

**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, **December 15, 2022** at 10:01 a.m. at The Holiday Inn – Winter Haven, 200 Cypress Gardens Blvd., Winter Haven, Florida and by Zoom.

Present and constituting a quorum:

Bobbie Henley	Vice Chairman
Lindsey Roden	Assistant Secretary
Jessica Kowalski	Assistant Secretary
Jessica Petrucci	Assistant Secretary

Also, present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	KE Law Group
Molly Banfield <i>by Zoom</i>	Dewberry
Marshall Tindall	GMS

*The following is a summary of the discussions and actions taken at the December 15, 2022 Highland Meadows West Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Adams called the meeting to order and stated that four Supervisors attended the meeting, constituting a quorum. She noted that some of their Board members were in an incumbent position in a carry-over period due to some Board vacancies. Ms. Hammock noted that for the purposes of establishing a quorum today due to the results of the Landowners' election being that three seats were open for election and no votes were cast for any of the open seats, they were going to carry over for today's meeting to go ahead and get started in those positions as they were incumbent; however, there is an agenda item for appointment of individuals to fill those three seats and as they are filled, the new terms would be applied.

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**SECOND ORDER OF BUSINESS****Public Comment Period**

Ms. Adams noted that no members of the public were present.

**THIRD ORDER OF BUSINESS****Organizational Matters****A. Consideration of Resolution 2023-01 Canvassing and Certifying Results of the Landowners' Election**

Ms. Adams stated that they had a Landowners' election on November 17, 2022. She noted that as mentioned by District counsel, they did not have anyone attend the Landowners' election or cast votes. As a result, they had seat #1, seat #4, and seat #5 vacant with terms expiring in four years, four years, and two years. She noted that they needed a motion to approve Resolution 2023-01 and noted that the blanks would be filled in with a note that no votes were cast.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, Resolution 2023-01 Canvassing and Certifying Results of the Landowners' Election, was approved.

**B. Appointment of Individuals to Fulfill Vacant Seat No. 1, 4 and 5**

Ms. Adams noted that they had vacant seats for seat #1, seat #4, and seat #5. She stated that previously Mr. Daniel Arnette had been serving on seat #1, Ms. Bobbie Henley had been serving on seat #4, and Ms. Jessica Petrucci had been serving on seat #5.

On MOTION by Ms. Kowalski, seconded by Ms. Henley, with all in favor, Appointing Jessica Petrucci to seat #5 for four years, Danielle Arnette to seat #1 for two years, Bobbie Henley to seat #4 for four years, was approved.

Ms. Adams noted that for the new Board members that were present, they needed to administer an oath for the new terms and the term officially started on November 22, 2022. Ms. Adams administered the oath to Ms. Bobbie Henley and Ms. Jessica Petrucci. Ms. Hammock noted that because there were no votes cast and assignments were made of seats in a Landowners' election where three seats are up for election, the two highest receiving votes would get four-year terms and the lowest vote would get a two-year term. She noted that they needed to determine who would take the four-year terms and who would take the two-year term. Ms. Adams stated that those who were just elected were Mr. Daniel Arnette, Ms. Bobbie Henley, and Ms. Jessica

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Petrucci. The Board decided to have Ms. Bobbie Henley and Ms. Jessica Petrucci serve four-year terms and Mr. Daniel Arnette to serve the two-year term. Ms. Hammock also reminded the Board members of the laws and important legal information that applied to them as Supervisors. She noted that they needed to fill out the Form 1 within 30 days and send to the Supervisor of Elections.

**C. Consideration of Resolution 2023-02 Electing Officers**

Ms. Adams stated that each time they have an election or an appointment, they were required to reorganize as officers. She noted that previously Mr. Daniel Arnette served as Chairman, Ms. Bobbie Henley served as Vice Chairman, and the remaining Board members served as Assistant Secretaries, Ms. Jill Burns served as Secretary, Ms. Tricia Adam, herself, served as Assistant Secretary, Mr. George Flint served as Treasurer, and Ms. Katie Costa served as Assistant Treasurer. She explained that for any motion that the Board made, they would like to consider keeping the staff members who were serving as officers the same for the purposes of attesting the Chairman's signature, Vice Chairman's signature as well as for processing the District's accounts payable and financial records. The Board decided to keep all the officers the same.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, Resolution 2023-02 Electing Officers Keeping the Officers the Same as Previously Served, was approved.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the August 18, 2022 Board of Supervisors Meeting**

Ms. Adams asked for any questions, comments, or corrections on the August 18, 2022 Board of Supervisors meeting minutes. There being none, she asked for a motion of approval.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the Minutes of the August 18, 2022 Board of Supervisors Meetings, were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Audit Engagement Letter – Carr, Riggs & Ingram**

Ms. Adams stated that the District was required to have an independent audit each fiscal year and this would be for the District's financial records that was ending September 30, 2022. She noted that the District had entered into a Multi-Year Audit Engagement Agreement with Carr,

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Riggs & Ingram. As a result, they bring forward an audit engagement letter each year. She added that the terms were consistent with the agreement as well as with the budgeted amount for Fiscal Year 2023. She noted that on page 28 of the agenda package it showed that the fee would be \$6,000 for Fiscal Year 2022 audit. She explained that because this was required by the State of Florida to be filed by June 30<sup>th</sup> of each year, they liked to move forward as early as possible in the fiscal year. Ms. Hammock requested that any approval be in substantial form. She explained that the governing law was the State of Alabama as a special unit of government in the State of Florida by Florida Law. She further explained that the District had to be governed by Florida Law. She also noted that there were some tweaks to their Limitation of Liability verbiage.

On MOTION by Ms. Petrucci, seconded by Ms. Roden, with all in favor, the Audit Engagement Letter with Carr, Riggs & Ingram, was approved in substantial form.

**SIXTH ORDER OF BUSINESS****Consideration of Contract Agreement with Polk County Property Appraiser**

Ms. Adams stated that they used the Polk County tax bill to collect the CDD fees and in order to engage in that, Polk County Property Appraiser charged a fee to do that. She also noted that there were certain deadlines that were required in order to provide the tax roll information on behalf of the District to the Polk County team. She explained that this was an agreement for the upcoming year and would be for their Fiscal Year 2024 budget for the tax bills that would go out a little less than a year from now. She further explained that this was something typically engaged in annually, so they see this agreement each year and staff recommended approval.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, the Contract Agreement with Polk County Property Appraiser, was approved.

**SEVENTH ORDER OF BUSINESS****Consideration of 2023 Data Sharing and Usage Agreement with Polk County Property Appraiser**

Ms. Adams stated that this was also with the Polk County Property Appraiser and was an Annual Data Sharing and Usage Agreement. She explained that the Florida Public Records Law

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required that records were generally available to the public upon request. She noted that there were certain exemptions to that for certain classifications of employees where they would request that their records be kept exempt from the public record. She stated that this agreement with Polk County was saying that anything that they were keeping exempt, the CDD would also keep that exempt. She noted that Polk County made it very easy on the District management team because they redact that information before they provide their records, but that they were agreeing that they would hold the same records private that they held private.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the 2023 Data Sharing and Usage Agreement with Polk County Property Appraiser, was approved.

**EIGHTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

Ms. Hammock had nothing further to report.

**B. Engineer**

Ms. Banfield had nothing to report.

**C. Field Manager's Report**

Mr. Tindall reviewed the field management report starting with the storm review. He noted that the main damage was to the vinyl perimeter fence. He also noted that some street signs were lost, bent, or pushed over. He explained that any signs that they found were replaced or fixed as able. He stated that the landscaping work was satisfactory, and the vendors had kept the property neat and tidy. He noted some tampering of the irrigation valve near the entrances, and they were monitoring this. He stated that the approved sod was installed by Stewart and had done well. He explained that the main item right now that was in progress was the fence repairs. He further explained that the fence repairs were being done in stages. The initial stage was completed. The second stage was to reset and replace the damaged parts and was being coordinated. He noted that there were some delays in contractors and materials. He stated that the repairs should be going on from now through the end of January at the latest. He discussed a couple of the site items starting with the gate access. He noted that this gate access was on a lot in Tract 1 and the way the retaining

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wall and fence were, they didn't have an appropriate access point. He noted that if the Board was interested, he could get a proposal together to get formal access to the restricted tract.

**i. Consideration of Proposal for Mulch Refresh – Prince & Sons**

Mr. Tindall reviewed the proposal for the mulch around the community. He stated that they did not do it last year. Ms. Adams noted that there was \$18,000 in the landscaping replacement. The proposal is for \$9,880 to touch up all the common area and amenity center.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the Proposal for Mulch Refresh – Prince & Sons, was approved.

**ii. Consideration of Proposal for Mailbox Trash Cans**

Mr. Tindall discussed the mailbox garbage cans noting that there was litter around the mailboxes. He stated that they had a proposal for one garbage can and emptying services three days a week. He stated that for the garbage can, delivery, and installation at the site would be \$1,181.98. He noted that the landscaper would be willing to empty the garbage can once a week without changing any kind of service fees to the contract. He stated that in their experience with anything that was around mailboxes because of the high volume of traffic, it was recommended that they empty three times a week. He stated that the annual for three times a week was \$600 or \$50 a month. Ms. Adams noted that they had \$7,500 in contingency and they also had \$10,000 in general repairs and maintenance. She stated that she thought that they would be ok if they put the fencing under general repairs and maintenance and use the contingency for the new acquisition.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, the Proposal for Mailbox Trash Cans, was approved.

Mr. Tindall asked to include the service contract in the motion. Ms. Adams asked Ms. Roden if she would like to amend the motion to include the service contract. Ms. Roden agreed to amend the motion.

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On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, the Proposal for Mailbox Trash Cans and the Service Contract Three Times a Week for \$600 Annually, was approved.
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**D. District Manager's Report**

Ms. Adams noted that they had some recent communication with the city regarding the maintenance of certain landscape areas. She explained that District counsel had been helping with this matter. Ms. Hammock further explained that yesterday there was a hearing for the Special Magistrate for the city, which she attended. She explained that there was a certain number of areas in the common area right of way where trees were installed, and they had since died. She stated that area was technically public right of way but was still maintained by the residents or the HOA. She explained that there was no consistent or clear communication from the HOA to the resident, which as a result they were waiting on Magistrate to give them their ruling. She stated that for Highland Meadows West there was different declaration language than the other two Districts that they were there for, and it may come to pass that the District ends up having to facilitate the tree replacements, but that is always if they can make the residents aware of their requirement to reimburse the District. Ms. Henley asked if there was a fee for the Magistrate hearing yesterday. Ms. Hammock responded that it was \$35, but they did not charge them for that yet because they said they would wait for the final ruling. She also noted that they had until March 14<sup>th</sup> to remedy the locations working in conjunction with the District Staff, HOA, and the Officer with the city. Ms. Adams noted that the city had ordinances and because they were within city limits, they were required to comply with those ordinances and to make sure the landscape design plan is in compliance with those ordinances also. She explained that this was for vegetation that had declined. She noted that there was no specific agreement with the city regarding the maintenance of these, but there were official plat records and within the community the HOA has their own governing documents. She noted that in an ideal situation, that language helped to explain and remind the residential property owner that they were responsible to maintain that vegetation. Ms. Henley asked if they were responsible for the tree replacement, what was going to stop the trees from dying again. Ms. Adams responded that was a good question and she asked Mr. Tindall if he had any comments as it related to why the trees had failed to thrive in that area. Mr. Tindall noted that landscaping was by the individual property owners, and it was at their discretion. Ms. Hammock noted that it may be worth exploring the option of not reinstalling trees and just doing

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sod so that there is no repeating issue going forward, but they would still need to work with the city to see if that would even be a possibility. She noted that they had until March 14 before they would necessarily need to go back to the Special Magistrate. If everything is resolved by March 14, 2023, then they are all set. Ms. Adams asked if there were any more questions regarding the landscape maintenance around the property. Hearing none, the next item followed.

**i. Approval of Check Register**

Ms. Adams stated the check register was included in the agenda for review. The total is \$27,658.95 from November 8, 2022 through December 7, 2022.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the Check Register, was approved.

**ii. Balance Sheet and Income Statement**

Ms. Adams stated the financials were included in the agenda package for the Board's review through October 31<sup>st</sup> and no action needed to be taken. She noted that overall, the District was doing a great job controlling expenses. She also noted that they had a transfer-out to their capital reserve of \$50,000 scheduled. She asked for any questions on the District's financial balance sheet and income statement. Hearing none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Supervisors Requests and Audience Comments**

There being no members of the public attending via Zoom nor attending in person, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, the meeting was adjourned.



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Tricia Adams

Secretary/Assistant Secretary

Bodhi Healy

Chairman/Vice Chairman