

**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 Wednesday, **February 15, 2023** 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
Chris d'Aquin	Vice Chairman
John Dodson	Supervisor
Chris Hill	Supervisor
Michael Sheldon <i>by phone</i>	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**

**Organizational Matters**

**A. Oath of Office for Newly Elected Supervisors**

Mr. Oliver noted that supervisors Chris d'Aquin and Michael Sheldon were elected after the general election, adding that Mr. Sheldon stopped by Mr. Oliver's office and was sworn in. He also noted that Mr. d'Aquin was appointed to the Board in 2020 and ran for election with no opposition. Mr. Oliver added that this was the first opportunity that he had to swear him into office.

Mr. Oliver swore Mr. d'Aquin and had him sign the required documents.

**B. Election of Officers, Resolution 2023-05**

Mr. Oliver asked for the Board to have an election of officers, noting that Mr. Lancaster had been serving as the Chair and Mr. Dodson as the Vice Chair. He also noted that he served as Secretary and Treasurer, and that the District Manager was in his office, as well as Darrin Mousing. He noted they could all sign documents on behalf of the District. Mr. d'Aquin asked that Mr. Lancaster continue as Chair and nominated himself as Vice Chair with the rest of the Board members serving as Assistant Supervisors.

On MOTION by Mr. d'Aquin, seconded by Mr. Lancaster, with all in favor, Resolution 2023-05 Election of Officers, was approved.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the November 14, 2022 Meeting**

Mr. Oliver presented the meeting minutes from the regular November 14, 2022 Board of Supervisor's meeting and asked for any comments or corrections from the Board. He noted that Mr. Dodson had called him the day prior with the requested revisions, and they had been corrected. Mr. Oliver asked for a motion of approval.

On MOTION by Mr. Lancaster, seconded by Mr. d'Aquin, with all in favor, the Minutes of the November 14, 2022 Board of Supervisor's Meeting, were approved as amended.

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**FIFTH ORDER OF BUSINESS**

**Acceptance of Minutes of the November 9, 2022 Landowners Meeting**

Mr. Oliver presented the meeting minutes from the regular November 9, 2022 Landowners meeting and asked for any comments or corrections from the Board. Mr. Oliver asked for a motion of approval.

On MOTION by Mr. Lancaster, seconded by Mr. Dodson, with all in favor, the Minutes of the November 9, 2022 Landowners Meeting, were approved as amended.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-06, Resetting the Public Hearing Date to Adopt Rules Regarding Overnight Parking and a Traffic Enforcement Towing Policy**

Mr. Oliver stated that the current meeting was supposed to be February 1<sup>st</sup> but that it had been moved to February 8<sup>th</sup> at the November meeting. He added that the meeting had to be moved again to February 15<sup>th</sup>, and that the current resolution was to reset the public hearing. He also noted that the Board would not take action on the policy until after the public hearing. He proposed that the public hearing be held at the meeting on May 3<sup>rd</sup>, 2023 at the same location.

On MOTION by Mr. Lancaster, seconded by Mr. Dodson, with all in favor, Resolution 2023-06, Resetting the Public Hearing Date to Adopt Rules Regarding Overnight Parking and a Traffic Enforcement Towing Policy for May 3, 2023, was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposals for Pool Umbrellas**

Ms. Powers noted that the CDD had six umbrellas around the pool deck that, due to normal wear-and-tear exposure, needed to be replaced. She noted that the first company, which is the most expensive, had replaced some umbrellas at some other communities in the area. She added that one of them purchased them about 4 years ago, and they were still in very good condition. She explained that that CDD was not looking to replace them for another few years because they maintain a good condition and were a type that used a pulley system to open and close. The second option was a commercial level umbrella. She noted that they do offer the crank type, which could

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be easier for residents, but added that they do inherently have more problems with breaking and issues over time. She stated that Tropitone actually will not—on a commercial site—warranty a crank option because of the wear-and-tear that typically happens in a commercial environment. She also stated that the third option was found on the internet, and they were cost effective. She noted that they were a pin-type, which was what the District currently had and wasn't efficient. She noted that it had also caused problems with pool furniture because then residents have to stand on a chair to reach to pin it. She suggested the first or second option would be the best. She stated the second company would also do a pin-type option, but the Tropitone are the ones that do the pulley system. She added that they were the most expensive, but she did verify with a neighboring community that they have held up well, and they were a community that purchased about 30 of them for their deck. She suggested they could try the second company and see how it would go.

Mr. d'Aquin agreed with Ms. Powers, noting that the current style was frustrating for him as well.

Mr. Lancaster asked what the warranty was between the first two, as well as what the fabric was on the umbrella.

Ms. Powers noted that Tropitone had a warranty on the finish and frame 3 years, and then fabric and hardware are 1 year, and then the second option is a 1-year only on everything. Tropitone is Sunbrella, and Horizon Casual is Wind Master.

Mr. Lancaster asked what budget the funds would be coming out of, and Mr. Oliver responded that it would be coming out of the capital reserve budget, adding that the total amount that was currently in it was \$144,000.

Ms. Powers also added that Tropitone would not remove the tax from its proposals, but that they would be removed from the invoice instead.

The Board decided to go with the Tropitone option. Mr. Oliver asked for a motion to approve.

<p>On MOTION by Mr. d'Aquin, seconded by Mr. Lancaster, with all in favor, the Proposal for Pool Umbrellas from Tropitone, was approved.</p>
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**EIGHTH ORDER OF BUSINESS**

**Discussion of Janitorial Contract**

Ms. Powers noted that janitorial services started at 1 day a week but had been increased to 2 days, which she added was sufficient through the last season. She also noted that there was increased usage in the facilities within the past year, therefore she wanted to increase cleaning services to 3 days a week effective April 1<sup>st</sup>.

Mr. Lancaster asked if the change would be seasonal, and Ms. Powers responded that she felt that it would be best to keep the 3 days a week year-round, with them bringing in the seasonal support on the weekends that would help to compensate for the additional janitorial and safety enforcement.

Mr. Lancaster also asked if the weekend janitorial was based upon events, and Ms. Powers explained that she compensated for janitorial in the cost regarding weekend events. She noted that in the summer on Saturdays and Sundays between Memorial weekend and Labor Day weekend, there would be an additional facility attendant onsite for 4 hours during the peak hours of the day from 12 to 4 or based upon weather or need. She added that their job was to provide customer service, check restrooms, sweep, mop, restock, check the fitness center and do policy enforcement while they're there.

She also clarified that the seasonal work with the additional facility attendants would be covered by an extra line item in the budget for seasonal support.

Mr. Oliver asked for a motion to approve.

On MOTION by Mr. d'Aquin, seconded by Mr. Lancaster, with all in favor, the Janitorial Contract, was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Proposals for Landscape Enhancements**

Ms. Powers presented the landscape enhancement proposals, starting off with one for \$604 for jasmine beds on the edges of the parking lot at the entrance. She also noted that there was another proposal for seeding behind the berm area that backed up to the Bridge Ray Homes that was not irrigated and was now filled with weeds. The proposal for that area was to seed with a moisture application at the start of Spring, as well as have weed removal.

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Mr. Sheldon asked if there would be a need for future irrigation, and Ms. Powers responded that if the grass would take hold after the moisture application, there was enough water and runoff in the area that would water it.

Mr. Dodson asked about 2 separate invoices that referenced 60 and 140 jasmine plants, and he asked what the 2 different numbers were. Ms. Powers (Is there more to this? If not, delete?)

Mr. Lancaster noted that he saw that there was approximately about \$10,000 worth of work for landscaping in the proposals and motioned to approve the proposals.

On MOTION by Mr. Lancaster, seconded by Mr. Dodson, with all in favor, the Proposals for Landscape Enhancements, were approved.

**TENTH ORDER OF BUSINESS**

**Ratification of Proposal with Bio Tech Consulting**

Mr. Oliver noted that the ratification was for a proposal with Bio Tech Consulting for services to inspect trees and come up with a plan while working with the water management District to remove trees from a protected area that were threatening the adjacent CDD.

**ELEVENTH ORDER OF BUSINESS**

**Ratification of Proposal with Yellowstone Landscape for Preserve Area Tree Removal**

Mr. Oliver stated the proposal with Yellowstone was to drop the above-mentioned trees and replace them with plants approved by the water management district. He noted that the District had permits that were issued from the water management district to the CDD, and they had to comply with those to maintain the permits. He stated that that the water management district contacted the CDD and notified them that there were trees in the area that were impacted by the permit, and therefore that they needed to be removed or dropped.

Mr. Oliver noted that they reached out to BioTech Consulting to assess the area and they gave the District a report in return. However, when the water management district reviewed the report, they responded that the trees did not only need to be dropped, but that the vegetation needed to be replanted. He added that the consultant worked with the water management district and the CDD was released from having to do any replanting.

He stated that if someone had a tree that was threatening their property, they had an obligation to report the tree. He added that, in this case, the residents of Parkland Preserve went

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straight to the water management district, and the CDD had been brought in after that. He also noted that the conservation area was a part of the CDD’s obligation under its permit.

Ms. Powers noted that all of the work had already been completed, adding that she has been staying in constant communication with the HOA and CDD manager from Parkland so that they were able to send out mass communications to their community. She noted that they had obtained permission from all of the residents along the line for Yellowstone to be able to enter their property to clean up all debris.

Mr. Lancaster asked what the total cost of the project was, and Mr. Oliver responded that it was \$1,330 for the two items.

Mr. Sweden asked if there had been any discussion or input from the Delaware Corporation, and Mr. Oliver responded that he did talk with a representative of the landowner, and they were willing to convey any conservation areas with a buffer area between 50 and 75 feet.

Mr. Sweden asked how the removal of the trees would affect wildlife potentially damaging resident properties, and Mr. Haber noted that the likelihood of a successful claim of someone who had property damage from wildlife was relatively low.

Mr. Oliver asked for a motion to approve.

On MOTION by Mr. Lancaster, seconded by Mr. Hill with Mr. Lancaster, Mr. Dodson, Mr. Hill, and Mr. d’Aquin in favor and Mr. Sheldon opposed, the Proposal with Bio Tech Consulting and the Proposal with Yellowstone Landscape for Preserve Area Tree Removal, were ratified 4-1.

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Haber stated that the legislative session would start soon in Tallahassee and that they were monitoring laws that may be passed affecting special districts. He noted that there was a bill that was trying to make ethics training for CDD Board members a requirement, adding that it had not passed in prior years. He also added that there was one regarding “Sovereign Immunity”, where he explained that there are monetary limits for a claim by a party that gets injured as a result of the

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CDD’s negligence. He added that the most recent version of the bill was looking to increase these limits of sovereign immunity for \$300,000 to \$500,000. He noted that the general liability insurance was approximately \$1,000,000, and that the impact that they could see affecting the CDD was that the insurance company could charge them a higher premium. He stated that he would keep the Board updated.

**B. Engineer – Work Authorization No. 3 General Consulting Engineering Services for 2022/2023**

Mr. Katsaras presented Work Authorization Number 3, noting that it was for Fiscal Year 2022-23. He added that he did not see the budget changing unless there was a particular project that needed more time.

Mr. Oliver asked for a motion to approve.

On MOTION by Mr. Lancaster, seconded by Mr. Hill, with all in favor, Work Authorization No. 3 General Consulting Engineering Services for 2022/2023, totaling \$4,000, was approved.
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**C. District Manager**

Mr. Oliver stated that they were starting the budget process, and that at the May 3<sup>rd</sup> meeting, they would present the proposed budget. He also noted that they were required by statute to approve a proposed budget by June 15<sup>th</sup> of each year.

**D. General Manager – Report**

Ms. Powers noted that everything was going well and that they were getting ready for Spring and had just had the sand filter replaced for the pool. She also added that the equipment had been repaired and caught up. She stated that there were new pumps for the chemical feeders to go along with the new filtration system. She also noted that the vendor that pulled out the sand filter accidentally hit the playground fence and were covering the cost. There was also a separate incident where a child hit the fence with their electric bike, and the District was going to try and fix it instead of replacing it.

She noted that she was able to get the 4 dog stations on sale, with the stations being “buy one, get one free” through the normal vendor. She stated that one was placed in the small dog park, one was added to the walking path around the Amenity Center and was still finding a place to put



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the remaining stations on Bannon Lakes Boulevard. She also added in a bike rack at the fitness center to help with the extra bikes laying around the area. She also added that she was meeting with Land Care during the next week to determine where the irrigation lines were to put the other bike rack up at the Amenity Center. She noted it would be closer to the pool and playground area so that people could see their bikes from the pool.

Mr. Lancaster asked if she remembered the cost for the rack, and Ms. Powers responded that she would get back to him with that number. She also added that they would be putting it in an area where there was mulch and grass, therefore they wouldn't need the expense of a concrete pad.

Ms. Powers also noted that there was a club policy in place for the clubhouse, but that as more people came into the community, they were looking for tennis clubs, pickleball club, and being able to secure the courts for specific times. She asked the Board if they would approve her allowing a club to be formed letting residents reserve the courts, adding that she would post notices at the courts.

Mr. Dodson noted that clubs have been something they were moving away from because as the community came to full buildout, the clubs take up all of the reservations.

Ms. Powers responded that she would get with the community and see what their wants were as far as clubs. She also stated that she wanted to be able to gain event sponsorship from local businesses and resident businesses to provide more for the community. She added that in exchange for the sponsorship, the CDD would advertise for those sponsor businesses.

Mr. Haber noted that the issue that he has seen at a different CDD was where there was a scoreboard and a number of companies that were interested in advertising on it. He added that the Board of Supervisors had concerns with what types of companies were putting their advertisement out, and there was an issue with freedom of press in a governmental setting. He suggested that they eliminate 18+ content such as alcohol or tobacco, and that they go over what restrictions there are before the Board approves.

Ms. Powers noted that what she would ultimately be looking for was event sponsorship and advertising for them as they were doing something to help the community. For example, she explained that if there was local business that wanted to come in and pay for the DJ at an event, she would advertise for them at the event as opposed to selling spots in the newsletter.

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Mr. Lancaster noted that he received a text back from Altis that said if Landcare took care of the repair or replacement of the pipe for the main irrigation, they would reimburse the CDD for the costs. Mr. Lancaster directed Ms. Powers to go ahead and have it taken care of.

*\*The following comments were transcribed verbatim as requested by the District Manager.*

Mr. Lancaster: I just want to thank Denise for your exceptional work for Bannon Lakes and everything that you do. I just want everybody to know that, in my seat, I see a lot, and I have to commend her for the communication efforts. I feel like she takes care of your amenity, she's looking at it through our eyes and what's best for the community. I just want you to commend everything you do, not only for the Board, but for the residents of Bannon Lakes.

#### **FOURTEENTH ORDER OF BUSINESS**

#### **Audience Comments**

One resident asked if the damage to the fence the week prior was taken care of, and Ms. Powers noted that they were taking care of it currently. He also noted his concern about underground gas tanks that were being built at the 7/11 near the CDD, and Mr. Lancaster noted that there are federal and state regulatory bodies that seek to make sure that if an incident did happen, the safety of the CDD would not be in jeopardy and would be cleaned up via new technology.

Another resident noted his concern regarding speeding at the entrance of the CDD and asked if the issue had been resolved. Ms. Powers responded and noted she reached out to St. John's County to find out when a traffic study could be done for the community. She added that until the reserve hit a certain point of completion and they were past some of the construction, they wouldn't do a reserve study until construction reached a certain level. When they reached that level, they could see what the cost would be to do a traffic study within the community.

Mr. Lancaster suggested that they contact the sheriff's office to set up a speed patrol to give out tickets to those speeding on Bannon Lakes Boulevard. Ms. Powers noted that the sheriff's office would most likely charge an hourly cost of \$55 an hour to sit there as well. The Board agreed to have Ms. Powers see if she could set up a not-to-exceed of \$550.

Another resident asked if they could put a stop sign there, and it was noted that they couldn't because of the regulations of the county.

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On MOTION by Mr. d'Aquin, seconded by Mr. Hill, with all in favor, the Speed Patrol with St. John's County Sheriff, with a Not-to-Exceed of \$550, was approved.

Discussion also ensued regarding finding out what the price would be to put a couple of benches along the main road, and it was decided that prices would be brought back to a later meeting.

Another resident asked how the HOAs could handle the influx of new residents and the pool being overcrowded, and Mr. Lancaster noted that after the last phase with the developer is completed, they would start the transition of a full-resident Board. He also added that there would be some reserve money left over, and the resident Board would decide how they want to appropriate the funds. He noted that the 5,000 square foot pool was built to be at the full capacity of all of the residents. He did add that if there ever ended up being an issue with overcrowding and they needed to increase capacity, it would be the responsibility of the CDD first. He noted that if the CDD did not have enough funds to cover that, they would have to ask for more money from the residents, but that the current pool was meant to accommodate the total number of people living at the CDD. She also raised concerns about the irrigation between her house and the house next door did not work because whenever a storm occurred, it overflowed. She was told that she would need to contact the HOA to have it fixed.

Another resident expressed his thoughts regarding the one-lane road on Bannon Lakes Boulevard, noting that it should have been made a 2-lane road. Mr. Lancaster noted that county and state roads fell under design criteria from FDOT when it came to trip analysis, and therefore they had no say in what the roadways looked like.

## **FIFTEENTH ORDER OF BUSINESS**

### **Supervisor's Requests**

Mr. d'Aquin noted that there was a question in the last meeting about Pulte and a quit claim deed between Bridge Bay and the CDD, and asked if there was any update to the situation. Mr. Hill noted that property appraiser's website was wrong and that the corrective deed should be updated by the county soon.

Mr. Sheldon asked, regarding the river water management district in its entirety, that staff review the probability for incorporating on all of the connected lakes that are part of the system

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under one single management. He noted that he had talked with the St. John’s group, and it was under their recommendation that it all be under one management system.

Mr. Haber responded that the CDD had the legal and right and ability to own the lakes within each neighborhood, and that it was not the way the CDD was planned or designed because the CDD was only supposed to own the master improvements and the recreation improvements. He also noted that it was not unheard of for CDDs to own neighborhood lakes, and it would be a matter of adjusting permits and determining how the allocation of the expenses for the maintenance of those lakes would be allocated on an assessment level based on budgets that were adopted.

The Chair decided that the discussion be tabled until further notice so that Mr. Sheldon could come back as a representative for the POA, rather than as a representative of the CDD, due to a conflict of interest as a member of both Boards.

**SIXTEENTH ORDER OF BUSINESS**

**Financial Reports**

**A. Balance Sheet and Statement of Revenues & Expenditures for the Period Ending December 31, 2022**

Mr. Oliver presented the unaudited financial through December 31<sup>st</sup>, 2022. He noted that these would be audited at the end of the Fiscal Year on September 30<sup>th</sup>.

**B. Assessment Receipt Schedule**

Mr. Oliver reviewed the assessment receipt schedule and noted that the District was 94% collected for FY 2022.

**C. Approval of Check Register**

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

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

**SEVENTEENTH ORDER OF BUSINESS**

**Shade Session Regarding Discussion of Security System and Security Plan (Envera Proposal) (Board and Staff only)**

*This item was tabled to a future meeting.*

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**EIGHTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – May 3, 2023  
@ 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 May 3, 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.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned.

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

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*Jim Oliver*  
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Secretary / Assistant Secretary

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*Art Lancaster*  
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Chairperson / Vice Chairperson