

1 **MINUTES OF MEETING**

2 **ASTURIA**

3 **COMMUNITY DEVELOPMENT DISTRICT**

4 The Regular Meeting of the Board of Supervisors of the Asturia Community Development District
5 was held on Monday, December 19, 2022 at 6:00 p.m., at the Asturia Clubhouse, 14575 Promenade Pkwy.,
6 Odessa, Florida 33556, with Zoom Conference Call available.

7 **FIRST ORDER OF BUSINESS – Roll Call**

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

9 Present and constituting a quorum were:

10	Glenn Penning	Board Supervisor, Chairman
11	Jacques Darius <i>(joined in progress)</i>	Board Supervisor, Chairman
12	Susan Coppa	Board Supervisor, Assistant Secretary
13	Jonathan Tietz	Board Supervisor, Assistant Secretary
14	Marie Pearson	Board Supervisor, Assistant Secretary

15 Also present were:

16	Tish Dobson	District Manager, DPFM Management and Consulting
17	Scott Smith	Vesta
18	Lauren Gentry	District Counsel, KE Law Group
19	RJ Johnson	RedTree
20	Michelle Perez	Electro Sanitation Services
21	Virgil Stoltz	Blue Water Aquatics
22	Paul Grifoni <i>(via phone)</i>	Custom Reserves
23	Charlie Sheppard <i>(via phone)</i>	Community Advisors
24	Thomas Giella <i>(via phone)</i>	Complete IT

25 *The following is a summary of the discussions and actions taken at the December 19, 2022 Asturia CDD*
26 *Board of Supervisors Regular Meeting. Audio for this meeting is available upon public records request.*

27 **SECOND ORDER OF BUSINESS – Audience Comments – (limited to 3 minutes per individual for**
28 **agenda items)**

29 An audience member advised deferring the mulch proposal.

30 **THIRD ORDER OF BUSINESS – Staff Reports**

31 Mr. Johnson noted that the flower rotation had been installed and that he had met with Ms.
32 Dobson to address landscape concerns. The Board and Staff discussed a vehicle that had been
33 reported to be driving erratically through the community the weekend before the meeting. Mr.
34 Darius indicated that he would like to send a bill to the driver of the vehicle for the damage
35 incurred. Multiple Board members indicated that they would send Ms. Dobson details of the
36 incident in order for a report to be made with law enforcement. Mr. Johnson continued to review
37 his report, stating that turf weeds were treated, and that the community was being serviced on a
38 sectional rotation. In response to a Supervisor question, Mr. Johnson indicated that the schedule
39 of sections was forthcoming and that the detailing of Promenade had been addressed.

40 Mr. Penning expressed that weeds and irrigation were the Board’s top concerns. In response to a
41 question from Mr. Penning, Mr. Johnson confirmed that mulching would be done within the
42 December to March timeframe.

43 Ms. Perez stated that Electro Sanitation Services had a contract with the Board through April 1,
44 2023. The Board and Staff discussed the scope of the contract, as well as the cleaning of the
45 Fitness Center floors. Ms. Perez clarified that the cleaning of outside windows was not included
46 and explained that floors were not in good condition when Electro Sanitation Services took over
47 the account. Mr. Penning advised the use of a neutral cleaner for the floors, rather than a soap
48 cleaner. A Supervisor requested that Electro Sanitation Services prioritize cleaning the Fitness
49 Center.

50 Mr. Stoltz spoke on algae outbreaks and treatment of the ponds. Mr. Tietz requested to know the
51 phosphorus levels in Pond 5. Mr. Stoltz noted that there was a new law in place regarding
52 discharge water and discussed plant material in the ponds. Discussion ensued regarding aeration
53 and Nutrisorb. The Board requested a long-term aeration plan and proposal to treat specific ponds
54 with Nutrisorb. The Board and Staff proceeded to discuss the cost and budgeting for Nutrisorb
55 application, as well as erosion repair. Mr. Stoltz advised obtaining a proposal from RedTree for
56 the erosion repair. Mr. Tietz additionally requested proposals for Brazilian Pepper and Chinese
57 Tallow tree eradication. Discussion ensued regarding the prioritization of the requested proposals.

58 The Board agreed to move up Exhibit 7 on the Agenda.

59 A. Exhibit 7: Consideration of Reserve Study Proposal Options

60 **This item, originally Item A under the Fifth Order of Business, Business Items, was presented**
61 **out of order.**

62 1. Florida Reserve Study & Appraisal

63 There was no representative for Florida Reserve Study & Appraisal present.

64 2. Community Advisors, LLC - \$5,900.00

65 Mr. Sheppard explained that a follow-up study would include a site visit and a meeting
66 with a Board member. He stated that adjustments with a site visit would be an additional
67 \$3,000.00 and a financial update without a site visit would cost an additional \$1,500.00.
68 He confirmed that an Excel spreadsheet could be provided as well.

69 3. Custom Reserves - \$3,900.00

70 Mr. Grifoni confirmed that an Excel spreadsheet would be provided upon request. He stated
71 that a site visit update would amount to \$2,900.00 and an update without an onsite visit
72 would be the amount of \$1,900.00. He estimated a timeframe of late January to early
73 February to draft the Reserve, which would be submitted in March. The Board and Staff
74 discussed the proposal options. Mr. Penning stated that he would like to have the Reserve
75 Study before the Budget Workshop.

76 On a MOTION by Mr. Darius, SECONDED by Mr. Tietz, WITH ALL IN FAVOR, the Board approved
77 Custom Reserves to prepare the Reserve Study for the Asturia Community Development District.

78 B. Landscape & Irrigation

79 1. Exhibit 1: Consideration of RedTree Landscaping Contract Renewal

80 Discussion ensued regarding the contractual amount for renewal on a yearly basis, as well
81 as outstanding proposals. Ms. Dobson indicated that she would work with Mr. Johnson to
82 identify trees that were not to be trimmed in accordance with the contract. The Board
83 directed Ms. Dobson to prioritize the proposals and work with RedTree on items not met
84 under the current contract. In response to a question from Mr. Darius, Ms. Dobson
85 advised waiting until mid-March before moving forward with sod.

86 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board approved
87 the renewal of the RedTree Landscaping & Irrigation Contract for the Asturia Community Development
88 District.

89 2. Exhibit 2: Consideration of RedTree Mulch Installation Proposal - \$16,500.00
90 Ms. Dobson recommended tabling this item and suggested pulling back some of the
91 mulch from the center of the vegetation. She stated that most communities applied mulch
92 twice a year and indicated that a mulch map would be created. She advised securing 2
93 proposals for mulching.

94 C. Field Inspections Report & District Manager Report – *To Be Distributed*

95 Mr. Penning requested additional detail on the erosion areas and requested Ms. Dobson that look
96 into the warranty information for the tactile directionals. Discussion ensued regarding invoices
97 from Jimerson Birr. Mr. Penning asked Ms. Dobson to verify which invoices had been paid by
98 Inframark. Mr. Tietz volunteered to work with Ms. Dobson on Invoice #24078 and #24775.
99 Discussion ensued regarding the statute of limitations.

100 On a MOTION by Ms. Pearson, SECONDED by Ms. Coppa, WITH ALL IN FAVOR, the Board approved
101 the Jimerson Birr Land Use Invoice #25552, in the amount of \$1,518.00, for the Asturia Community
102 Development District.

103 Following the motion, the Board and Staff discussed splitting out Land Use and Construction
104 Defect from the other invoices submitted. It was noted Construction Defect relied on analysis of
105 the Engineer for statute of limitations and that there was a past authorization of \$15,000.00 for
106 Land Use. Discussion ensued regarding roadway repairs. Ms. Gentry advised contacting Jimerson
107 Birr regarding the statute of limitations.

108 On a MOTION by Mr. Penning, SECONDED by Mr. Tietz, WITH ALL IN FAVOR, the Board authorized
109 Ms. Dobson to contact Jimerson Birr to split Invoice #24775 and #24078 between Land Use and
110 Construction Defect, with Ms. Dobson to pay the Land Use portion of the expenses to bring back the
111 Construction Defect expenses for Board approval during the January meeting, for the Asturia Community
112 Development District.

113 Following the motion, Ms. Gentry spoke on Construction Law review of statute of limitations and
114 statute of repose regarding Construction Defect claims. Mr. Tietz relayed that the Engineer may
115 have issued a material waiver for improper use of roadway materials.

116 The Board moved up the Consideration of IT Proposals on the Agenda.

117 D. Consideration of IT Proposals

118 **This item, originally Item D under the Fifth Order of Business, Business Items, was**
119 **presented out of order.**

120 Mr. Giella reviewed cell phone plan options for the Clubhouse and answered questions from the
121 Board. He noted that his company could assist with setting up the phone, with a minimum of 1
122 hour of labor for \$125.00 per hour. Following discussion, the Board agreed to approve the
123 flexible plan option.

124 On a MOTION by Mr. Tietz, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
125 the purchase of a cell phone, in the amount of \$299.00, with the flexible data plan of \$20.00 per month,
126 plus \$10.00 per GB used, for the Asturia Community Development District.

127 Following the motion, Mr. Giella informed the Board that Frontier pricing for a line in the main
128 office would amount to \$39.00 per line. Mr. Penning noted that the current line and phone
129 number active with Spectrum was \$10.00 per line. The Board gave authority to Ms. Dobson to
130 decide on a course of action for the phone line.

131 The Board and Staff proceeded to discuss a Wi-Fi Upgrade and Laptop Agreement with
132 Complete IT. Ms. Gentry recalled that the Board had approved a proposal for the a general Wi-Fi
133 upgrade and the purchase of a laptop at the previous meeting. She relayed that the vendor had
134 stated that a standby MSP plan was a recurring fee of \$65.00 per month and that the \$10.00
135 monthly fee for the Microsoft Office subscription would not be able to be cancelled before the
136 one-year term. Mr. Giella answered questions from the Board regarding cancellation, camera
137 systems, and provided services. Mr. Penning advised reviewing the services and invoices
138 throughout the year to monitor usage.

139 On a MOTION by Mr. Tietz, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
140 the Complete IT Wi-Fi Upgrade and Laptop Agreement, for the Asturia Community Development District.

141 Following the motion, the Board agreed to discuss access control upgrade in January.

142 E. Aquatic Services Report

143 This item was not discussed.

144 F. District Engineer

145 The District Engineer did not have a report.

146 G. District Counsel

147 Ms. Gentry informed the Board that the ADP Agreement had been executed and that she had
148 provided Pasco County with information for the District to be added to the tax-exempt list for the
149 recent paving MSTU ordinance.

150 H. Land Use Counsel

151 **This item, originally Item H under the Third Order of Business, Staff Reports, was**
152 **presented our order.**

153 1. Consideration of Resuming Chapter 164 Dispute Resolution Process

154 Mr. Penning provided an update regarding ongoing disputes with Inframark. He relayed
155 that Amenity Services were tied to the Budget and stated that Inframark would reimburse
156 the District approximately \$1,516.00. He informed the Board that the District had been
157 credited \$4,000.00 for Field Service Inspection Reports. He informed the Board that his
158 discussions regarding the engineering work authorizations were still ongoing. Ms. Gentry
159 asked the Board to confirm that they would like Mr. Penning to continue those
160 discussions and hold off on legal involvement at this time. Upon confirmation from the
161 Board, Ms. Gentry indicated that she would pause further dispute resolution to allow Mr.
162 Penning the opportunity to continue discussions with Inframark.

163 The Board moved up the Discussion of Engineering RFQ on the Agenda.

164 I. Discussion of Engineering RFQ

165 **This item, originally Item E under the Fifth Order of Business, Business Items, was**
166 **presented out of order.**

167 Ms. Gentry advised running the advertisement again and bringing the proposals back to the
168 January meeting, as only one proposal had been received and there were indications that there
169 may have been irregularities in the RFQ process.

170 On a MOTION by Mr. Tietz, SECONDED by Mr. Penning, WITH ALL IN FAVOR, the Board approved
171 discarding the previous RFQ process, running the advertisement, and accepting all previous proposals for
172 review in January, for the Astoria Community Development District.

173 Following the motion, the Board moved up Exhibit 9 on the Agenda.

174 J. Exhibit 9: Consideration of Sniffen & Spellman, P.A. Labor & Employment Legal Representation

175 **This item, originally Item C under the Fifth Order of Business, Business Items, was**
176 **presented out of order.**

177 Ms. Gentry presented the proposed engagement letter from Sniffen & Spellman, P.A., advised
178 that this firm practices specifically in government employment law, and advised that this firm
179 would work only as directed by the Board. Ms. Gentry recommended having such a firm on call
180 for any employment law issues that may arise and recommended its approval.

181 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board approved
182 Sniffen & Spellman, P.A. Labor & Employment Legal Representation, for the Astoria Community
183 Development District.

184 Following the motion, Ms. Gentry advised authorizing the Chairman to approve a up to certain
185 threshold of work between meetings.

186 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board authorized
187 the Chairman to approve a not-to-exceed 2 hours of services between meetings when needed, for the Astoria
188 Community Development District.

189 Following the motion, Ms. Gentry recommended that the Board approve the terms of
190 employment submitted that had been submitted to ADP.

191 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board approved
192 the terms of employment that were submitted to ADP, being 20 to 25 hours weekly, for the Astoria
193 Community Development District.

194 **FOURTH ORDER OF BUSINESS – Consent Agenda**

195 A. Exhibit 3: Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting
196 Held November 29, 2022

197 B. Exhibit 4: Consideration for Approval – The November 2022 Unaudited Financial Statements

198 It was noted that the budget included in the Financial Statements was not the adopted FY 2023
199 Budget. This item was tabled to reflect the corrected financials.

200 C. Exhibit 5: Consideration of Operation and Maintenance Expenditures for November 2022

201 Ms. Dobson was directed to verify whether the Jimerson Birr invoices had been paid.

202 On a MOTION by Mr. Penning, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board approved
203 the Minutes of the Board of Supervisors Regular Meeting Held on November 9, 2022, and the Operations
204 and Maintenance Expenditures for November 2022, for the Astoria Community Development District.

205 D. Exhibit 6: Ratification of Agreement with ADP

206 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board approved
207 the Ratification of the Agreement with ADP, for the Asturia Community Development District.

208 **FIFTH ORDER OF BUSINESS – Business Items**

209 A. Discussion of Independent Contractor’s Agreement w/ Commission

210 **This item, originally Item G under the Fifth Order of Business, Business Items, was presented**
211 **out of order.**

212 The Board and Staff discussed services, payment, and monitoring for the individual hosting fitness
213 classes at the gym. Ms. Gentry advised having an agreement in place to document the requirements
214 for hosting the classes and ensure coverage for the District through insurance and indemnification.
215 Ms. Gentry advised that she could create a form of agreement to be used for any future requests.
216 Concerns were expressed regarding liability.

217 On a MOTION by Mr. Darius, SECONDED by Ms. Coppa, with Mr. Darius, Ms. Coppa, Mr. Penning, and
218 Mr. Tietz voting “AYE” and Ms. Pearson voting “NAY”, the Board approved allowing Lisa Decamella to
219 conduct classes in the Fitness Center, subject to preparation of an agreement with the District, for the
220 Asturia Community Development District.

221 B. Exhibit 8: Consideration of Board of Supervisors Payroll Processing

222 On a MOTION by Mr. Darius, SECONDED by Ms. Pearson, WITH ALL IN FAVOR, the Board approved
223 the Supervisors Payroll Processing Proposal with Engage PEO for the Asturia Community Development
224 District.

225 C. Discussion Regarding Terms of Maintenance Personnel Employment

226 This item was tabled to January.

227 **SIXTH ORDER OF BUSINESS – Audience Comments** *(limited to 3 minutes per individual for non-*
228 *agenda items)*

229 There being none, the next item followed.

230 **SEVENTH ORDER OF BUSINESS – Supervisors Requests**

231 Mr. Tietz relayed resident requests for a camera system and a gate for the community. Ms. Gentry
232 clarified that gates would be prohibited, as the roadways were public. Mr. Tietz noted that security
233 patrols had been recommended. Discussion ensued regarding break-ins. Mr. Tietz additionally
234 mentioned that some residents were upset with rental fees.

235 Mr. Penning suggested hiring a painter by the named of Brian Pecore as an employee. Discussion
236 ensued regarding potential risks of hiring an employee versus engaging an independent contractor.
237 Ms. Gentry recommended consulting employment counsel regarding the hiring process and details
238 of employment.

239 On a MOTION by Mr. Tietz, SECONDED by Ms. Pearson, WITH ALL IN FAVOR, the Board approved
240 hiring the painter, Brian Pecore, as an employee for the Asturia Community Development District.

241 Following the motion, the Board and Staff discussed holiday lighting funds, volunteers, and
242 landscape lighting. Following the motion, Ms. Coppa spoke on holiday lighting funds and
243 landscape lighting. Discussion ensued regarding volunteers for putting up holiday lighting. Ms.

244 Gentry advised contacting Egis for a volunteer coverage quote and avoiding volunteers for projects
245 involving specialist skills such as projects with a large electrical component. Mr. Tietz suggested
246 working with the SEC for volunteers.

247 **EIGHTH ORDER OF BUSINESS – Action Items Summary**

248 Ms. Dobson indicated that the Action Items Summary would be emailed.

249 **NINTH ORDER OF BUSINESS – Next Month’s Agenda Items**

250 Ms. Dobson indicated that the Action Items Summary would be emailed.

251 **TENTH ORDER OF BUSINESS – Next Meeting Quorum Check: January 10th Workshop, 6:00 PM**

252 The Board and Staff discussed the upcoming meeting dates.

253 On a MOTION by Mr. Tietz, SECONDED by Ms. Coppa, WITH ALL IN FAVOR, the Board approved
254 moving the January 31st meeting to January 24th for the Asturia Community Development District.

255 Following the motion, Mr. Tietz made a motion to cancel the January Workshop Meeting.

256 On a MOTION by Mr. Tietz, SECONDED by Ms. Coppa, WITH ALL IN FAVOR, the Board approved
257 cancelling the January Workshop Meeting for the Asturia Community Development District.

258 **ELEVENTH ORDER OF BUSINESS – Adjournment**

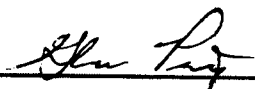
259 Ms. Dobson asked for final questions, comments, or corrections before requesting a motion to
260 adjourn the meeting. There being none, Mr. Tietz made a motion to adjourn the meeting.

261 On a MOTION by Mr. Tietz, SECONDED by Mr. Darius, WITH ALL IN FAVOR, the Board adjourned
262 the meeting at 10:23 p.m. for the Asturia Community Development District.


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

266 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed
267 meeting held on January 24, 2023.

268 
269 _____
Signature



Signature



Printed Name



Printed Name

270 Title: Secretary Assistant Secretary

Title: Chairman Vice Chairman