

MINUTES OF MEETING

*Legends Bay Community Development District
Continued Board of Supervisors Meeting
1651 Whitfield Avenue, Suite 200, Sarasota, FL 34243
Thursday, May 31, 2018 at 10:30 a.m.*

Present and constituting a quorum:

Charles Tokarz	Board Member
Margo Holeman	Board Member
Dan Dukanauskas	Board Member
Connor Chambers	Board Member

Also present were:

Hank Fishkind	Fishkind & Associates
Pete Logan	Medallion Homes
Vivian Carvalho	Fishkind & Associates- District Manager (via phone)
Joe Mayhe	Audience Member

FIRST ORDER OF BUSINESS

Business Matters

Call to Order

This meeting was called to order at 10:30 a.m. and roll call was initiated. Quorum was established with the attendance of Board Members Charles Tokarz, Margo Holeman, Dan Dukanauskas, and Connor Chambers. Others in attendance are listed above.

Public Comment Period

Dr. Fishkind opened the floor for public comments.

Mr. Mayhe stated that the road was recently repaired in front of the community but the residents should have been notified by the CDD or County indicating the amount of dust settling on the homes, patios, and furniture to give them the opportunity to move their furniture beforehand. He noted that there was extreme vibration to the houses near the wall and was concerned that it could cause damage to the homes, decks, and pools. Dr. Fishkind thanked him for his input.

Mr. Dukanauskas responded that the day the roadwork was started he informed Mr. Wollard and Ms. Carvalho and they followed up on the matter. He noted that the CDD was not notified by the County of this project. Dr. Fishkind responded that he thinks that they all could have done better and appreciated the comments so that the District can learn from it. There were no other public comments.

**Consideration of the Minutes of the
August 22, 2017 Board of
Supervisors Meeting**

The Board reviewed the minutes from the August 22, 2017 Board of Supervisors meeting.

On MOTION by Mr. Chambers, seconded by Mr. Dukanauskas, with all in favor, the Board approved the Minutes of the August 22, 2017 Board of Supervisors meeting.

**Consideration of the Minutes of the
May 22, 2018 Board of Supervisors
Meeting**

The Board reviewed the minutes from the May 22, 2018 Board of Supervisors meeting.

On MOTION by Mr. Chambers, seconded by Mr. Dukanauskas, with all in favor, the Board approved the Minutes of the May 22, 2018 Board of Supervisors meeting.

**Consideration of Resolution 2018-
01, Election of Officers**

Pete Logan provided a letter of resignation for Mr. Wollard from the Board. Dr. Fishkind requested a motion to accept Mr. Wollard's resignation.

On MOTION by Mr. Chambers, seconded by Ms. Holeman, with all in favor, the Board accepted Mr. Wollard's resignation.

Dr. Fishkind asked the Board if they would like to nominate another person to serve as Vice-Chair. Mr. Dukanauskas indicated that he would like to nominate Mr. Chambers as Vice-Chair. Dr. Fishkind requested a motion to approve Resolution 2018-01, as amended.

On MOTION by Mr. Chambers, seconded by Ms. Holeman, with all in favor, the Board approved Resolution 2018-01, Electing District Officers, as Amended.

**Letter from Supervisor of
Elections- Manatee County**

Dr. Fishkind stated that the Supervisor of Elections indicated that there are 80 registered voters residing in the District.

**Consideration of Resolution 2018-
02, Designating a Date, Time, and
Location for the 2018 Landowners'
Election**

Dr. Fishkind suggested setting the Landowners' Meeting for November 27, 2018 at 11:30 a.m. at this location. A discussion took place to change the date to December 4, 2018 at 11:30 at the same location.

On MOTION by Mr. Dukanauskas, seconded by Mr. Chambers, with all in favor, the Board approved Resolution 2018-02, Designating, December 4, 2018 at 11:30 a.m. at this Location as the Date, Time, and Location of the Landowners' Election.

**Consideration of Resolution 2018-
03, Approving a Preliminary**

**Budget for Fiscal Year 2019 and
Setting a Public Hearing Date**

Dr. Fishkind explained the budgeting process to the Board. He explained that today the Board will be approving the maximum possible budget and setting the date for the public hearing in which the budget will be adopted. Mr. Logan asked what the off-roll assessments are and Dr. Fishkind responded that those are the direct bills that the District sends. Mr. Logan asked who is getting direct billed in Legends Bay and Dr. Fishkind responded that he thinks that Legends Cove still does. Mr. Logan stated that Legends Bay includes Legends Cove and asked if that gets direct billed. Dr. Fishkind stated that he thinks that is correct because it is not platted and platted lots are on-roll. Ms. Carvalho stated that the trim for the units that are on-roll will be going out on August 1, 2018 and the official tax roll after the public hearing on August 28, 2018 will be going out on September 15, 2018 which are the deadlines for Manatee County in which the District must adhere. Dr. Fishkind requested a motion to approve Resolution 2018-03

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board approved Resolution 2018-03, Approving a Preliminary Budget for Fiscal Year 2019 and Setting August 28, 2018 as the Public Hearing Date.

**Consideration of Arbitrage Rebate
Calculation Report**

Dr. Fishkind explained that the Federal Government requires the District to prove to them that they have not taken bond money, invested it at a higher interest rate and taken the money which is called arbitrage. No action is required. A Board Member asked if there were remaining construction funds in the construction account for the District. Dr. Fishkind responded that he thinks they are all dispersed but he will find out.

**Ratification of Audit Engagement
Letter**

Dr. Fishkind explained that the District selected the Auditor and they have provided their engagement letter which is consistent with their proposal. He requested a motion to approve the audit engagement letter.

On MOTION by Mr. Chambers, seconded by Mr. Dukauskas, with all in favor, the Board approved the Audit Engagement Letter.

**Consideration of Financial
Advisory Agreement**

Mr. Cohen joined the meeting in progress at 10:51 a.m. Dr. Fishkind explained Financial Advisory Agreement to members of the public. Dr. Fishkind requested a motion to approve the Financial Advisory Agreement.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor,
the Board approved the Financial Advisory Agreement.

**Discussion Pertaining to Filing a
Petition for Ordinance
Amendment**

Dr. Fishkind explained that this relates to the median out on the roadway in front of the District. He stated that Developer and the District are incurring costs in damage and other things because of that median that District staff will be reconstituted because the roadway will be widened. He noted that the request is to petition the County to delete that portion of the land from the District and thereby extinguishing the maintenance obligation. He noted that the District can do this but it is up to the County to accept it. Mr. Dukauskas stated that on Manatee County's GIS mapping it shows the Legends Bay parcels and it depicts the median and the roadway as belonging to the county. Dr. Fishkind stated that the GIS is not definitive. He asked for the Board to direct the District Manager to see what the options are and report back to the District what the options are before filing a petition for an ordinance amendment. Mr. Logan stated that he would like to know what the options are because he is not sure if it is helpful to give the median back to the County because it will be maintained in a worse state and if they decide to turn off the irrigation to avoid the water head issues then the median would get whatever is left. Dr. Fishkind stated that this is why some Districts reserve the right to maintain it. Mr. Dukauskas stated that this would have been an appropriate time for the County to coordinate with the CDD and he couldn't find anything on the Manatee County planning about this paving and they were supposed to put that on there and inform the District. He stated that the County could have cleared part of the median and reduced the grass cutting and after the road work there are still ruts there from their equipment that was paving the road and he does not thin that the

CDD should take the cost to fix it when it was caused by the County. Dr. Fishkind stated that he will go and take a look at the area. Dr. Fishkind requested a motion from the Board to instruct the District Manager to seek out options and report back.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board approved allowing the District Manager to seek out options to address this matter and report back to the Board.

**Ratification of Payment
Authorization Nos. 2017-08 – 2017-
13, 2018-01 – 2018-12**

These have already been approved by the Chair and need ratified by the Board.

On MOTION by Mr. Dukauskas, seconded by Mr. Chambers, with all in favor, the Board approved Payment Authorization No. 2017-08 – 2017-13, 2018-01 – 2018-12.

**Review of District Financial
Statements**

There is no action required at this time.

SECOND ORDER OF BUSINESS

Other Business

Staff Reports

Attorney – Not Present

Engineer – Not Present

Manager – The next meeting is scheduled for June 26, 2018

THIRD ORDER OF BUSINESS

**Audience Comments and
Supervisors Requests**

Mr. Logan asked if the District Manager could include the payment applications that have been signed and authorized for the ratification.

FOURTH ORDER OF BUSINESS

Adjournment

There was no further business to discuss. Dr. Fishkind requested a motion to adjourn.

On MOTION by Ms. Holeman, seconded by Mr. Chambers, with all in favor, the May 31, 2018 Continued Board meeting of the Legends Bay CDD was adjourned.


Secretary/Assistant Secretary


Chairperson/Vice Chairperson