

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Public Hearing and Regular Meeting on August 9, 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 (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Alyssa Willson (via telephone)	District Counsel
Barry Mazzoni	Operations Manager
Rene Hlebak	WTS Starkey Ranch Lifestyle Director
Alex Murphy	WTS Starkey Ranch Operations Director
Jason Jaszak (via telephone)	SOLitude Lake Management (SOLitude)
Will Butler	American Illuminations & Décor
Matt Mohr	Resident
Megan Cody	Resident
Karen Anderson	Resident
Other residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call/Pledge of Allegiance

Mr. Adams called the meeting to order at 6:00 p.m. Supervisors Comella, Deenihan, Stalzer and Silber were present. Supervisor Szelest attended via telephone.

All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

Resident Matt Mohr commented on insurance coverage and homeowner requests for this to be a golf cart community; he referred to the Florida Statutes related to golf carts. He voiced his belief that Mr. Silber's golf cart is not licensed, thereby it is not registered or insured.

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

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He asked for a 30-day notice to be issued to Mr. Silber to avoid potential liability to the homeowners and the CDD.

Mr. Mohr referred to the CDD's Rules of Procedures #116 and voiced his opinion that Mr. Stalzer voting on matters that specifically benefit him and nearby residents is a conflict of interest and that he should abstain from voting on such matters. Mr. Stalzer expressed his opinion that Mr. Mohr has a habit of spreading falsehood throughout the community. In his opinion, if he should abstain from voting on Esplanade matters, then the same should hold true for the other Board Members outside of Esplanade. He agreed with the comment about unregistered golf carts and noted that he observed too many teenaged drivers.

Mr. Silber urged Mr. Mohr to cease with his accusations, including his posts on Facebook alleging that CDD Board Members took handouts or compensation from the Starkey family, which is liable, and Mr. Mohr encouraging people to jump in front of his golf cart. Mr. Silber noted that his golf cart is insured and stated, if this does not stop, he will involve the police and lawyers. Regarding liability, Ms. Willson stated that it is the Sheriff's Department, not the CDD's responsibility to enforce golf cart laws. She suggested e-blasting residents an update about golf cart usage.

Discussion/interactions became confrontational.

Resident Megan Cody voiced her opinion that, if people were more pleasant, meeting attendance would increase.

THIRD ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2023/2024 Budget

- A. Proof/Affidavit of Publication**
- B. Construction of Resolution 2023-07, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams stated that the proposed Fiscal Year 2024 budget is the same version presented at the last meeting. He recalled that the strategy was for assessment levels to remain unchanged and assign \$55,000 to the "Contingency" line item.

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Mr. Stalzer asked if the proposed Fiscal Year 2024 budget needs to be changed, given the new information about the Welcome Center Lease, which did not include taxes, and the hog removal services. Mr. Adams stated contingency funds can be used for those expenses and for some of the other expenses to be presented later in the agenda.

Mr. Adams opened the Public Hearing.

No members of the public spoke.

Mr. Adams closed the Public Hearing.

On MOTION by Mr. Deenihan and seconded by Mr. Szelest, with all in favor, Resolution 2023-07, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

There were no comments from members of the public regarding this item.

On MOTION by Mr. Stalzer and seconded by Mr. Silber, with all in favor, Resolution 2023-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Update/Consideration of Welcome Center Lease Agreement (under separate cover)

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Mr. Adams distributed a redline version of the Lease Agreement, which differed from the one previously emailed. Ms. Willson stated the Developer agreed to most of the CDD's previously submitted redline changes and will provide the CDD with an updated Exhibit A, Description of Land, as the grass area being used for parking was excluded from the lease.

Regarding the clause prohibiting live entertainment and if it excludes renting the facility for fitness classes or Kid's Night Out, Ms. Willson will confirm with the Developer and, if so, she will add language to the lease carving out the activities specifically authorized.

Regarding the April 2023 lease date, Ms. Willson stated, per Mr. Silber's suggestion, the 13-month term was changed back to the original 18-month first term lease, to commence September 1, 2023, and is outlined in the redline version, which Mr. Szelest did not have.

Regarding if the Developer can sell the property during the option period if the CDD exercises the option following expiration of the initial 18-month term, and, if so, whether the CDD's lease will transfer to the new owner, Ms. Willson replied yes, to both questions.

On MOTION by Mr. Silber and seconded by Mr. Stalzer, with all in favor, the Welcome Center Lease Agreement, in substantial form, allowing Mr. Silber to work with Ms. Willson on defining entertainment and finalizing the Lease, and authorizing execution prior to September 1, 2023, was approved.

SIXTH ORDER OF BUSINESS

**Update: SOLitude Lake Management, LLC,
Enhanced Waterbody Assessment**

A. Consideration of Services Contracts for Treatment Recommendations

- I. Aeration Systems – Ponds 4A, 4B and 5A**
- II. ESP-1A and ESP-1B Surface Aeration Systems**
- III. Nutrient Abatement Treatment**

Mr. Mazzoni stated that SOLitude is recommending aeration and nutrient abatement treatment, as the water quality testing results showed low oxygen levels and high phosphorous levels in Ponds 4A, 4B, 5A, ESP-1A and ESP-1B. Ms. Comella asked if something is affecting these ponds more than the others and if the other ponds are okay. Mr. Mazzoni recalled that the Board approved testing these ponds in response to homeowners' requests because, after treatment, those ponds still have algae more often than the other ponds. Other ponds with

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similar issues will require the same process. Mr. Stalzer clarified that homeowners complained about the algae and SOLitude asked to test the ponds.

Mr. Jaszak stated that the ponds were tested to determine what is causing excessive algae blooms directly and if it was due to high nutrient or high phosphorus levels or a stratification or a conjunction of both. He reviewed the results and noted low dissolved oxygen levels can cause fish kills because it does not allow organic matter in the lake to break down or allow certain fish to make it to the bottom to feed on larvae, which will become a nuisance. Aeration is the only way to de-stratify the ponds.

Mr. Jaszak stated that the first two proposals are for standard and surface aeration systems. He expects it will take six to eight months before results are seen. He responded to questions about the two systems, suggesting implementing a quarterly maintenance program to prolong the life expectancy; the root causes can be due to water levels, phosphorus levels due to natural and human causes, etc. Due to the size of the community, he recommended testing about five or ten ponds every year until all the ponds are tested, which will determine if aeration or nutrient abatement or a conjunction of both is needed.

Mr. Silber voiced his opinion that residents will complain if there is really a problem; therefore, he did not think additional testing was needed since this could naturally resolve itself most of the time. Asked what will happen if the CDD does nothing, Mr. Jaszak stated the stratification will get worse and eventually result in fish kills or gasses will build up and emit a foul odor; while the conditions might minimize in the winter they will return in the spring and summer. Aeration is the only way to stratify the pond, which will substantially reduce algae blooms, but a nutrient abatement treatment might also be needed.

Discussion ensued about other ponds possibly needing other solutions, testing budget, equipment, quarterly maintenance, littoral plants easing pond erosion, conducting additional testing to compare results and Mr. Mazzoni researching files and identifying those ponds as the ones treated more frequently, to avoid any appearance of favoring certain neighborhoods,

Mr. Silber asked Mr. Mazzoni to obtain opinions from other vendors.

On MOTION by Mr. Stalzer and seconded by Ms. Comella, with all in favor, proceeding with additional water testing of four to five ponds selected by Mr. Mazzoni, in a not-to-exceed amount of \$8,500, was approved.

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Resident Karen Anderson asked if the aquatic plantings will help with the separation of cold and warm water since Mr. Jaszczak stated that only aeration will help. Mr. Adams stated aquatic plants will not de-stratify the ponds.

SEVENTH ORDER OF BUSINESS**Consideration of Proposals/Estimates/
Quotes****A. Reel Graphix Printing, No Trespassing/No Watercraft Signage**

Mr. Mazzoni showed a photograph of an egress the public is using as a boat ramp into the Lake Blanche pond or for fishing. He suggested adding “No Watercraft” language to the sign. Ms. Willson advised of the CDD’s liability if the Board decided not to install signs for aesthetic reasons. Mr. Silber made suggestions to reduce signage costs. It was noted that the Blueberry Farm is rumored to be for sale and plans are to develop apartments.

Ms. Stalzer motioned but then withdrew his motion to install three signs.

On MOTION by Ms. Comella and seconded by Mr. Silber, with all in favor, the Reel Graphix Printing quote, dated June 28, 2023, for two No Trespassing/No Watercraft Signage, in the amount of \$998, was approved.

B. Southern Wildlife Removal, LLC, Hog Removal

Mr. Mazzoni presented a new proposal from Southern Wildlife Removal, LLC for hog and other wildlife removal, which exceeds the \$1,350 per month the Board agreed to. He noted a decline in resident complaints since the controlled burns started. He was unable to obtain other proposals due to other pressing CDD matters.

Discussion ensued about the vendor not advising Staff of their schedule and only submitting one report, a suggestion to delay payment until the vendor submits the report, and the contract being a one-year contract with a 30-day Notice of Termination provision.

Mr. Silber suggested rejecting the increase, with the understanding they might exercise the 30-day right to cancel and, while in the next 30-days, the CDD expects the vendor to perform against the contract. He does not want the CDD to terminate the contract until Staff obtains other vendor proposals for the next meeting.

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On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, rejecting the Southern Wildlife Removal, LLC request for an increase and instructing Staff to seek other proposals for hog removal, was approved.

C. Everglades Equipment Group, Gator Cart for Field Staff

Ms. Hlebak presented the proposal to purchase a gator cart. She noted mechanical issues with the existing gator resulted in personnel using their personal vehicles to pick up and haul trash to the dumpster. Mr. Silber voiced his opinion that the existing gator should be maintained and, with the opening of Albritton Park, two others should be purchased.

Mr. Stalzer stated he would rather have a mechanic perform the maintenance on the gators so that Steve can work on other matters.

On MOTION by Ms. Comella and seconded by Mr. Stalzer, with all in favor, Everglades Equipment Group Quote ID #29332074 for a 2023 John Deere Gator HPX615E, in a not-to-exceed amount of \$15,500, was approved.

D. Gulf Coast Air Systems, Inc., Repairs and Surge Protectors

Items 7D and 7E are referenced in the Lifestyle Director & Amenity Manager Report.

Ms. Hlebak stated that the mini-split units in the Cunningham Park and Homestead Park restrooms need to be repaired. Power surge issues at these locations were discovered. She proposed adding surge protectors at all the parks. Mr. Silber suggested installing surge protectors on CDD equipment, as well. Ms. Comella feels that whether insurance will cover claims should be confirmed before incurring costs. Mr. Silber wants a mechanism in place so these types of matters can be addressed in between meetings and to avoid delays. Mr. Adams noted a mechanism is already in place and the District Manager has a \$10,000 spending cap.

On MOTION by Mr. Silber and seconded by Ms. Comella, with all in favor, Gulf Coast Air Systems, Inc., Estimate Nos. 90244379 and 90286263 to repair the mini-split units and install surge protectors at Cunningham Park and Homestead Park and to install surge protectors, including grounding review at all CDD facilities and equipment, in an overall not-to-exceed amount of \$15,000, was approved.

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EIGHTH ORDER OF BUSINESS

Consideration of Amenity Holiday Lighting Quotes

Ms. Hlebak stated the first three proposals provide traditional holiday lighting options and the fourth proposal is an alternative for year-round lighting, in lieu of holiday lighting.

A. American Illuminations & Décor

Owner Mr. Will Butler, the CDD's existing vendor, presented three lighting proposal packages, outlined the scope of services for each and responded to questions.

B. Decoration Elves

C. Everything Outdoors, LLC

Ms. Hlebak stated that Decoration Elves, the CDD's original provider for over seven years, was unable to attend the meeting. The Everything Outdoors, LLC representative was not present and one other vendor chose not to submit a bid.

Mr. Silber preferred to reassign the holiday lighting funds to bridge repairs. Mr. Deenihan agreed as he thinks the lighting by the residents was sufficient.

Discussion ensued regarding remaining within budget, initiating a two-year instead of a three-year multi-year contract, reassigning funds for lighting the pool and restrooms to the entrances and Cunningham Park, the proposal not including the Welcome Center, making sure the decorations are consistent for each neighborhood and adding the main entrance at State Road 54 and Heart Pine Avenue, which might require installing additional power sources and the Welcome Center to the scope of work.

The Board agreed to change the holiday lighting scope to focus solely on lighting the entrances and the Welcome Center. Ms. Hlebak will email Mr. Butlers' new scope to the Board, upon receipt. Ms. Willson reminded everyone that the services are for general holiday lighting and not specific to any particular religion.

On MOTION by Mr. Stalzer and seconded by Ms. Comella, with all in favor, authorizing Ms. Hlebak to work with Mr. Butler, of American Illuminations & Décor, to finalize the holiday lighting scope of services and execute a two-year service contract to light all entrances and the Welcome Center, including grounding review, in a not-to-exceed amount of \$8,300, was approved.

D. Nebula LED Lighting Systems Alternative

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The proposal from Nebula LED Lighting Systems Alternative was included for informational purposes.

NINTH ORDER OF BUSINESS

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

Mr. Stalzer asked for Management to enforce the penalty clause next year on any commercial shared cost past due amounts owed to the CDD. Regarding how much reclaimed water was trucked in, Mr. Mazzoni recalled only one truck but was not certain of the number. He stated that the \$900 irrigation device they installed is already providing dividends; he expects to have data within the next month to show the County the actual numbers.

The financials were accepted.

Ms. Comella left the meeting at 8:19 p.m.

TENTH ORDER OF BUSINESS

**Approval of July 12, 2023 Regular Meeting
Minutes**

The following changes were made:

Line 29 and throughout: Change "David Shumaker" to "Bill Schumacher"

Line 80: Change "LMP" to "WST-TSR"

Mr. Stalzer expressed his understanding that these are summary minutes but he thinks those that do not attend the meeting will not understand what is going on. He submitted his edits to Lines 115, 141, 173, 181 and 260 to Management to incorporate into the minutes.

Line 222: Change "CDD" to "Developer"

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, July 12, 2023 Regular Meeting Minutes, as amended to incorporate the edits made and edits submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action & Completed Items

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

TWELFTH ORDER OF BUSINESS

Staff Reports

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A. District Counsel: Kutak Rock, LLP

There was no report.

B. District Engineer: Johnson Engineering, Inc.

Mr. Adams stated that the District Engineer is still trying to work with the County on the Roadway Turnover Reconciliation Report but the County has been non-responsive.

Now that Long Spur and Fence Post is becoming a four-way stop, Mr. Silber stated that he asked Gary to address the line-of-sight issues.

C. District Manager: Wrathell, Hunt and Associates, LLC

Mr. Adams discussed the notice from Attorney Stephen Streiker regarding Taylor Morrison's contractors knocking down the stop sign at the intersection of Stevenson Land and the Service Road and causing potential harm; Taylor Morrison addressed the matter. He noted that the final lift of asphalt has not been laid and the area has not been conveyed to the CDD. Ms. Willson asked Mr. Adams to reply with a letter and photograph closing the matter.

Mr. Deenihan stated he received third-party information that a Board Member was threatened because of what occurred in a meeting, although he does not know this to be fact.

Mr. Silber stated he spoke with District Counsel about Mr. Mohr's threats and has proof of Facebook allegations that he and Mr. Stalzer received kickbacks from Starkey Market for canceling the fireworks event. District Counsel advised that he can open an investigation with the State. For the record, Mr. Silber stated that he has never been in contract with any member of the Starkey family, he has never received any form of compensation, monetary or otherwise from any member of the Starkey family or from any entities associated with Starkey Market. He reiterated his earlier comment about having video evidence of Mr. Mohr, from Facebook live, talking and encouraging people to jump in front on his golf cart and sue him because Mr. Mohr thinks his golf cart is uninsured. Mr. Silber stated that his golf cart is insured through State Farm. He noted that he has tried to be gracious about this and leave it alone but, if Mr. Mohr wants to continue the harassment, he will consider involving the police or legal entities.

- **NEXT MEETING DATE: September 13, 2023 at 6:00 PM**

- **QUORUM CHECK**

D. Lifestyle Director & Amenity Manager: WTS International

The Monthly Summary Report was included for informational purposes.

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

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Mr. Mazzoni presented the Monthly Field Operations Report.

Mr. Mazzoni stated that the final cost of the Frontier damage is \$15,681.90.

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, authorizing Ms. Willson to send a demand letter to Frontier to reimburse the CDD for damages to CDD property, was approved.

Mr. Mazzoni stated that the walkthrough for Parcel C landscaping is completed and it is ready for turnover to the CDD. Mr. Silber stated he does not know where Parcel C is located and requested another walkthrough. Mr. Szelest stated he completed a walkthrough and identified only minor issues; he is comfortable with completing the turnover process.

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, acceptance of Parcel C landscaping maintenance, in substantial form, subject to Ms. Willson providing proper documentation to the Chair to review and execute, was approved.

Mr. Mazzoni reported that the lake bank repairs total is about \$11,000. Proposals to repair two more lake banks are pending. He sent letters to 20 homeowners regarding run off issues. Mr. Silber asked Mr. Mazzoni to contact the HOA to discuss the approval process for installing pools or other improvements, to ensure no runoff flows onto CDD property. Ms. Willson stated that is not an uncommon issue in CDDs. She thinks communication between the two entities would be prudent.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Stalzer asked for "Consideration to Conduct a Workshop" to be included on the next agenda. Workshop discussion topics would include Rangeland and long-term plans for the Welcome Center. Mr. Silber suggested considering top seeding Rangeland in lieu of sodding it.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Silber and seconded by Mr. Deenihan, with all in favor, the meeting adjourned at 8:50 p.m.

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Secretary/~~Assistant Secretary~~

DocuSigned by:

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Chair/Vice Chair