

**MINUTES OF MEETING  
HIGHLAND MEADOWS WEST  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Highland Meadows West Community Development District was held on Thursday, **August 20, 2020** at 10:15 a.m. via Zoom Teleconference pursuant to Executive Order 20-69, issued by Governor DeSantis, as amended and supplemented.

Present and constituting a quorum:

|                  |                     |
|------------------|---------------------|
| Rennie Heath     | Chairman            |
| Lauren Schwenk   | Vice Chairman       |
| Andrew Rhinehart | Assistant Secretary |
| Patrick Marone   | Assistant Secretary |
| Keaton Alexander | Assistant Secretary |

Also, present were:

|               |                       |
|---------------|-----------------------|
| Jill Burns    | District Manager, GMS |
| Roy Van Wyk   | Hopping Green & Sams  |
| April Payeur  | Developer's Office    |
| Clayton Smith | GMS                   |

*The following is a summary of the discussions and actions taken at the August 20, 2020 Highland Meadows West Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order and stated that the five supervisors listed above were in attendance via Zoom, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being no members of the public present, the next item followed.

August 20, 2020

Highland Meadows West CDD

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the June 18, 2020 Meeting**

Ms. Burns presented the minutes of the June 18, 2020 Board of Supervisors meeting and asked for any comments, corrections to the minutes. The Board had no changes.

On MOTION by Mr. Rhinehart, seconded by Ms. Alexander, with all in favor, the Minutes of the June 18, 2020 Board Meeting, were approved.

**FOURTH ORDER OF BUSINESS**

**Public Hearings**

**A. Public Hearing on the Adoption of the Fiscal Year 2021 Budget**

Ms. Burns stated that the public hearing was listed in the paper, and she asked for a motion to open the public hearing.

On MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, Opening the Public Hearing, was approved.

Ms. Burns noted that no members of the public were present and asked for a motion to close the public hearing.

On MOTION by Mr. Rhinehart, seconded by Mr. Marone, with all in favor, Closing the Public Hearing, was approved.

**i. Consideration of Resolution 2020-16 Adoption of the District's Fiscal Year 2021 Budget and Appropriating Funds**

Ms. Burns stated that the budget was attached as Exhibit A, and that the total amount of the budget was \$344,860 contemplating the amounts paying into Davenport Road South for their share of the amenity. She added that the other items reflected the field items that were currently in place as well as some additional leases for the playground equipment.

Ms. Burns noted that they were showing a developer contribution of \$26,565 to the extent that it would be needed. She clarified that the big question was if they would be getting a true-up payment from Davenport Road South, adding that she wanted to make sure there were efficient funds in case there were additional funds for the amenity that were not sent along.

Ms. Schwenk wanted to clarification that the Developer Agreement is a placeholder to zero-out the budget, but if certain monies were not spent it would not be needed. Ms. Burns clarified that that was the case.

Ms. Schwenk also asked why there was a question as to why they would get the true-up payment from Davenport South, to which Ms. Burns responded that the way the agreement worked was that they would disclose their expenses and budget at the beginning of the fiscal year and bill the District for that portion. She explained that if they spend more than that at the end of the fiscal year, the CDD gets a true-up payment that is due to them for amenity expenses. She explained it was an unknown because it depended on if there was anything incurred that wasn't already in the budget, such as unforeseen repairs, etcetera. If one of these happened, Ms. Burns stated she thought it would be very likely that they would see additional amounts billed to them that wasn't already contemplated in the budget.

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| On MOTION by Ms. Schwenk seconded by Mr. Heath, with all in favor, Resolution 2020-16 Adoption of the District's Fiscal Year 2021 Budget and Appropriating Funds, was approved. |
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**ii. Consideration of Fiscal Year 2020/2021 Budget Deficit Funding Agreement**

Ms. Burns stated that the agreement would be to fund the amount that was outlined in the budget that they just discussed, should it become necessary. She added that the entity that the agreement was with was left blank, but that she had been discussing with Ms. Payeur which entity should be filled in. Ms. Payeur explained that Orchid Terrace Development Group still owned the 46 lots in Phase 3 and 2 lots in Phase 2, so she asked Ms. Burns if they would be considered the developer. Ms. Burns responded that if that was the only developer that owned lots that was not a contractor, then yes.

Mr. Heath interjected that that would make them the landowner. Ms. Payeur responded that they were developers, but since they were the only ones left, it made them the entity.

Ms. Schwenk asked if it was fair to conclude that because they hadn't closed on their lots yet, the District also had an agreement with Lennar to keep the assessment of a certain amount and not go over. She added that JMBI had already sold their lots, and that if the costs did go over, they couldn't put it back on the builder, so she asked if it would revert back to the original landowner.

Ms. Burns replied that if they were reducing assessments based on the agreement in place to keep it at \$750 it would be split between entities, so she was if they did need to draw on it, they could list 2 entities and split it based on the original owner ship amounts that they were using based on the lots that they did own.

Ms. Schwenk stated for this fiscal year should be split proportionate share between Orchid Terrace Development and Orchid Terrace group, and the Board agreed.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, Fiscal Year 2020/2021 Budget Deficit Funding Agreement, designating Orchid Terrace Group and Orchid Terrace Development as the entities, was approved. .

**B. Public Hearing on the Imposition of Operations and Maintenance Special Assessments**

Ms. Burns stated that the public hearing was advertised in the paper and sent to all landowners within the district. She asked for a motion to open the public hearing.

On MOTION by Ms. Schwenk, seconded Mr. Heath, with all in favor, Opening the Public Hearing, was approved.

Ms. Burns noted that no members of the public were present and asked for a motion to close the public hearing.

On MOTION by Mr. Rhinehart, seconded by Mr. Heath, with all in favor, Closing the Public Hearing, was approved.

**i. Consideration of Resolution 2020-17 Imposing Special Assessments and Certifying an Assessment Roll**

Ms. Burns stated that since it was the first year that they were holding an O&M Assessment for collection, it would levy the O&M amount in the budget at \$750 per platted lots that were listed, as well as the debt amounts that were previously levied under the three series of bonds. She asked for a motion to approve.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, Resolution 2020-17 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

**SIXTH ORDER OF BUSINESS**

**Acceptance of Fiscal Year 2019 Audit Report**

Ms. Burns stated that pages 27 and 28 were a summary and report to management that outlined the audit, adding that there were no findings, no instances of non-compliance, and it was a clean audit. She noted that it was submitted to the state prior to the June 30<sup>th</sup> deadline. She asked for a motion to approve.

On MOTION by Ms. Schwenk, seconded by Mr. Marone, with all in favor, the Fiscal Year 2019 Audit report, was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Arbitrage Rebate Report from AMTEC for Series 2019 Bonds**

Ms. Burns stated that the District was required under internal revenue code to determine that it doesn't earn more interest than it pays, and that the report verifies the negative arbitrage amount listed in the report. She asked for a motion to approve.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Arbitrage Rebate Report from AMTEC for Series 2019 Bonds, was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Arbitrage Rebate Report from AMTEC for Series 2020A Bonds**

Ms. Burns stated that the price for the proposal from AMTEC to do the Series 2020 bonds total \$450 per year, adding that it was the same amount that the district was paying on the 2019 Bonds. She asked for a motion to approve.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, Consideration of Arbitrage Rebate Report from AMTEC for Series 2020A Bonds, was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-18  
Designation of Regular Monthly Meeting  
Date, Time, and Location for Fiscal Year  
2021**

Ms. Burns stated the schedule in the package contemplated leaving the current schedule the same, which consisted meeting at 10:15 a.m. at the Cassidy office once they resumed in-person meetings. She asked if there were any change requests, and hearing none asked for a motion to approve.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, with all in favor, the Resolution 2020-18 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2021, was approved.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Van Wyk brought up that they were trying to get one item approved by the Board, that being a release of an easement and the approval of a new easement agreement. He explained that there was a need to vacate a utility easement over Lot 25 of Orchid Terrace in Phase 2, and added that they needed to obtain an easement across Lots 25 and 26. He stated that there were two separate documents he sent to Ms. Burns, one of those being a quit claim deed that would release the easement along the east side of Lot 25.

Mr. Rhinehart asked if it would impede the house going on that lot, and Mr. Van Wyk replied that it was requested by the builder. He asked for the Board to approve the quit claim deed.

On MOTION by Mr. Heath, seconded by Mr. Marone, with all in favor, with all in favor, Authorizing the Chairman to Sign the Quit Claim Deed, was approved.

Mr. Van Wyk also presented the easement agreement that would grant the easement over lots 25 and 26, the diagonal easement that would run from the front of lot 25 and 26, and to the end of lot 26.

Mr. Heath asked that a copy of the layout of the easement be provided as well, and Mr. Van Wyk said he thought Ms. Schwenk might already have it. Ms. Schwenk stated that exhibit did not have the layout in it, so Mr. Van Wyk said that he would provide it at a later time.

On MOTION by Mr. Heath, seconded by Mr. Marone, with all in favor, with all in favor, the New Easement Agreement over Lots 25 and 26, was approved.

**B. Engineer**

There being none, the next item followed.

**C. Field Manager's Report**

Mr. Smith stated that Highland Meadows West had some new properties coming in across the street. He added that he had proposals for those new properties, but had questions about some of the locations. Mr. Smith said that there was also a new sidewalk through the playground area, and that he would make sure that the areas were put back together when they were done. He also listed maintenance items that had been completed, including putting up fences and keeping on top of general maintenance items. He noted that there were issues with the irrigation, but that the contractor was working on getting those fixed.

**i. Consideration of Proposal from Prince & Sons, Inc. to Replace Trees**

Mr. Smith added that they lost some Crepe Myrtles at the front of the Patterson entrance but had a proposal to fix those.

Mr. Heath asked if there was a warranty on those, and Mr. Smith replied that it was an option, but that it would go through the installer. He noted that he had a quote for what the district's landscaper would do, but that he could get the installer contact to see if they could warranty them. Mr. Heath interjected that Danny Stewart did the landscaping along the wall. Ms. Burns asked for a motion to approve a tentative agreement with Prince, totaling \$550 to replace the Crepe Myrtles if they were not covered under warranty by Stewart.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, with all in favor, Approval of a Tentative Agreement with Prince for Landscaping Repairs, if not covered by Danny Stewart, was approved.

**ii. Consideration of Proposal from GMS to Repair Damaged Asphalt**

Mr. Smith stated that there had been damage from Spectrum on some areas of asphalt in a certain section by a construction trailer, and there was a request to have a proposal generated for it. He noted that after looking at it, he didn't think that it would have any significant future issues, but that there was always the option of patching the sections. He added that if they wanted, the panel of the road could be replaced as well, but he didn't know if the board wanted to proceed with the repairs because the road damage was not extremely significant from his review.

Mr. Heath asked what Mr. Smith was classifying as "road damage", to which Mr. Smith explained that Spectrum had put down their stabilizers and it had crunched some of the fresh asphalt about 1.5 inches deep, and noted that there were 4 spots.

Mr. Heath asked Mr. Smith to take a picture and show it to the Board at the next meeting.

Mr. Smith had a question for Ms. Burns about when Phases 2 and 3 would be ready for turnover because he already had a quote for Phase 2. He added that the landscaper had issues locating Phase 3, and when Mr. Smith had gone out there to assist, he was unable to locate it either.

Mr. Heath stated that Phase 3 was behind Phase 1 to the West.

Mr. Rhinehart added that it was the Northwest corner of Phase 1.

Mr. Smith understood, and stated he only had a proposal for Phase 2, but suggested that because Phase 3 was smaller than Phase 2, the Board could approve a not-to-exceed amount, or that it could just be added on later.

Mr. Heath asked that they just approve Phase 2 and come back at the next meeting for Phase 3.

Ms. Burns asked for a motion to approve the Phase 2.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, with all in favor, the Amendment to Prince Agreement for Phase 2, was approved.



**D. District Manager's Report**

**i. Approval of Check Register**

Ms. Burns stated the Check Register totaled \$32,114.59, and asked for a motion to approve.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Check Register, was approved.

**ii. Balance Sheet and Income Statement**

Ms. Burns stated the financials were in the packet for the Board's review and no action needed to be taken. With no questions from the Board, the next item followed.

**iii. Ratification of Funding Request Series 2020 A3-1**

Ms. Burns presented the Series 2020 A3 Funding Request, and asked for a motion to ratify.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Funding Request Series 2020 A3-1, was ratified.

**iv. Ratification of Requisitions**

**a. Summary of Series 2019 Requisitions #81 to #84**

Ms. Burns presented the Series 2019 Requisitions #81 to #84 and asked that they be ratified by the Board.

**b. Summary of Series 2020 AA2 Requisitions #42 to #54**

Ms. Burns presented the Series 2020 AA2 Requisitions #42 to #54 and asked that they be ratified by the Board.

**c. Summary of Series 2020 AA3 Requisitions #39 to #47**

Ms. Burns presented the Series 2020 AA3 Requisitions #39 to #47 and asked that they be ratified by the Board.

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On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Series 2019 Requisitions #81 to #84, Series 2020 AA2 Requisitions #42 to #54, and Series 2020 AA3 Requisitions, were ratified.

**v. Ratification of Kearney Change Order #10 for Orchid Terrace**

Ms. Burns stated that Kearney Change Order #10 for Orchid Terrace had already been approved but needed to be ratified by the board.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Kearney Change Order #10 for Orchid Terrace, was ratified.

**TENTH ORDER OF BUSINESS**

**Other Business**

There was no other business.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors Requests and Audience Comments**


There being none, the next item followed.

**TWELTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the meeting was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman