

MINUTES OF MEETING

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.

**THE GROVES
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of The Groves Community Development District was held on Tuesday, September 5, 2023, at 10:00 a.m., at The Groves Civic Center, located at 7924 Melogold Circle, Land O' Lakes, FL 33637.

Present and constituting a quorum:

Bill Boutin
Richard Loar
James Nearey
Christina Cunningham
Jimmy Allison

Board Supervisor, Chairman
Board Supervisor, Vice Chairman
Board Supervisor, Assistant Secretary
Board Supervisor, Assistant Secretary
Board Supervisor, Assistant Secretary

Also present were:

Gregory Cox
Michael Brodus
Stephen Brletic
Carmen Torres

District Manager, Rizzetta & Co, Inc.
District Counsel; Straley, Robin & Vericker
District Engineer, Stantec Consulting
Facilities Manager

Audience Members

Present

FIRST ORDER OF BUSINESS

Call to Order

The meeting was called to order at 6:30 p.m. and Mr. Cox verified that all Board members were present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present at the meeting joined in the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Audience Comments

The Board received audience comments on the following subjects: approval of the community garden expansion; vegetation in the waterway behind homes on Trovita Road; desire to know how CDD funds are invested; presentation of photos of signage that needs painting.

On motion from Mr. Loar, seconded by Ms. Cunningham, the Board unanimously approved to receive documents for The Groves CDD.

On motion from Mr. Boutin, seconded by Mr. Loar, the Board unanimously approved to receive more photos of signage that needs painting, for The Groves CDD.

The Board received additional comments regarding the need to retain the B9B Restaurant; a recommendation to have members of the community operate the restaurant; a second request to have pea gravel installed at the dog park; concern about a massive building scheduled to be built behind the Circle K; concern that someone in the community called the Health Department to inspect the B9B restaurant.

Mr. Boutin made an announcement that Rizzetta & Company had re-submitted a notice of contract termination for District and Amenity Services effective September 29, 2023. He discussed the need for District Counsel to prepare a Request for Qualifications for potential service providers. He also noted the need for a special meeting for the purpose of interviewing and possibly selecting a service provider.

Mr. Loar presented a motion that Ms. Cunningham serve as the District liaison to assist Mr. Babbar in the identification and vetting of potential service providers. The motion was seconded by Ms. Cunningham. The Board received audience comments regarding the motion to appoint Ms. Cunningham as the liaison. It was noted that Ms. Cunningham had already been communicating with potential service providers. Mr. Loar and Ms. Cunningham provided comments that it was unprofessional for Rizzetta to re-submit the 60-day contract termination notice.

On motion from Mr. Loar, seconded by Ms. Cunningham, the Board approved with a 3-2 vote, with Mr. Boutin and Mr. Allison voting no, for Ms. Cunningham to serve as Board liaison for the search and selection process for a District Services provider for The Groves CDD

The Board requested that staff set a Special Meeting date for August 29, 2023, at 10:00 a.m. for interviews and to plan for the selection for the September 5, 2023, regular meeting.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

The Board received a District Counsel update from Vivek Babbar. He informed the Board that he was still waiting for a response from the attorney for Dynamic Security regarding their claim.

B. District Engineer

The Board received a District Engineer update from Mr. Brletic. He and Mr. Cox provided information regarding the single bid received as a result of the

bridgework Request for Proposals (RFP). Mr. Cox noted that the single bid from Construction Management Services, LLC, was in the amount of \$548,720. The Board discussed the planned oversight of the construction project, the planned duration of the work, and the need to finalize the contract.

On motion from Mr. Boutin, seconded by Mr. Nearey, the Board unanimously approved the \$548,720 bid from Construction Management Services, LLC, for the bridge renovation work, for The Groves CDD.

C. Aquatics Report - Steadfast

The Board reviewed the aquatics report from Steadfast Environmental. Mr. Boutin noted that not all the sites were in the report and requested that staff inquire about that.

D. Operations Manager

The Board received a Clubhouse Manager update from Ms. Linen. Ms. Linen informed the Board that the current meeting would be her final day working with The Groves.

Mr. Boutin provided a summary of the meeting he had held with Yellowstone regarding the landscape work.

Mr. Boutin and Ms. Linnen reviewed the one audio equipment proposal that she had received from AV Specialists and explained more changes in the proposal were forthcoming. Mr. Loar suggested seeking the use of headsets, lapel microphones or something better than the current. Mr. Boutin inquired whether or not the HOA will split the costs. Mr. Boutin requested staff to forward the completed proposal to the HOA.

E. District Manager

The Board received a District Manager update from Mr. Cox. He reminded the Board that the next CDD meeting was scheduled for September 5, 2023, at 10:00 a.m.

Mr. Cox informed the Board that as of the end of July 2023, the financials reflected that the District was currently operating at \$8,318 under budget for O&M expenses and \$205,498 under budget for the Reserve Budget.

Mr. Cox provided a review of the on-going projects.

SIXTH ORDER OF BUSINESS

Business Items

A. Public Hearing on Fiscal Year 2023/2024 Final Budget and Assessments

On motion from Mr. Loar, seconded by Mr. Nearey, the Board unanimously approved to open the public hearing on the fiscal year 2023/2024 final budget and assessments, for The Groves CDD.

Mr. Cox provided a summary of the proposed budget and the resultant increase in the assessments for the residents and golf course.

The Board received comments from the audience regarding their interest in maintaining the community, but desire to keep the assessments level.

On motion from Mr. Loar, seconded by Mr. Nearey, the Board unanimously approved to close the public hearing on the fiscal year 2023/2024 final budget and assessments, for The Groves CDD.

On a motion from Mr. Boutin, seconded by Mr. Loar, the Board unanimously approved to adopt Resolution 2023-04, Adopting the Fiscal Year 2023-2024 Final Budget totaling \$1,744,781.40 exclusive of collection costs (\$1,279,540-General Fund, \$307,146-Reserve Fund, and \$158,095.70-Debt Service), for The Groves CDD.

On a motion from Mr. Loar, seconded by Mr. Boutin, the Board unanimously approved to adopt Resolution 2023-05, Levying O&M Assessments for Fiscal Year 2023-2024 and certifying the assessment roll, for The Groves CDD.

B. Discussion Regarding Yellowstone Landscaping

The Board discussed the current Yellowstone landscape contract and the process that would be required to create a single landscape contract for both the HOA and the CDD. Mr. Cox explained his opinion that it would serve both organizations better if there were two separate contracts with the same contractor versus a single contract. He also explained that because of the estimated amount of the CDD contract (under \$195K), there would be no requirement to go through the formal RFP process for selection by the CDD.

Mr. Boutin expressed his concerns regarding recent discussions held at an HOA meeting at which three CDD Supervisors expressed their respective opinions on this topic. He also expressed his concerns regarding the amount of turnover of HOA landscape contractors and the amount of due diligence required to evaluate any landscape contractor being considered.

Mr. Boutin discussed the need for a new detailed landscape contract and the possibility of the District Engineer producing it. He noted the need for the installation of hedges in an area near the front of the community where a large building is being planned in an area just outside the CDD boundaries.

Mr. Loar expressed his concerns about the current landscape contractor for the CDD and how the HOA has done a better job of enforcing their landscaper's completion of the contract requirements. Mr. Nearey expressed his concerns that a timeline of improvements by Yellowstone is needed. Mr. Boutin indicated that he will sit down with Yellowstone to create

a working plan. Ms. Cunningham expressed her thoughts that someone needs to hold Yellowstone accountable by looking at the work that they have claimed has been completed. She indicated that getting the management company situation stabilized is the priority.

C. Discussion of Maintenance Facility Landscape Dumping

Mr. Boutin described the status of the maintenance facility area where dumping has repeatedly occurred by various contractors as well as others. He described the need for a policy to prohibit all dumping and to clean up the area. Mr. Loar noted that both the CDD and HOA management will need to monitor the area. The Board concluded that the CDD and HOA management needs to coordinate the control of access to the area.

D. Discussion of Back 9 Bistro

1. Health Inspection

Mr. Cox described the results of a recent Health Inspection that was conducted of the B9B restaurant. He explained that the inspection results were included in the revised agenda.

Ms. Cunningham explained that she had nothing to do with the Health Inspector's inspection. Ms. Cunningham explained how she has been inspecting the kitchen area, taking pictures, and maintaining information. She explained numerous examples of issues that she had noted and explained to Ms. Tolley. She indicated that she had requested that District Counsel send Ms. Tolley a letter on these issues. Mr. Cox noted that the inspection report contained 27 warnings but no violations. He noted that some items were fixed on the spot.

Ms. Cunningham next discussed the status of the flooring and explained that it was to be repaired by a licensed contractor. Mr. Nearey agreed that the flooring must be repaired by a licensed and approved contractor and the current flooring was a temporary fix. Mr. Allison noted that the initial cost of the flooring installed by the CDD and B9B was shared and that any new flooring should also be shared in cost. Ms. Cunningham objected to that position. The meeting went through a series of unsolicited comments from audience members on a variety of B9B related topics.

Mr. Loar suggested hiring a "management company" to come in and run the restaurant. Ms. Cunningham, Mr. Nearey, and Mr. Loar all provided additional comments regarding the restaurant operations.

Mr. Vivek provided comments regarding the potential termination of the lease decision. He noted the difficult position of terminating the current lease without a plan to replace the vendor in hand. Mr. Boutin explained that any vendor that comes in to operate the restaurant must meet the requirement of having 51% food sales versus the alcohol sales revenue and how this may drive the menu and rates requirement.

Ms. Tolley, with B9B, provided comments to the Board regarding the walk-through inspection by Ms. Cunningham and how a Health Inspection soon followed because of a complaint from someone. She also explained how B9B was not responsible for replacing the flooring per the contract. She also explained that the dirty vents were the responsibility of the CDD per the Health Department Inspector. Mr. Babbar explained that the flooring responsibility was not mentioned in the contract, but it did mention that maintenance of the carpet was mentioned. He also noted that the topic was further made unclear since the CDD was a participant in the removal of the carpet flooring.

The Board made a motion to terminate the lease and took comments from the audience. Ms. Cunningham commented that she hoped the situation could be worked out, but it was difficult to work with the vendor. Mr. Nearey noted how difficult the vendor has been. Mr. Allison indicated that he did not support this action at this time. Mr. Loar indicated that he felt the CDD and the B9B should work together to fix the situation to include properly heated and properly cooked food. He noted the increase in attendance at the Moose Lodge across the street. Mr. Boutin suggested that someone other than Ms. Cunningham serve as the liaison to the restaurant for the Board. Mr. Allison volunteered to perform that service.

On a motion from Mr. Neary, seconded by Mr. Loar, the Board failed to approve giving B9B a 60-day lease termination notice, with a 1-4 vote, with Mr. Nearey voting yes, for The Groves CDD.

Mr. Boutin next asked Mr. Allison, upon return from his vacation, to meet with Ms. Tolley regarding the operation of the restaurant and provide a report back to the Board.

2. Proposed Letter on Use of Ballroom

Mr. Cox explained a recent issue with the use of the Ballroom where communication broke down between the staff, B9B and the Golf League, and the Ballroom ended up being double-booked for the B9B and the Golf League. After discussion, it was agreed that B9B and other users were required to coordinate with the staff to ensure any events were properly reserved.

E. Consideration of Resolution 2023-06; Setting the Meeting Schedule for Fiscal Year 2023/2024

The Board reviewed the presented meeting schedule for the CDD Board for the Fiscal Year 2023-2024 and made revisions.

On a motion by Mr. Loar, seconded by Mr. Nearey, the Board unanimously approved Resolution 2023-06, Setting the fiscal year 2023/2024 meeting schedule, as discussed, for The Groves CDD.

F. Consideration of Resolution 2023-07; Re-Designating Secretary

On a motion by Mr. Loar, seconded by Mr. Nearey, the Board unanimously approved Resolution 2023-07, naming Scott Brizendine as Secretary, for The Groves CDD.

G. Consideration of the Expansion of the District Community Garden
The Board considered a request to expand the District Community Garden and reviewed a \$4,062.34 cost estimate for the extension.

On a motion by Mr. Neary, seconded by Ms. Cunningham, the Board unanimously approved a not-to-exceed amount of \$4,500 to complete the community garden extension, for The Groves CDD.

H. Update on The Groves Pool
Mr. Cox explained to the Board that there was an issue with pool equipment that required immediate approval of an electrical repair by Alsone Electric for \$1,508.53 in order that the pool could reopen.

SEVENTH ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors Meeting held on
July 11, 2023**

On a motion Mr. Neary, seconded by Ms. Cunningham, the Board unanimously approved the Minutes of the July 11, 2023, Board of Supervisors' regular meeting, for The Groves CDD.

EIGHTH ORDER OF BUSINESS

**Consideration of Operation &
Maintenance Expenditures for
June 2023**

On a motion Mr. Loar, seconded by Mr. Neary, the Board unanimously approved to receive and file the Operation & Expenditures Report for June 2023 (\$130,259.19), for The Groves CDD.

NINTH ORDER OF BUSINESS

Supervisor Requests

Mr. Loar noted that it was important for Pool Works to identify the pool equipment needed early on to help ensure everything needed was on hand and to possibly save funds. Mr. Boutin suggested exploring obtaining a storage container.

Mr. Loar also provided information on the current investment strategy being used for the District.


Ms. Cunningham thanked Ms. Linnen for her work for the Community.

Mr. Boutin indicated he will have certificates for the volunteers of the July 4, 2023, event ready for the next meeting.


TENTH ORDER OF BUSINESS

Adjournment

On a motion from Mr. Loar, seconded by Mr. Neary, the Board unanimously approved to adjourn the meeting at 9:35 p.m., for The Groves CDD.



Secretary/Assistant Secretary



Chairman/Vice Chairman