

**MINUTES OF MEETING
LAKE ASHTON COMMUNITY DEVELOPMENT DISTRICT AND
LAKE ASHTON II COMMUNITY DEVELOPMENT DISTRICT**

The joint meeting of the Board of Supervisors of the Lake Ashton Community Development District and Lake Ashton II Community Development District was held on Monday, **October 19, 2020** at 9:00 a.m. via Zoom video conferencing, pursuant to Executive Orders 20-52, 20-69 and 20-91 (as extended by Executive Order 20-112, 20-114, 20-150 and 20-179) issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 1, 2020 and April 29, 2020 respectively, and pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum:

Michael Costello
Bob Ference
Bob Plummer
Harry Krumrie

Lake Ashton CDD Chairman
Lake Ashton CDD Assistant Secretary
Lake Ashton CDD Assistant Secretary
Lake Ashton CDD Assistant Secretary

Doug Robertson
James Mecsecs
Bob Zelazny
Stanley Williams

Lake Ashton II CDD Chairman
Lake Ashton II CDD Vice Chairman
Lake Ashton II CDD Assistant Secretary
Lake Ashton II CDD Assistant Secretary

Also present:

Jill Burns
Jan Carpenter
Molly Maggiano
Sarah Sandy
Alan Rayl
Christine Wells

District Manager
Lake Ashton CDD District Counsel
Lake Ashton CDD District Counsel
Lake Ashton II CDD District Counsel
District Engineer
Community Director

FIRST ORDER OF BUSINESS

Roll Call and Pledge of Allegiance

Ms. Burns called the meeting to order at 9:00 a.m. and called the roll. All Supervisors were present. The Pledge of Allegiance was recited.

SECOND ORDER OF BUSINESS

Approval of Meeting Agenda

Ms. Burns: Are there any additions or corrections to the agenda?

Mr. Costello: Reading through the minutes, it's fairly obvious that whoever transcribed them weren't familiar with the Supervisors making comments. The comments by the Supervisors did not match up to what that Supervisor said. It was totally off. I could spend a day just going through all of the mistakes.

Mr. Robertson: We had issues with our meeting as well and addressed that with Jillian to provide a full transcript as fast as possible. At least there is a lot more closeness to detail, because there were things that I was attributed to that I didn't say.

Ms. Burns: We can table the minutes, if the Board doesn't want to approve them today. You can send the comments to me. Were there any other additions to the agenda?

Mr. Costello: Yes. I would like to add the discussion on the letter to the landowner that we deferred to the joint meeting on Friday from our meeting.

Ms. Burns: That was added to the agenda. It is Item #7. Does anyone have anything else? If not, we would be looking for a motion to approve the agenda from both Districts.

On MOTION by Mr. Costello, seconded by Mr. Plummer, with all in favor, the meeting agenda was approved by the Lake Ashton CDD Board.

On MOTION by Mr. Robertson, seconded by Mr. Williams, with all in favor, the meeting agenda was approved by the Lake Ashton II CDD Board.

THIRD ORDER OF BUSINESS

Public Comments on Specific Items on the Agenda *(the District Manager will read any questions or comments from members of the public in advance of the meeting; those members of the public wanting to address the Board directly should first state his or her name and his or her address.*

Ms. Burns: I received the following comment prior to the meeting from Ms. Debbie Landgrebe.

"Gentleman, on Monday at the joint meeting CDDII will present an updated amenity document that includes a statement to the effect that says ONLY golf carts that are registered are able to be parked/used at all amenities for CDD & CDDII. I STRONGLY believe this should not be approved by our CDD. Whether a resident registers their golf cart or not should not be a condition to park or utilize the amenity that we pay for."

Ms. Burns: For those joining us via Zoom, you can find Zoom's raised hand feature if you are by phone by hitting *9. If you are using a computer or tablet, there are various places, but look for the raised hand function. The first public comment is from Mr. Steve Realmuto.

Resident (Steve Realmuto, Lake Wales): There are several opportunities on the joint meeting agenda today for the two CDDs to work together for the benefit of the entire community. Taking action on the Lake Ashton water levels and sharing the costs, as well as the needed golf cart repairs, should be a no brainer for both Districts and I support them both enthusiastically. The option of the Joint Amenity Policies is a more complex and potentially more controversial issue. I don't see a problem with incorporating the requirements to register any golf cart used on golf course cart paths and bridges into the Joint Amenity Policy. That policy with respect to the golf course was approved by CDD II and is currently in effect. What is being formally proposed for the first time today; however, goes beyond that and requires all carts used or within the amenities to be registered at the HFC and display a decal. Remember, current policy already requires carts on the golf course to be registered and to display the decal. So, this proposal essentially adds that mandate for carts parked at any amenity in the community under the penalty of suspension of the resident's amenity privileges. In my opinion, a violation of this proposed policy doesn't rise to the level of the other violations cited under the suspension and termination of this policy, which are all a form of more severe misconduct. The penalty simply doesn't match the offense in this case. While well intended, I questioned whether the cart registration should be expanded to include amenity parking lots before some of the procedural details were worked out. For example, does the only current penalty, suspension of the resident's amenity privileges, fit the offense of simply parking an unregistered cart? Is it worth creating the controversy in confronting someone you see in

an unregistered cart, because after they leave you won't know who parked the unregistered cart, and who will enforce this? Will this cause some residents to park their unregistered golf carts on the street instead of in parking lots? Is the registration information being shared between the CDDs in a timely manner and available to security? So, the identification is actually useful. How long do new and returning residents have to comply? Finally, are there other less controversial solutions to being able to identify parked carts? I believe there are. These questions need to be answered prior to adopting any new requirements for carts parked in amenity parking lots. Thank you.

Ms. Burns: Thank you, Steve. Are there any other public comments? I see no other hands raised at this time, so we will proceed with the agenda.

FOURTH ORDER OF BUSINESS

**Approval of Minutes of the August 21,
2020 Joint Board of Supervisors
Meeting**

Ms. Burns: Next is the approval of the minutes from the August 21, 2020 joint meeting. Does anyone have any questions, comments or corrections? We heard from Mike that there are a couple of errors.

Mr. Costello: Like I said, it was so bad that the only thing we can do is have everybody revise it and send you the revisions that they have.

Ms. Burns: Any changes you have, send them to me and we will take another look at those. If everyone agrees, we will table these until the next joint meeting for approval. We will take that as staff direction. I don't think we need a motion to table the minutes.

FIFTH ORDER OF BUSINESS

Unfinished Business

There being none, the next item followed.

SIXTH ORDER OF BUSINESS

Public Hearing

**A. Public Hearing on the Adoption of Revised Joint Amenity Policies
(Clean and Redline Versions of Policies Included)**

Ms. Burns: There is both a clean and redlined version included in your agenda package. At this time, we need a motion to open the public hearing.

On MOTION by Mr. Costello, seconded by Mr. Plummer, with all in favor, the public hearing was opened by the Lake Ashton CDD Board

On MOTION by Mr. Robertson, seconded by Mr. Mecsics, with all in favor the public hearing was opened by the Lake Ashton II CDD Board.

Ms. Burns: We will open the floor for public comments on the Joint Amenity Policies. If anyone has any comments, you can use Zoom's raised hand feature in order to be recognized. I have no public comments at this time, so we need a motion to close the public hearing.

On MOTION by Mr. Costello, seconded by Mr. Plummer, with all in favor, the public hearing was closed by the Lake Ashton CDD Board.

On MOTION by Mr. Robertson, seconded by Mr. Mecsics, with all in favor, the public hearing was closed by the Lake Ashton II CDD Board.

- i. **Consideration of Resolution 2020-01 Adopting the Revised Joint Amenity Policies (Lake Ashton CDD)**
- ii. **Consideration of Resolution 2020-01 Adopting the Revised Joint Amenity Policies (Lake Ashton II CDD)**

Ms. Burns: At this time, we will turn it over to the Boards for discussion on this item.

Mr. Costello: I have some comments. I was listening to Mr. Steve Realmuto's comments and I found them to be offensive. We have a policy for having badges for everyone to be identified. I haven't heard of any single person being suspended because they haven't brought their identification badge or driver's licenses to any of our amenities. We don't treat people nastily that way. It was a way of having a consistent policy throughout the community. Nobody is coming around with vigilantes to catch people. This is just an unreasonable view of everything. I found it offensive. We must have identification to come in and use our amenities. To say that we want the same thing for

our golf cart is not unreasonable. If someone doesn't want to do it, I don't know that they would do that. I can't imagine anybody getting into an argument about doing it and I don't see how it's offensive in comparison to everybody having an ID to walk in. We are making a mountain out of a molehill.

Mr. Mecsics: What Steve may be mistaken on, is it's a progressive discipline problem and it doesn't call me to go to the suspension of amenities. It is up to the Amenity Manager as well as the Board. That's one of those steps that have to be taken. So, I think he may have misread that a little bit or whatever he heard. Quite honestly ladies and gentleman, this is nothing new. We have been talking about this and Mr. Zelazny has been working on this for a long time. I know that he worked with Mike. This is nothing new. Today we should be discussing this and coming to a resolution. Again, it's not just all or nothing in our Amenity Policy. It's progressive.

Mr. Costello: How many people have we suspended from our side in the last 15 years? I believe it is zero. We sent a few letters to say, "Excuse me, you might have misunderstood. You might have been rude and you might not want to continue with that attitude." After that, it always corrected the problem. We haven't had to use a suspension once. So, to go to that extreme, I believe is just an extreme position.

Mr. Krumrie: Just a point of clarification, if someone is not in a registered golf cart and they wanted to go to the restaurant to have lunch, could there have been a verbal warning at that point that they don't have their golf cart registered?

Mr. Costello: I wouldn't even think they get a verbal warning, I would say, "Hey, by the way, did you notice that your cart isn't registered. It would be better to have it registered?" That's how you would start it off. If someone from outside and parks and gets belligerent in our amenity, we would do something about it, but that's all we are asking for.

Mr. Krumrie: The bottom line is the person has to have their golf cart registered in order to use any amenities including the restaurant or attend a show in the ballroom.

Mr. Costello: Like you drive your car in and be registered.

Mr. Zelazny: Harry I'm sorry. I think it's important to realize that a lot of people think that just the registering of golf carts is for the golf course. That helps us to identify who is on the golf course. There were other reasons that we, all ten members of the Board,

wanted to discuss regarding the abandoning of vehicles, such as people with dementia that parked cars and walked away and teenagers driving in a reckless manner. Those are all considerations that should be applied to everybody in the community. The impetuous was the golf course. Jim is exactly right. If you look at the punishment or the escalating punishments, it's like five times before you even get suspended and that's for a week. It's not geared to punish anybody. It's geared to try to figure out people that comply with the rules.

Mr. Costello: Right. We've had over the years a few outliers in the community who just take it upon themselves to tear the place down. They have, through a series of belligerent behaviors been suspended, but that's a very long process for somebody who clearly doesn't want to be cooperative and live in this community.

Mr. Krumrie: So, if I did not want to register my golf cart, I could park at the Sales Center and walk across the street. Correct?

Mr. Costello: Yes.

Mr. Krumrie: Nothing would happen.

Mr. Costello: Nothing would happen.

Mr. Krumrie: I could go to all of the amenities. I could have lunch. I can do whatever I want.

Mr. Costello: Yes.

Mr. Zelazny: That is correct, Harry.

Mr. Krumrie: Alright.

Mr. Costello: Jan, I think you would be able to answer this, but on the legal end of it, do we have the right on public streets to enforce the registration of these carts?

Ms. Carpenter: We can enforce it for the CDD facilities and parking lot, but on public streets we probably can't enforce if someone is solely driving on the public streets. So, I think that is a two-part question. If someone just comes in and drives, it would be tough to enforce; however, they will have to be street legal and a local jurisdiction like Lake Wales or Winter Haven would enforce, if they were an inappropriately registered golf cart. The one thing for the community to remember is this isn't necessarily to go after residents. A big portion of this is to help preserve the community. If there is a golf cart that is abandoned or flipped over or an emergency, this allows the CDD to figure out

whose cart it is. If there is a cart that is not registered, you don't want to be in the position of removing a resident's cart. So, there is a reason to do this to assist everyone. I think that's being left out of the analysis.

Mr. Costello: I think when all this started it was, "Give us your name, phone number, address," and it kind of mushroomed a little. I think people kind of got upset about that. I think that's one of the reasons why a lot of the people were a little hesitant to register their golf carts. I don't know. Do we relax the policy and just ask for what I originally thought we were going to ask for, which is the name and address?

Mr. Krumrie: Mike, the registration form had been modified to where we are asking that. In fact, the original ones, which were much more complex, had been simplified to just include basic identification.

Mr. Costello: I think a lot of people don't realize that it has been modified. I talked to Doug at trivia one night upstairs and we both agreed that it would be a good idea to know who is who. You don't want to have a situation where you have somebody who is in a bad state and you can't identify who the person is. When you first move in here, it takes a while before people know who you are. We honestly thought that was a good situation. So, I think we have to educate people that we modified the registration process to try to encourage everybody to do it as quickly as possible.

Mr. Robertson: We went through the same thing when we brought picture ID badges into the community. People didn't like the idea. We just eventually quietly dealt with it. We never suspended anybody. We never got rude. We just quietly got this done so we could identify people. That worked out. I also think our Amenity Policy was very cautious. We didn't talk about the streets. Your concern, Mike, about the streets, we separated that out. We are not trying to legislate or control the streets through the CDD.

Mr. Costello: I think Debbie Landgrebe said in her comments that we pay for these buildings. They are public buildings. I only questioned whether we could require it. To me, it's a legitimate question. We are being told that we can. So, let's go with it.

Mr. Robertson: We had personal IDs to use the building.

Mr. Krumrie: Doug, I have a question. I guess I am kind of wondering where all of this goes. You said very well that we are not going to take everybody to jail the first day or whenever. Who gets the calls when someone sees a violation or it escalates to the

point where Mary or Christine are getting 10 calls a day? To give you an example, the other day, we were golfing on Hole #3 and some lady drove into someone else's yard to get around golf carts. She didn't have a sticker. Plus, she was not very nice. She makes several calls a day to our Amenity Managers.

Mr. Robertson: I don't think so because we worked our way through that. Everybody was polite and calm and everybody began to understand that this wasn't a gross incursion to our privacy or anything else like that. So, every time I heard somebody talk about it, they said, "Oh, I understand," and moved along. If two people want to be belligerent to each other, that happens all the time in certain places.

Mr. Zelazny: Harry, just for number purposes, since we implemented the tags on the golf course, if it occurred on the golf course, they report it to the pro shop. If its other locations, then they can call HFC or Christine. We are under half a dozen incidents since we implemented it in July. I can tell you how many incidents have been reported to Mary or Ron at the pro shop to follow up on.

Mr. Krumrie: I think people need to understand, Bob, that we as residents should be the first to say, "Don't do this or don't do that," rather than report it right away and have someone follow up.

Mr. Zelazny: I can give you an example. This morning, someone had their dog running on the second hole down the middle of the fairway. I got out of my house and went over and confronted them. I did not appreciate what he had to say to me. Either way, you know that you are not supposed to have your dog running on the golf course.

Mr. Krumrie: Right.

Mr. Zelazny: The reaction to people when you are just trying to do it in a friendly manner is unbelievable.

Mr. Krumrie: It totally is Bob. You wouldn't believe what the lady said the other day. Then she took pictures.

Mr. Zelazny: Doug is exactly right. Just asking and explaining to them and then moving on is the best way, but if someone becomes belligerent, obnoxious, and curses at you, just take a picture of their tag and walk away.

Mr. Krumrie: Exactly.

Mr. Zelazny: That's when Mary, Christine and Ron have to get involved. It's not residents checking up on residents to turn them in. It's just making sure that everyone complies with the directives that the CDDs put in place.

Mr. Krumrie: I agree. I appreciate all of the comments so far on the entire process from the panel here and the comments from the residents. My point of view is if we institute the registration of the carts and positively affect the lives of someone having a health issue, it outweighs all of the negatives. If we find that cart, we know which family member to contact. We know where to start looking for the owner. We know a variety of things just from that registration information. To me that outweighs all of the negatives, because we live in a senior oriented complex that has a variety of issues that can be health related when they are out on a golf cart. For that fact, I'm in favor of passing the resolution.

Mr. Costello: That is where it began. It began with the fact that we had incidents where we had carts that were broken and abandoned. We had no idea what was going on and our fear was, like you said, this is a 55 and over community. Some of my people have pre-existing conditions that quite honestly, if they need help, we want to get them help.

Mr. Krumrie: Correct.

Mr. Zelazny: I'm the one who came upon the gentleman who was sitting out in the weeds right alongside the water. Had a gator gotten him, we would've never known. I had no idea who he was. We also had a situation where a gentleman was sitting in a golf cart. I tell you right now, when I came up to him, I thought he was dead. I had no idea. So, it's real. Like we all said here. It's just like when we register our cars. I just don't understand why people are reluctant, but I respect their opinions. This is all about keeping the community safe and it makes it a little more exclusive. You have your golf cart and you are registered in Lake Ashton. I think that's kind of cool.

Mr. Krumrie: We are not taking away anybody's amenity. If they want to ride their bicycle or walk to the amenity, they can.

Mr. Costello: Harry, you are exactly right. For all of those folks out there that put out all kinds of baloney, nobody is looking to take away your amenities. You can still use your amenities. You can park on the street or at the sales office or whatever have you,

but again, stop the misinformation that a small group does that. Then call them out on that because I called out a few people. When you call them out on that, guess what, they get really timid. So, this is a good initiative, ladies and gentleman. I just think that we talked about it and this is nothing new. So, it's about time to decide.

On MOTION by Mr. Costello, seconded by Mr. Plummer, with all in favor, Resolution #2021-01 Adopting the Revised Joint Amenity Policies, was adopted by the Lake Ashton CDD Board.

Ms. Burns: Does anybody from Lake Ashton II want to make a motion to approve?

On MOTION by Mr. Robertson, seconded by Mr. Zelazny, with all in favor, Resolution #2021-01 Adopting the Revised Joint Amenity Policies, was adopted by the Lake Ashton II CDD Board.

Mr. Costello: Jill, I have administrative items. Look at the Amenity Policy that was given to us to review. The specific amenities were all in alphabetical order. We have not put golf at the back. So, they need to be reorganized in alphabetical order for the ease of the people reading the Amenity Policy. I recommend that golf carts, as it applies to all amenities, should be moved up to the front section under "*General Use*."

Ms. Carpenter: A motion to adopt with those revisions is appropriate.

On MOTION by Mr. Plummer, seconded by Mr. Krumrie, with all in favor, the Joint Amenity Policies attached to Resolution #2021-01 were revised as noted, and approved by the Lake Ashton CDD Board.

On MOTION by Mr. Robertson, seconded by Mr. Zelazny, with all in favor, the Joint Amenity Policies attached to Resolution #2021-01 were revised as noted, and approved by the Lake Ashton II CDD Board.

SEVENTH ORDER OF BUSINESS

**Discussion Regarding Water Levels
and Discussion with Adjacent
Property Owner - ADDED**

Ms. Burns: Before we get into this, for those who weren't participating this may end up in litigation. So, we would just advise everyone to be cautious of what they say on the record. Harry, do you want to start on this?

Mr. Krumrie: I think maybe the best we can do is have Alan give us a short scenario of what is going on with this person. This way everyone is on the same page.

Ms. Carpenter: Let me just jump in. I would ask either Sarah or Alan to go through the history because our Lake Ashton CDD Board has not had this discussion at a public meeting.

Mr. Robertson: Why don't I start because I was given the responsibility. We approached our neighbor and showed him that water levels were significantly elevated from what it has been naturally in the past, the historical levels, the levels that were used to design the community. The individual expressed interest in helping, and then kept on putting different caveats on his willingness to cooperate. We went through the process and several iterations. We even put in a gate on the 15th hole, when it was agreed that we could go in and fix it, and then the next day he said no. We have gone back and forth several times in that process, to the point where I concluded the only direction was for us to use legal means. At which point, knowing that I would be off of the Board, I turned it over to Mr. Mecsics and said, "Jim, would you carry on because this is well beyond my tenure?" Then he started having a conversation. I will allow Jim to take over now and say what his conclusion was.

Mr. Mecsics: Jill and I had a conference call with the landowner. It came down to the fact that there were some conditions that he wanted to lay upon us before he would allow us to utilize the property, and they were just not acceptable. They said we needed a trained engineer to take a look at that while it is going on. None of us are qualified to oversee that. Jill, correct me if I'm wrong, but what you are saying to me is that you are precluding us access to this property unless our engineer was involved.

Ms. Burns: Yes.

Mr. Mecsics: Well then, we will have to refer this to legal means and that's where we left it.

Mr. Williams: Could I suggest that Jim and Doug state for our audience, that may not understand, how exactly is the water level affecting Lake Ashton, versus going over the cart paths or roadways? Some of our residents may not understand what is being affected by this water level.

Mr. Robertson: The high-water level.

Ms. Carpenter: Doug, if you don't mind can we have Alan give a brief explanation of what exactly happened on the neighboring property and how that is affecting Lake Ashton and Lake Ashton II? I can do my best, but I think Alan could do better.

Mr. Rayl: Okay, last fall while we were doing some Southwest Florida Water Management District (SWFWMD) permitting certification inspections, I noticed that the ponds on the east side, adjacent to Lake Ashton, had higher than normal water elevations in them in a period where we hadn't had any rain. We finished our inspections and I started looking further into it and eventually coordinated with Mr. Dave Wilson with the golf course. Dave took me for an airboat ride down to the southwest corner of Lake Ashton where we observed a PVC pipe in a field crossing going over the outfall ditch of the lake. The pipe was a fair distance away. I couldn't tell what size it was or how appropriately it was installed at that time, but at that time, I felt certain that was causing the issue we were seeing evidenced in the ponds. The water levels in the ponds were over a foot above where they normally should've been. I contacted SWFWMD about this issue. SWFWMD eventually conducted a field visit, met with the landowner, looked at the crossing and determined two things. One, it was not something that needed to be permitted through their normal processes because it was a purely agricultural activity. Two, because it wasn't a permitting type of activity, they didn't have any enforcement remedies available to them to rectify the situation. The information they did give me freed us up to work directly with the landowner to resolve it however we could both agree to resolve it, and it wasn't going to involve SWFWMD. That's a good thing. It's common sense. We were able to make contact with the landowner. I believe September 1st was my first field visit out there. I took measurements of the crossing. I took photos. I took videos and was able to observe firsthand what I suspected for months, which was that this pipe was impacting Lake Ashton which was then impacting the ponds in the Lake Ashton community. Since

that time we had been trying to discuss a mutually agreeable solution and we have yet to arrive there. So that's how we got to where we are today.

Mr. Robertson: We don't want to discuss every single thing point by point. It's not appropriate at this juncture, if I'm getting my direction right from Sarah. We need to resolve it. We have a situation where the natural water flow from the lake has been affected and we want that to be corrected. We tried to correct it in a voluntary way, neighbor to neighbor, and we've come to an impasse.

Ms. Sandy: So, to pick up from there, as Doug mentioned, prior to our Board meeting on Friday, he asked that our office review it. I had a colleague of mine, Mr. Eric Olsen, who specializes in water resource issues take a look at the situation. We made the following recommendations to the Board:

1. Send a demand letter to restore the condition of the property back to its prior state
2. In the event the demand letter proved unsuccessful, authorize District Counsel to initiate litigation to enforce the District's rights.

Ms. Sandy: Those two items of course would allow us to move forward with items prior to the next Board Meeting. Obviously, we would continue to keep the Board involved as things move forward, but those are the two items that we requested moving forward with. The Board on Friday wanted to discuss splitting costs with Lake Ashton in a joint manner moving forward.

Mr. Robertson: If I could just interject here. We are experiencing problems on a daily basis when we have problems on the golf course with submerged irrigation pipes that used to be above ground. They are now underground. We have a cracked pipe. We have to go in, rent a backhoe, build a dam to pump the water out so we can correct it so we can have our proper irrigation. There are things that happen on a daily basis that are costing us money, so there's an urgency to get this done. Waiting from Board meeting to Board meeting to Board meeting to get to move it, doesn't represent the urgency that I thought was there. That's why I asked Sarah to look into it and have the water expert come to the same conclusion as a layman I came to that we need to get this fixed. We believe we have a legal right to do so. Is that fair, Sarah?

Mr. Krumrie: I appreciate everything that everybody has done up to this point; Doug, Jim, Alan, everybody that tried to initiate the conversation with the landowner at this point. I believe moving forward, if we are going to jointly share the cost, we need to have representation from the east that those particular meetings with whoever or whatever show that both Board represent it in the same way. Like I said, I appreciate where we started and tried to go through to this point, but I think moving forward, we need to make sure that we have someone from the east Board involved in all of that decision making process from start to finish. I also agree with Doug if we are going to have this moving forward and waiting from month to month to make decisions, it may be a little cumbersome so we may want to address that issue at today's meeting as well.

Mr. Krumrie: Do I understand, Sarah, that the people in your office who deal with these water problems feel that we have a legal precedent? Where is it written that we can manage the water level to the level we want and not have it be where it is now? What is the legal standard that we have when we go to litigation?

Ms. Carpenter: I'm familiar with Eric and his office. He does a lot of work in water rights. There is a whole body of law in Florida and most states as to water rights. I don't think the actual details you want to talk about in public because if we do end up in litigation, those would be now out for the opposing side to know what we are going after. However, there are some common law and requirements that if you own land, you can't do something that's going to hurt the land next to you. That is the general premise. I'm simplifying quite a bit, but Sarah, if you want to give any more general terms, that is the sort of premise. You can't hurt your neighbors by certain things and there are rights that go way, way back with flooding land for agriculture, cows and all kinds of things. I know that Hopping, Green & Sams has people that specialize in water rights and I'm comfortable with their analysis. However, I agree that it would be nice to participate going forward. It makes sense to have a joint defense.

Mr. Krumrie: No need because I'm sure that this recording will be required or requested in any litigation. That is why I've been staying silent, but the bottom line is that I agree. When you look at the impact, it hits the east probably more than us, but I think this is a joint effort to the community. You can share the costs and do this from a joint perspective versus one going after them because that is the only way to do it.

Mr. Robertson: The point that we started with was the urgency because of the daily damage that's being caused. That is why we tried to do it. I talked with Mr. Mike Costello and he and I shared the idea that if we can get the individual to voluntarily to do it, that would be the faster route, causing less damage and it would be better for the community. Now that we exhausted that as a means of doing it, it should be going with the joint Board and a member of either Board being involved. We can then continue to do this as quickly as possible.

Ms. Burns: We want to designate a member from each Board to work with counsel on this outside of the meeting so each Board is involved.

Mr. Robertson: I move that Mr. Mecsecs represent the Lake Ashton II CDD Board.

Ms. Burns: Do you want to roll that into the motion Sarah suggested at the Lake Ashton II CDD meeting to authorize District Counsel to send the demand letter and, if the demand letter proves unsuccessful, they were authorized to commence litigation?

Mr. Robertson: We would do that assuming concurrence from the Lake Ashton I CDD and they wanted to share it with us. So, if the two Boards wanted to go together, we want Mr. Mecsecs on our side to spearhead it and give them the authority to move as quickly as possible. I think that's inconsistent with what we said in our motion.

Ms. Burns: Is there a motion to that effect?

Mr. Costello: With consultation from the east.

Mr. Zelazny: As a point of clarification, you need to make sure in that motion there's representation from the east.

Mr. Robertson: Absolutely.

Ms. Carpenter: The cost sharing is preparing the demand letter?

Mr. Zelazny: Everything.

Mr. Krumrie: If we have to do it jointly, we have to agree.

Ms. Carpenter: So, it's going back for research. I'm just trying to get an idea for the Board on the cost. Do you know the extent of the research, Sarah? Was it \$1,000 or a significant amount from a budget perspective?

Ms. Sandy: We were authorized not-to-exceed \$5,000. I think it was less than that and I'm trying to see if I can get a number right now. Obviously, we haven't actually sent the demand letter. Let me see if I get an exact number.

Ms. Carpenter: Yes.

Mr. Robertson: We kept it under \$5,000.

Mr. Costello: What our Board agreed to was up to \$5,000 for a resolution splitting the cost with the East paying up to \$5,000 and up to a \$10,000 limit to get it fixed. That is what was discussed at our Board.

Mr. Krumrie: Quite honestly if we do not do something about this water, we are going to experience much more money than \$5,000 in damages to our property. There's no denying it. The only thing that we can do, the common sense thing to do right now, is to see what the attorneys do in order to move forward and get rid of the problem that we are experiencing at this time.

Ms. Sandy: Let me clarify. The \$5,000 was prior to the Board needing to look at the issue and getting the demand letter ready. It didn't encompass those additional costs.

Mr. Robertson: Yes. I know that we like to talk things through and like the community to hear all of the things we are trying to do. So, in this case, it is in the best interest of the community if we understand that we are just moving forward now and not doing a lot of discussion.

Mr. Krumrie: It's not clear to me who counsel is. I assume though that it's probably Lake Ashton II's counsel.

Ms. Sandy: No. To be clear, Jan would continue to represent the Lake Ashton I Board, but we would work together on the issue.

Ms. Carpenter: We would rely on the water rights expertise of Hopping, Green & Sams. We wouldn't go out and do that research ourselves.

Mr. Robertson: We are trying to do this together as two Boards with two sets of counsel and one water rights expert.

Mr. Krumrie: Jill, do we need a motion from both Boards to proceed as a joint effort and then send this letter out?

Ms. Burns: Let me try to frame this to encompass everything and if somebody agrees, they can jump in. I know that the Lake Ashton II CDD designated their representative so I'll start with you and then we will jump to the Lake Ashton I CDD if they want a person to appoint. So, the motion for Lake Ashton II CDD would be to authorize District Counsel to send the demand letter and if the demand letter is unsuccessful, it

would authorize District Counsel to file litigation with the shared cost. The cost would be split between the Lake Ashton I CDD and the Lake Ashton II CDD, with Jim being the point of contact to work with District counsel for the Lake Ashton II CDD.

Mr. Robertson: Correct.

On MOTION by Mr. Robertson, seconded by Mr. Zelazny, with all in favor, appointing District Counsel to send a demand letter to the owner to restore the property to the prior conditions and, if unsuccessful, District Counsel would be authorized to initiate litigation, splitting the cost between Lake Ashton I CDD and Lake Ashton II CDD, and authorization for Jim Mecsics to represent the Lake Ashton II CDD Board in working with District Counsel, was approved by the Lake Ashton II CDD Board.

Ms. Burns: If the Lake Ashton I CDD Board is in agreement, we would need a point person to frame into the exact same motion that would work with Jim and counsel for both Districts.

Mr. Krumrie: I appoint Mr. Plummer.

On MOTION by Mr. Krumrie, seconded by Mr. Ference, with all in favor, appointing District Counsel to send a demand letter to the owner to restore the property to the prior conditions and, if unsuccessful, District Counsel would be authorized to initiate litigation, splitting the cost between Lake Ashton I CDD and Lake Ashton II CDD, and authorization for Bob Plummer to represent the Lake Ashton I CDD Board in working with District Counsel, was approved by the Lake Ashton I CDD Board.

Ms. Burns: Does anyone have anything else on that item? Hearing none,

EIGHTH ORDER OF BUSINESS

Discussion Regarding Cart Paths - ADDED

Ms. Burns: I believe this was added at Mr. Zelazny's request.

Mr. Zelazny: This is just a question. I have been dealing with Alan. I know that he has been out, but we have some issues on the cart paths on our side, primarily on the 9th

hole. We have been negotiating pricing to try to get that fixed, but from the golf course perspective, we are concerned about what actions are going to be taken on the bridge on the 5th hole, the turnaround area by the restroom on the 10th hole and then the bridge on the 10th hole. Alan can probably talk to it. We are trying to figure out what the plan is to fix those three areas.

Mr. Robertson: Bob, didn't we agree that we would give a limit to Alan and you to fix the 9th hole so we wouldn't be jumping from Board meeting to Board meeting? We already authorized an expenditure.

Mr. Zelazny: It's ours.

Mr. Robertson: Just for ours. We authorized you and Alan to spend some money on our behalf to fix this problem.

Mr. Zelazny: We have a not-to-exceed number on that so we would anticipate that to go underway pretty quickly.

Mr. Robertson: Yes.

Mr. Zelazny: The other ones are of a concern. I know that the golf course has done a couple of temporary fixes to the bridge on #10. Alan has been out a number of times so we are just wondering what the plan is on those three areas.

Mr. Rayl: We have identified those three areas and also on Hole #9 at the bridge approach that were failing. We identified a total of four areas that we are getting contractor pricing on now. We have some repairs designed for that. I'm hoping to get those numbers in this week, but that's where we stand on those. The Hole #10 bridge, which had the most attention and discussion to date, has had a recent repair. The last time I saw it, it was still holding good. The only recommendation that I have right now, is I would like to see some sod put in that space and then we continue to monitor that to see if that repair will hold, so we don't have to go out and have a contractor tear it out to build something new. Right now, it's holding and it may have a chance to be a repair that would keep us in good shape for a while if we can have some sod put down on it.

Mr. Krumrie: Alan, is what you are talking about on the north end of the #10 bridge?

Mr. Rayl: Correct. It's on the northeast corner on the north end.

Mr. Krumrie: What about the severe hole at the cart path when you go across the bridge to the south past the restroom at the turnaround?

Mr. Rayl: The turnaround at the restroom building?

Mr. Krumrie: Right.

Mr. Rayl: That's included in the four areas we identified needing fixing. The other one was on Hole #9 right at the bridge where there was a large extra area of concrete that had been added on. That has undermined and broken off and it's failing. The fourth location was Hole #5 on the fairway into the bridge. There is kind of an Astroturf kind of landing at the end of that bridge approach. It has some holes in it that are going to catch a golf cart if we don't get this fixed soon.

Mr. Krumrie: The question that I have, Alan, is regarding the cart path at Hole #10 where it goes to the restroom. Was that caused by water running across and undermining the flume? Is that what broke down?

Mr. Rayl: Yes. That's what it looks like. That turnaround has curbing on it and it's focusing all of the water to go to one spot. As long as the water stays on the concrete, that's good, but as soon as it leaves that spot, all of it can then go under the concrete and start undermining and washing away the material that's there to hold that up. So our proposed repair would not be to focus that into such a small point of discharge area, but to left the flow spread out and you've lowered the flow rate and velocity as well.

Mr. Krumrie: Okay. Thank you. We have those on the agenda to talk about at our regular meeting at 10:30 a.m. Correct?

Mr. Rayl: Yes. I was going to bring those up in my report.

Mr. Krumrie: I think that is the place to approve those repairs. Does that satisfy your questions, Bob?

Mr. Zelazny: Yes.

Ms. Burns: Is there anything else on that agenda item? Hearing none,

NINTH ORDER OF BUSINESS

Supervisor Requests and General Public Comments

Ms. Burns: Does anyone have anything else that they would like to bring up or discuss?

Mr. Mecsics: Just one item, Jill. I think it's fair to acknowledge Carla, Stan, Doug and Bob in front of the entire community for all they have done. Bob has been a great ambassador for the east in trying to get the community to work together. I can't say

enough about our Board members, Stan, Doug, Carla and Bob. The community owes all four of you a debt of gratitude for your hard work. I certainly appreciate it and I hope they do. That's all.

Mr. Zelazny: I agree. This shows that we are working together. Mr. Bob Ference, I'm going to miss your face and your request to adjourn the meeting, but this is the way we should get our views out and discuss it as joint Boards and do it civilly and cooperatively. Congratulations to all of those who are leaving the Board. You have done a great job.

Mr. Krumrie: I agree, Bob. Of the two Boards, the folks that are leaving both Boards, include Bob from our side, as well as Stan, Carla and Doug. We appreciate the cooperation between the two Boards over the years in trying to accomplish many items. At some point, we have to agree to disagree and that is fine. That's part of life, but we really appreciate the input from everyone who is leaving at this point. Congratulations and thank you very much.

Mr. Robertson: Everybody wants this community to do very well. We are all trying to help the community be successful.

Mr. Krumrie: Amen.

Mr. Costello: We all owe you a lot of gratitude for all that you have done. I hope that you continue to come to the meetings and stay active in the community. Thank you.

Ms. Burns: Are there any public comments?

Resident (Debbie Landgrebe, Lot 71): I would like to thank the Board Members for their service to our community. Like Mike said, I hope you won't disappear from the meetings because your insights are valuable regardless of whether people agree or disagree. So I applaud each of you. I realize that this has been a very selfless position for you. Again, thank you. On another note, now that you voted for this golf cart registration parking, I have some questions to be considered. One, do we have updated contact information for every registered vehicle and perhaps even a contact outside of Lake Wales or outside of Lake Ashton. Because if the concern is someone who is injured or Jim has mentioned, the various examples given, sometimes you need a contact outside of our campus. I also am wondering who is going to be the keeper of the information and the sharer of that information between the Board, Security and whoever else you deem

important to have that information. Then also, what happens when houses with golf carts sell. There is a lot of bookkeeping that I have not heard discussed, but I would definitely like to see those things considered and worked on. I'm sure, Jim, with your operational background and logistics, your brain has been working along those lines too. So I just wanted to throw that out. Thank you.

Resident (Jack Mancicule, Ashton Club Drive): I am a long-time resident. I have a question dealing with cost sharing. It looks like the two Boards are starting to work together, but several months ago, we had a major repair on the water system at Dunmore Drive and Eagle's Nest that was caused by design issues when Lake Wales II was developed. Why did we not ask them to help in the sharing of that cost because it was hundreds of thousands of dollars. Now we are sharing in the cost of fixing bridges. If we are trying to be one community, there has to be cost sharing on both ways. So this is something that I would really like to see this Board look at. The other one is you guys hit it on the nail when you talk about the minutes. I had a comment in the minutes at one of the meetings. I not sure whether it was the joint or our single meeting. It was very bad. Harry had a comment dealing with the golf course where he was quoted as wanting to black it out. I don't think Harry wanted to get rid of part of the golf course. He just wanted a part of it blocked off. Apparently no one is reading the minutes as close as they should. We could be having a lot of comments on issues that are not caught.

Resident (Steve Realmuto, Lake Wales): First I wanted to add my thanks to all of the outgoing Supervisors for their dedicated service. I know it takes a lot of time and it goes unappreciated by many. I would especially like to thank Mr. Doug Robertson for his leadership working out the policy and acquiring the golf course. I think he did a great job balancing the needs of both golfers and residents. They will certainly miss his attention to detail and balance all concerns. I am sorry to hear that Mr. Costello was offended by my comments. For the record, first of all, I want people to know that I think it's a great idea to register golf carts. Mine has been registered for some time now. So I want to be clear on that. I'm not speaking necessarily against the need to identify carts. I certainly understand that. I think you cited cases where it would be useful, although I think we need to look at the missing holes, as Ms. Debbie Landgrebe pointed out, vehicles and having contact information for people outside of Lake Ashton. So perhaps we could continue that

process. I want to correct some facts though because it was alleged that I may have misunderstood or misquoted facts. One of the things that I wanted to do was to make people aware of what was possible. I never said that the CDD would suspend people's amenity privileges. The fact is, under the Suspension Policy on Page 6 for the Supervisors who misquoted the policy, the simple offence of not abiding or failing to abide by a rule, which includes this new rule that was adopted requiring registration when they are parked, would subject them to the suspension and termination process. That process doesn't take five warnings to get to the suspension of amenity privileges. The Board, if it chose, and the Amenity Managers as well, if you want to direct your attention to Page 7 of the Amenity Policies, very clearly says that on the second offense, "Patron guests will be suspended from the facilities for the remainder of the day." So it actually starts on the second offense, not the fifth or later. On the third offense, they will be suspended for one week. On the fourth offense, it's basically automatic up to 30 days or until the next meeting of the Board. Those are simply facts. So I wanted to get that out there. That's it. Thank you.

Mr. Robertson: Steve, I always enjoyed working with you. I think you take some very good points along the way. The issue for us is just like a policeman writing a ticket. He has choices in the matter, whether he gives someone a warning or not. It's not just black and white. There is discretion involved in the process. You write things very precisely, but you leave discretion in the system. Up until now, I think everybody in the community who is in possession of authority has used discretion when they have written warnings. We have not seen any abuse of power on anybody's part to attack somebody for inadvertently doing something inappropriate. That's just my comment, but I appreciate Steve's input.

Resident (Nancy Baker, Dunmore Drive): On behalf of the HOA, I would like to thank both Boards for the work they do and to the outgoing members of both Boards. Thank you for what you do. I appreciate the effort that you put forward. One thing that I would like to ask is we are talking about registering golf carts. I think it's a great idea. The problem that we have from an HOA perspective, which Jim and I have spoken about, we have trouble getting information on who lives here. We are responsible for maintaining the Federal requirement of 80/20. If we don't get information, then we don't know who lives here. We don't know who rents. I would like to suggest that we have a meeting

between the HOA and both CDDs to see legally what we can work out so we have accurate information about who resides in the community. I would appreciate if both Boards give it some consideration and come up with a way that there can be information sharing for the good of the community. Thank you.

Ms. Burns: We have another raised hand from Debbie, but she already made a public comment. If the Board wants to allow her to speak a second time, that is our last raised hand. Is there any desire to allow a resident to make a second public comment? Hearing none, then those are all the public comments we have at this time. Does anybody have anything else?

Mr. Ference: I want to remind everyone that we have an election on both sides. We have some well qualified people. These are the people who are going to speak for you in the future on the direction of the community. So I hope those of you out there take the time to meet your candidates, look at their credentials and vote accordingly so we can better the community. Does anyone have anything else?

TENTH ORDER OF BUSINESS

Adjournment

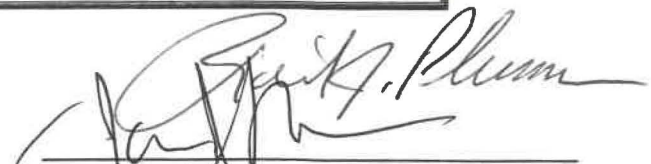
There not being any further business to discuss,

On MOTION by Mr. Ference, seconded by Mr. Costello, with all in favor, the meeting was adjourned by the Lake Ashton I CDD Board.

On MOTION by Mr. Mecsics, seconded by Mr. Zelazny, with all in favor, the meeting was adjourned by the Lake Ashton II CDD Board.


Lake Ashton CDD


Assistant Secretary/Secretary


Chairman/Vice Chairman

Lake Ashton II CDD


Assistant Secretary/Secretary


Chairman/Vice Chairman