

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

A communications media technology meeting of the Board of Supervisors of the Lake Ashton II Community Development District was held Thursday, July 2, 2020 at 9:00 a.m. via Zoom video conferencing, in accordance with the Office of the Governor, Executive Orders 20-52 and 20-69, due to the COVID-19 virus.

Present and constituting a quorum were:

Doug Robertson	Chairman
James Mecsecs	Vice Chairman
Bob Zelazny	Assistant Secretary
Stanley Williams	Assistant Secretary
Carla Wright	Assistant Secretary

Also present were:

Jill Burns	District manager
Sarah Sandy	District Counsel
Alan Rayl	District Engineer
Mary Bosman	Community Director
Brian Rhodes	Billy Casper
Ron Lavoie	Billy Casper

*The following is a summary of the discussions and actions taken at the July 2, 2020 meeting and a copy of the proceedings can be obtained by contacting the District Manager.*

**FIRST ORDER OF BUSINESS**

**Roll Call and Pledge of Allegiance**

Ms. Burns called the meeting to order at 9:15 a.m., called the roll, and the pledge of allegiance was recited.

**SECOND ORDER OF BUSINESS**

**Approval of Meeting Agenda**

Ms. Burns asked for a motion to approve the meeting agenda.

On MOTION by Mr. Mecsecs, seconded by Mr. Robertson, with all in favor, the meeting agenda was approved.

**THIRD ORDER OF BUSINESS**

**Public Comments on Specific Items on the Agenda**

Ms. Burns reviewed the procedures for how to make comments using Zoom features. Ms. Burns also stated this was a public hearing on the golf user rates and asked for public comments on this item at the public meeting portion under agenda Item #5.

Resident (Rose C., 5272 Green Drive) stated she was not against issuing guidelines for the use of the golf cart paths or the amenities. She used the example that direction of flow for the non-golfers would be extremely beneficial. Regarding golf cart registration, she asked if there had been excessive abuse of the amenities specifically the use of the golf cart paths. She stated she was informed it was to curtail amenity abuses and to be able to identify resident’s guest that are misbehaving. She also asked if residents are supposed to be carrying their Lake Ashton ID cards when they access and use the amenities including the golf cart paths, and were guests not required to register in order to use the amenities and carry the form with them at all times. She further asked if all of that was sufficient enough to identify abusers, and asked who going to enforce the golf cart etiquette and report offenses. The resident asked if there will be security policing the paths or if it will be left to the residents to identify offenders by reporting the registration number on the cart. She noted that if there is a disgruntled neighbor, it leads to excessive surveillance by the aggrieved neighbor creating a contentious environment for not just their subject, but for the community at large because no one wants to live under the watchful eye of big brother. The resident stated that she believes adding a registration number on their golf carts is a long stretch of a governmental arm to control our activities and another way to divide the community even greater than what it already is. She added that they need to focus on keeping outsiders from abusing the amenities, including residents that have moved out of the community but still retain a valid ID that gives them access through the gate and into all of the amenities.

Resident (Steve Realmuto, Lake Wales) thanked the Supervisors for revising the golf cart registration form to address many of the residents’ concerns. He noted that the

new forms appear to be more focused on the purpose of being able to identify the owners of golf carts actually using the golf cart path. Much of the unnecessary information is no longer requested, and he believed that residents could decline to provide a telephone number or email address. He noted that most significantly, the registration itself is now applicable only to the use of a golf cart actually on the golf course. It appears that a golf cart will not need to be registered unless it is being operated on the golf course. The waiver, however, is still there. The resident stated though he understand the reason for it the bulleted items, he took particular exception to one of the items. That is being asked to operate the cart in accordance with city of Winter Haven's ordinance. He stated that Lake Winter Haven's ordinance is not applicable while the golf carts are being operated in the city of Lake Wales. The resident stated that he hoped the Board would take some steps to rectify this and make it a little more user friendly.

Kerry Geibler, (Resident, 5428 Hogan Lane), commented in regards to the maintenance of Hart Lake and the buffer zones. There are 22 houses on Hogan Lane that have agreed and have signed a petition, which she gave to Bob at the May meeting where he did address it, but it never went any further than that. She noted that a comment made by one of the Board members stated that they have not seen any signatures at all from Green Drive addresses that butt up to Hart Lake. She noted that every single house, 13 houses there, each house but one signed the petition stating that they need to have maintenance and of Hart Lake and that the weeds and the vegetation, even into the water, needs to be taken care of. The resident stated that it has and will devalue their property values. The resident stated it was not like that when they moved in and it was a beautifully manicured lake and they were told they were purchasing water view. She noted that they all pay more taxes because they are on this lake, as well as Rattlesnake. The resident noted that Bob did have the SWFWMD out and they said that the stakes were put in way to conservatively, that they could have moved them more towards the water than they are now and that there is a lot of vegetation that can be taken out. SWFWMAD said what needs to be left can also be cut down to about 3 feet and this is what we would like to see. Thank you.

Ms. Burns noted that was all of the public comments, and there were no more raised hands on the Zoom call.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the May 27, 2020 Board of Supervisors Meeting and the May 28, 2020 Continued Board of Supervisors Meeting**

Ms. Burns asked for any question, comments, or corrections on the meeting minutes. The Board had no changes to the minutes presented.

On MOTION by Mr. Mecsics seconded by Mr. Robertson with all in favor, the Minutes of the May 27, 2020 Board of Supervisors meeting and the May 28, 2020 Continued Board of Supervisors Meeting, were approved.

**FIFTH ORDER OF BUSINESS**

**New Business/Supervisors Requests**

**A. Public Hearing**

**I. Public Hearing on the Adoption of the Revised Golf Course User Fees and Rates**

Ms. Burns stated the rates were published in the paper according to statute, and they needed a motion to open the Public Meeting.

On MOTION by Mr. Mecsics, seconded by Mr. Zelazny, with all in favor, Opening the Public Hearing, was approved.

Ms. Burns asked if there were any public comments on the Golf User Rates. Hearing no public comments, Ms. Burns asked for a motion to close.

On MOTION by Mr. Robertson, seconded by Mr. Mecsics, with all in favor, Closing the Public Hearing, was approved.

**a. Consideration of Resolution 2020-09 Adopting the Revised Golf Course User Fees and Rates**

Ms. Burns presented Resolution 2020-09 and noted that the rates were attached as Exhibit 'A'.

Ms. Sandy provided a summary of the changes from last year for the Board. A Board member asked for clarification of what an Associate member was, and how they qualified. It was noted that Associates were residents of Lake Ashton that cannot or do not want to play 3 golf times a week. That allows them to pay an up-front costs to be a

member of the club and then they have a reduced green fee rate. The Associate rate allows residents to participate in golf at Lake Ashton without having to either pay the \$5,600 or not play at all.

The Board briefly discusses seasonal rates, and Ms. Sandy noted that are still in effect. The rates for costs per round are based on 30 weeks in the winter and 22 in the summer. It was clarified that the Associate rate, because you are a member, are still eligible to play in all the league play and the cart fees are all included.

Mr. Robertson noted with changes to their membership model, they need to manage it correctly. They need to make sure that their revenue doesn't crash.

Mr. Zelazny noted the recommendation for the new rate for the Associate membership was \$1,200. This was after they ran the numbers on costs per round, and thought it would be better served to lower that to \$1,200. The other rate change would be the 6 month single rate, which was \$3,850 and dropped down to \$2,800. In talking with Billy Casper about the 6-month rate and summer and winter rates, that \$2,800 for single is better at \$3,100. So we would ask that \$2,800 be moved up to \$3,100. Ms. Sandy clarified that the lower end of the range for the 6-month rate, the recommendation would be \$2,500. Now it is \$3,550.

Mr. Robertson stated he felt that anyone using a golf cart should be charged for using. It was clarified that the use of the golf carts was a benefit of being a member of the golf club, that is a benefit of membership.

Discussion continued about the use of the golf cart and how to charge outside versus inside memberships, cart usage, and fees. Mr. Zelazny summarized the other changes. Ms. Sandy clarified an error on new rates in the agenda which should be \$2,550 for family Winter rate.

It was noted that at the current meeting they were only establishing a range of rates. The lowest rate they are allowed to charge and the highest rate they can charge. As long as they stay within that range, they would not have to have another public meeting to discuss rates and the Golf Course can, with approval of the Board, change as long as they stay within those two guideline numbers.

The Board noted that there is no increase this year, for first time in 12 years. No rate increase for members of the Golf Course. The new Associated Membership allows

people to play less than the full gamut. The outside play is for churches, real estate groups or fairway golf or some other associations to come and play. The Board established rates for 9 holes and 18 holes. The daily rate did go up for nonmembers. The Associated membership allows for additional options for residents.

Mr. Williams requested when they publish the chart to only publish the rates listed in the middle column, not all three columns showing the range of rate.

Mr. Lavoie clarified that they wanted to make sure they rotate the staff on supervision of the use of the golf course.

Ms. Sandy shared a chart on the screen for the Board to review, summarizing the discussion and decisions made by the Board. Mr. Zelazny reviewed the chart on the screen for any errors. Mr. Zelazny also noted that he and Mr. Lavoie had run numbers and scenarios and he felt good about the proposed packet.

On MOTION by Mr. Robertson, seconded by Mr. Mecsics, with all in favor Resolution 2020-09 Adopting the Revised Golf Course User Fees and Rates, as amended, was approved.

Mr. Williams stated that according to the rules if somebody puts in a form to discuss the rates they can come back before we vote. It was noted that no one did that.

Mr. Williams made another suggestion to make the rates effective now instead of October. This allows the new members as Associate Members the opportunity to play earlier and for the Board to collect the amount earlier. Discussion continued about making the Associate Rate effective on August 1 instead of October 1.

On MOTION by Mr. Zelazny, seconded by Mr. Mecsics, with all in favor, Amending Resolution 2020-09 to Make the Associate Rate Effective August 1<sup>st</sup> and all other rates effective October 1<sup>st</sup>, was approved.

## **B. Consideration of Revised Golf Cart Registration and Waiver**

Ms. Sandy stated the Board originally adopted the Golf Course Policies and then revised them. The policy provided that everybody that had a golf cart and would be using them on all the District facilities would need to register with Lake Ashton II. The Board

approved that registration form. Counsel recommended that the Board include a waiver of liability to reduce increased risk factors of having non-golfers driving on the golf course.

Ms. Sandy noted that there had been some discussion among Board members and residents about making changes to the registration and the policies. One main change would be to limit registration for those that are operating on golf course only. Also a change to information that is being requested in the registration, like driver's license and insurance information. Two options for a registration form were provided to the Board. The first option included acknowledgement that there are Florida statute and local regulations that may apply. That mainly puts the golf cart operator on notice that they need to familiarize themselves with any statutes or local regulations that may apply, including safety recommendations, minimum maintenance requirements, and minimum equipment you have to have on your golf cart as well as age restrictions and so forth. Ms. Sandy stated that Counsel would recommend a waiver of liability due to the increase of risks of having people that are non-golfers on the golf course. A waiver of liability would help to protect the District now and in the future. The drafted waiver is in the golf cart policies and is in accordance with the District policies. They have to confirm they have read the golf course policies and those specific to golf carts. Discussion ensued between Board members.

Ms. Burns clarified this was for golf cart path on the golf course only and you do not have jurisdiction to make this applicable to the overall community. Ms. Sandy stated that the enforcement right now would be whether or not somebody is authorized to be on the golf course and that's the key difference between the enforcement throughout the entire community or the focus on the golf course itself. The Board noted that they would like to discuss the topic at the next joint meeting.

On MOTION by Mr. Mecsics seconded by Mr. Robertson, with Mr. Zelazny opposed, the Golf Cart Registration and Waiver Option B and the changes to the Golf Course Policies as presented, was approved 4-1.

### **C. Update Regarding Yellowstone Contract**

Mr. Zelazny reminded the Board they had approved Amendment 5, which was when the golf course was taken over they expanded Yellowstone's areas to cut and came up with a frequency. When the Board reviewed the budget, they decided they wanted to reduce it. Addendum 6 reduced the cuts around the back of the lake. Subsequently, they realized they had missed between what was assigned to the golf club and what was assigned Yellowstone. After looking at some of these areas that were growing faster than expected, Mr. Zelazny stated that they created a new map for cutting responsibilities and upgraded the frequency behind some of the ponds. Basically they are back to where we were with Addendum 5 which was a \$30,000 increase from the original contract. That addendum was approved. Mr. Zelazny noted that they are now back to the \$30,000 but that includes expanding the areas that were missed when they did the transition, and also increases the number of cuts behind the lakes where there is no homes. Ms. Burns stated there was no action needed on this item.

### **D. Acceptance of Fiscal Year 2019 Audit**

Ms. Burns noted that page 28 summarizes the audit and gives an overview. There were no issues on non-compliance, and it was considered a clean audit and it has been reviewed by Counsel and Management. It was sent to the state by the deadline of June 30<sup>th</sup>. She noted that they are looking for Board to accept this Audit.

On MOTION by Mr. Mecsics, seconded by Mr. Williams, with all in favor, the Fiscal Year 2019 Audit, was accepted.

## **SIXTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Ms. Sandy clarified that the approval of the Registration Form is also confirming the changes to the Golf Course policy. Further updates included the first funding request under the deficit funding agreement had been submitted for under \$200,000. The additional information that was requested was provided. At this point they are waiting to hear if anything else is needed.



## **B. Engineer**

Mr. Rayl commented on a few old items. All of the permit transfers with ERP permits at the Golf Course closing have been transferred. The lightening protection firm has submitted everything to get them authorized. They are just waiting on the completing the information sheet and needed a week to complete their work. Yellowstone's map needs to be updated, and Mr. Rayl will set up a time to cover all those areas.

Mr. Rayl noted that he has been out in the community and completed an inventory of all drainage fumes on the entire west golf course and they are preparing a report. Some need some repairs in addition to the pond repair issues that were identified previously. Pond #11 is a particular concern with erosion under the cart path. The assessment will be completed and submitted to the Board next week. All bridges have been assessed and completed some measuring to complete the running plank to preserve the bridge deck and noise reduction. Mr. Rayl talked with York Bridge Systems and they are familiar with installation of these things and they will get some standards specification from them that they can get bids on.

An estimate has also been received from Warren Construction. They can get 5 and ½ inch planks and 3 side by sides give you a 16 and ½ inch wide running path for each tire. If they do it in wood, like it is now, it's a little under \$50,000. If they do it with Trek material it's about \$57,000.

Board members noted concerns from bike riders and walkers about this creating a hazard to them with the elevated space if they are passing a cart coming the other way.

Mr. Rayl noted that the Board had voted on adding \$7,000 to the \$25,000 for roadways to include bridge rapprochement maintenance. It was asked about adding Thompson Water Seal to the bridges again, and that was done a few years ago. It was noted that the Board agreed to do that but it had not been done.

Mr. Rayl continued his Engineer's Report to include some of the bridge approaches and some erosion issues in undermining of cart paths. He recommended that these areas be stabilized with some Geo Tech style fabric and some riff raff on top of them to hold the soil.

Mr. Rayl noted that they have requested bids from contractors to make the SWFWMD repairs that have been identified previously. He noted that some side drains

need repair, and other than that it was mostly vegetation clearing. One bid has come in and Mr. Rayl will meet with that contractor next week to walk through the areas and make sure they have a complete clear understanding and get more of a refined bid to present at next month's meeting. Mr. Rayl will contact Ron Lavoie about the coordination on that.

The Board asked Mary to look about how much to hire day labor for painting/sealing on the bridges instead of asking for volunteers. This included 4 bridges, which is the one on 12, the one on 8, one on 5, and one going between Hogan and the Driving Range. Two are golf course and two are not. There was discussion about asking Mary to take on this task and if Doug or Jim should assist with this.

Ms. Burns clarified that the CDD has responsibility for cart paths, bridges, and ponds, not Billy Casper. It was asked if Billy Casper could have his crews do this and bill the CDD. Mr. Lavoie commented that they had time restraints on them and could not do this and bill the CDD. There was continued discussion on the costs, and who would try to recruit day laborers for this work including paying labor for that project. It was noted that they have a temporary labor company that the Board uses occasionally, and staff could reach out to them and see if they are interested in doing the job and billing the CDD. They charge between \$12 and \$20 an hour, depending on needs. Staff would explore this option and get it done before the next Board meeting.

## **C. Billy Casper**

### **I. Golf Course Financial Statements**

Mr. Rhodes prepared a recap of May in a report and some highlights of June. This was a unique month in that the Pro shop and Eagles Nest was closed from April 27 to May 26 for COVID 19. No one contracted the virus, and all benefited employees were given materials and had 30 days to pick the plans and had support through conference calls and video meetings. They are now starting to recruit part-time employees for the golf shop or other monitoring of the golf course.

May financials show the club missing budget in revenues by almost \$27,000. The Pro Shop sales and food and beverage were significantly down because members did not have access to the facilities. The club collected \$8,100 dollars of membership dues and this was allocated over 4 months. Most was seasonal members extended their

membership because they didn't want to travel north. Golf revenues exceeded budget by almost \$2,000. Pro shop cost of goods was extremely high at 298.7%. Mr. Rhodes discussed inventory and then went on to discuss how COVID effected the May financials. The Board had no questions for Mr. Rhodes.

#### **D. District Manger's Report**

The next meeting is scheduled for August 21 which will be the Public Hearing on the budget adoption and the increase in the O&M assessments. All Landowners within the District will received their mail notes within the end of the month. This meeting is scheduled for 9:00 a.m.

#### **E. Lake Ashton II Community Director**

Mary Bosman reviewed her report. She stated it was a busy month. Pool attendants have been hired, and they've been averaging about 30-35 residents in the pool daily. That is not counting the fitness classes they have 3 days a week. Classes are also taking place within the community center, although attendance is down. In the fitness center they have about 12 people daily. Temperature checks are done at the door, hand sanitizer used and/or gloves.

Crystal Funk has replaced Karen Ban curt who took the position of Maintenance. She noted that Ms. Funk is an asset and brings technical knowledge, is a good team player, and good customer service. On July 23 the cleaning service issued a 30-day notice. Three cleaning groups have come in for walk-throughs and they are looking to get in bids next week. We have a new stage installed. The cargo lift is also in and fully operational. She noted that they have 2 bids for flooring on the fitness center and racquetball courts. The two bids are within \$15,000 the Board discussed. New pockets were ordered and put in on the Billiard tables and have been installed. Tables are needing to have professional leveling. Annual inspections will be done this month.

**SEVENTH ORDER OF BUSINESS****Financial Reports****A. Approval of Check Run Summary**

This check summary is included in your package. This is from May 2nd through June 25<sup>th</sup>. The total for the general fund is \$128,012.72. The capital reserve totaled \$46,838.98.

On MOTION by Mr. Mecsecs seconded by Mr. Zelazny with all in favor, the Check Summary from May 2<sup>nd</sup> through June 25<sup>th</sup> for \$128,012.72 and the Capital Reserve for \$46,832.98., was approved

**B. Combined Balance Sheet**

There is no action needed on this item.

**EIGHTH ORDER OF BUSINESS****Public Comments**

Mr. Zelazny stated he had been approached by folks who have various petitions and he was concerned that some of the information on the petitions that he was concerned was misinformation. Regarding the cutting around certain lakes, he noted that they have never paid to have that cut. Someone may have overstepped their legal authority to do that, and that was taken care of. He commented that when people sign petitions that they get the full, true facts and not somebody's conjecture.

Mr. Robertson noted that they have to respect the requirements of Hart Lake and buffer zone that says you cannot do anything or mow that area. At one point, the mowing company encroached on that area and moved further and further into the buffer zone. When the hurricane hit a few years ago, SWFWMD came in and said they had violated the buffer zone and it had to stop, because they are subject to really large fines for doing that. In order to do it correctly, to be in compliance with the law, we then had Alan go out and he surveyed the exact place where the buffer zones end and their ability to mow begins. That was staked out and was in some cases much further up than what people liked. Then somebody decided to pull the wooden stakes out and move them back down which is against the law and subjects us to extreme liability. SWFWMD came in and put metal stakes in so they could not do that. He stated that they are now mowing to the legal

limit, they can't go a foot further in. It's never been in the budget to do any maintaining of Hart Lake. They've never had the responsibility to go into Hart Lake and do any spraying, that has never been in the budget. Some people have said that it would look much nicer when I first moved in. Mr. Robertson noted they he was not sure what the Developer did to enhance the area to sell the houses, but it has never been the CDD's responsibility or requirement to do any special maintenance in that area.

Mr. Robertson noted that individual residents could request for cattails to be put in at their own expense. He gave multiple examples of the Board helping residents get a better view at their own expense. He noted that it has always been their philosophy, since he was on the Board, is if there is somebody that wants something special for their own unique view or something like that, they are happy to help them, but it's at their expense.


No public comments were made by residents.

**NINTH ORDER OF BUSINESS**

**Adjournment**

This item deferred to the continued meeting.

On MOTION by Mr. Mecsics, seconded by Mr. Williams, with all in favor, the meeting was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman