

**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, **March 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:

Daniel Arnette	Chairman
Bobbie Henley	Vice Chair
Jessica Kowalski	Assistant Secretary
Jessica Petrucci	Assistant Secretary

Also, present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, KVV Law
Molly Banfield <i>joined late</i>	District Engineer
Marshall Tindall	Field Services Manager, GMS

The following is a summary of the discussions and actions taken at the March 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 Board members were in attendance, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams noted that no members of the public were present nor were any members attending on Zoom to provide comments.

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THIRD ORDER OF BUSINESS

Approval of Minutes of the February 16, 2023 Board of Supervisors Meeting

Ms. Adams asked for any corrections on the February 16, 2023 Board of Supervisors meeting minutes. The Board had no changes to the minutes.

On MOTION by Ms. Petrucci, seconded by Ms. Henley, with all in favor, the Minutes of the February 16, 2023 Board of Supervisors Meetings, were approved.

FOURTH ORDER OF BUSINESS

Consideration of Revised Amenity Policies to Include Playground Facilities

Ms. Adams stated in the course of recent review of the amenity policies it was realized that the playground facilities were not included. She noted a section of amenity policies from District counsel related to playground facilities were received and inserted into these policies. She noted the revised amenity policies start on page 12 and there is reciprocity for Highland Meadows West as well as Davenport Road South CDD, whose residents share amenity facilities. The playground policies are included on page 23 of the agenda or page 12 of the amenity policies. She noted these policies have been reviewed previously by the District's insurance provider. The Board has the ability to amend the policies at any dually noticed public meeting such as today's meeting. She stated the fees cannot be changed without having a rule hearing which does require the 28 and 29-day notice but amending facility policies can happen, upon motion and approval by the Board, during a regularly scheduled Board meeting. She recommended the Board approve the playground policies with the inclusion of the overall amenity policies and then will be presented to the other community that has reciprocity and update the website, notify residents, etc. Ms. Adams asked for any questions or comments.

On MOTION by Mr. Arnette, seconded by Ms. Petrucci, with all in favor, the Revised Amenity Policies to Include Playground Facilities, was approved.

FIFTH ORDER OF BUSINESS

Update on Status of Haines City Landscape Code Compliance Matters

Ms. Adams asked if all Board members recall presentations where District staff have identified what the issues were and plans to resolve the issue. She stated in the fall of 2022, the

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District was contacted by a code compliance officer for Haines City. He reached out because the city has landscape maintenance codes requiring certain vegetation be installed and maintained within the rights-of-way in residential neighborhoods. She stated code compliance officers were performing an audit of the community and identified parcels where there were dead trees located in the vegetative verge area between the residential property lot and the street, which is considered part of the right-of-way owned by the District.

Ms. Adams noted the homeowner's association has adopted covenants that assert the responsibility to maintain the right-of-way area lies with the abutting property owner. She stated that based on the covenants, the HOA should be inspecting and enforcing these maintenance requirements and ensuring that residential properties are in compliance. The irrigation for these areas is also tied to the residential irrigation which is controlled on the private property lot. She stated that District staff and counsel had been in communication with homeowner's association and that communication escalated to directly contacting the residents because the HOA was not enforcing the maintenance requirements in the covenants. She noted the reason communications escalated to direct contact with the resident was due to the fact that Haines City called for a special magistrate hearing because of the properties being out of compliance and that the special magistrate hearing was attended by District Counsel in December 2022. She noted the District provided documentation showing that maintenance responsibility for the identified properties lies with the adjacent property owners and noted at the special magistrate hearing that it was the responsibility of the HOA to oversee these areas. She stated that while the special magistrate for Haines City understood the maintenance obligations lie with the respective homeowners and agreed with the documents, the special magistrate asserted that the city does not have any mechanism to enforce code requirements on the party responsible for maintenance and only has a mechanism to penalize the property owner, so the District received an administrative fine, which was less than \$50. The special magistrate further ruled if the matter was not completely corrected by March 14, 2023, that the District could be fined in excess of \$100 per day. She stated letters were sent out to residents giving deadlines for compliance and that the property was continuously inspected by District field management staff. At the last meeting, the Board did approve the installation of trees for those very few parcels that had not yet complied so that the District could avoid the fines. She noted that the District field manager would update the Board on the actions taken to bring the properties into compliance and that she would follow up with recent

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communication with code compliance and any comments from District Counsel. Discussion ensued regarding the plan to collect the monies the District has expended from those homeowners whose properties remained out of compliance and were brought into compliance at the District's expense.

Mr. Tindall stated on page 20 of agenda, photos were included to reference and as pointed out. He noted that owners of the properties were contacted to have the dead trees replaced, as they were not in compliance with city code and that certain homeowners did not address the issue, so the District stepped in to remove and replace the trees.

The District's landscaper did a final review on March 1st, as the deadline given to homeowners was the 28th of February for them to take action and trees adjacent to a small number of lots had not been replaced by the deadline. He stated he had the landscaper identified two locations and there were photos in the agenda that showed the trees were installed with the watering bag that was necessary, as they do not have control of the irrigation of the property. He stated the landscaper also is approved to go through and keep the trees watered twice a week and fill the bags so the trees stay alive because the irrigation for the areas is under the control of the private property owners, so hand-watering the newly installed trees is the only option available to the District. District field management staff are estimating roughly two months of hand-watering, as previously recommended by the landscaper and discussed before, and will continue to hand-water as approved by the Board.

Ms. Adams stated after the letters from District Management office were mailed to these two homes and perhaps an additional one, and there was a letter sent out from District Counsel alerting residents if they did not comply by the final deadline that ultimately, they would be responsible to reimburse the District for any costs that were incurred in order to restore the area to compliance with Haines City code. She stated she would take any comments that District Counsel may have on this project at this time, if not she will go over next steps to get reimbursed and get input from District Counsel. She noted right now, the newly planted trees are being monitored by District field management staff. She noted the District's landscaper is only being directed to water if necessary. If the abutting property owner turns on their irrigation and waters the tree, that expense will be foregone or if they go into a rainy season unexpectedly for this time of year, the trees will not be hand watered. She stated the plan is to wait until the entire period that it had been recommended to be hand watered to make sure it takes root before rainy season begins to see

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exactly how much expense the District is incurring in total. The hand watering ultimately can be more expensive than the cost of the tree. She noted the cost of the tree and how much it is to hand water, they will wait until April timeframe and do a final bill. Ms. Hammock suggested offering a payment plan for residents to collect these monies. Ms. Adams specified this is more of an update and the Board does not need to take any action today. She stated she had a call from the Haines City Code Compliance officer who has assured her that Highland Meadows West is completely in compliance with these code issues and off of his list.

Mr. Arnette asked if the Board had any contact with the resident or if they responded at all.

Ms. Adams stated after they got their final legal letter, she did received some communication from residents and all along some residents have been moving forward and correcting the issue. This has been taken down to these two residential properties which started with a list of three Districts of over 30 properties.

Ms. Adams stated herself as well as District Counsel have been in communication with the homeowner's association, which has the ability to impose fines. There has been some reluctance from the HOA to move forward with fining residents because that is a regulated process and there are certain committees that HOAs have to set up in order to do that. She stated their thought is that directly collecting from the residents would be most expeditious and by offering a payment plan is likely the best approach. Ms. Adams asked District Counsel to comment in terms of legalities if they have any other mechanisms to force collection that were not yet discussed.

Ms. Hammock stated that these two property owners did receive certified letters delivered from her office detailing the cost estimate of \$910 per resident. The letters detailed to the residents that they would ultimately be responsible for any resulting cost of removal, replacement, and any maintenance expenses incurred by the District. She noted a follow up invoice will be sent and the letter to offering options of a payment plan or lump sum payment and notifying the residents that non-payment could result in the District taking any legal actions available to it.

There was a question about the option of adding any unpaid amounts to next year's assessments. She noted she would look into what needed to be done in order to effectuate that.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hammock had nothing additional to report unless any questions regarding Haines City matters.

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**Ms. Banfield joined the meeting at this time.*

B. Engineer

Ms. Banfield had nothing new to report unless there were any questions.

Ms. Adams stated there are no more engineering items for the remainder of the agenda so she is more than welcome to leave the meeting.

C. Field Manager's Report

Mr. Tindall stated this report can be found on page 17 of agenda. He noted that Prince has done a pretty good of landscaping and have no immediate complaints. He noted there is a new project manager so there was a little delay on getting the mulch executed but it's coming in and will be done the middle of this month. It is supposed to be started next week. He stated other than that, the dry season is kicking in so grass and any unirrigated areas are probably going to be distressed and brown for a little while, give or take. The landscape company is very good about the irrigation checks and he stated he has no complaints on that. He stated they usually bring any issues to his attention long perform he sees them.

Mr. Tindall stated they already talked about the violation of the trees and those were replaced as noted on page 20. Mulch install, as noted, is going to be done next week as per the landscaper and is already approved and noted the sites for landscape refresh on those entrances. He noted he would like to present a proposal back for playground rules sign at the next meeting.

Ms. Adams stated they wanted to ensure amenity policies were adopted first so that the playground rules were correlative.

On MOTION by Mr. Arnette, seconded by Ms. Kowalski, with all in favor, the Procurement and Installation of Playground Rules Signs, was approved.

i. Landscape & Irrigation Maintenance Agreement Renewal – Prince & Sons

Mr. Tindall stated the contract for landscape is up for renewal and in order to bring this in line with the financial fiscal year with the CDD's fiscal year, would like to have a motion to continue the contract as existing through September 20, 2023. He noted the budget for the following year is being evaluated as there were some complaints with ponds and District field

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management staff feel based on resident feedback and having gone through a couple of seasons now, District field management staff would recommend increasing the number of mows at the ponds which would change the cost a little bit. He stated this will be brought hopefully to the next meeting.

Mr. Arnette asked the reason why the contract term was not through September. Mr. Tindall answered it didn't match the fiscal year that started when the contract was initially started.

Ms. Adams recommended they sync service contract terms with the District's fiscal year in order to avoid going through this in six months. She stated they discussed trying to get it through the end of fiscal year 2024 but because of the potential change to the scope which would trigger a cost change, they are only presenting a proposal through September 30, 2023. She noted as Board members are aware any agreement that is approved by the Board, there is implicit approval for District Counsel to prepare an agreement in favor of the District with all of the indemnification protections with all of the assertions that the vendor will be in compliance with, Florida statutes, E-Verity, etc. She stated they do recommend approval because they would rather have an agreement in place because of the protections that is all for the District. There is no change to the cost and no change to anything other than having those additional protections. Ms. Adams asked for a motion to approve.

Mr. Arnette verified the total cost of the proposal is \$51,000. Mr. Tindall stated it has been a year so the current contract here suggests that October 1st through September 30, 2024. Ms. Adams stated it is priced out month by month for billing. It is consistent with your current adopted budget.

Mr. Tindell stated no change in fees and continuation of existing contract as is through September 30th. He stated again the mows are within what is standard. He noted it's simply a matter of based on field staff evaluation, they will feel that the residents would be happier if the ponds were mowed a little more frequently.

On MOTION by Mr. Arnette, seconded by Ms. Kowalski, with all in favor, the Landscape & Irrigation Maintenance Agreement Renewal with Prince & Sons, was approved.

D. District Manager's Report

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Ms. Adams noted for security matters because it is Spring Break, District Management staff asked for the District's security service provider to perform additional mobile patrols at the amenities center. She noted they do inspections to make sure furniture has not been moved inside there and there has been no vandalism, which has been an issue at some of the amenity centers.

i. Approval of Check Register

Ms. Adams stated the check register was included in the agenda for review. She noted on page 42 of the agenda packet is a summary of check register from February 6 through March 7, 2023. The total amount is \$18,213.30. The detailed run is immediately following the check register.

On MOTION by Ms. Henley, seconded by Mr. Arnette, with all in favor, the Check Register for \$18,213.30, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams stated the unaudited financials through the end of January 2023 are on page 48 of the PDF file and is the combined balance sheet. The first column is the general fund and they always keep an eye on the unassigned balance. She stated a lot of the funding in the general fund right now is due to debt service. Those are the monies that are transmitted to the Trustees so they just look at the unassigned balance. She stated they also keep an eye on the collections so the next page is the revenues. With this District, all the assessments are on roll and are nearly fully collected as of the end of January. No concerns about expenses at this point relative to adopted budget. She noted in the next few months the Board will see the transfer out from the general fund to the capital reserve fund that has been budgeted for this fiscal year. No action was required.

SEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

EIGHTH 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.


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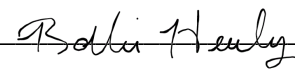
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NINTH ORDER OF BUSINESS

Adjournment

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


Secretary/Assistant Secretary


Chairman/Vice Chairman