

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

The regular meeting of the Board of Supervisors of the Lake Ashton Community Development District was held on Monday, **August 21, 2023** at 9:32 a.m. at the Lake Ashton Clubhouse Ballroom, 4141 Ashton Club Drive, Lake Wales, FL.

Present and constituting a quorum were:

Lloyd Howison	Chairman
Brenda VanSickle	Vice Chairman
Steve Realmuto	Assistant Secretary
Mike Costello	Assistant Secretary
Debby Landgrebe	Assistant Secretary

Also present were:

Jill Burns <i>by Zoom</i>	District Manager, GMS
Jeremy LeBrun	District Manager, GMS
Jan Carpenter	Latham Luna, District Counsel
Alan Rayl	District Engineer, Rayl Engineering
Christine Wells	Community Director
Matt Fisher	Operations Manager
Pete Wittman	Yellowstone Landscaping

*The following is a summary of the discussions and actions taken at the August 21, 2023 Lake Ashton Community Development District Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call and Pledge of Allegiance**

Ms. Burns called the meeting to order at 9:32 a.m., called roll, and the pledge of allegiance was recited. Five Supervisors were present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Approval of Meeting Agenda**

Mr. Howison asked for any changes to the agenda. Ms. VanSickle requested that the two landscape proposals, item Eight D, 1 & 2, be moved up to the fifth order of business. Ms. VanSickle also requested that if they go into a closed session, it be moved to the end of the meeting.

Mr. Realmuto suggested that they move the security discussion to the very top of the agenda before the landscaping update in respect for the two employees of Securitas that were present to answer their questions and help them resolve issues they may have. He stated that he was proposing they move item 7A to the top of the agenda. He also noted that some of what they decided in the public session could affect the budget as well.

Mr. Howison stated that his issue was that he hesitated to move too much around given the number of people present and the intense interest in a couple of the agenda items. He understood the landscaping items and that they wanted to be sensitive to peoples time. He asked Mr. Realmuto how imperative it was to move the security discussion up and explained that he didn't think the security item needed to be moved forward, particularly with a closed session. Mr. Realmuto responded that he suggested to move it forward in respect for the Securitas employees time. He suggested that if they couldn't move it to the top, maybe they could move it up so that it wasn't at the very end. Mr. Costello stated that he didn't feel that Securitas needed to be at this meeting. He added that they had them there before and they should have asked the questions then, but explained that someone decided to step in and ask Securitas to attend this meeting. Mr. Howison responded also that it was not something that most of them were expecting and suggested that they move the landscape items up and then move the security discussion up somewhat, but he wanted to get through the first six or seven items of the agenda.

On MOTION by Ms. VanSickle, seconded by Mr. Costello with all in favor, the Meeting Agenda, was approved as amended.
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**THIRD ORDER OF BUSINESS**

**Public Comments on Specific Items on the Agenda (*the District Manager will read any questions or comments received from members of the public in advance of the meeting*)**

Mr. Howison thanked the public for coming to this meeting and stated that he knew they had an intense interest in the agenda items. He noted that public comments would be limited to three minutes, and he asked for both the public and the Board to keep their

comments relevant and civil. He added that they could disagree without being disagreeable. Ms. Burns asked for any public comments on items specific to the meeting agenda.

Ms. Burns noted that the first request to speak was from Greg Ulrich and it was regarding the budget. She explained that she would hold this request to speak for the Public Hearing on the budget later in this meeting.

John Castelli (4131 Murfield Loop) noted that he saw in the agenda where they fixed the four treadmills in the gym, and he didn't think anything was wrong with them. He stated that there was one machine a lot of people used, and he would like to see one of those machines put in and requested for the Board to rethink replacing all four of the treadmills because he didn't feel it was necessary.

Al Cooney (4303 Ashton Club Drive) explained to the Board what he witnessed on August 10 regarding Al Escoda's amenity suspension. He stated that the pool looked like it was open and there were no signs that said, "*Pool Closed*" or "*Under Construction*" and the gate was open.

Ms. Burns stated that the last request to speak was from someone who could not be present at the meeting on this day but asked for it to be read. The request was from Christine Graves (4339 Gullane Drive), and she noted her concern for the current system. She explained that she recognized that the streets were public, but that didn't mean the amenities were public. She also noted that anyone could come through the gate. She explained what she knew to be successful with other communities and that they were also her suggestions for this community. These suggestions included decals, giving the guardhouse notice of a guest, possessing a valid driver's license, issuing a notice for driver's dashboards with their purpose for entering the community, and electric key passes for vendors who frequent the community. She further explained that it was too easy to come into their community. She concluded her letter stating that she knew the streets were public and they paid for the maintenance. She asked if anyone had researched what it would take to no longer have the streets public.

Ms. Burns asked for any public comments on the Zoom line. Hearing none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Consideration of Minutes from the July 24, 2023 Board of Supervisors Meeting**

Mr. Howison presented the minutes from the July 24, 2023 Board of Supervisors meeting. He asked for any comments or corrections to the minutes. Ms. VanSickle made note of one correction on page 7, the sixth line from the bottom where it says, *“because it can be kept as a public record.”* She corrected this comment stating that it should say, *“because it can not be kept as a public record.”*

On MOTION by Ms. VanSickle seconded by Ms. Landgrebe with all in favor, the Minutes of the July 24, 2023 Board of Supervisors Meeting, were approved as amended.
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**FIFTH ORDER OF BUSINESS**

**Landscaping Update**

**A. Presentation of Monthly Landscaping Checklist and Report**

Mr. Howison presented the landscaping update to the Board. He stated that along with that update, they would want to discuss the proposals submitted by Yellowstone as well.

Mr. Fisher stated that Yellowstone provided a compliance check list, and he asked if there were any questions related to that checklist. Hearing none, he stated that at the last meeting, Yellowstone was advised to bring renderings of plant installation as well as pricing. Mr. Wittman reviewed the report stating that they had saw more weed pressure with all the rain. He added that they had brought in additional people, and they brought in an additional detail crew to help with the trimming. Mr. Wittman stated that he was happy to meet with Ms. VanSickle and go through and look at some areas that they wanted to possibly do some renderings on and touch on the areas that they discussed at the last meeting. He stated that they discussed a couple of different options. He added that visually it was better with some of the renderings. He explained that most of the options were the same price with a different plant material except for the bromeliads in the median. He added that it was up to the Board on what they wanted to do. He briefly discussed the proposal that he provided for the medians in the previous meeting where they were going to add plumbago in the empty pockets. He explained that they came up with some different options of colossal iris. He added that some other options were dwarf

Podocarpus and the bromeliad option. Ms. VanSickle thanked Mr. Wittman for meeting with her and stated that Lynn Davis facilitated their garden club and she had done beautiful work at the pavilion and the Eagles Nest, and that they had given him a couple of renderings. She noted her appreciation for Mr. Wittman incorporating this, but she noticed there were some changes made. She asked for the Boards approval that Lynn Davis speak on this item. Mr. Wittman commented on some of the changes that they did stating that they recommended to use something that could be more long-lasting. He explained that some of the options that were suggested would have to be changed on a reoccurring basis. Ms. Davis asked about the “*firecracker bush*” stating that there was something called the “*firecracker flower Crossandra*”. She explained that if they did the bush, it would come up to the same complaints that they were experiencing at the Lake Ashton entrance. She further explained that overtime those bushes would grow and need maintenance. Mr. Wittman responded that he would like to look at the plant that she was referring to because the plant that they know as “*firecracker*” was an annual and it wouldn’t get super tall. He added that there was a dwarf firecracker that stayed lower. He noted that he would double check this information. Ms. Davis asked if Mr. Wittman was referring to the thyme in the area of the walkway as being a short-term plant. Mr. Wittman responded that with the thyme they did see it getting burned out in that kind of full-sun area, especially with the rocks and the heat that comes off the buildings. He added that while it would look good for six to nine months, they would have to change it out. He stated that he was trying to get away from stuff that they would have to recurringly have to change out, but it was totally something that they could do, and it was a small amount of plants, and wasn’t a huge cost. Ms. VanSickle suggested that they allocate a certain amount and allow staff to decide.

**I. Consideration of Proposal to Replace the Annuals at the Entrance with Perennials**

***\*Items 8D. I and II were moved up. These items were taken out of order.***

Mr. Fisher presented the proposal to replace the annuals at the entrance with perennials. He explained that swapping to perennials would be a wash. After Board discussion, it was decided to move this item forward.

**II. Consideration of Proposal for Landscaping Install at Voting Door Entrance**

Ms. Landgrebe stated that regarding the potential voting door area, it was lovely, and she saw no reason to have a bench. Ms. VanSickle clarified that the bench wasn't included in the price, and it was just an idea that they were floating out as a possibility. Ms. Landgrebe asked if the hibiscus there had a shallow root system so it wouldn't impact the foundation. Mr. Wittman responded that was correct and the hibiscus were very un-invasive when it comes to their root systems, and they wouldn't be an issue. Mr. Realmuto asked what the estimated lifetime was for these hibiscuses. Mr. Wittman responded that it was hard to put a number on hibiscus, but they were good for at least five years and all the plant material that was put into that rendering would be several years and would not be something that they would change on an annual basis.

Mr. Costello asked how much bigger they would get from the picture provided. Mr. Wittman responded that with hibiscus, they could basically keep them how they wanted them.

Mr. Howison stated that Ms. VanSickle suggested they allow staff, Ms. Davis and Mr. Wittman to work together and come up with something and the Board would give them a not to exceed budget that would address this area.

On MOTION by Ms. VanSickle seconded by Mr. Costello with all in favor, the Proposal for Landscaping Install at Voting Door Entrance, with a Not-To-Exceed Amount of \$2,500, was approved.
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**SIXTH ORDER OF BUSINESS**

**New Business**

**A. Consideration to Amend and Extend Agreements for District Services:**

**I. Landscape Maintenance Services Agreement with Yellowstone**

Mr. Howison stated that they needed to consider amending or extending agreements for District Services. He explained that Mr. Realmuto had did some good analysis on this. He explained that as a summary, they were looking at an overall increase for all the agreements of about 11.8% total. He further explained that would include, in the case of GMS, additional employees that were not in place last year and a savings of at least \$65,000 or more in terms of janitorial services and pool maintenance.

Mr. Realmuto noted that he included his financial analysis in writing in the agenda packet, and he didn't have anything additional there unless there were questions. He pointed out that they asked that going forward all the contracts include a requirement that any price increases proposed starting October 1<sup>st</sup> needed to be noticed 90-days ahead of time. He added that he didn't see any language in the contract to that. He thought they wanted to include that as a clause on each of their contracts going forward. He explained that the reason for that was so they could budget appropriately.

Ms. Burns stated that these were just the quotes from the vendors, so Ms. Carpenter's office would do an Extension Agreement and it would be on that. She clarified that all they were approving today was the quotes and then counsel would draft the actual Extension Agreement. Mr. Howison stated that they were showing an increase of less than 1%.

On MOTION by Mr. Realmuto seconded by Ms. Landgrebe with all in favor, Approving the Quote and Authorizing Counsel to Draft Extension Agreement and Authorizing Chair to Sign, was approved.

- II. **Aquatic Management Services Agreements with Applied Aquatics**
  - a) **Mitigations 1B & 7A, Wetlands 2-6 & 8 and Utility Easement Wetland, East Conservation Area, Pine Island Located North Side of Lake Ashton Near Pond E-5 and GC-20**
  - b) **Conservation Area from Clubhouse West to Boat Ramp at Lake Ashton Sunrise, FL**
  - c) **Lakefront, Twenty-One (21) Golf Course Ponds, E-1 Littoral Shelf, Two (2) Canals, and Thirteen (13) Stormwater Retention Ponds**

Mr. Howison stated that there were two contracts under Applied Aquatics and in total, they were looking at an increase of 8.5% aggregate for the two. Mr. Fisher stated that Applied Aquatic was communitive with staff and was a great vendor. The Board clarified that there were three agreements, not two.

On MOTION by Ms. VanSickle seconded by Mr. Realmuto with all in favor, Approving the Quotes and Authorizing Counsel to Draft Extension Agreement and Authorizing Chair to Sign, was approved.

Mr. Realmuto responded that he didn't have an issue with the agreement, but he wanted to point out that it tends to be less transparent than some of the others and it was the largest single expense. He explained that they were essentially approving the GMS amount when they approve the budget and that was the way the contract was worded. He noted that he thought it was fair to include it in the analysis and then consider it there. The actual approval for that amount was the fact that they approve the budget.

**III. Security Services Agreement with Securitas**

Mr. Howison stated that the Securitas Agreement had an overall cost increase of 10% year after year. Mr. Realmuto noted a general concern with how quickly that was rising, and he knew that had to do with the minimum wage. He added that if they look at all these contracts combined, they represent over half of their expenditures. He explained that when the average increase is almost 12%, they realize their hands are almost tied once they approve the contracts. He suggested to keep a lid on that and watch it more closely because they couldn't endure year after year 10% increases and keep the assessment down.

On MOTION by Mr. Costello seconded by Ms. VanSickle with all in favor, the Quote for Fiscal Year 2024 and Authorizing Counsel to Draft Extension Agreement and Authorizing Chair to Sign, was approved.

**B. Public Hearings**

**I. Public Hearing on the Adoption of the Fiscal Year 2024 Budget**

Ms. Burns stated that the District was required to adopt a preliminary budget by June 15<sup>th</sup> each year and this Board did that at their May meeting. She explained that since that time, the Board had made some changes to that budget and set a cap increase amount. All landowners within the District received a mailed notice informing them of the Public Hearing today and that was the maximum increase that the Board could choose to adopt today. She explained that they could bring that number down, but they could not increase it. She asked for a motion to open the Public Hearing.



On MOTION by Ms. Landgrebe seconded by Ms. VanSickle with all in favor, Opening the Public Hearing, was approved.

Ms. Burns turned the floor over to resident Mr. Greg Ulrich (3076 Dunmore Drive) to provide public comment on the budget.

Greg Ulrich (3076 Dunmore Drive) noted his concern regarding the proposed budget and consequently a potential assessment increase. He explained that for many residents living in Lake Ashton who were what he considered a lower/moderate fixed income, residents would not be able to stay in this community if they continue to increase the yearly assessment by more than they receive in pension or social security increases. He noted that after emailing the Board and speaking to a couple of them in person, he decided to bring some potential solutions, which will allow them to forego or at least lessen the impact of an assessment increase to the residents on CDD east. He stated that there were several proposed capital projects that he felt were unnecessary for the aesthetic of their community. He stated that in addition, even if all the projects were kept on the list, he doubted that they would all get finished. He added that the list was very aggressive and from his past experience in the general building industry, it tells him that they would likely not all get finished within the boundaries of the fiscal year. He noted that with that being said, if they don't get finished this year, they've already paid for them through the assessment, he would make a wager that next year there would be another proposed assessment to cover the same things even though the funds were already proposed for this year. He listed examples of projects that he felt were unnecessary to accomplish this fiscal year and what his suggestions were. He urged residents to become more involved and to question the need for these future capital expenditures.

The floor was turned over to Ms. Kathleen Schlipp (4492 Turnberry Lane). Ms. Schlipp noted concern that she felt their community was getting less and less friendly and it had changed so much since she moved there in 2012. She noted her disappointment in there being no sign-up sheet for all the activities, no walk-up counter, less communication, and a restaurant. She also noted disappointment in receiving a citation on the mulching around an electric box on the border of the road on her property, which she explained it had always been that way and she didn't understand why it was now

unappealing. She added that they needed to decide if they wanted this community to be an open community or a closed community.

There being no further comments, Ms. Burns asked to close the public comment period.

On MOTION by Ms. Landgrebe seconded by Ms. VanSickle with all in favor, Closing the Public Hearing, was approved.

**a) Consideration of Resolution 2023-07 Adopting the District’s Fiscal Year 2024 Budget and Appropriating Funds** *(additional budget related documents provided by Supervisor Realmuto)*

Mr. Howison presented the Resolution 2023-07 to the Board. Mr. Realmuto explained that the first two pages of the resolution was making everyone aware of the changes in each of the line items in the budget and the percentage change. He noted that there was a proposed assessment increase of \$200 per lot, which raises the net amount they collect by \$181,000. He noted concern in the amount of this increase on a yearly basis, which was almost 9% over last year and that was on top of the over 15% increase in assessment last year. He stated that the cumulative increases add up to a total of \$755 or 44% in the last five years. He explained that this was starting to have an impact on their residents. He stated that he felt that they were becoming a burden on their residents, and it was unreasonable. He also stated that there were other ways that they could control the amount of any assessment increase that might be necessary. He further explained that on the revenue side, they could raise over \$190,000 by charging for them instead of paying for the credentials through their assessments, which would raise more in FY 2024 than the \$200 assessment increase by itself. On the expense side, he explained that they could save expenses. He gave some examples of savings on the expenses. He concluded that there was a lot in the expenditures that they could reduce, and it would essentially raise close to the amount that they raised with the \$200 assessment increase.

Ms. VanSickle noted that she asked for the increases from the beginning, and they were only able to go back to 2008. She pointed out all the years that it wasn’t raised. She noted that they couldn’t let the facility go down and their job was to maintain these facilities.

The Board continued to discuss the budget. Mr. Costello asked if they needed to put a cap on future spending and eliminate some of the other things that were brought up in the public comment period. He noted that they budgeted \$12,000 for Supervisors fees. He asked the Board if they really needed to take a 300% increase in what they were entitled to. He explained that it was a lot of money, and they were complaining about prices going up and they were a part of the cost, and it was a little hypocritical.

Mr. Realmuto responded to some of the criticism leveled directly at himself, which was that some of these increases could have been brought up earlier. He gave some examples of items that could not be brought up earlier. He noted that the handout that Ms. VanSickle gave them made it clear that the increases started five years ago, and the fact of the matter was that before those increases started, they ended each year with not only a balanced budget but contributing to the capital reserve fund. He stated that they needed to look going forward where they had been in recent history, not 15 or 20 years ago, and the impact it was having on the community.

Mr. Howison asked if they had a substitutive suggestion as to how they move forward. He explained that they didn't need to necessarily say to eliminate certain things, but he asked if they were confident that they could reduce expenditures, so that they could reduce the amount of the assessment increase. Mr. Realmuto suggested that since the existing budget as published showed \$148,000 carry forward versus the \$31,000 from the current year's budget, he proposed to change the assessment increase from the \$200 per lot to \$100 per lot. He added that he would like to make a motion to approve. Ms. Burns asked where that was coming from because they were approving the budget. She asked if they were reducing the capital reserve transfer to any number that would result in \$100 less per unit. Mr. Realmuto responded that was correct. The Board members continued discussion on the budget, and it was decided 3-2 to adopt the Fiscal Year 2024 budget with the amendment to reduce the reserve transfer to an amount that resulted in a per lot increase of \$100 per unit.

On MOTION by Mr. Realmuto seconded by Mr. Costello with Mr. Costello, Mr. Howison and Mr. Realmuto in favor and Ms. Landgrebe and Ms. VanSickle opposed, Resolution 2023-07 Adopting the Fiscal Year 2024 Budget with the Amendment to
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Reduce the Reserve Transfer to an Amount that Results in a Per Lot Increase of \$100 Per Unit, was approved 3-2.

**b) Updated Combined Reserve Study and Strategic Planning Projects List**

After Board discussion, it was decided to table this item until the next meeting. It was noted to add the Reserve Study to the next agenda.

**II. Public Hearing on the Imposition of Operations and Maintenance Special Assessments**

Ms. Burns stated that the Board just approved the budget and now they had to collect that budget. She explained that they were imposing those assessment based on the budget that the Board just adopted and certifying their roll for collection that would be sent to the Polk County tax collector. Ms. Burns asked for a motion to open the Public Hearing.

On MOTION by Ms. Landgrebe seconded by Ms. VanSickle with all in favor, Opening the Public Hearing, was approved.

Ms. Burns stated that she had no public comment papers on the imposition of operations and maintenance special assessments, and she asked if anyone on the Zoom line had public comments on imposing assessment. Hearing none, the comment period closed.

On MOTION by Ms. Landgrebe seconded by Ms. VanSickle with all in favor, Closing the Public Hearing, was approved.

**a) Consideration of Resolution 2023-08 Imposing Special Assessments and Certifying an Assessment Roll**

Mr. Howison presented Resolution 2023-08 to the Board. Mr. Realmuto stated that it showed an O&M assessment for each of the household parcels and because of the change they made to the budget, he wanted to be careful when the motion was made to reflect the new assessment amount, both in the lots and the lot equivalents for the developer. Ms. Burns responded that it would be adjusted based on the budget that the

Board just adopted. Mr. Realmuto noted that the adjustment needed to be included in the motion. Ms. Burns responded that it was as amended.

On MOTION by Ms. VanSickle seconded by Ms. Landgrebe with all in favor, Resolution 2023-08 Imposing Special Assessments and Certifying an Assessment Roll, was approved as amended.

**C. Consideration of Resolution 2023-09 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2024**

Mr. Howison presented Resolution 2023-09 to the Board. Ms. Burns stated that the request at the last meeting was to change the meeting time to 9:00 a.m. and keep the same day. She also stated that there were two dates that were changed due to holidays to the fourth Monday instead of the third Monday. She noted that this schedule was in the agenda package for review.

Ms. Landgrebe asked the Board to consider changing the following dates: October 16 to October 23, possibly March 18 to March 25, and September 16 to September 23.

Mr. Costello asked about having the meeting and the Budget Workshop both on April 15. Ms. Burns explained that the last time, the Board wanted to leave the meeting in there if it was needed.

Mr. Realmuto suggested moving the Budget Workshop to May. Ms. Burns explained that they couldn't do their budget workshop in May because they can't adopt the budget before June 15. After Board discussion, it was decided to change the dates from March 18 to March 25, from September 16 to September 23, from May 20 to May 13, and the Budget Workshop from April 15 to March 25. It was noted as a reminder that July 19, 2024 was a joint meeting and their regular meeting was scheduled for July 15, 2024. Ms. Burns stated that they would remove the reference of the third Monday from the meeting schedule, and they would send out an updated list. She also stated that they would send out a meeting invite to the Supervisors as well.

On MOTION by Ms. VanSickle seconded by Ms. Landgrebe with all in favor, Resolution 2023-09 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2024, was approved as amended.

Ms. Burns noted that when the Board gets the meeting invites, they would get multiple meeting invites because it wasn't on a set schedule. She added that the Board had to individually accept them all or they would not show on their calendar.

**D. Consideration of Resident Appeal Regarding 30 Day Amenity Suspension**

Mr. Howison presented this item to the Board. Ms. Burns explained that the Community Director who sent the violation letter would get up and make a statement and then they would allow the resident to also make a statement. Ms. Burns stated that they would give that resident up to five minutes. Once the resident makes his statement, the Board could make any comments that they would like. Mr. Howison turned the presentation over to Ms. Wells for an overview of this item.

Ms. Wells stated that on August 2 Mr. Escoda emailed the Operations Manager and asked for an update on the opening of the pool. On August 3, the Operations Manager verbally informed him that they were still working on the pool and had health inspection pending. She noted that Mr. Escoda was advised at this time to be on the lookout for official word via email as to when the pool would be open as they were not sure as to the official opening date at this time. On August 9, an email was sent to residents advising them that staff was waiting for an inspection from the Florida Department of Health and that once the pool and spa were passed, an official email would be sent letting residents know when the pool and spa would be open. She explained that on August 10 at approximately 2:00 p.m. she was made aware that Mr. Escoda had made an unauthorized call to the Florida Department of Health and *“Requested them to come out and reinspect the pool.”* She stated that staff reached out to the Florida Department of Health, and they did confirm Mr. Escoda called and asked for an inspection of the pool at the clubhouse. She explained that staff was continuing to work with the Florida Department of Health and finishing up work in the area when at approximately 3:30 p.m. a Supervisor informed her that Mr. Escoda posted a picture of himself in the pool and announced that the pool was open. She added that at this time, no official email had been sent to residents because the pool and spa were not open. She noted that just prior to Mr. Escoda entering the pool area, Supervisor VanSickle advised him that an email was going to be sent when the area

was open for use, and one had not been sent yet. Mr. Escoda, then, made entry into the pool area after the Supervisor left and camera evidence showed that he went into the pool, and then he immediately got out of the pool and left. She further explained that around 4:00 p.m. she noticed Mr. Escoda trying to make entry into the east pool gate, which was locked. She noted that she advised Mr. Escoda from the restaurant patio that the pool was not yet open for use, and he advised her that it was open earlier and she responded that she understood that he went in earlier, but the pool and spa were not open. Then, Mr. Escoda asked Ms. Wells when the pool and spa would be open, and she responded to him that it would be open when she sends out an email with an opening date.

Ms. Wells pointed out that after this incident, staff reached out to the Supervisors and the District Manager to advise them of this incident and to let them know the status of reopening the pool and spa. She stated that the pool and spa were not open at this time because the first health inspection failed due to chemical imbalance due to a faulty ORP system that needed repairs. She explained that just prior to the health inspector arriving on August 10, as scheduled, the chemicals were finally balanced. Once the pool and spa passed inspection, the decision was made to keep the pool and spa closed until 7:00 a.m. on Friday to ensure the chemicals were balanced before opening to ensure the safety of residents. She noted that an email was sent on August 10 letting residents know the pool and spa were scheduled to reopen on August 11. On August 11 at 6:00 a.m., staff sent an amenity violation letter to Mr. Escoda suspending access to the amenities immediately and for a period of 30-days with an option to appeal at the next Board of Supervisors meeting, should they choose. At approximately 1:00 p.m. on August 11, Mr. Escoda made entry into the clubhouse pool.

Ms. Wells stated that staff and security took a copy of the letter to him. She reported that Mr. Escoda read their letter and said, *"This is B.S."* and was getting increasingly agitated, so staff encouraged him to leave the area calmly. Mr. Escoda, then, exited the area without further incident.

Ms. Wells explained that the 30-days suspension was made in accordance with the Joint Amenity Facility Policy under the health safety and welfare clause within the suspension and termination section of the policy. She explained that by Mr. Escoda

disseminating incorrect information and ignoring a Supervisor advising him that the pool was not open, he potentially jeopardized the health, safety and welfare of himself and every resident that read his post. Additionally, Mr. Escoda was not authorized to contact the Florida Department of Health to request an inspection of the pool and spa on the District's behalf. After consultation with the Chairman and the District Manager, due to these actions to the previous written amenity policy violations and multiple verbal amenity policy violations, it was prudent to suspend Mr. Escoda for the full 30-days in accordance with the Joint Amenity Facility Policy.

Mr. Howison asked Mr. Escoda to limit his comments to five minutes, if possible. Mr. Escoda thanked the CDD Board for the opportunity to address them about the charges that were brought against him. He explained that lack of communication was what happened in this case. He further explained that communication to keep the gate closed and a pool sign posting "*Pool Closed*" should have happened, but it didn't. He stated that this was another prime example of failure to communicate. He asked who authorized the sign to be removed and the gate unlocked, if the construction was ongoing. He asked if anyone on the CDD Board had investigated who unlocked the gate and removed the sign and what his/her reasons were to open the door. He pointed out that the physical condition of the pool was the gate unlocked and no signs posted, which led him to believe that the pool was open. He stated that he had a witness that was in the exercise room that saw the person remove the sign and unlock the gate. He also noted that the first sentence of the letter stated that the construction was ongoing, which he stated was blatantly false and the construction was complete because otherwise the pool would have been secure as it had been. He addressed the second paragraph of the letter stating that it was unclear when it said that "*he made contact with District contractors.*" He explained that he did talk to the workers, and it was casual and friendly conversation.

Mr. Escoda asked what the Board defined as District business. He stated that he did not discuss District business. He stated that he searched all through the Lake Ashton website looking for anything about talking to workers and he found nothing. He added that federal law gave him the right to free speech. He stated that the second paragraph of the suspension letter was ambiguous. He also stated that the third paragraph of the suspension letter that deals with punishment enforce was so egregious and unfair. He



pointed out the four-step process for suspension and termination posted on the Lake Ashton website under government subsection rules, stating that the first offense was a written report, second offense was suspension of amenities for one day, third offense was suspension of amenities for one week, and the fourth offense was suspension of amenities for 30-days. He asked what determined the Board to take his suspension to the fourth step.

Mr. Escoda explained that he was a veteran, a member of the Armored Guard at Lake Ashton, a Board member on the Italian club, a member of the Knights of Columbus in the Catholic Church and a retiree. He explained that all he tried to do was keep the residents informed of the construction process and to facilitate the opening of the pool and now he had been banned from using these amenities for 11 days, which was more than a third offense. He noted that his opinion was that this suspension was not justified, and it should be removed. He addressed another section, which was the Florida statutes, stating that those Florida laws regulate the CDD Board. He continued to read the Florida statutes. He stated that they were all seniors living and enjoying their remaining days in this beautiful community and they should be treated with respect, but instead they were being treated like they were in kindergarten and being punished for any perceived missteps regarding the rules. He suggested that before punishing him, to give him a conversation with them first and get the whole story before sentences are proclaimed.

Mr. Escoda asked for the Board to put the suspension aside to be voted on by all the Board members. He thanked the Board members. Mr. Escoda noted that the Board was not following the Florida statutes, which puts them in a liability position. Ms. Carpenter stated that for the Boards information, the statute referenced by Mr. Escoda was Chapter 720, which was for HOAs and was not applicable to CDDs under Chapter 190.

Mr. Howison stated that the first order of business was to vote on this, but he added that he appreciated Mr. Escoda's comments. He stated that there had been other incidents and complaints brought to their attention previously and those other incidents factored into this suspension. He noted that they did receive those emails and verbal discussions with their Community Director. He opened Board discussion.

Mr. Costello asked Ms. VanSickle about her conversation with Mr. Escoda. Ms. VanSickle responded that she had a conversation with Mr. Escoda and his wife, they were

at the pool, and she was at the fitness center checking out the pool when she saw them going by with their pool stuff, so she went to the door and Mr. Escoda said that the pool was open. She asked Mr. Escoda who said that the pool was open and noted that Ms. Wells was going to send out an email and it hadn't been sent out yet. She checked her phone and didn't see the email, so she told Mr. Escoda there was no email yet on the opening of the pool and she also told him that there was lighting in the area.

Mr. Howison explained that to the extent that the gate was unlocked, the staff had been doing some final cleanup and was moving things in and out. Ms. VanSickle stated that he went into the pool and knew it was closed even though he said he didn't. She noted that what bothered her most was Mr. Escoda contacting the health department, which was getting involved with District business. She added that it could have messed up their scheduling, it could have cost them money and she felt that it was out of line.

Ms. Burns explained that unless a Supervisor would want to make a motion to reduce or eliminate the suspension, the suspension would stand. The Board decided for the suspension to be upheld and they would welcome Mr. Escoda back to the amenities after the 30-day period.

**EIGHTH ORDER OF BUSINESS**

**Monthly Reports**

**B. Engineer**

***\*This item was taken out of order***

Mr. Rayl stated that he had one new item for the Board that he wanted to revisit. He explained that after their last meeting, they discussed the drainage issues at the east end of Ventana on both sides of the road and he said they would get survey work done to identify the extent of the problem and get some quantities put together and they would try to come back with a bid. He further explained that they got the bid back the day that the agenda went out and it was in front of the Board now. He noted that the bid was from AAA Top Quality Asphalt and was the same firm that did the Berwick work previously. He stated that this was the only bid that they solicited and subsequently received. He also stated in regard to the Lake Ashton II business, the contractor that they had do a lot of work in the community was over booked and they were not being responsive, so they went directly to a contractor that had the ability and the interest in getting out there and

doing the work. He explained that this was for the work on both sides of the road and was the complete repair of the entire eastern end of Ventana.

Mr. Rayl noted that they reviewed it and believed that it was an appropriate amount. They recommended, if the Board wants to undertake the repair, that the Board consider this quote from AAA Top Quality Asphalt. He added that the total amount was \$13,650. Mr. Howison pointed out that he noticed an exclusion which said, *“Due to the volatility of the current market in reference to oil based products, we reserve the right to relook at pricing at the time of asphalt installation.”* He explained that statement rendered the \$13,650 iffy at best. Mr. Rayl responded that he had not had AAA come back to them at any time with any request to adjust prices, but he could ask them about it. He added that most of the time AAA honors quotes 30 days. He stated that if the Board was interested in this and they respond back to them that their quote was accepted, they could get on the schedule and he would expect that they would hold that. He also stated that if AAA does come back with a request for some increase, they could revisit it.

Mr. Howison responded that he was quite familiar with the area and it was in dire need of repair, but it was another \$13,650. Ms. Carpenter responded that they could add an addendum to make it a firm price. After brief Board discussion, they accepted the quote with a price of not to exceed \$13,650 for the repairs of Ventana.

On MOTION by Ms. Landgrebe, seconded by Ms. VanSickle, with all in favor, the Quote from AAA Top Quality Asphalt Not to Exceed \$13,650, was approved.
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Mr. Rayl stated that these were two locations that were identified on that pavement inventory.

Mr. Rayl stated that he presented some information for the Board previously regarding wetlands, and provided more details today. He briefly reviewed the additional information provided.

Mr. Howison asked where that left them regarding the overall effort to address the shoreline. Mr. Rayl responded that they had identified the area, the length, and that they had got some measures that would be appropriate to choose from. He further explained that if they wanted to incorporate any of those with planting, then with Board direction,

they could go out and get quotes for a shoreline enhancement. He noted that they would have to do a little permit modification, but it wasn't a large undertaking. He suggested that they could have Applied Aquatics come up with a planting scheme, if that was what the Board wanted to do, and they would get authorization to do that. Mr. Howison stated that with the Boards approval, he asked Mr. Fisher to work closely with Mr. Rayl and Applied Aquatics to get this moving.

Mr. Rayl stated that the last thing he wanted to check in on was that the Board had asked about doing some additional board replacement and they were going to look to GMS to see if that was something they could take care of.

Mr. Howison noted that there was a quote that had come through Mr. Rayl from EMC for those repairs as well. He stated that those were two things that really needed to be addressed and taken care of in the next 30 days. Ms. Landgrebe asked if there was any street repaving or projects that they could get a head start on or have on their radar screen as opposed to waiting. Mr. Rayl responded yes. Mr. Howison stated that they would look for firm input from Mr. Rayl next month. Mr. Realmuto stated that in terms of input, he would be looking for whatever Mr. Rayl thinks the useful life left in each of those was before they cause more damage. Mr. Howison stated that they had the pavement inventory that he would go back and review again.

**SEVENTH ORDER OF BUSINESS**

**Old Business**

**A. Discussion Regarding Revised Security Services Proposal for Combined Solutions from Securitas (CLOSED SESSION DISCUSSINO AVAILABLE – *if needed*)**

***\*This item was taken out of order***

Mr. Howison stated that he would expect that there would be some public discussion and they were going to need to go into a closed session as well when they get to specifics and operational discussion. He turned the presentation over to Mr. Costello.

Mr. Costello stated that the Board had received the pictures of the layouts of where everything was going to be. He pointed out that the only thing that they really must bring up was the fact that the power for the cameras, etc. would require bringing in an electrician. He asked if anyone had any questions.

Ms. VanSickle stated that she felt that they needed to start the process. Mr. Realmuto agreed on getting this project moving forward as quickly as possible, but he noted that he had the opportunity to ask questions directly to Securitas as they were leaving the CDD II meeting Friday, and they identified a couple of security issues related to access placement and potentially some cameras. He added that he felt that they need to go over that with Securitas in a non-public session so they could finalize it so the whole Board agrees and then come here to work out the other details. He noted that he thought they had updated pricing for them that resolves those issues that he discussed with them on Friday. Mr. Howison suggested that they move to a closed session. The Board moved into a closed session at this time.

After the closed session, the Board came back to an open session. Mr. Howison stated that this was going to require a joint meeting to move forward because there were details that impact both CDDs. He added that he thought they could go ahead and approve funding, but the details as far as implementation needed to be worked out.

Mr. Realmuto stated it was the procedural details that needed to be worked out, but he felt they could move forward with the contracts with Securitas. Mr. Costello stated they didn't have a joint meeting prior to the deadline on the contract. Ms. Burns responded that they were talking about the actual access cards and how they were going to be issued.

Mr. Realmuto proposed that they should change the number of RFID tags that they purchase from the proposed 4,000 to 2,500 to start. Mr. Howison stated that for the purpose of today, they could approve and authorize moving forward and then work out the final details. Mr. Realmuto responded that one detail that needed to change was in their quote of 4,000 RFID cards and he suggested that they ask that number to be changed to 2,500.

On MOTION by Mr. Realmuto seconded by Mr. Costello with all in favor, to Direct Staff to Work with Securitas to Finalize Proposal and Authorize Chair to Sign a Contract NTE \$5,200 Monthly and One-Time NTE \$35,000 for Cards, was approved.
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Ms. Wells asked if the Board wanted to give a NTE on the associated electric cost that goes into installing this. The Board didn't feel they needed to do that now because they didn't know what it was going to be, and they needed to get pricing.

**SIXTH ORDER OF BUSINESS**

**New Business**

**E. Discussion Regarding Joint Amenity Policy** *(requested by Supervisor Landgrebe)*

Mr. Howison opened this discussion regarding the Joint Amenity Policy which was requested by Ms. Landgrebe. Ms. Landgrebe stated at the last CDD joint meeting, they were asked to revisit the Joint Amenity Policy based on concerns raised by Supervisors and residents. She stated that Bob, James, Christine, and herself met several times and they determined to bring it to each Board for feedback and to hopefully move on to the lawyers. She explained that their scope included review in non-resident member rates, guest policy, and non-residents using Lake Ashton amenities. She added that they discussed procedures, which Christine and James had worked on and were standardizing procedures and they would look at those once they have things finalized.

Ms. Landgrebe explained that the group thought that if there was an agreement from the Boards, then the document could go to lawyers. She further explained that they did not change policies, but they had updated some verbiage and they looked primarily at ways to implement the concerns that they were addressing.

Ms. Carpenter stated that they could not limit the household size to two residents.

Ms. Landgrebe stated that they would change "patron" to "guest" because it wasn't the patron who was restricted to 12 visits, it was the guests who were restricted to potentially 12 visits. She stated that they added "all guest regardless of age must be accompanied by a patron at all times while using amenity facilities unless prior arrangements had been met with the amenity manager." She also gave an alternative to that policy stating that a parent, legal guardian, or patron needed to be with the guests regardless of age. Mr. Howison stated that this was obviously important because it was included 18 times in the Joint Amenity Policy. Ms. Landgrebe responded that it was because they felt that many residents including the facilitators were not reading the whole amenity policy and they felt that it needed to be highlighted throughout. After Board discussion, Mr. Realmuto suggested that this policy was one that they needed to come

to consensus on and be consistent between the two CDDs. He suggested that they should be considered on an amenity-by-amenity basis. He stated the most that they would be able to do would be to say that *“minors must be accompanied by either parent or a resident.”* He asked if they had the legal ability to do that for minors. Board discussion ensued on the correct verbiage to use, and it was decided to come back to this after further investigation.

Mr. Realmuto noted that there was a desire on CDD II’s part to not spend attorney time on something before it was more final. Ms. Wells stated that on page five in the middle, there was another definition of guest and was under authorized users. She explained that it read before there were changes, *“all guests under 18 years of age must be accompanied at all times while using the amenity facilities by a parent or adult patron over 18 years of age.”* She further explained that if they simply reject the change to that, it states what they already just said they want to be in there.

Board discussion ensued on non-resident members fees. Mr. Realmuto asked if they could figure out a new way to word it in the policy, so they don’t have to keep changing the policy when the real mechanism for changing that fee was as in the hearing. Mr. Howison stated that if they could make that change that Mr. Realmuto was requesting, it would also protect them even further because it would be tied directly to their current assessments. The Board continued discussion and it was recommended to listen to the advice of their staff and move on. Ms. Carpenter suggested that they keep the amount where it was because no one had ever used it and it was determined reasonable at the time the hearing was set and there was an analysis for it.

Mr. Realmuto refrained from commenting further on the policy in the expectation that it would be on their agenda for the next meeting. Ms. Burns noted that the advertised rate was \$4,000 and they did not advertise higher.

**EIGHTH ORDER OF BUSINESS**

**Monthly Reports**

**A. Attorney**

Ms. Carpenter had nothing to report to the Board.

**C. Lake Ashton Community Director**

Ms. Wells reviewed the Lake Ashton Community Director Report to the Board stating that it was included in the agenda packet for review. She stated that she spoke with residents who had asked about the flyers going up and she explained that the intent was to remove the slots on the wall when the new media center opens and then the slots would be in the corridor going into the new media center. She added that they intend on putting bus trip flyers and some of the other informational flyers that they had in those slots. She informed residents that all the printed posters that they had was in the L.A. Times and were printed. She explained that they would be adding some printed flyers there, but it wouldn't be everything like they did before. She stated that they were going to attend their first bridal show in Haines City on September 7 to try and get Lake Ashton's name out there. She stated that Mike and herself had a meeting scheduled with Lake Wales PD this coming Thursday to discuss if there was anything they could do regarding making parking a little bit easier throughout the community and getting people to comply with the ordinances that were already there. She pointed out that they were still working with Lisa with the cow situation. It appeared that everything was taken care of, the cows were removed from the rancher's property, and they did temporary repairs. It was asked if Ms. Wells would be sending an email out to residents or adding information in the L.A. Times updating the residents on the cows. Ms. Wells responded that she could include it in the wrap-up report. She continued reviewing her report stating that they were working on getting some quotes for the bocce ball refurbishment. She pointed out that they got it when the agenda went out, so they would bring that to the September meeting. She noted that they were moving forward with the card room and media center switch. The flooring was scheduled to start installation tomorrow. She stated that they were able to use the same bookshelves that they currently had in there and they would paint and refurbish them. She explained that they only needed to purchase three additional bookshelves to replace. She recommended to purchase 10 tables and chairs to go in the card room. She noted that they were able to save money with the bookshelves and if they take the money that she allocated for the chair upholstery, which was \$4,000, and the money they saved from bookshelves, they were still \$875 less than what she quoted. The Board members were all ok with this recommendation. She continued her review stating that there were still some things that they were waiting on to complete the outdoor pool and spa



refurbishment project. She noted that regarding the replacement of the four barrier gates, the attorney had sent language over to be included in the agreement and it was with Securitas's legal and had now been there for about a week. She added that she followed up twice before this meeting and did not receive a response. She stated that the replacement of the two treadmills in the fitness center had been ordered. Mr. Howison asked about the resident's request for consideration of the fitness machine. Ms. Wells responded that she brought that up to the Board and the Board did not want to move forward with that at the time. She added that they had went over budget by about \$2,000 for the purchase of the two treadmills, but she agreed with the resident stating that the fitness machine was used quite often, and she did think that they needed to get another one. She offered to bring a quote back to the Board to get a fitness machine exactly like that, if the Board wanted to. Mr. Howison recommended that they look at the price for it.

**I. Consideration of Restaurant Grease Trap Quotes**

Ms. Wells reviewed quotes for the grease traps. She stated that they got another quote from Brooker Septic Service, Inc., which was one that the City of Lake Wales originally recommended. She noted that if the Board wanted to install a new one, it would be \$19,250. If they want to install a new one and replace the current one, it would be \$38,500. She confirmed that the only difference between the two quotes was that Brooker Septic Service, Inc. did not include epoxy coating on the new tank, which was not required by code.

On MOTION by Mr. Costello, seconded by Ms. VanSickle with all in favor, the Quote for the Restaurant Grease Trap NTE \$40,000, was approved.
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**D. Operations Manager**

Mr. Fisher reviewed the Operations Manager Report stating that it was included in the agenda package for review. He noted that he included a quick project highlight of the pool and spa renovations, and everything went well. He noted that he meets with the sales rep today or tomorrow to look at scheduling some items that need to be addressed before they could say they were finished. He referred the Board to his report where he

outlined those as well. He highlighted that the bridge sealing went well. They completely exhausted their sealer, so they would have to restock that for next year. He noted that the ponds were looking substantially better this year than they did last year. He stated that there were some algae blooms, but Applied Aquatics was on top of it. It was asked when the pool staff was coming back for the repairs. Mr. Fisher responded that he would get some dates for the Board on their return for repairs. Mr. Realmuto told Mr. Fisher he did a great job on managing multiple projects and thanked him for saving the CDD over \$40,000 on the septic with the additional quote.

**E. District Manager’s Report**

Ms. Burns did not have anything to bring to the Board.

**NINTH ORDER OF BUSINESS**

**Financial Report**

**A. Combined Balance Sheet**

**B. Capital Projects Reserve Fund**

**C. Statement of Revenues, Expenditures, and Changes in Fund Balance**

**D. Approval of Check Run Summary**

The financials were included in the agenda. There were no questions from the Board.

On MOTION by Mr. Realmuto, seconded by Ms. VanSickle, with all in favor, the Check Run Summary, was approved.

**TENTH ORDER OF BUSINESS**

**Public Comments**

Mr. Howison opened the meeting up to public comments.

Ms. Burns stated that there was a request to speak from Carolyn Bluhm (4168 Limerick Drive), but she had to leave. Ms. Burns read Ms. Bluhm’s notes aloud stating that she wanted to know if grants had been applied for on the wetlands. Ms. Bluhm asked why the reserve amounts for the storm damage was \$0, which Ms. Burns explained to her why. Ms. Bluhm then she asked what the deductible was for property coverage, which Ms. Burns discussed with her during the break.

Iris Realmuto (Lot 1031) asked if they could be clear on the 12 visits per guests and if that was a visit, stay, or total days. Ms. Wells clarified that it was visits.

Stan Williams (Resident) commented on the people that play bridge on Friday mornings. He clarified that he didn't play bridge, but he had breakfast with someone who made a comment that struck him when Ms. Wells was talking. He noted that he understood that when group plays bridge, there was concern about the tables being too close.

Brenda Jackson (Lot 7) asked why they open the amenities to non-residents. Ms. Burns explained that the CDD was a unit of government, and it was required by law to offer a non-resident user fee. She noted that the bonds that were issued were public funds, and the roads were public, so they must provide access to the community, but they can charge a fee for use of the amenity. She added that unfortunately it was not something that they had a choice over and they must set a fee that would allow someone from outside the community the opportunity to use those facilities that were built with the public's funds. Ms. Jackson asked how the non-residents user would identify themselves as a non-resident user who has paid. Ms. Burns responded that if someone had a one-year rental agreement, they would get an access card through Ms. Wells and their access would only be for a year.

Al Cooney (4303 Ashton Club Drive) asked why the Supervisor fees doubled. Mr. Howison responded that \$12,000 was the max that it would be. Mr. Cooney asked why it was \$12,000 and not \$6,000. Ms. Burns responded that by Florida statute, a Supervisor could elect to exceed up to \$200 per meeting that they attend. She noted that while some Supervisors don't elect to receive compensation, some receive a portion of the \$200 and some receive the full \$200. It is up to that individual Supervisor. She explained that the \$12,000 was budgeted because each Supervisor could elect to receive up to \$200 per meeting.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests / Supervisor  
Open Discussion**

Mr. Howison asked for any Supervisor comments or open discussion.

Mr. Realmuto stated that he didn't want to do anything that would hold up their implementation of their security plans. He noted that they had been advised by both their Manager and their Attorney that they needed to hold a Rate Hearing for the amenity credentials, and they might as well do both the amenity and the gate at the same time.

He asked if they could get that schedule perhaps as early as the next meeting. Ms. Carpenter responded that they must advertise what the rates would be. Mr. Realmuto asked if they could set a range right now. Ms. Burns responded that she believed it was advertised that the gate clickers were up to \$100, but it specified that those were for gate clickers. She added that they would just need to advertise for amenity access, or they could vaguely call them access cards to cover both. Mr. Realmuto suggested the up to amount be the same for the amenity credentials. Ms. Burns stated that they could not advertise for one prior to their next meeting. She explained that a Rate Hearing required two notices, a 28-day and a 29-day notice and their next meeting was less than those requirements. After Board discussion, it was decided to advertise for the October meeting.


On MOTION by Mr. Realmuto, seconded by Ms. VanSickle, with all in favor, Advertising a Rate Hearing for the October Meeting, Gate Access and Amenity Access \$100 Each, and Staff to Review Room Rentals, was approved.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned.

On MOTION by Mr. Costello, seconded by Ms. Landgrebe, with all in favor, the meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman