* Brady: Yeah. My friend is in Building 13 and I came down the other night and I was like "man." Okay. I don't know that that will be done before the final lift, because I know they're trying to [indecipherable]. Luckily, the lighting won't -- those construction trucks shouldn't rip up.

*Mr. Brady: Well, we're going to have to cut through the lift to get* [*indecipherable*].

*Ms.* Brady: They may not have to. They might be able to just go right down the curb and gutter underneath that they just did at the front end of the driveway by the mailboxes and then just stay in the dirt instead of doing that.

*Mr. Rebel:* Yeah, or they'll typically just directional drill that stuff with [indecipherable].

*Mr.* Ward: Okay. So, you guys good to -- we're saying where we're going. So, we'll start this laborious process. So, just be prepared kind of thing, okay?

## 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

Mr. Ward asked if there were any public comments; one inquired.

*Ms. Jill Auger: I have a question. This is Jill Auger. I'm in Building 14, Veranda 3. So, while we're sorting out who owns what -- I know we talked about potholes and sidewalks -- will those items be addressed? I know you talked about having to budget those items for next October, but that's a long way away. So, are we living with potholes and non-ADA compliant sidewalks in the meantime?* 

Mr. Ward: Go ahead.

Ms. Brady: So, I'm trying to get -- here is where I want to go out and fix them right now. A lot of them, the second lift hasn't been put on. So, they really are a Lennar thing. So, I'm going to see if there's somebody else in Lennar I could try to get with the land division instead of trying to deal with the HOA, because they don't want to do that. I gave them the specs on how potholes are supposed to actually be fixed, and they were going to make sure that their person was doing it like that, of which still hasn't been done. Even if they just get a couple bags of cold patch and put them in there for now, that would suffice with the weather we have until they put the final lift down, so. But now I saw that the Michael person who was the manager that was doing all of that before isn't here anymore, either. So, when this meeting's over, I'm going to go talk to Mary a little bit. But I don't know that -- I think I'd rather still continue to hound them some more and get them to go do some bags of cold patch. Or, if we have to do that before, we should have a contract set up the correct away instead of trying to guick piecemeal it.

They definitely have to fix the sidewalks. And Ashley, that was on the Board before -- Jim? Ashley, is that

Mr. Ward: Mm-hmm.

Ms. Brady: Okay. So, Ashley was pretty about saying that she could try to get some stuff fixed. So, I will make some phone calls and see if I can push them a little harder, saying, "We will take it over when come October, when we have budgets," but try to get that done now.

Mr. Ward asked if there were any other questions from the public; there were none.

# **TENTH ORDER OF BUSINESS**

Adjournment

Mr. Ward adjourned the meeting at approximately 10:54 a.m.

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

Tern Bay Community Development District

James P. Ward, Secretary

Tara Brady, Chairperson