

**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, **February 16, 2023** at 10:00 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	KVW Law
Molly Banfield <i>by Zoom</i>	Dewberry
Marshall Tindall	GMS

The following is a summary of the discussions and actions taken at the February 16, 2023 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.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams stated that this was an opportunity for any members of the public to make a statement to the Board of Supervisors. Ms. Elinor Nelson (1435 Lassen Street, Haines City) noted her concern for the trees in the subdivision because some of the residents were getting notices that they had so many days to remove the trees and if not, they would be fined \$100 a day thereafter.

February 16, 2023

Highland Meadows West CDD

She explained that she didn't get a notice, but she wanted to replace the tree and she wanted to make sure that she put the right tree in. She asked if everyone had to be consistent with the same type of tree. Ms. Adams responded that they had this exact matter that she brought to the Board's attention on the agenda, and they would be discussing that in detail today. She also noted that if Ms. Nelson had any questions or concerns after this item was reviewed by the Board, she would connect her with their field operations manager who could provide more assistance with her note of concern. Ms. Elinor Nelson also noted concern for the timing of the meetings because most residents work during the meeting times.

THIRD ORDER OF BUSINESS**Approval of Minutes of the December 12, 2022 Board of Supervisors Meeting**

Ms. Adams asked for any questions, comments, or corrections on the December 12, 2022 Board of Supervisors meeting minutes. There being none, she asked for a motion of approval.

On MOTION by Ms. Kowalski, seconded by Ms. Roden, with all in favor, the Minutes of the December 12, 2022 Board of Supervisors Meetings, were approved.

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

Ms. Hammock noted that Haines City was not going to come out and inspect until March 14. She also noted that her firm had rebranded to Kilinski | Van Wyk PLLC. She explained that she would have updated business cards to give them soon.

B. Engineer

Ms. Banfield joined via Zoom but had audio issues and was not able to present the engineer's report.

C. Field Manager's Report

Mr. Tindall reviewed the field management report starting with the completed items. He stated that the landscape overall was good. Prince & Sons maintained everything well. The grass mowing was consistent, and the planters were kept neat and clean. He noted that they were monitoring some new areas that had been irrigated recently for city requirements. He also noted

February 16, 2023

Highland Meadows West CDD

that there were typos on some street signs in Phase 2, which were corrected. He discussed one of the in-progress items, which was the hurricane repairs and cleanup. He noted that the fence repairs were substantially complete, they were finishing off some minor punch list items, mailbox lights were straightened after the storms, and they resecured the playground shade structures because the screws had broken off during the storms, but nothing came loose or was damaged beyond that. He noted that they were planning for street sign straightening. He reviewed the upcoming items which included the mulch proposal from Prince & Sons to touch up all the amenity areas. Ms. Adams clarified that had been approved in December and was in process.

i. Consideration of Proposal to Replace & Maintain Trees – Prince & Sons

Ms. Adams noted a situation with Haines City where there was some District right-of-way that was owned by the District and there were some homeowner governing documents that assign responsibilities for maintenance of this area to the abutting residential property owner. She explained that this area was sometimes referred to as a landscape verge and was between the actual roadway and the residential lot. She further explained that it was the little landscaped area that typically contained a little bit of sod, tree, and mulch. She stated that there were trees planted in accordance with Haines City codes as part of the planning for this development. Some of those trees have failed to thrive and for some reason Haines City did an inspection of the property. They went through and noted areas that were not in compliance with Haines City landscaping codes and as the property owner, they notified the District. She added that they had been in communication with Haines City code compliance officers letting them know that the maintenance responsibility was assigned to the residential property owner/HOA, who enforces those governing documents. She further explained that they had taken the position that they didn't have a mechanism to fine the responsible party and they only had mechanisms and procedures in place to cite and fine the property owner, which was the CDD. She noted that they had been in earnest communication with the Homeowner's Association who sent letters notifying the properties that they were out of compliance with Haines City codes. She stated that the District themselves have also sent letters. She noted that there was a special Magistrate hearing back in December and the District counsel attended the hearing.

Ms. Adams explained that the irrigation for this area was paid for and maintained by the residential property owner, so they did not have the right to go on to their lot and manage their

February 16, 2023

Highland Meadows West CDD

irrigation or turn on the irrigation. She noted that this was an issue for short-term and long-term concerns depending on the continued stance that Haines City decided to take. She explained that the content that the residential property owners received was a notification that Haines City could impose a fine of up to \$100 per day if it was not corrected by a certain date. She further explained that they sent out letters in December and in January giving residents until February 15 to correct the situation. Mr. Tindall inspected the property yesterday and there were still some areas that were not in compliance with Haines City code. Ms. Adams referred to page 25 of the agenda package for review of the properties that were cited by Haines City and the ones in red were not in compliance as of a couple of weeks ago.

Ms. Adams stated that Prince & Sons provided a proposal to correct the situation and were correcting it on a per piece basis, so each oak tree unit cost was \$300. She presented the proposal which included the oak trees, gator bags since they could not control the irrigation, and mulch to finish off the area. She also presented a separate proposal for the weekly cost of watering. She explained that they had been in communication with the HOA management team, and they were getting confirmation that the HOA would be very collaborative. They internally discussed an internal collection demand letter that would be co-signed by the District as well as the HOA to include the cost for these. She stated that the District had until March 14th to correct the situation before the city would go back and inspect. She explained that she would confer with the District counsel if they suggested one last strongly worded letter from the attorney.

Ms. Hammock stated that if they did approve the proposal to replace the trees today, any trees that were installed and any cost that the District incurs, they could direct herself and staff to send a legal letter requesting repayment and they would send the exact cost that the District incurred per lot. It would not be just one letter to everyone, it would be specific. She noted that she had success with this method in the past at other Districts to recoup cost. She also noted a payment plan could also be helpful. The Board agreed to a certified letter and suggestion of payment plan.

Ms. Adams explained that there were two proposals that they would be approving, and they could approve them both with one motion. There was the proposal to actually install the tree along with the gator bag and mulch. Then, there was the proposal to water the trees for 8 weeks until the rainy season starts which was \$560 weekly and the total amount with 8 trees would be \$4,480 because, again, they couldn't go on the residential lot and control their irrigation. It was asked if they were going to charge the residents. Ms. Adams responded yes. It was asked if they could get

February 16, 2023

Highland Meadows West CDD

different trees. Ms. Adams responded that Haines City code enforcement officer provided the actual city code and she provided this to the field management staff. Mr. Tindall responded that from his discussion with the code enforcement officer, it was essentially to replace trees like with like with the trees that were currently there, which were live oaks. He explained that the officer was not clear on if other trees would be acceptable, but other trees were installed, and he has not had an issue with them currently. He noted that his impression was that if it was green and it was a tree in front of the yard, it was acceptable. Ms. Adams reached out to the enforcement officer yesterday after she received Mr. Tindall's field report, and he was not willing to do a site inspection because he was waiting for the final inspection. They were hoping to schedule a group call with field services and herself to go through the list with Haines City code compliance and get their unofficial opinion on the acceptability of some of the actions that residents have taken. Mr. Tindall clarified that the only thing provided on the list were trees that were not to be planted. Ms. Adams suggested that the Board could consider delegating authority to the Vice Chairman, Ms. Henley, to do a final approval and then bring back the final cost to the next Board meeting for ratification.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the Proposal to Replace & Maintain Trees – Prince & Sons, was approved.
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ii. Consideration of Mail Trash Removal Proposal with CSS

Mr. Tindall apologized to the Board because the previously approved proposal from CSS for the mailbox trash can was incorrect. He explained that he took down the wrong information and presented it to the Board last time. He noted the correction to be \$100 per month for three times a week empties, not \$50 per month for three times a week empties. He stated that they had checked with other companies and the \$100 per month was still a good rate. He stated that their recommendation would be to do the \$100 per month. Ms. Adams stated that this proposal included the trash and pet stations service three times a week, mail trash removal three times a week, and dispenser bags provided as needed. She noted that the dispenser bags would be billed separately from the service agreement. She explained to Board members that any action they take on this matter today would be implicit of District counsel preparing an agreement in favor of the District that would cover all of the insurance requirements, the indemnification for the District, compliance

February 16, 2023

Highland Meadows West CDD

with important statutes such as E-Verify and any other protections that were deemed necessary for the District.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the Mail Trash Removal Proposal with CSS, was approved.

D. District Manager’s Report

i. Approval of Check Register

Ms. Adams stated that the check register was included in the agenda for review. The total is \$26,548.60 from December 6, 2022 through February 5, 2023.

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

ii. Balance Sheet and Income Statement

Ms. Adams reviewed the financials which were included in the agenda package for the Board’s review through December 31st. No action needed to be taken.

FIFTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

SIXTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being none, the next item followed.

SEVENTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned.

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

Tricia Adams
Secretary/Assistant Secretary

Daniel Arnette
Chairman/Vice Chairman