

## **MINUTES OF MEETING**

*Legends Bay Community Development District  
Board of Supervisors Meeting  
1651 Whitfield Avenue, Suite 200, Sarasota, FL 34243  
Tuesday, August 28, 2018 at 11:30 a.m.*

Present and constituting a quorum:

Charles Tokarz	Chairman
Connor Chambers	Vice Chairman
Margo Holeman	Assistant Secretary

Also present were:

Vivian Carvalho	District Manager- Fishkind & Associates
Jennifer Glasgow	Fishkind & Associates
Venessa Ripoll	Fishkind & Associates
Pete Logan	Medallion Homes
Geoffrey Johnson	Medallion Homes
Andy Cohen	District Counsel- Persson & Cohen
Robyn. Davis	Legends Cove Holdings
Tom Brummel	Public

### **FIRST ORDER OF BUSINESS**

#### **Business Matters**

#### **Call to Order**

This meeting was called to order at 1:25 p.m. and roll call was initiated. Quorum was established with the attendance of Board Members Charles Tokarz, Margo Holeman, Connor Chambers. Others in attendance are listed above.

#### **Public Comment Period**

Ms. Carvalho opened the floor for public comments.

Ms. Davis, representing Legends Cove Holdings, stated that she has been in communication with Ms. Carvalho and Mr. Logan and Mr. Tokarz about getting some answers about why the north side of the CDD property is being neglected. She was told that it was never maintained and she asked for copies of the maintenance contract regarding

the landscape and she only received an addendum. She stated that she has been getting the runaround from the District Management Firm. She requested answers as to why maintenance was ceased on the Legends Cove side of the CDD and she noted that they have stopped irrigating, trimming, and they barely are mowing. She asked when and how it will be fixed. She stated that June 15, 2018 was her first email on this matter.

Mr. Logan stated that he was involved in the acquisition of that project and he does not remember it being maintained for years. Mr. Logan stated that the District Manager's office has everything that the previous management company has provided and there is nothing in which the District Manager's office is holding back in providing. Furthermore, the District has requested the Landscaper to give the District a price and add those services to the contract because it was not in the original contract.

Ms. Davis asked if the District has a copy of their contract with Bloomings Landscape. She stated that DPFG had a contract with Yellowstone Landscape who was terminated when Medallion Home took over the Board. Ms. Davis asked if the District can request a copy of the contract from Bloomings Landscape. Mr. Logan answered yes. Ms. Davis stated that she has a copy of the addendum that includes Legends Cove section of the community. She also stated that she has proof that the legends Cove side of the CDD was maintained up and through the day she resigned as the Board President. She stated she has photos of that time frame. She stated she has the water bills and can prove the water usage on that side of the street as well. Mr. Logan indicated that water usage does not mean that it was maintained. He stated that Yellowstone was fired because they did a poor job. Ms. Davis and Mr. Logan disagreed. Ms. Carvalho indicated that she is going to contact Bloomings Landscape to get the original contract because the contract that she provided Ms. Davis came from the records that Fishkind & Associates received from the previous Management Company. Ms. Carvalho stated that she came on to this project in March and everything that she has and that she comes across she will provide to Ms. Davis. Ms. Carvalho stated that at the time when this community was under the downturn, the Assessment Methodology associated with the Field Operation had changed to the existing Assessment Methodology.

Ms. Davis asked Ms. Carvalho to provide that because she does not think it is accurate. Ms. Carvalho responded that she has provided that. Ms. Davis stated that there was money for Legends Cove in the Budget and she stated that she approved the most resent one when she was Board President and it was maintained and that Mr. Dukauskas will testify to that fact. She stated that now it is not being maintained and it is going to cost the District more money. Mr. Logan suggested to Ms. Carvalho to put a time limit on comments.

Ms. Davis asked what the Board would like to see as proof that it was maintained. Mr. Logan stated that it is being added to the scope of work. Ms. Carvalho responded that this is a public meeting and everything is being recorded. Ms. Carvalho stated that the Board already changed the Assessment Methodology and at the public hearing today the District will address the budget to reflect the changes with the Assessment Methodology going forward. Ms. Carvalho noted that she is going to get the original contract from Bloomings Landscape and then contact them for a meeting on site to address the changes with the scope of contract and the Field Operation Manager with our office will be present for that meeting. Ms. Davis asked if she can be informed when the meeting is taking place and told what the results are. Ms. Carvalho responded yes.

Mr. Brummel asked about red tide issue in the community. Mr. Logan responded that there are not a lot of vendors willing to clean up the dead fish. Ms. Carvalho stated that the people who are willing to do it are backed up because they are dealing with the County, City, and all the Beaches first. Mr. Brummel asked if she spoke with a lake maintenance contractor that service the District. Ms. Carvalho responded that yes, Mr. Glasgow who works with Fishkind & Associates reached out to the pond company initially and is now trying to reach out to other companies to address the matter but a lot of them are backed up because of all the other municipalities that are dealing with the matter. Ms. Carvalho stated that she is doing her best to get a contractor to get a price and get the contractor out there as soon as possible.

There were no other public comments at this time.

**Consideration of Resolution 2018-07, Designating a Registered Agent**

Ms. Carvalho explained that this resolution changes the District Manager as the Registered Agent for the District.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board approved Resolution 2018-07, Designating a Registered Agent.

**Consideration of the Minutes of the June 26, 2018 Board of Supervisors Meeting**

The Board reviewed the minutes from the June 26, 2018 Board of Supervisors meeting. Ms. Carvalho asked Tom's last name and he responded that it is Brummell. Ms. Carvalho requested a motion from the Board to approve the minutes of the June 26, 2018 Board of Supervisors Meeting, as amended.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board approved the Minutes of the June 26, 2018 Board of Supervisors meeting, as amended.

#### **Review and Acceptance of Fiscal Year 2017 Audit Report**

Ms. Carvalho indicated that this had to be filed prior to June 1, 2018. She noted that this has been reviewed by District Counsel, the District Manager and the Chair. There were no questions regarding the Audit.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board accepted the Fiscal Year 2017 Audit Report.

#### **Ratification of Longboat Aquatics Maintenance Renewal Services**

Ms. Carvalho explained that this is ratifying for the District record the actual renewal of the pond company that does the aquatic maintenance on the ponds in the community.

On MOTION by Mr. Chambers, seconded by Mr. Tokarz, with all in favor, the Board ratified the Longboat Aquatics Maintenance Renewal Services.

#### **Consideration of Arbitrage Rebate Calculation Report**

Ms. Carvalho explained that report must be done once per year that coincide with the bond issuance date. This is to make sure that if there is any interest earned it is being reported to the IRS. Ms. Carvalho stated that the report reflects that there is no interest earned. Ms. Carvalho requested acceptance from the Board.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board accepted the Arbitrage Rebate Calculation Report, as Presented.

**Public Hearing on the Adoption of  
the District's Annual Budget**

- a) **Public Comments and  
Testimony**
- b) **Public Comments**
- c) **Consideration of Resolution  
2018-05, Adopting the Fiscal  
Year 2019 Budget and  
Appropriating Funds**

Ms. Carvalho requested a motion to open the public hearing.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board opened the Public Hearing.

Ms. Carvalho explained that behind Tab 6 is the adoption of the budget which includes both the resolution and the budget. Ms. Carvalho explained that the budget process started 60 days ago and District staff has since been working on finalizing the budget leading to the public hearing today.

Ms. Glasgow stated that she worked with the Developer and the District Accountant based on the actuals and budget for 2018. She noted that it was increased by approximately \$5,000.00 due to landscaping maintenance. A resident asked if lake maintenance falls under the Longboat Aquatics Maintenance portion. Ms. Carvalho responded that is correct. The resident asked if they would clear out some of the area that is overgrown. Mr. Logan stated that they have started clearing out some of the areas of some of the lakes in Legends Bay. The resident stated that they have not touched the area by his place. Mr. Logan asked

the resident to show him which lake it is and he will make sure that it will get done. Mr. Logan stated that they did a lot of areas around that lake so he will go back and look. The resident stated he noticed that there is an increase to the budget. Mr. Logan stated that the budget was increased so that they could do more of those types of activities.

There were no other questions pertaining to the budget. Ms. Carvalho requested a motion to close the public hearing.

On MOTION by Mr. Chambers, seconded by Mr. Tokarz, with all in favor, the Board closed the Public Hearing.

Ms. Carvalho requested a motion to approve Resolution 2018-05.

On MOTION by Mr. Chambers, seconded by Mr. Tokarz, with all in favor, the Board approved Resolution 2018-05, Adopting the Fiscal Year 2019 Budget and Appropriating Funds.

**Consideration of Resolution 2018-06, Imposing Special Assessments and Certifying an Assessment Roll**

Ms. Carvalho explained that now that the Board approved the budget this resolution certifies the Special Assessments and the Assessment Roll. This would certify the total amount of the budget and the Tax Collector will certify and collect the On-Roll Assessments. Ms. Carvalho requested a motion to approve Resolution 2018-06.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board approved Resolution 2018-06, Imposing Special Assessments and Certifying an Assessment Roll.

**Ratification of Payment  
Authorization Nos. 2018-15 – 2018-16**

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

On MOTION by Mr. Chambers, seconded by Mr. Tokarz, with all in favor, the Board approved Payment Authorization Nos. 2018-15 – 2018-16.

**Review of District Financial Statements**

Ms. Carvalho explained that this reflects the District's financials as of July 31, 2018. The first is the statement of activities, the financial position, and the budget to actual through the end of July. There was no action required by the Board.

**SECOND ORDER OF BUSINESS**

**Other Business**

**Staff Reports**

**Attorney** – Not Present

**Engineer** – Not Present

**Manager** – Ms. Carvalho indicated that the board must set the Fiscal Year 2019 Meeting Schedule. The meetings are currently held on the 4<sup>th</sup> Tuesday of each month at 11:30 a.m. at this location. Ms. Carvalho requested a motion to approve the Fiscal Year 2019 Meeting Schedule as presented.

On MOTION by Mr. Chambers, seconded by Mr. Tokarz, with all in favor, the Board approved the Fiscal Year 2019 Meeting Schedule, as presented.

**THIRD ORDER OF BUSINESS**

**Audience Comments and Supervisors Requests**

There were no Supervisor requests. Ms. Davis asked the District Manager to announce the time limit on public comments before the public comments start. Ms. Carvalho noted

that she stated that at Cross Creek and noted that it is typically about three minutes and she will make sure to do that for future meetings. Mr. Logan stated that Ms. Carvalho can have the time limit approved by motion now so she will not have to do that anymore. Ms. Carvalho requested a motion to approve that the public comment period section of the Agenda and limit to three minutes per person.

On MOTION by Mr. Chambers, seconded by Mr. Tokarz, with all in favor, the Board approved limiting the Public Comment Period to three minutes per person.

Ms. Davis asked if this means that the Supervisors have to let the public comment for three minutes before they respond. Ms. Carvalho responded yes.

**FOURTH ORDER OF BUSINESS**

**Adjournment**

There was no further business to discuss. Ms. Carvalho requested a motion to adjourn.

On MOTION by Mr. Dukanauskas, seconded by Ms. Holeman, with all in favor, the August 28, 2018 Board meeting of the Legends Bay CDD was adjourned.

  
Secretary/Assistant Secretary

  
Chairperson/Vice Chairperson