

MINUTES OF MEETING  
BANNON LAKES  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Bannon Lakes Community Development District was held on Monday, November 14, 2022 at 1:00 p.m. at the World Golf Village Renaissance Hotel, 500 S. Legacy Trail, St. Augustine, Florida.

Present and constituting a quorum were:

Art Lancaster	Chairman
John Dodson	Vice Chairman
Chris d'Aquin	Supervisor
Chris Hill	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Denise Powers	Amenity Manager
George Katsaras <i>by phone</i>	District Engineer

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 1:00 p.m. Four members of the Board were present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Oliver noted this was the publics opportunity to make comment on items that were on this agenda. He noted that they would also have public comment later in the meeting for any CDD matters that were on the agenda or not on the agenda. There being no public comments, the next item followed.

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**THIRD ORDER OF BUSINESS**

**Oath of Office for Newly Elected Supervisor (Landowners Meeting)**

Mr. Oliver swore in Mr. Chris Hill who was elected during the Landowners' election. Mr. Lancaster asked when the oath was given to Mr. John Dodson since he resigned and was appointed to another seat. Mr. Oliver didn't recall doing it. Mr. Lancaster noted that they did not do it at the meeting, and they were supposed to do it outside of the meeting. Mr. Oliver swore in Mr. John Dodson as well.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-01, Ratifying Actions of the Resetting of the Landowners' Meeting Date**

Mr. Oliver stated that Resolution 2023-01 was supposed to have had this Landowners' meeting at a previous date, but that date got moved. He noted that they were asking for the Board to ratify Resolution 2023-01.

On MOTION by Mr. Lancaster, seconded by Mr. Dodson, with all in favor, Resolution 2023-01, Actions of the Resetting of the Landowners' Meeting Date, was ratified.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-02, Canvassing and Certifying Results of the Landowners' Election**

Mr. Oliver stated that they did have an election at the Landowners' meeting last week. He noted that Mr. Chris Hill received 398 votes and Ms. Sandra Lovett received 83. He explained that Mr. Chris Hill has a four-year term, and this would be the last Landowners' election that would be held for this District. He further explained that all elections moving forward would be general elections and would be managed through the Supervisor elections for this current year beginning on November 22<sup>nd</sup>. He stated that they had two Board members that were filled by the Supervisors of election process. One is Mr. Chris d'Aquin, who retains his seat. They also elected Mr. Michael Sheldon. He noted that Mr. Sheldon was going to be at his office on November 22<sup>nd</sup> to be sworn in. Mr. Lancaster asked Mr. Oliver to explain why Mr. Sheldon was not present in this part of the meeting. Mr. Oliver responded that he could have been there for this meeting, but he said he was going to be out of town. He further explained that Florida statue required that no Supervisor elected

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through the general election process could be seated until at least 14 days after the general election because sometimes there were recounts.

On MOTION by Mr. d’Aquin, seconded by Mr. Dodson, with all in favor, Resolution 2023-02, Canvassing and Certifying Results of the Landowners’ Election, was approved.

*\*George Katsaras joined the meeting at this time.*

**SIXTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. August 3, 2022 Meeting**

**B. August 3, 2022 Audit Committee Meeting**

Mr. Oliver presented the meeting minutes from the regular August 3, 2022 Board of Supervisor’s meeting and the August 3, 2022 Audit Committee meeting and asked for any comments or corrections from the Board. There being none, he asked for a motion of approval

On MOTION by Mr. Lancaster, seconded by Mr. d’Aquin, with all in favor, the Minutes of the August 3, 2022 Board of Supervisor’s Meeting and the August 3, 2022 of the Audit Committee, were approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-03, Ratifying Actions of the Resetting of the Public Hearing to Adopt Rules Regarding a Towing Policy to February 1, 2023**

Mr. Oliver presented Resolution 2023-03 stating that they were supposed to have this public hearing at last week’s meeting, but because the meeting was postponed until today, they didn’t have the time to re-notice that, so they will hold this public hearing prior to the February meeting.

On MOTION by Mr. d’Aquin, seconded by Mr. Dodson, with all in favor, Resolution 2022-03, Ratifying Actions of the Resetting of the Public Hearing to Adopt Rules Regarding a Towing Policy to February 1, 2023, was approved.

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**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-04,  
Amending the Fiscal Year 2022 Budget**

Mr. Oliver noted that as they look at this resolution it discusses the capital reserve. He referred to the capital reserve on the far-left column of the adopted budget explaining that they had an adopted budget using \$15,000 for capital outlay, but they exceeded that amount in their actual capital outlay, so they had to increase that number. He explained that it was matching up the actuals with the budget. Mr. d’Aquin asked why they were doing this for this particular item when it seemed like they didn’t necessarily do that for all of the other budget items. Mr. Oliver responded that it was because the general fund budget had probably 40 different line items and if they were under it in one line item, they could move funds from that line item to a line item that was overbudget. He also noted that they had to have this budget amendment budget done by November 30<sup>th</sup> of each year so the auditors could have that as they begin their audit process. Mr. d’Aquin asked if the funds were coming out of the \$175,000 that was given to them. Mr. Oliver responded yes, it was in the revenue section that they only budgeted \$3,000 in transfers in, and they transferred in another \$175,000.

On MOTION by Mr. Lancaster, seconded by Mr. Hill with all in favor, Resolution 2022-04, Amending the Fiscal Year 2022 Budget., was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Fifth Amendment to the  
Pond Maintenance Services Agreement  
with Lake Doctors, Inc.**

Mr. Oliver stated that a copy of the proposal was in the agenda package as the coversheet, which was the amendment. He noted that this was the company that this District had been using for Lake maintenance. Ms. Powers added that part of the increases was that they had gone from 5 to 6 ponds. Mr. Dodson asked if it as consistent with the previous. Ms. Powers responded yes, just with the additional. Mr. d’Aquin asked if they had six ponds now. Ms. Powers respond yes, there was 6 that they were maintaining.

On MOTION by Mr. d’Aquin, seconded by Mr. Dodson, with all in favor, the Fifth Amendment to the Pond Maintenance Services Agreement with Lake Doctors, Inc., was approved.

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**TENTH ORDER OF BUSINESS**

**Consideration of Proposals for Security Cameras**

*This item was not discussed.*

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Proposals for Interior Painting**

Ms. Powers noted that the fitness center and the club house were in very poor shape. She explained that moving forward after this project was completed, the damage repair would come out of the resident’s deposit. She added that she had created a maintenance checklist where they would go through and do touch up painting, etc. She also stated that moving forward there would be more structure and accountability. She noted that with the proposals, Color Wave’s cost was way out of the park of local businesses in the area. She noted that she had worked with both Investment Painting and Ibis Painting in other District’s and they were both quality companies and did a very good job. She noted that Investment Painting was slightly cheaper than Ibis. Mr. Lancaster asked about the insurance requirements. Ms. Powers noted that both had everything that they need, such as limited labor warranty and using mainly Sherwin-Williams paint. She added that Investment Painting recommended Benjamin Moore paint because of the quality of the paint. Mr. Lancaster asked if she had a recommendation for the Board. Ms. Powers responded that she highly recommended Ibis because he did a high-quality job. She stated that she could go back to see if he would negotiate the proposal price down. She further explained that if they could approve the not to exceed, she could try to negotiate the price.

On MOTION by Mr. Dodson, seconded by Mr. Hill, with all in favor, Authorizing A Negotiation with Ibis Painting to Do the Interior Painting at the Amenity Center Not to Exceed \$5,000, was approved.

**TWELFTH ORDER OF BUSINESS**

**Ratification of Facility Management, Field Operations Maintenance Agreement with Riverside Management Services, Inc.**

Mr. Oliver stated that this was executed between meetings and the numbers were incorporated into the budget that they adopted this summer.

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On MOTION by Mr. d’Aquin, seconded by Mr. Hill, with all in favor, Facility Management, Field Operations Maintenance Agreement with Riverside Management Services, Inc., was ratified.

**THIRTEENTH ORDER OF BUSINESS**

**Ratification of Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for FY22 Audit Services**

Mr. Oliver noted that this was the audit firm that the Board selected through the RFP process. He explained that they budgeted \$7,500 this year and their price came in at \$3,725.

On MOTION by Mr. Lancaster, seconded by Mr. d’Aquin, with all in favor, the Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for FY22 Audit Services, was ratified.

**FOURTEENTH ORDER OF BUSINESS**

**Discussion Regarding the CDD’s Maintenance of Pond Banks that Adjoin a Resident’s Lot**

Mr. Haber stated that the CDD owned certain ponds and maintained the pond banks that were exposed to the main boulevard that ran through the CDD. He asked if they were CDD owned ponds where the pond banks were not maintained by the CDD. Ms. Powers responded that they were maintaining five of the banks. She noted that the only bank that they were not maintaining right now was the one that was directly in the preserve and that Pulte was currently maintaining that landscape and that they were just doing the water. She explained that with the other five ponds, they were handling both the water and the 10’ easement around the ponds. She explained that because every HOA outside of Bridge Bay had now had the enforcement within their covenants that owners were responsible down to the waters edge. She further explained that if they live on an HOA pond outside of Bridge Bay, they must maintain to their water’s edge. If they live on a CDD pond, they don’t have to. She stated that the streets that were split, half on a CDD pond and half on an HOA pond, was causing a lot of misunderstanding and unnecessary drama within the HOAs. She also noted that because of their rotation mowing the banks and maintaining the grass beds around the banks, they were getting violation letters that they needed to cut those back before they were in rotation to do that. She explained that they were trying to work with multiple HOA managers to stop issuing violations on CDD ponds and that it was a lot of work on everybody’s part. She stated that in general it didn’t affect all the other HOAs significantly outside of Bridge

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Bay because the owners did not do their own landscape. She further explained that they go through a landscape company so that all the homes would be maintained and they as HOA would incur additional cost by having to take over their pond banks. Mr. Dodson stated that when they established the original contracts on this, the intent was mainly to control the visual corridor up the boulevard. He further noted that was the improvement that the CDD put in place along with the amenity center and controlled that visual corridor around the amenity center and around Bannon Lakes boulevard. He explained that was how the original landscape maintenance contracts were done. He suggested that if they were on Pulte's Lake bank, then they needed to have an easement or Pulte could deed the ponds over because the CDD already had a responsibility to the drainage of them. He explained that it was just being legal in the standpoint of maintenance. He stated that it was as simple as getting a maintenance easement from Pulte, which would be the easiest because then it wouldn't involve a title, cost at closing, deed stamps, etc. He explained that they would need to get an easement by Pulte's HOA and an approval by this Board, which would give the CDD the authorized right to maintain that. The ponds are currently owned by Pulte. After further Board discussion, the CDD will review a quit claim deed to be prepared by Pulte, with the stipulation that all dead and dying trees on the pond banks (but not private lots) be replaced before the CDD accepts the properties for maintenance. It was noted that Mr. Hill would interface with Pulte legal.

#### **FIFTEENTH ORDER OF BUSINESS**

#### **Reinstallation of FPL Infrastructure**

Mr. Haber noted that prior to this meeting Mr. Oliver's office circulated some back up documentation for this. He explained that when the project was first being started, there was certain FPL infrastructure that needed to be removed to allow the CDD's contractors in to construct the master improvements. He further explained that infrastructure now needed to be replaced and as part of the overall project, the replacement of this infrastructure was part of his contemplation of the CDD project. There were three proposals: a proposal for a survey, a proposal for the insulation of conduit, and a proposal for FPL. He stated that all three of those totaled \$85,821. He noted that there was some concern that there may be some contingencies that arise as a result of this project and the recommendation was to add about 10% of that total project, which would then total \$94,403.80. He noted that these amounts would be paid for out of bond proceeds. He stated that what they were looking for from this action was ultimately an approval of that project for those

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three aspects of the project and delegating authority to the Chair to finalize each of those three agreements to get those contracts underway for the project. He noted that he would be happy to answer any questions.

On MOTION by Mr. d’Aquin, seconded by Mr. Hill, with all in favor, the Reinstallation of FPL Infrastructure Project and Delegating the Authority to the Chair to Enter into the Three Separate Agreements: Survey, Conduit, and FPL Not to Exceed \$94,403.80, was approved.

**SIXTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**SEVENTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Haber didn’t have anything else to report to the Board and offered to answer any questions.

**B. Engineer**

**1. Ratification of Series 2021 Requisition No. 41**

Mr. Katsaras noted that he was looking for ratification of Requisition No. 41 in the amount of \$1,193.91 and it was for Force main - Construction Administration services. The payee was ETM.

On MOTION by Mr. Lancaster, seconded by Mr. Hill, with all in favor, Series 2021 Requisitions No. 41, was ratified.

**2. Presentation of the Annual Engineer Report**

Mr. Oliver asked Mr. Katsaras if this was the other item. Mr. Katsaras responded yes. Mr. Oliver stated that this was required by the bond indenture to show that the District facilities were in working order, and it was concluded to be in working order.

On MOTION by Mr. Lancaster, seconded by Mr. Hill, with all in favor, the Annual Engineer Report, was approved.



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**C. District Manager**

Mr. Oliver stated that he had nothing to report. Mr. Lancaster asked if they had dates for the next meeting. Mr. Oliver responded that their next meeting was scheduled for February 1<sup>st</sup>, 2023, and there was a couple of public hearings that day. After Board discussion, they decided to change the date to February 8<sup>th</sup>, 2023, at 1:00 p.m.

**D. General Manager – Report**

*This item was not discussed.*

**EIGHTEENTH ORDER OF BUSINESS****Audience Comments**

A resident named Jim Fritz that lives on Bridge Bay at Bannon Lakes commented that there was a lot of noise coming from the road and it was getting worse every day. He suggested that the CDD and Pulte get together and put up a sound barrier fence. Mr. Oliver responded that he knew that this had been a previous discussion regarding a sound barrier. Mr. Lancaster noted that it would need to be purely a Bridge Bay HOA issue. He further explained that the CDD would not be involved there because the money and maintenance that the CDD employed was to the benefit of the whole community.

**NINETEENTH ORDER OF BUSINESS****Supervisor's Requests**

Mr. d'Aquin noted that he had question that a resident had asked about the trees along Duran Drive that went from Bannon Lakes Boulevard to the Seacrest Harbor neighborhood regarding concern about the maintenance. Ms. Powers noted that those were the ones that just got the Yellowstone treatment. Mr. Lancaster asked if they did the same treatment as the main boulevard. Ms. Powers responded yes that it took about 6 months to a year for that treatment to really see improvements. Mr. Lancaster noted that they had to go through a full flush, and it would probably be springtime to get the flush and then they should see an improvement. Ms. Powers noted that it had only been about 4 or 5 months since Yellowstone came in and finished all of that. It was mentioned that Ms. Powers had some more stuff that she wanted to do for February's meeting such as request for benches along Bannon Lakes Boulevard. She explained that these were resident requests, and a lot of these items were on hold until other projects were completed. Mr. Lancaster suggested to do a Capital Improvement Plan.

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**TWENTIETH ORDER OF BUSINESS                      Financial Reports**

**A. Balance Sheet and Statement of Revenues & Expenditures for the Period Ending September 30, 2022**

Mr. Oliver presented the unaudited financial through September 30<sup>th</sup>, 2022. He noted that the audit was getting underway now with the auditor that they selected through the RFP process. He explained that the balance sheet showed \$171,000 in the capital reserve fund. He stated that with the unaudited financials, the income statement showed a positive variance on their expenditure side of about \$26,000, so they operated within budget.

**B. Assessment Receipt Schedule**

Mr. Oliver reviewed the assessment receipt schedule and noted that the District was fully collected for FY 2022. He noted that the property tax bills went out earlier this month, so they would start receiving collections from the tax collector’s office later in this month.

**C. Approval of Check Register**

Mr. Oliver noted that the check register required Board approval.

On MOTION by Mr. d’Aquin, seconded by Mr. Lancaster, with all in favor, the Check Register, was approved.

**TWENTY-FIRST ORDER OF BUSINESS**

**Next Scheduled Meeting – February 1, 2022 @ 1:00 p.m. at the World Golf Renaissance Hotel, 500 S. Legacy Trail, St. Augustine, FL 32092**

Mr. Oliver stated the next scheduled regular meeting date would be February 1, 2023 at 1:00 p.m. at the World Golf Renaissance Hotel, 500 S. Legacy Trail, St. Augustine, FL 32092. He noted that this would be for the budget meeting.

**TWENTY-SECOND FIRST ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned.

On MOTION by Mr. d’Aquin, seconded by Mr. Lancaster, with all in favor, the Meeting was adjourned.

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*Jim Oliver*  
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Secretary / Assistant Secretary

DocuSigned by:  
*Art Lancaster*  
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Chairperson / Vice Chairperson