

## **MINUTES OF MEETING**

*Legends Bay Community Development District  
Board Meeting  
1651 Whitfield Avenue, Suite 200, Sarasota, FL 34243  
Tuesday, May 23, 2017 at 11:32 a.m.*

Present and constituting a quorum:

Connor Chambers	Board Member
John Wollard	Board Member
Margo Holeman	Board Member
Dan Dukanauskas	Board Member

Also present were:

Jill Burns	Fishkind & Associates	
John Toale	Resident	
Vivek Babbar	District Counsel	
Pete Logan	Medallion Homes	
Andy Cohen	Persson & Cohen	(via phone)
Joe Maclaren	Fishkind & Associates	(via phone)

### **FIRST ORDER OF BUSINESS**

#### **Business Matters**

#### **Call to Order**

This meeting was called to order at 11:32 a.m. and roll call was initiated. Quorum was established with the attendance of Board Members John Wollard, Connor Chambers, Dan Dukanauskas, and Margo Holeman. Others in attendance are listed above.

#### **Public Comment Period**

Ms. Burns explained that this is the portion of the agenda where any members of the public can speak on any of the items listed on the agenda. There is also an audience comment section at the end for any questions about things that are not found on the agenda.

Mr. Toale said that he would like to follow up on the minutes from the last meeting regarding the reimbursement of the Engineering and Legal expenses related to the

destruction of the conservation area. Mr. Logan said that the Developer will not be reimbursing the District for those expenses. Mr. Toale asked if there was a status of the restoration and Mr. Logan said that it is completed. Mr. Toale requested a follow up to his discussion last month to the proposed O & M Assessment Methodology. He said that the latest draft is worse than the one that was taken last month as far as the whole subdivision but particularly the occupied residents. He said that the occupied residents are footing the majority of the bill and the unoccupied lots are enjoying a great benefit because of that and added that everybody benefits by the common areas equally and there should not be that discrimination.

Ms. Burns thanked him for his comments.

**Consideration of the Minutes of  
the April 25, 2017 Board of  
Supervisors Meeting**

The Board reviewed the minutes from the April 25, 2017 Board of Supervisors meeting.

On MOTION by Ms. Holeman, seconded by Mr. Chambers, with all in favor, the Board approved the Minutes of the April 25, 2017 Board of Supervisors meeting.

**Consideration of Resolution 2017-  
06, Preliminary Assessment  
Resolution**

Ms. Burns noted that an update version of the resolution was circulated yesterday which included the methodology. Mr. Babbar, filling in for Mr. Vericker, stated that this resolution is preliminary assessment resolution in which the District is setting a high water mark with respect to the Operations & Maintenance (O&M). The companion resolution will set a public hearing to have public comments on the assessments. Mr. MacLaren said that Fishkind was asked to examine the allocation of the assessments that fund the District's Operations & Maintenance expenses and to propose any modifications that they felt might be warranted. The District's current budget is set at \$325,000.00 however he is estimating a decrease in those assessments down to the amount that are found in the budget and outlined in the memo. The current O & M Methodology allocates O & M assessments to all of the planned units for the District regardless of whether or not the lots are developed or a structure have been constructed on it. Fishkind is going to

recommend that the Board move to a more equitable allocation to consider whether or not a parcel has yet received its Certificate of Occupancy. He believes that the parcels that do not have a structure on them with a CO receive a smaller benefit from, and correspondingly have a smaller impact on the District's O & M expenditures. Fishkind recommends that the appropriate method for apportioning O & M expenses is to allocate certain fixed O & M budget costs to all parcels who benefit from those fixed activities and to allocate remaining variable O & M costs to all parcels that contain a structure that has been a subject of a CO. The ultimate goal of the proposed Assessment Methodology is that the units that have a CO, their assessment would be \$1,303.00 per unit and for the planned unit it would be \$291.00 per unit which is outlined in Table 5. Mr. MacLaren said that if the Board finds this preliminary assessment scheme approvable he will move ahead with mailing notice to all the District's property owners and he will be back to personally attend the Board meeting where this is finally considered by the Board.

On MOTION by Mr. Chambers, seconded by Mr. Wollard, with all in favor, the Board adopted Resolution 2017-06, Preliminary Assessment Resolution.

**Consideration of Resolution 2017-07, Setting Public Hearing on Imposing Special Assessments**

Ms. Burns suggested that the public hearing be set for August 22, 2017 at 11:30 a.m. at this location

On MOTION by Mr. Dukanauskas, seconded by Mr. Chambers, with all in favor, the Board approved Resolution 2017-07, Setting August 22, 2017 at 11:30 at this Location as the Public Hearing on Imposing Special Assessments.

**Consideration of Resolution 2017-08, Approving a Preliminary Budget for Fiscal Year 2018 and Setting a Public Hearing Date**

The Budget is attached as Exhibit A and it is the same budget as Mr. MacLaren just discussed in the O&M Assessment Methodology. Ms. Burns suggested setting the public hearing for August 22, 2017 at 11:30 a.m. at this location. Ms. Burns requested a motion to approve resolution 2017-08

On MOTION by Mr. Wollard, seconded by Mr. Chambers, with all in favor, the Board approved Resolution 2017-08, Approving a Preliminary Budget and setting the public hearing for August 22, 2017 at 11:30 a.m.

**Ratification of Payment  
Authorization No. 2017-PP &  
2017-01**

These have already been approved by the Chair and need ratified by the Board.

On MOTION by Mr. Wollard, seconded by Mr. Chambers, with all in favor, the Board approved Payment Authorization No. 2017-PP & 2017-01.

**SECOND ORDER OF BUSINESS**

**Other Business**

**Staff Reports**

**Attorney** – No Report

**Engineer** – Not Present

**Manager** – No Report

**THIRD ORDER OF BUSINESS**

**Audience Comments and  
Supervisors Requests**

Mr. Dukanauskas said that there was a request at a committee meeting asking if it was possible for DR Horton to come in and do a cleanup before they leave because there is construction material that has blown into the canal. Mr. Wollard will have them follow up. Mr. Dukanauskas said that there was another comment about doing something with the parkway for landscaping. Mr. Logan and Mr. Wollard met with a Landscape Architect last week and he has put together a proposal to redo the landscaping in front of the Subdivision including the round-about and some minor changes to the signage to freshen it up and make it look new. They received it on Friday and are in the process of reviewing the proposal. Mr. Dukanauskas said that Bloomings is picking up and things are improving.

**FOURTH ORDER OF BUSINESS**

**Adjournment**

There was no further business to discuss. Ms. Burns requested a motion to adjourn.

On MOTION by Ms. Holeman, seconded by Mr. Dukanauskas, with all in favor, the May 23, 2017 Board meeting of the Legends Bay CDD was adjourned.

  
Secretary/Assistant Secretary

  
Chairperson/Vice Chairperson