

**MINUTES OF MEETING
ASTURIA
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Asturia Community Development District was held on Tuesday, November 28, 2023 at 6:04 p.m., at the Asturia Clubhouse, 14575 Promenade Pkwy., Odessa, Florida 33556. The actions taken are summarized as follows:

FIRST ORDER OF BUSINESS: Call to Order

Ms. Dobson called the meeting to order and conducted roll call.

Present and constituting a quorum were:

Glenn Penning	Board Supervisor, Chairman
Jacques Darius	Board Supervisor, Vice Chairman
Marie Pearson	Board Supervisor, Assistant Secretary
Susan Coppa	Board Supervisor, Assistant Secretary

Also present were:

Jonathan Tietz (<i>via phone</i>)	Board Supervisor, Assistant Secretary
Tish Dobson	District Manager, Vesta District Services
Lauren Gentry (<i>via phone</i>)	District Counsel, Kilinski Van Wyk
John Burkett (<i>via phone</i>)	RedTree Landscape
Pete Lucadano (<i>via phone</i>)	RedTree Landscape
Virgil Stoltz	Blue Water Aquatics
Rob Wolf	
John Wolf	
Shelley Penning	
Sydney Oyster	
Steven Mervine	
Denise Greco	
Paula Goodman	
Diane Izzo	

SECOND ORDER OF BUSINESS: Pledge of Allegiance

Mr. Darius led the Pledge of Allegiance.

THIRD ORDER OF BUSINESS: Audience Comments (*Limited to 3 Minutes per Individual for Agenda Items*)

Comments were heard on wild boars and the Fenland Way common area weeds.

The Board discussed hogs during Audience Comments. Mr. Stoltz explained that the community is likely seeing them further into the residential area because the wetlands have been overturned by the hogs and they're pushing further out looking for food – looking for grubs, certain weeds in the turf, roots of certain plants. They're baiting back into the wetlands to encourage them to a location. He suggested picking a night and getting a group to put pressure on the hogs – simply driving around looking for them and share sightings. Mr. Stoltz confirmed that methods for addressing hogs are in line with District Counsel's recommendations.

RedTree was directed to review the common area on Fenland Way that has Bahia grass and no irrigation and provide a plan for addressing the weeds.

FOURTH ORDER OF BUSINESS: Staff Reports

A. Landscape & Irrigation

Mr. Burkett and Mr. Lucadano provided an update on the landscape and irrigation projects. Ms. Dobson brought up the SWFWMD mandate on watering beginning December 1, and continuing to July 2024, the penalties for not following the mandate range from stiff fines, well capping to shutting down of the reclaimed water line for the whole community. The Board discussed how the mandate will affect landscape and irrigation for the District.

1. Exhibit 1: Mulch Proposals

Proposals for the playground ADA mulch (\$3,400.00) and the community landscape mulch (\$19,500.00) were considered. Ms. Dobson explained the difference between ADA and regular mulch. Topping up the dog park mulch in about six months was discussed. Mr. Lucadano stated mulch would be installed in January.

On a MOTION by Mr. Penning, SECONDED by Mr. Tietz, with ALL IN FAVOR, the Board approved RedTree's proposals for playground mulch and the community, for the Asturia Community Development District.

Ms. Dobson thanked RedTree for providing the fire truck for the community event scheduled for December 16, at 4 p.m. Mr. Penning added the route had been established to provide accessibility for the whole community, starting and ending at the Clubhouse.

B. Exhibit 2: Aquatic Services

Mr. Stoltz presented Blue Water Aquatics report, noting no issues except for low water. Marsh Master was utilized to cutback some of the invasive vegetation. Mr. Stoltz mentioned a new invasive species that they will be tackling and hogs were further discussed. Ms. Pearson, Mr. Stoltz, and Ms. Dobson will coordinate hog sightings.

C. District Engineer

Mr. Penning provided an update on discussions with the County regarding the Developer's "non-substantial changes" to the Master Plan. It was noted that Circle K had re-submitted a revised construction plan with Pasco County and the District Engineer with discuss this with the County based on the District's past resolutions opposing the extension. He also noted that the District Engineer has been working with the Land Use Counsel to look at some non-compliance avenues. Questions have been raised regarding whether easements were approved and/or ratified by the CDD after they were added to design documents by the Developer. Mr. Tietz mentioned that District Counsel may have some input on some of the issues from when they were previously discussed. Mr. Penning provided some potential considerations for future negotiations.

Ms. Gentry added that it's typical in the development stages of a District to have a resolution which grants the Chair authority to sign conveyance documents outside of Board meetings. That will be researched. Easements can be granted by plat, they don't have to be granted by a separate document. Mr. Penning stated he had reviewed a list of the District's resolutions and did not see such a record. The Board further discussed easements, development changes, and the burden of responsibility for maintenance costs.

D. District Counsel

Ms. Gentry explained what was required for a legal easement – by recorded plat or recorded executed agreement.

E. Land Use Counsel

No additional topics were discussed under Land Use Counsel Report.

F. District Manager & Field Operations

1. November

Ms. Dobson discussed staffing and the east entrance signage. Ms. Gentry recommended the Board engage Employment Counsel for assistance in drafting hiring and firing policies and an employee handbook. Ms. Dobson noted that the District uses ADP for HR issues. She stated that Duke Energy had provided valuable information pertaining to the damage caused during construction. Mr. Penning provided more details on their discussion, specifically that confirmation was received regarding RIPA hitting the power line that served the transformer box and removed the line running along Fenland. District Management is handling the correspondence with the Developer and engineer and whoever else needs to be included. Mr. Penning has been working with Duke Energy to see if there is secondary voltage to draw from rather than redoing the line from another transformer.

Mr. Penning also commented on the Portico Park irrigation. To re-establishing irrigation at the park, RedTree quoted a cost of about \$17,000.00. Mr. Penning has contacted Duke Energy regarding a secondary voltage that could be drawn on for that area as well – the water system is fine, the issue is the two-wire system was removed across the street and when the townhomes were developed. The Board may consider xeriscaping the park in the future as the two-wire would have to be installed all the way to the east side of the Townhomes. Duke has identified some secondary voltage at two houses adjacent to the park. Partnering with the homeowners may be an option to consider, pending an agreement. Mr. Tietz will discuss xeriscaping the park with RedTree.

Ms. Dobson shared the letter to Hind and RIPA, Mr. Manson, Mr. Gardner, Mr Ripa himself and their engineer notifying them of their responsibility for the irrigation wiring damage, and that the District will be

requesting restitution. Once the Board decides what they will do with the area and obtain costs, then District Counsel will step in and record the specific request for restitution.

Ms. Pearson apologized that the holiday lighting timeline commitment was not met. The vendor had told her the remaining lights would be installed by night's end, and Ms. Pearson recommended obtaining another vendor for next year. Mr. Penning requested the invoice should be checked that all decorations are installed. The invoice was discussed and clarified that the vendor had been paid in full.

FIFTH ORDER OF BUSINESS: Consent Agenda

A. Exhibit 4: Consideration and Approval of the Minutes of the Board of Supervisors Regular Meeting Held October 24, 2023

B. Exhibit 5: Consideration and Acceptance of the October 2023 Unaudited Financial Statements

The Board discussed the insurance rate increase and requested Ms. Dobson research other insurance carriers. An annual contract review was suggested.

C. Exhibit 6: Consideration and Acceptance of the Operation and Maintenance Expenditures for October 2023

D. Exhibit 7: Consideration and Acceptance of the Audited FY 2022 Financial Statement

On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, with ALL IN FAVOR, the Board approved the Consent Agenda as presented, for the Asturia Community Development District.
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SIXTH ORDER OF BUSINESS: Business Items

A. Discussion of Room Rentals

The Board discussed the care and cleaning of the facilities, oversight of rentals by staff, and a policy that requires the host of the party to pay an hourly rate for a contractor to clean the facility. Ms. Gentry advised that a cleaning fee, without mark-up, can be passed through without a policy change. An amended policy could be adopted to pass through the hourly rate of an employee of the District to be in attendance during a reservation. Adopting a policy to engage an approved vendor directly to clean the facility after the reservation. Changing the rate would require a ratemaking hearing and would not be affected by which employee would be monitoring rentals. This discussion will be added to the December agenda.

B. Exhibit 8: Consideration and Adoption of **Resolution 2024-02, Amending the FY 2022-2023 Budget**

The budget amendment is required if a specific line item goes over 10%, even if the total budget does not.

On a MOTION by Mr. Penning, SECONDED by Ms. Pearson, with ALL IN FAVOR, the Board adopted Resolution 2024-02, Amending the FY 2022-23 budget, for the Asturia Community Development District.

SEVENTH ORDER OF BUSINESS: **Audience Comments** *(Limited to 3 Minutes per Individual for Non-Agenda Items)*

Comments were heard on creating a CDD maintenance/ownership map for the meetings, the new irrigation schedule, and accolades to the Board for having the building and mailboxes repainted.

EIGHTH ORDER OF BUSINESS: **Supervisors' Requests**

Ms. Dobson informed the Board of the allocation to the District of a portion of the tax collectors unspent funds that will be deposited in the District's account when received. Supervisors requested a discussion on cleaning at the next meeting, with the janitorial vendor in attend to respond to the list of deficiencies, Board consensus was to issue a 30-day service remediation notice. Ms. Dobson asked for direction regarding an interim porter services for the dog stations and trash receptacles during the hiring process.

On a MOTION by Ms. Pearson, SECONDED by Ms. Coppa, with ALL IN FAVOR, the Board approved hiring Office Pride as a temporary solution to service the dog stations and trash receptacles until amenity staff were hired, for the Asturia Community Development District.

The Board discussed the Fitness Center equipment and requested research on the cost of dumbbell Hex set 5-75 lbs, and putting the dumbbells and rower on the surplus list. Ms. Gentry will draft a Surplus Equipment Resolution for the next agenda.

On a MOTION by Mr. Penning, SECONDED by Ms. Pearson, with ALL IN FAVOR, the Board approved replacing the rower, dumbbells, and bike for a total amount not to exceed \$4800.00, for the Asturia Community Development District.

Ms. Pearson thanked residents for their interest and support for the CDD Board and business and volunteered to be the staff hiring liaison.

In response to an audience comment, Ms. Dobson provided an update on the Halff invoice, the direction provided was for them to reach out to District Counsel, which they have not yet done.

NINTH ORDER OF BUSINESS: **Action Items Summary**

Tish:

- Research other insurance carriers.
- Jonathan and Tish work together on the District ownership map.
- Research dumbbell Hex set 5-75lbs. (Roughly \$2700.00)

Jonathan:

- Jonathan and Tish work together on the map.

Lauren:

- Draft a Surplus Equipment Resolution

TENTH ORDER OF BUSINESS: Next Regular Meeting Agenda Items

Room Rental Oversight

ELEVENTH ORDER OF BUSINESS: Next Workshop Agenda Items

The February workshop date will be presented at the December meeting. Agenda items for the February workshop will likely be FY 2025 budget.

TWELFTH ORDER OF BUSINESS: Next Meeting Quorum Check

The Supervisors declared their intent to attend the next Regular Meeting, scheduled for December 19, 2023 at 6:00 p.m., as follows:

Jon Tietz – In Person
Glen Penning – In Person
Jacques Darius – In Person
Marie Pearson – In Person
Susan Coppa – In Person

The January workshop was cancelled.

THIRTEENTH ORDER OF BUSINESS: Adjournment

On a MOTION by Mr. Penning, SECONDED by Ms. Pearson, WITH ALL IN FAVOR, the Board adjourned the meeting at 8:41 p.m., for Asturia Community Development District.

**Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on December 19, 2023

Tish Dobson

☒ Tish Dobson, Secretary

☐ _____, Assistant Secretary

Glenn Penning

☒ Glenn Penning, Chair

☐ Jacques Darius, Vice Chair