

**MINUTES OF MEETING
TSR
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the TSR Community Development District held a Regular Meeting on March 13, 2024, at 6:00 p.m., at the Welcome Center, 2500 Heart Pine Avenue, Odessa Florida 33556.

Present were:

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

Also present:

Chuck Adams	District Manager
Jonathan Johnson (via telephone)	District Counsel
Barry Mazzoni	Operations Manager
Mark Yahn (via telephone)	SunScape Consulting, Inc., (SCI)
Rene Hlebak	WTS Starkey Ranch Lifestyle Director
Karen Anderson	Resident
Ben DeVino	Resident
Jeremy Chambers	Resident
Lauren Chambers	Resident

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 Stalzer, Szelest, Deenihan and Comella were present. Supervisor Silber was not present.

The Pledge of Allegiance was recited.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

Resident Karen Anderson asked if the Esplanade community received landscape credits since it pays for the 18' area from the water's edge to be maintained, not like in other communities within Starkey Ranch. Mr. Adams stated he will research it and provide a response.

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

Esplanade resident Ben DeVino asked if the Army Corp of Engineers (ACOE) designed the uphill drainage tract north of the wetlands, as he thinks it does not make sense. He is concerned about potential flooding. Mr. Adams will have the District Engineer research it.

Going forward, the following change will be made to this agenda item title:

Insert "Agenda Items" after "Comments"

THIRD ORDER OF BUSINESS

Discussion/Consideration of School Crosswalk at Long Spur and Tibbets Street Intersection

Mr. Mazzoni stated that the school is asking for approval to remove certain CDD shrubs to create a wider crosswalk area that will direct a larger number of students. He highlighted the area on the map and noted the school would incur the cost. A school representative will be invited to the next meeting. This item was deferred.

FOURTH ORDER OF BUSINESS

Update: Rangeland West Landscaping Project

Mr. Yahn provided landscaping and irrigation updates about the enhancement project, which is being done exactly as planned. He and Mr. Gomez plan to work together on future requests for proposals (RFP) to ensure there are no discrepancies between the proposal and actual work that needs to be done. LMP used SCI's broker, due to difficulty sourcing plant material, and incurred a \$7,000 overage for which they have not requested reimbursement. LMP reported that the project is about 85% completed, as of today. Mr. Yahn will be on site tomorrow and Tuesday, which is when he expects the project to be 100% completed. and will monitor the site to ensure the investment is successful.

Mr. Mazzoni and Mr. Yahn responded to questions regarding laying the additional sod, pine straw and the irrigation schedule.

FIFTH ORDER OF BUSINESS

Update: Memorandum Regarding Refresher on Sunshine Law and Public Records

Mr. Adams stated that Mr. Stalzer requested this agenda item. The Memorandum focuses on the “dos and don’ts” of Board Members posting items on social media. As a precaution, Ms. Comella asked Board Members not to engage or respond to Facebook posts.

SIXTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial Reports
as of January 31, 2024**

Mr. Adams provided updates about the delinquent amounts owed to the CDD. The deadline to respond to the CDD was March 10, 2024. The 2024 invoices were mailed on January 26, 2024.

Mr. Adams distributed and presented Certificates of Completion for the Series 2015A and 2016 Projects that are required for the Trustee to close out the construction accounts. The remaining funds will be transferred to the prepayment account to pay down the principal.

On MOTION by Mr. Stalzer and seconded by Mr. Szelest, with all in favor, the Certificate of Completion for the Series 2015A Project, was approved.

On MOTION by Mr. Szelest and seconded by Mr. Stalzer, with all in favor, the Certificate of Completion for the Series 2016 Project, was approved.

Mr. Adams distributed and presented the BankUnited ICS Monthly Statement as of February 29, 2024. Accounting is working on incorporating the earned interest revenue amount into the Unaudited Financial Statements.

On MOTION by Mr. Szelest and seconded by Ms. Comella, with all in favor, the Unaudited Financial Reports as of January 31, 2024, were accepted.

SEVENTH ORDER OF BUSINESS

**Approval of February 14, 2024 Regular
Meeting Minutes**

On MOTION by Mr. Deenihan and seconded by Mr. Szelest, with all in favor, the February 14, 2024 Regular Meeting Minutes, as presented, was approved.

EIGHTH ORDER OF BUSINESS

Action & Completed Items

Item 3 was completed.

Item 7: An Inspection Report and proposals will be presented at the next meeting.

▪ **Acceptance of Resignation of Jason Silber; Seat 3, Term Expires November 2024**

This item was an addition to the agenda.

Mr. Adams presented Mr. Jason Silber’s emailed resignation.

On MOTION by Ms. Comella and seconded by Mr. Stalzer, with all in favor, the resignation of Mr. Jason Silber from Seat 3, was accepted.

Mr. Adams stated that the Board can fill vacant Seat 3 now or wait to see if a candidate applies in June to be placed on the ballot for the November 2024 General Election. Candidates must qualify to run for election during the candidate qualifying period, which runs from noon, June 10, 2024 to noon, June 14, 2024.

The Board consensus was to fill the vacant seat and coordinate with the HOA to e-blast residents directing interested candidates to submit their resumes and attend the next meeting. Information about the candidate qualification process and candidate qualifying period for the upcoming General Election will be included in the e-blast to residents.

Ms. Comella stated that she is thinking about not running again.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock, LLP

B. District Engineer: Johnson Engineering, Inc.

There were no District Counsel or District Engineer reports.

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

Mr. Adams presented resident Mr. David Shumaker’s request for reimbursement of costs associated with his daughter’s injuries allegedly due to an uneven sidewalk. Supporting documents from Mr. Shumaker and the District Engineer’s email and photographed area were emailed to the Board before the meeting.

Mr. Adams expressed his opinion that the CDD is liable and the claim amount of \$1,570.68 is legitimate. He would recommend a direct payment of the claim as the insurance deductible is \$2,500.

Discussion ensued regarding Staff's action advising the CDD's insurance carrier and the District Engineer once the incident was reported, inspecting and deeming the sidewalk is in compliance except for the area with the Americans with Disabilities Act (ADA) mat, children typically being covered under their parent's insurance, references to Florida House Bill 453 defining the term micromobility devices and bike laws, the Starkey Ranch Amenity Policy that states "no use of motorized vehicles on any sidewalks in the CDD" and posting the Policy on the CDD website.

Mr. Adams asked Mr. Johnson if the CDD is covered since there is language in the Amenity Policy Rules prohibiting motorized vehicles on sidewalks. Mr. Johnson stated that it is a different situation if the plaintiff is in violation of policies and procedures; it depends on how the policy was disseminated or posted on the website. It mitigates against a notion that the CDD has been negligent in the discipline. He noted that the \$1,500 bill is minimal.

Board Members voiced concerns about the child being injured but are also concerned about setting a precedent if the CDD reimburses the resident. Mr. Johnson stated that the more proactive the CDD is in reminding the community about existing policy the better position it places the CDD if a claim is submitted against the CDD, although the CDD is not required to.

The Board consensus was for District Counsel to reply to Mr. Shumaker's letter stating the Board's decision is to deny the claim and reference the CCNR Rules as the reason.

- **NEXT MEETING DATE: April 10, 2024 at 6:00 PM**
 - **QUORUM CHECK**

D. Lifestyle Director & Amenity Manager: Arch Amenities Group

This item was presented following Item 9E.

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

Mr. Mazzoni presented the Monthly Field Operations Report. He noted the following:

- Landscaping Maintenance Area: LMP is obtaining a proposal for a survey. Mr. Mazzoni obtained a backup survey proposal of \$10,500, if needed.

Mr. Mazzoni conveyed LMP's suggestion to add a contract addendum to add an additional renewable year to the contract at the same price as the third year, since LMP is already halfway through its contract. He discussed LMP's position with Mr. Yahn, of SCI, who is in favor of this. LMP expects the area to be flagged and to begin clearing by the end of April and complete the project by the fall.

Discussion ensued regarding the cost of extending the contract one year as opposed to the CDD paying to construct the maintenance yard, LMP’s project timeline, the scope, ability to complete the project, etc.

On MOTION by Mr. Deenihan and seconded by Ms. Comella, with Mr. Deenihan, Ms. Comella and Mr. Szelest in favor and Mr. Stalzer dissenting, allowing LMP to develop a maintenance site and extending the LMP Landscape Maintenance contract one additional year for a fourth year at the same price as the current third-year price, was approved. [Motion passed 4-1]

- 13044 Wildgrass Trail Landscaping/Board Wall: The Board agreed to Mr. Mazzoni’s recommendation to install two new firebush plants for \$195, as an additional barrier to the location.
- Homestead Pool Deck Repairs: The overall cost for pool repairs and to replace the pavers is \$22,871.17.

Mr. Mazzoni thanked the Lifestyle Staff for providing updates to the homeowners.

On MOTION by Mr. Szelest and seconded by Ms. Comella, with all in favor, repairing the Homestead pool deck, in a not-to-exceed amount of \$22,871.17, was approved.

- Well Installation: Why Staff is exploring the possibility of obtaining approval from the State to install wells was explained. Costs to incorporate this in the proposed Fiscal Year 2025 budget will be provided.
- Ponds and Lakes: Ms. Willson’s draft response letter regarding lake bank erosion repairs caused by the homeowners was presented.

Mr. Mazzoni is working with SOLitude to develop a program to initiate action, once erosion is identified, which will be incorporated into the RFP process.

Asked about the hog removal count, Mr. Mazzoni stated that the trapper removed 10 hogs. He believes last year’s burns reduced the food supply and the burns are driving the hogs in another direction.

▪ **Lifestyle Director & Amenity Manager: Arch Amenities Group**

This item, previously Item 9D, was presented out of order.

The Monthly Summary Report was included for informational purposes.

Asked if the splash pad and Homestead Park slide will need to be replaced in Fiscal Year 2025, Ms. Hlebak replied affirmatively for the splash pad. The original vendor quoted \$26,000, which is much less than other quotes but it excludes maintenance costs; she will obtain a proposal to present closer to the Fiscal Year 2025 budget season. The slide is being maintained and was inspected and deemed structurally sound. The original cost for a custom-built piece was \$80,000 but costs have increased significantly. She spoke to Mr. Call and the Developer about the unfavorable condition. She is also researching other options.

Ms. Hlebak stated that she is researching options for barriers around the utility boxes and the pole equipment. She offered to be a liaison to residents and present their suggestions to the Board.

TENTH ORDER OF BUSINESS

Supervisors’ Requests

There were no Supervisors’ request.

ELEVENTH ORDER OF BUSINESS

Public Comments [3 minutes per person]

Residents Jeremy and Lauren Chambers discussed speaking with the Taylor Morrison Representative about a child falling in Stencil Park because of a 15” roadway gap. Mr. Mazzoni stated that the CDD will not accept conveyance of the property until Taylor Morrison corrects all deficiencies.

Going forward, the following change will be made to this agenda item title:

Insert “Non-Agenda Items” after “Comments”

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Deenihan and seconded by Mr. Stalzer, with all in favor, the meeting adjourned at 8:04 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE


Secretary/Assistant Secretary


Chair/Vice Chair