

**MINUTES OF MEETING  
TSR  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on June 14, 2023, at 6:00 p.m., at Cunningham Park, 12131 Rangeland Boulevard, Odessa, Florida 33556.

**Present were:**

Jason Silber	Chair
Mary Comella	Vice Chair
David Deenihan	Assistant Secretary
Frank Stalzer	Assistant Secretary
Ray Szelest	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Alyssa Willson (via telephone)	District Counsel
Barry Mazzoni	Operations Manager
Mark Yahn (via telephone)	SunScape Consulting, Inc. (SCI)
Pete Soety (via telephone)	SunScape Consulting, Inc. (SCI)
Rene Hlebak	WTS Starkey Ranch Lifestyle Director
Alex Murphy	WTS Starkey Ranch Operations Director
Scott Carlson & Mike Newsom	Landscape Management Professionals (LMP)

**Residents present were:**

John Pondel	Nick Urena	Karen Anderson	Abby Enriques
Megan Cody	Matt Mohr	Kristy Abbasciano	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 6:02 p.m.

All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments [3 minutes per person]**

***Disclaimer:** These summary minutes are intended to only highlight the topics discussed, items being considered and actions taken. The audio is available upon request.*

Resident John Pondel expressed frustration with contractors driving through the park and children in the pocket park behind his home leaving debris and damaging his property when retrieving sports balls. He asked if the park was conveyed to the CDD, if the CDD can install garbage cans and signs directing to the entrances and exits and plant trees along the perimeter to deter access onto his property. It was noted that Whitfield Park will not be conveyed to the CDD until Taylor Morrison (TM) completes work; the timing is unknown at this time.

Resident Karen Anderson voiced her belief that the culvert in Esplanade is not being maintained. Mr. Mazzoni identified Culvert #2B as a wetland mitigation area. He spoke to the resident who erroneously instructed their landscaper to clear the area and advised the resident not to do that. Regarding service, Mr. Adams stated the monitoring program is quarterly for the first five years; he will send the schedule to the Esplanade Board.

Ms. Anderson asked who fertilizes the areas 20' to the waters' edge. Mr. Adams advised that the CDD treats the common areas and homeowners adjacent to the lakes are expected to mow behind their homes and they can fertilize it, if they wish.

A resident asked about the fertilization process. Mr. Adams discussed the CDD's set-back protocols, which are in compliance with the Lee County Ordinance regulating use of fertilizers, and Lee County's restriction period.

Regarding the Ninth Order of Business, resident Nick Urena hopes the Board will consider executing the Agreement with the County related to access to the trail system. Mr. Stalzer stated the delay was to enable new Board Members to inspect the area.

Golf cart signs and parking concerns were discussed.

Resident Kristy Abbasciano noted a fireworks display planned on July 1, 2023 on CDD property in Anclove Preserve, which a resident, Matt Mohr, posted on social media. She asked the following about insurance coverage:

- Will the insurance policy be in effect and cover the fireworks on July 1, 2023?
- Which insurance carrier issued the policy?
- What are the coverages and associated limits?

➤ Does the policy explicitly state that it covers damage to adjacent homes and/or personal property should any such damage occur?

The Board Members stated that they were not aware of this event nor was it approved but a July 4<sup>th</sup> event will be discussed later in the meeting. It was noted that the CDD sent a letter to Mr. Mohr advising him that he is not permitted to shoot off fireworks on CDD property because the CDD's insurance carrier will not allow it. No one should violate CDD Rules on CDD property.

Ms. Abbasciano asked for a copy of Mr. Mohr's insurance policy. She was advised to email a public records request to Mr. Adams.

Ms. Willson stated that a letter advising the resident of the CDD's Rules and Policies prohibiting fireworks was sent and that a certificate of insurance was submitted to the CDD.

Resident Megan Cody asked for the pump station on Francoa Drive cleaned up. It was noted that the area has not been conveyed to the CDD. Ms. Cody stated that several light posts in Esplanade are crooked. It was noted these are not CDD lights; therefore, Ms. Cody should contact Duke Energy with her concerns about the light posts outside the gate.

### **THIRD ORDER OF BUSINESS**

#### **Discussion: Starkey Ranch Food and Wine Festival**

On behalf of resident Chad Engel, creator of the Starkey Ranch Wine Club and who was unable to attend the meeting, resident Abby Enriques distributed and presented the proposal for an Annual Starkey Ranch Wine & Food Festival at Cunningham Park. Ideally, the event would be held this fall or early-winter. She stated that the event is solely for CDD residents, each vendor will provide its liquor license and liability insurance and this is a one-day outdoor event.

Discussion ensued about setting precedent for future requests if the Board makes an exception to allow alcohol in the park, this being a for-profit event and things to consider, such as damage to CDD landscaping.

Mr. Silber voiced his opinion that this is not an appropriate venue for the event and suggested partnering with Starkey Market or someone else local.

A resident suggested proceeding with the outdoor festival but holding the wine tasting in the hall.

Ms. Hlebak stated that Mr. Engel revised the proposal after their initial meeting and, based on her experience of past Wine Club events, she does not think there will be a profit. Overall, the consensus was for Mr. Engel to address the Board's concerns and present concrete plans at the next meeting.

The Board heard public comments and suggestions about the proposed event.

Ms. Willson emailed a memo and a special event use permit to the Board.

▪ **Continuation of Public Comments**

Resident Matt Mohr reviewed the details of his plan to host an upcoming July 4<sup>th</sup> fireworks show on CDD property and the insurance policy terms addressing liability, which he emailed to Mr. Adams and the Board. Asked if he is licensed, Mr. Mohr stated he will be working with a licensed vendor.

Discussion ensued regarding the CDD's letter to Mr. Mohr advising him to cease and desist from holding such events on CDD property, the CDD's rules against the event and the CDD not condoning the event. Asking Mr. Mohr to obtain a fireworks pyrotechnics license and reviewing criteria with the fire department were discussed.

Ms. Willson stated that the CDD's insurance carrier will not pay a claim for damages due to this type of event. She noted that the CDD was not named as an additional insured in the certificate of insurance Mr. Mohr provided.

Mr. Mohr discussed his options, including doing nothing, selling his products or lighting the fireworks on non-CDD property. He will work on getting licensed and insured and follow proper protocols.

▪ **Consideration of SunScape Consulting, Landscape Management Services Proposal**

**This item, previously the Tenth Order of Business, was presented out of order.**

Mr. Silber asked for all references to "projects under \$5,000 and projects under \$10,000" to be changed to "\$10,000". Mr. Yahn apologized for the error and agreed to the changes. Ms. Willson encouraged putting this in the CDD's form of Amended Agreement to make sure it is encumbered by all the terms and conditions and termination conditions.

**On MOTION by Mr. Stalzer and seconded by Mr. Szelest, with all in favor, the SunScape Consulting Landscape Management Services Addendum to the original contract, as amended to incorporate the requested changes, in a monthly amount of \$5,450, equating to a total annual amount of \$65,400, was approved.**

**FOURTH ORDER OF BUSINESS****Update: Welcome Center Lease Agreement**

This item was presented following the Sixth order of Business.

**FIFTH ORDER OF BUSINESS****Continued Discussion: Fiscal Year 2024 Proposed Budget**

This item was presented following Item 15E.

**SIXTH ORDER OF BUSINESS****Update/Consideration of Actions Resulting from Landscaping Workshop**

As related to the Fiscal Year 2024 budget, Mr. Mazzoni asked if the Board objects to proceeding with Davey Tree Proposal #20004068-1684932403 for arbor care treatments at Huckleberry pond, in the amount of \$900 over a nine-month period, with the option to renew. His Operations Report indicates there is a 50/50 chance of the treatments succeeding.

Discussion ensued regarding the history and condition of the tree and the Board's opinion is that treatment is the best course of action since removal costs would exceed the cost of the first treatment.

Regarding tree removal costs, Mr. Silber asked if the Board has any objection to speaking with a local company he has worked with to try to extract some of the value.

Mr. Mazzoni distributed the Addendum to the LMP contract and stated that certain parcels in Stansil, Whitfield and Albritton Parks required deducting services from the current contract and the Fiscal Year 2023 budget as the areas were not conveyed to the CDD. The Lake Blanche extension and other areas needed to be added to the addendum and to the Fiscal Year

2024 budget as they were being maintained but were not recorded in the contract or identified on the maintenance map correctly.

Mr. Mazzoni stated, overall, the changes resulted in the CDD receiving a nearly \$49,000 credit on the June invoice; the addendum indicates in total the combined first invoice going from the \$142,594 contract price to \$134,353.25. When the additional parcels will come online is unknown; it will be discussed further in the Operations Report.

Mr. Silber asked for the Board to be given more time to review items like this, well in advance of making a decision.

Discussion ensued regarding the items discussed at the workshop, an updated map, receipt of the addendum and conveyance delays.

Mr. Stalzer echoed Mr. Silber's request to have more time to review items in advance of meetings.

**On MOTION by Mr. Stalzer and seconded by Ms. Comella, with all in favor, Landscape Management Professional Addendum to the Landscape Maintenance Services Agreement, to include parcels in Stansil Park, Whitfield Park and Albritton Park, Lake Blanche extension, as presented, was approved.**

Mr. Stalzer asked who maintains the Creative World property on Long Spur. Mr. Mazzoni did not know but will research it. Mr. Stalzer provide photographs to Mr. Mazzoni.

- **Update: Welcome Center Lease Agreement**

**This item, previously the Fourth Order of Business, was presented out of order.**

Mr. Adams stated that additional progress was made and the CDD received another free month.

- **Continued Discussion: Starkey Wilderness Park Multi-Use and Bike Trails**

**This item, previously the Ninth Order of Business, was presented out of order.**

Mr. Stalzer recalled deferring this item at the last meeting to allow the Board Members time to inspect the CDD access points to the trail system.

Mr. Szelest asked about the status of the request to not publish the CDD access points on informational maps and brochures. Ms. Willson spoke to the entities and stated the access points will likely be published on the informational maps.

**On MOTION by Mr. Stalzer and seconded by Mr. Silber, with all in favor, providing written documentation to the County and Southwest Florida Water Management District (SWFWMD) allowing the public to utilize certain CDD access points to the Starkey Wilderness Park Multi-Use and Bike Trails system, was approved.**

Ms. Willson will advise the County of the Board's decision.

#### **SEVENTH ORDER OF BUSINESS**

**Consideration of Trail/Hunting Cameras in  
the Community Garden  
<https://a.co/d/bxuPgV0>**

Ms. Hlebak stated that Mr. Deenihan asked for this item to be on the agenda. She distributed a proposal and discussed camera options and costs associated with securing access to the garden; if approved, the costs will be split with the Garden Club. Three CDD-approved locksmiths refused to modify the current locking mechanism or install locks like the ones on the bathrooms.

A resident discussed losing and replacing a Garden Club member due a recent theft; now there are only four members in the Garden Club. She discussed goals, including a farmer's market, holding community events like the wine festival and unripened vegetables being pulled.

Mr. Deenihan voiced his opinion that the cost to install trail cameras to capture what is happening is nominal.

Discussion ensued regarding a suggestion to install a decoy or cellular camera, constraints of cellular cameras, installing a combination lock for over-night hours, the CDD donating funds in Fiscal Year 2023 and a request for the Garden Club to develop and present a budget for consideration with the Fiscal Year 2024 budget.

Mr. Deenihan withdrew this item from the agenda.

Mr. Silber expressed his opinion that the garden should be considered an amenity and the CDD should fund it.

Ms. Hlebak recalled that a former Garden Club member removed landscaping installed by WTS Starkey and the CDD without obtaining approval. In her opinion, her department and the Garden Club must be of the same understanding, going forward. She will email WTS Starkey’s Club guidelines to the Garden Club.

**EIGHTH ORDER OF BUSINESS**

**Update: Pond Embankment Damage to CDD Property by Homeowner [3898 Barbour Trail]**

Mr. Mazzoni stated he emailed a proposal of approximately \$2,000 to repair damaged CDD property to Ms. Willson to include with the letter to the homeowner.

Ms. Willson discussed the terms in the letter and, upon proof of delivery, the homeowner will have 10 days to advise Mr. Adams of the repair option chosen.

This item will remain on the agenda.

**The meeting recessed at 7:54 p.m. and reconvened at 8:03 p.m.**

▪ **Roll Call**

Mr. Adams called the meeting back to order at 8:03 p.m. All Supervisors were present.

**NINTH ORDER OF BUSINESS**

**Continued Discussion: Starkey Wilderness Park Multi-Use and Bike Trails**

This item was presented following the Sixth Order of Business.

**TENTH ORDER OF BUSINESS**

**Consideration of SunScape Consulting, Landscape Management Services Proposal**

This item was presented following the Third Order of Business.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Reports as of April 30, 2023**



Mr. Adams distributed and presented the Due to Developer Analysis Summary depicting the shared commercial property assessments from Fiscal Year 2018 through June 25, 2020, which was prepared when WHA synced the prior District Manager's files. The CDD owes WSTSR due to an overpayment that covered MI Homes' shortfall due to non-payment.

Mr. Adams and Ms. Willson reviewed the options. The consensus was to take no action at this time.

Mr. Adams will verify that the 2021 Homes by West Bay payment offsets the amount due from the Estate Homes and will review the Commercial Shared Costs July 31, 2022 balance sheet.

The financials were accepted.

## **TWELFTH ORDER OF BUSINESS**

### **Approval of May 10, 2023 Regular Meeting Minutes**

Mr. Stalzer voiced his opinion that the summary minutes should contain more discussion of what is happening, rather than being summary. Mr. Adams will ask the Transcription Department to add a little more content, going forward.

Mr. Adams presented the May 10, 2023 Regular Meeting Minutes. The following changes were made:

Line 40: Change "Alcove" to "Anclove"

Line 51: Change "Ms. Comella" to "Mr. Stalzer" and "Mr. Stalzer" to "Ms. Comella"

Line 65: Change "heard" to "had"

Line 139: Change "Ventanutti" to "Vattikuti"

Line 159 through 160: Change "He was asked to correct data on the definition page" to "Mr. Stalzer requested that Mr. Adams correct data on the budget line definition pages and should also make corrections to some of the data presented on the 2024 debt service pages."

Line 189: Replace first sentence with "Mr. Stalzer expressed frustration about not correcting the shared commercial property on a timely basis and the CDD has been carrying what appears to be uncollected receivables and old payables on the balance sheet for more than three years."

Line 217: Insert “times” after “four”

Referring to line 242, Mr. Stalzer asked why the CDD District Engineer, not the landscape crew, needs to be involved to mitigate the line-of-sight issues on Long Spur. Mr. Adams stated that the area was conveyed to the County on June 1, 2023. Mr. Silber stated the issue is related more to parking. Mr. Stalzer voiced his opinion that the tree blocking the stop sign needs to be trimmed.

**On MOTION by Mr. Szelest and seconded by Mr. Stalzer, with Mr. Szelest, Mr. Stalzer, Ms. Comella and Mr. Deenihan in favor and Mr. Silber dissenting, the May 10, 2023 Regular Meeting Minutes, as amended, were approved. [Motion passed 4-1]**

### THIRTEENTH ORDER OF BUSINESS

### Action & Completed Items

Mr. Stalzer asked if the CDD received Kimley Horn’s analysis of the bridge. Mr. Adams will email the Report to him.

Items 16, 17 and 20 were completed.

Item 2: Regarding landscaping the yard, Mr. Mazzoni provided the proposal to Ms. Willson this morning. Mr. Call has the last proposed layout to complete.

Item 5: Bill is working with the County on a list of roads to be conveyed. Those with line-of-sight issues were conveyed to the County on June 1, 2023. Mr. Adams will check the status.

Item 13: Mr. Stalzer questioned if a reserve study is worthwhile, as he believes other CDDs indicated that it is not as valuable to a CDD as it is to an HOA. Mr. Silber suggested doing it themselves. Several Board Members agreed. Ms. Comella mentioned designating savings to purchase the Welcome Center or construct a building on CDD property. She thinks the Board should develop a plan. Mr. Silber expressed his opinion that it is easy for the CDD to obtain a loan.

Mr. Adams will update the Action & Completed Items list after the meeting.

### FOURTEENTH ORDER OF BUSINESS

### Staff Reports

- A. **District Counsel: Kutak Rock, LLP**
- B. **District Engineer: Johnson Engineering, Inc.**
- C. **District Manager: Wrathell, Hunt and Associates, LLC**
  - **NEXT MEETING DATE: July 12, 2023 at 6:00 PM**
    - **QUORUM CHECK**

There were no District Counsel, District Engineer or District Manager reports.

**D. Lifestyle Director & Amenity Manager: WTS International**

The Monthly Summary Report was included for informational purposes.

Asked about the feedback on the new email, Ms. Hlebak replied that it is great. Ms. Murphy agreed. The link is posted in the parks and on the website. The Developer owns and funds the WTS email.

Mr. Szelest and Mr. Silber think there are not enough chairs at the pools. As they are set up based on capacity, Ms. Hlebak she will check the permit and obtain proposals if more chairs are needed.

Mr. Szelest asked if WTS Staff is facilitating the group and private pool lessons. Ms. Hlebak replied affirmatively.

**I. Consideration of Grand Effects, Quote No. SQ7590 for Fire Pit Replacement Parts**

Ms. Hlebak presented Grand Effects Quote No. SQ7590 for a fire pit, which is less than the cost to repair the existing one. They will need to build a cover to keep it out of the elements, which will extend the expected life span. Regarding resident interest, Ms. Hlebak voiced her opinion that it will be used more once it is fully operational.

**On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, Grand Effects Quote No. SQ7590 for purchase of fire pit, in the amount of \$2,432, was approved.**

**Ms. Comella left the meeting at 8:46 p.m.**

**E. Operations Manager: Wrathell, Hunt and Associates, LLC**

The Monthly Field Operations Report was included for informational purposes.

Mr. Mazzoni discussed the following:

- LMP asked for Jimmy's after-hours telephone number for irrigation emergencies removed from the CDD website. Mr. Hawkins' telephone number will remain on the website.
- SOLitude collected and sent the water samples from the Esplanade ponds for testing.
- End Caps: A West Bay Homes representative is obtaining approval to repair the turf loss Mr. Soety and Gary mentioned at the workshop.

West Bay Homes will continue maintaining and monitoring the other repair project that was done after Frontier completed its repairs, until it is conveyed to the CDD.

- Parcel Turnover Notice: Over a four-year time, the Developer for Parcel E has failed to complete the work per the landscape/irrigation plans thereby delaying turnover to the CDD for maintenance.

Mr. Mazzoni asked Ms. Willson if there is any legal recourse to compel the builder to complete the work within a certain time for a successful turnover, as home building is nearing completion.

Ms. Willson stated that, unless a Completion Agreement is in place, the CDD is limited in demanding completion of the work within a certain time. She suggested preparing a letter putting the builders on notice that these are continuing deficiencies and that the CDD is not accepting the property for maintenance until these items are addressed.

Instead of Ms. Willson preparing the letter, Mr. Silber provided verbiage for Mr. Mazzoni to include in letters to the appropriate builder. Mr. Mazzoni will have Mr. Soety and Mr. Yahn take the lead in identifying the parcels and deficiencies.

Mr. Silber asked for a map identifying parcels that have and have not been conveyed to the CDD for the next meeting.

- Heart Pine Avenue Bridge Project: Mr. Silber will execute the right-of-way permit application after the meeting. Pasco County will approve the plan.
- Pond Maintenance: Six areas were staked off with caution tape. Obtaining proposals is underway and the homebuilder might agree to incur these costs.

Mr. Stalzer asked about the Whitfield Park drain. Mr. Mazzoni stated LMP is working on the proposal for this area and the Monroe Commons drain. He will include these in his notes for the July meeting since he will not be present.

➤ Frontier Project: The assessment of damages is expected to begin within the next week; Mr. Hawkins will take the lead. The final report is due mid to late-July.

Regarding the assessment fee, LMP will factor it into the repair cost. Frontier led the CDD along, did not respond to the CDD's letter and then disappeared.

➤ Landscape Map: The CDD must re-create a landscape map as Heidt Designs sent it in PDF form.

▪ **Continued Discussion: Fiscal Year 2024 Proposed Budget**

**This item, previously the Fifth Order of Business, was presented out of order.**

Mr. Adams stated the expenditures new total for Fiscal Year 2024 is \$4,728,270, which is about \$30,000 less than Fiscal Year 2023.

Mr. Szelest stated he is not in favor of raising assessments, as he believes assessments increased 17% last year.

Mr. Stalzer reviewed his personal calculations that he believes would result in excess fund balance, which is comprised of reductions of \$300,000 in landscaping, \$40,000 in Amenity Management, \$52,500 savings in rent and \$12,000 savings in utilities.

With the percentage of fund balance expected to exceed the suggested criteria, the consensus was to use fund balance to offset the proposed assessment increase and keep assessments the same as in Fiscal Year 2023 and avoid the requirement to send Truth in Millage (TRIM) notices.

This item will remain on the agenda.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Stalzer asked for Management to strive to post the agenda package on the CDD website seven days prior to the meeting date. He asked for meetings to start with the pledge of allegiance. The Board Members were in agreement.

Mr. Silber asked about the Fiscal Year 2024 Meeting Schedule. It was noted that meetings will be on the second Wednesday of the month at 6:00 p.m., at Cunningham Park, 12131 Rangeland Boulevard, Odessa, Florida 33556.

Mr. Silber asked if another budget workshop is necessary. The response was no, unless there is something to consider related to the landscape and irrigation items discussed at the Landscape Workshop. Mr. Mazzoni stated he expects to have information for the Board by the end of June.

Ms. Hlebak asked Mr. Adams if the community garden will be a line item in the Fiscal Year 2024 budget. She wants to add automated external defibrillators (AED) at Cunningham and the pools to the Fiscal Year 2024 budget.

Mr. Silber had no objection to AEDs and asked how it might affect the CDD's liability.

Ms. Willson stated this must be researched with the CDD's insurance carrier.

Asked about cost Ms. Hlebak stated it would be a couple hundred dollars a year, as the AEDs must be checked annually the cost is about \$1,600 to \$1,700 to replace them.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, the meeting adjourned at 9:30 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COS Ali  
Secretary/Assistant Secretary

Mary Ellen Comella  
Chair/Vice Chair