

**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 Tuesday, **April 16, 2024**, at 9:30 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 Chair
Jessica Petrucci	Assistant Secretary
Lindsey Roden	Assistant Secretary

Also, present were:

Tricia Adams	District Manager, GMS
Monica Virgen	District Manager, GMS
Meredith Hammock	District Counsel, Kilinski Van Wyk
Marshall Tindall	Field Services Manager, GMS
Chance Arrington <i>via Zoom</i>	District Engineer

The following is a summary of the discussions and actions taken at the April 16, 2024, 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 three 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 February 20, 2024
Board of Supervisors Meeting**

Ms. Adams asked for any corrections on the February 20, 2024 Board of Supervisors meeting minutes. She noted that the minutes have been reviewed by District Counsel and District Management. Hearing no comments or corrections, Ms. Adams asked for a motion of approval.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, the Minutes of the February 20, 2024 Board of Supervisors Meetings, were approved.

FOURTH ORDER OF BUSINESS

Public Hearing

A. Consideration of Resolution 2024-06 Adopting Easement Variance Policy and Fees

Ms. Adams asked for a motion to open the public hearing.

On MOTION by Ms. Petrucci, seconded by Ms. Henley, with all in favor, Opening the Public Hearing, was approved.

Ms. Adams noted that there were no public comments at this time and asked for a motion to close the public hearing.

On MOTION by Ms. Petrucci, seconded by Ms. Henley, with all in favor, Closing the Public Hearing, was approved.

Ms. Adams stated included in the agenda packet was a copy of Resolution 2024-06. She explained that approval of this resolution provides a mechanism for property owners within the District to provide an application to the District in cases where they are interested in constructing an improvement on their private property that would be an encroachment onto a District easement. She noted that the District has easements throughout private property for the purpose of drainage or maintenance or other purposes. This is a mechanism so that if residents are interested in, for example, installing a fence over a drainage easement, this can be considered on a case-by-case scenario. She stated that this was something that was requested by the HOA management company in order to aid in applications for private property improvements. Attached to the resolution is Exhibit A, which is the Easement Variance Policy. This policy outlines the request procedures and

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the approval process. She pointed out on page 15 of the agenda packet was the actual application that would include a \$75 application fee. She explained that the purpose of today's hearing was to authorize the collection of the \$75 application fee in cases where residents want to have the District review and determine if an easement variance will be granted. If an easement variance is granted, there is an agreement that is recorded that stays with the property so they can sell the property and that easement variance will stay with the parcel. She was happy to answer any questions.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, Resolution 2024-06 Adopting Easement Variance Policy and Fees, was approved.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2024-07
Approving the Fiscal Year 2025 Proposed
Budget and Setting a Public Hearing to
Adopt Budget**

Ms. Adams cautioned Board members that this was a very unique situation with the amount of the proposed increase for Highland Meadows West. She explained that this was directly attributed to the situation with Haines City where the City is holding the District responsible to meet landscape codes and landscape ordinances related to maintenance of trees located on the right of way property abutting residential property owners' home. She noted that they recently had a meeting with part of the development team, the city manager, the director of public services who oversees code compliance matters, counsel from Kilinski Van Wyk, and two members of their District management team, Jill Burns and herself, Ms. Adams. She explained that ultimately the outcome of that meeting was the city reiterated their position that they are holding the District responsible for maintenance of trees in the right of way. She further explained that the city's position is that if the property owners are failing to maintain the property, that is an issue that they see as the CDD's problem. She noted that they caution the District that for property not in compliance with landscape codes, the fine could be up to \$500 per day. She stated that they were willing to forgo additional compliance issues until the District had the opportunity to budget for the inspections of right of way areas and for the tree replacements in right of ways areas. She pointed out that the City representatives understood that the District had no budget line item, and no funding available for replacing trees in the current fiscal year. She stated they indicated they would at least defer any further enforcement activities until after October 15th.

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Ms. Adams reminded Board members that when there is a proposed operations and maintenance fee increase, they are required to send mailed notice to every property owner informing them of the increase. District counsel suggested that they highlight this issue that perhaps there may be some hopes that there is some increased awareness within the community for property owners to step up and maintain the property that they are responsible to maintain, but that is not a solution at this time. Discussion ensued on the budget as well as the significant issue of the trees that need to be replaced. The question was asked if there was any way to deed the right of ways to the homeowners. Ms. Hammock responded that they evaluated the possibility of that and they asked the HOA if they would be interested in accepting a deed for that property and they declined. It was noted that this was a very difficult situation, and they would be addressing this issue at multiple meetings. Ms. Adams provided an option, if the Board wants to direct the District management team to do so, to offer the residents/property owners of the District a budget workshop in advance of the budget adoption, which would be an opportunity for property owners to better understand the issue and to understand why. The Board agreed this option.

Ms. Adams stated the resolution contemplates adopting the budget July 16th. She noted that they have to approve a proposed budget by June 15th. She explained that approval of the proposed budget sets the high watermark for the O&M fee. The Board can reduce the O&M fee between the proposed budget approval and budget adoption, but they can't increase it. She stated they also want to have a level of precision with the proposed budget because they don't want to create undue stress for property owners. She pointed out that they really grappled with this number internally and what they are presenting is a worst-case scenario. After discussion, it was decided to schedule a Zoom budget workshop for June 5, 2024 at 6:00 p.m.

On MOTION by Ms. Roden, seconded by Ms. Henley, with all in favor, Scheduling Zoom Budget Workshop for June 5, 2024 at 6:00 p.m., was approved.

Ms. Adams stated that approval of this resolution will approve their proposed budget and set their public hearing for July 16, 2024 at 10:00 a.m. She noted the importance of knowing that they will have a quorum on July 16, 2024 and that there is not a date conflict for Board members. She added that it also allows for them to transmit the budget to Polk County and to Haines City, if needed, to post the budget on the website and to notice the public hearing all in accordance with

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Florida Statutes. Attached to the resolution will be the proposed budget for Fiscal Year 2025. She pointed out that the proposed assessment revenue for their current budget is \$434,733 and the proposed budget for Fiscal Year 2025 is \$588,462, which is an increase of approximately \$128,000. She also pointed out that the administration of the District is the cost to operate the District in accordance with Florida Statutes. They are also planning for an increase in their public official's liability insurance and general liability insurance in accordance with the early estimates for that line item. She asked for any question regarding the proposed administration expenses. Hearing no questions, she pointed out that the item that is driving the increase are the two new line items for right of way tree inspections and right of way tree replacements. She noted that the inspections would happen irrespective of the current conditions of the District, but the tree replacements will only be expended on an as needed basis for those who fail to comply with Haines City codes. There are some other minor changes such as general repairs and maintenance, which has been increased \$2,000, but it's not significantly driving this budget increase. They are still proposing that the District budgets for a capital reserve transfer of \$50,000. She also pointed out that on page 2 showed that there is 442 assessable units, and everything is platted and on roll. It also showed that the proposed fee per parcel the per unit gross assessment is \$1,431.57 and it represents an increase of \$374 per unit. She briefly explained the remainder of the budget.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, Resolution 2024-07 the Fiscal Year 2025 Proposed Budget and Setting a Public Hearing to Adopt Budget, was approved.

SIXTH ORDER OF BUSINESS**Consideration of Resolution 2024-08
Adopting Revised FY2024 Meeting
Schedule**

Ms. Adams stated there was a request to reduce the amount of time for each meeting scheduled on this Tuesday of the month. They had the meeting scheduled an hour apart starting with Highland Meadows West and continuing on for other Districts. She explained that this would change the meeting time from 9:30 a.m. to 10:00 a.m. She added that the remaining dates were May 21st, June 18th, July 16th, August 20th and September 17th.

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On MOTION by Ms. Henley, seconded by Ms. Petrucci, with all in favor, Resolution 2024-08 Adopting Revised FY2024 Meeting Schedule, was approved.

SEVENTH ORDER OF BUSINESS**Consideration of Resolution 2024-09
Designating a Date, Time and Location for
Landowners' Election and Meeting**

Ms. Adams stated they have a Landowners' Election for Highland Meadows West. This Resolution is included on page 42 of the agenda packet. There is one seat, Seat #3, subject to Landowners' election. She added that this property has been fully absorbed and is on roll.

On MOTION by Ms. Henley, seconded by Ms. Petrucci, with all in favor, Resolution 2024-09 Designing a Date, Time and Location for Landowners' Election and Meeting, was approved.

Ms. Adams noted that this sets the Landowners' Election on their regular meeting date, November 19, 2024 at 10:00 a.m. She noted that they were required to provide a sample ballot and announce the date. All will be posted on the District website in accordance with Florida Statutes.

EIGHTH ORDER OF BUSINESS**Presentation of Series 2020A Assessment
Area 3 Arbitrage Rebate Report**

Ms. Adams stated this was the 2020A bond Assessment Area 3 arbitrage rebate report. She explained that IRS regulates the tax-exempt bonds, and they are required to report arbitrage issues to the IRS at regular intervals. She further explained that the District is not earning more interest than what they are paying for their Series 2020A bonds.

On MOTION by Ms. Petrucci, seconded by Ms. Roden, with all in favor, the Series 2020A Assessment Area 3 Arbitrage Rebate Report, was approved.

NINTH ORDER OF BUSINESS**Staff Reports****A. Attorney****i. Ethics Training Workshop Date/Time:**

- **April 30th & May 30th at 10:00 a.m. via Zoom**

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Ms. Hammock noted some updates to the ethics training requirements that are in place this year.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, the Ethics Training Workshop on April 30, 2024 and May 30, 2024 at 10:00 a.m., was approved.

B. Engineer

i. Consideration of Work Authorization 2024-02 for Annual Engineers Report

Ms. Adams noted that this item was included on page 69 of the agenda packet. She noted that their trust indenture requires an annual engineer's inspection. This is a formal authorization authorizing the annual engineer's report for the calendar year 2024. The scope of work as well as the fees are attached to the proposal as Attachment A. Staff recommended approval.

On MOTION by Ms. Henley, seconded by Ms. Petrucci, with all in favor, Work Authorization 2024-02 for Annual Engineer's Report, was approved.

C. Field Manager's Report

Mr. Tindall presented the field manager's report which can be found in the agenda package. He noted the only unusual item was a damaged slide component causing the slide to close while part replacement is sourced.

D. District Manager's Report

i. Approval of Check Register

Ms. Adams presented the check register to the Board from March 1, 2024 to March 31, 2024 totaling \$12,362.88. Immediately following is the detailed run summary. She offered to answer any questions. Hearing none, she asked for a motion of approval.

On MOTION by Ms. Roden, seconded by Ms. Petrucci, with all in favor, the Check Register totaling \$12,362.88, was approved.

ii. Balance Sheet and Income Statement

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Ms. Adams presented the unaudited financials. This is for informational purposes only; no action is required.

TENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being no comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

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

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Tricia Adams
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Secretary/Assistant Secretary

DocuSigned by:
Bobbie Henley
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Chairman/Vice Chairman