

MINUTES OF MEETING

HIGHLAND MEADOWS II COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING

Thursday, June 8, 2017 at 9:10 a.m.

Offices of Cassidy Homes

346 East Central Ave.

Winter Haven, FL 33880.

Board Members present at roll call:

Rennie Heath	Board Member	
Lauren Schwenk	Board Member	
Andrew Rhinehart	Board Member	
Scott Shapiro	Board Member	(via phone)
Joel Adams	Board Member	(via phone)

Also Present:

Jane Gaarlandt	Fishkind & Associates, Inc.	
Joe MacLaren	Fishkind & Associates, Inc.	
Sharon Garrett	Resident	
Todd Amaden	Landmark Engineering	(via phone)
Bob Gang	Greenberg Traurig	(via phone)
Roy Van Wyk	Hopping Green & Sams, P.A.	(via phone)

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order. The Board Members and staff in attendance are outlined above.

SECOND ORDER OF BUSINESS

Public Comment Period

There were no public comments at this time.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the April 13, 2017 Board of Supervisors' Meeting

The Board reviewed the minutes of the April 13, 2017 Board of Supervisors Meeting.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved the Minutes of the April 13, 2017 Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

**Consideration of Notice of Lien for
Special Assessment Bonds, Series 7
(Assessment Area 5 & 6 Projects)**

Mr. MacLaren explained that this has been drafted by District Counsel and it will be recorded after the Board's approval.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved the Notice of Lien for Special Assessment Bonds, Series 7 (Assessment Areas 5 & 6 Projects)

FIFTH ORDER OF BUSINESS

**Consideration of Agreement
between the District and DS
Boring, LLC for Underground
Utility Installation**

Mr. MacLaren presented the proposal for the Board's approval.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Agreement between the District and DS Boring, LLC for Underground Utility Installation.

SIXTH ORDER OF BUSINESS

**Consideration of Request for
Proposals for Phase 4B/4C
Construction Site Work**

Mr. MacLaren noted that District staff is asking for the the Board's authorization to move forward with advertising the RFP.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board authorized District Staff to move forward with an RFP for Phase 4B/4C Construction Site Work.

Mr. Amaden suggested that the RFP be published by the end of this month and have the bids due back in August. Mr. Heath noted that the proposers need 30 days from the time the notice is published to submit their proposals.

SEVENTH ORDER OF BUSINESS

**Consideration of Fee Agreement
with Hopping Green & Sams for
Phase 4B/4C Bond Issuance-
Tabled**

Tabled

EIGHTH ORDER OF BUSINESS

**Consideration of Proposal for Pool
Maintenance and Janitorial
Services**

Mr. MacLaren explained that the District has run into an issue with the pool construction company and the maintenance company where the pool installer has declined to honor the warranty on the pool and the pump system. The current maintenance company, Resort Pool Services, has said that they have not done anything wrong and have provided substantial documentation that Mr. MacLaren passed on to the Board Members. Mr. Heath stated that the pool service maintenance person was hired to do pool cleaning maintenance and he went out and changed a bunch of material equipment at nobody's direction and as a result the Pool Contractor is not going to honor the warranty. Mr. Heath thinks that a letter from the District Attorney needs to go to the maintenance person and he needs to put everything back the way it was and get the pool company to come out and verify that it has been put back per the plan and the maintenance company needs to be discharged. Ms. Schwenk asked Mr. Heath to look at the responses. Mr. MacLaren said that the pool technician claimed that the pool was not functioning when he took over maintenance, that there was no chlorine coming into the pool and that he had to make changes. Mr. Heath asked why he did not contact somebody because what he did caused the District to lose the warranty on the pool. Mr. Shapiro suggested getting a copy of the agreement with the pool contractor to see what warranty is provided and what the conditions of that warranty are so that the Board Members can read it. Mr. Shapiro asked if the Board and District staff is comfortable and confident which story is correct and asked if the District needs to get another pool maintenance company out to give the District their assessment. Mr. Amaden said that the warranty is a standard 1 year

warranty for materials, parts ,and workmanship and the question is who is responsible for the changes and for the malfunctioning equipment. Mr. Heath restated his suggestion and get the warranty back on the pool and address the issue after that. Mr. Shapiro recommended that the Board and staff solicit bids for other pool maintenance companies and get referrals. Mr. MacLaren will instruct the maintenance company to put the equipment back the way it originally was. Ms. Schwenk stated that the correspondence goes back and forth between the Builder and the Maintenance Company and one correspondence says that the Builder of the pool suggested blowing out some lines because autofill was turned off and when the maintenance person asked if they would do that they said no so the autofill works intermittently now. Mr. Heath will review the correspondences and Mr. MacLaren will wait until he hears back from Mr. Heath. Mr. Heath asked Mr. Van Wyk if speaking to Ms. Schwenk about this issue outside of the meeting is in violation of the Sunshine Law. Mr. Van Wyk said that it would not be appropriate. Mr. Van Wyk told the Board Members to make sure Mr. MacLaren has all the information from the Contractor and the Pool Maintenance Company and that he is up to speed and then he can have a conversation with any of the Board Members. Ms. Schwenk said that Mr. Allende handled a lot of the work with the Construction Company so she may put Mr. Maclaren in touch with Mr. Allenda.. Ms. Gaarlandt asked if the District should hold off on opening the pool. Mr. Heath said that he did not think so. The residents could not use the pool due to the landscaping not being completed and therefore the sand kept coming into the pool which made it difficult to keep the pool clean. Ms. Schwenk noted that there were a few plants that were coming in today and they were installing them this morning and noted that this would complete the landscaping. Mr. MacLaren asked Ms. Schwenk to check with the maintenance person and get his approval before opening the pool.

NINTH ORDER OF BUSINESS

Consideration of Landscape Maintenance Proposals

- a) Amenity Area**
- b) Phases 4B/4C, 5 & 6**

Ms. Schwenk noted that she needs to recuse herself from this vote as a Member of CAS. She stated that a road crew went out and gave the District proposals on Phase 5, 6, the Amenity Center with Clubhouse, and Phase 4B/4C. They noted that because landscaping has not yet been installed this is a budget number and she feels that once they can get on site to take a look at the ponds she can reduce these numbers. One of the ponds in Phase 2 must be done by weed wacker because of the slopes. The proposal is a not-to-exceed number. Mr. Heath asked if the number was covered in the budget and Mr. MacLaren said that it is not. but he believes that the District can move some things around. The District has \$75,000.00 as the current year budget and it has been increased to \$100,000.00. Mr. MacLaren asked Ms. Schwenk if she knows the current agreement amounts and she said that she has them on her computer. Mr. Heath said that 4B/4C will not happen this year. The Amenity area will happen. Phase 5 & 6 will happen late this year. Mr. Heath said that the District will be covered for this year but next year they will

have to move some numbers around because 4B/4C will have to be included. Ms. Schwenk said that she would like to have the guys go back out there to take a look at how much equipment and man hours they will need once the ponds are complete and sodded stating that she came up with the number by square footages. Mr. Shapiro asked Mr. MacLaren to send him the landscape proposals since they are under separate covers and not included in the agenda packet. Mr. Adams also requested a copy. Mr. Shapiro will be able to match it to next year's budget. Mr. Heath asked if the remaining two Board Members were allowed to vote on this since the third Board Member is recusing herself from voting or if they would have to wait. Mr. Van Wyk said that they could vote with the two Board Members. Mr. Shapiro asked for the amounts for Phase 5 & 6. Ms. Schwenk responded that Phase 5 is \$4,000.00 per month and Phase 6 is \$1,100 per month. Ms. Schwenk noted that the Phase 5 number is based on the square footage and will come down. Phase 6 includes Phase 6 and 6A.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with 2 in favor and 1 abstained, the Board approved the Community Association Services Landscape Maintenance Proposals for Phase 4B/4C not-to-exceed \$52,800.00 per year, for Phase 5 not-to-exceed \$48,000.00 per year, for Phase 6 not-to-exceed \$13,200.00 per year, and for the Amenity Area and Clubhouse not-to-exceed \$13,200.00.

TENTH ORDER OF BUSINESS

Consideration of Fiscal Year 2014-2015 Audited Financial Report

Mr. MacLaren noted that it was considered a clean audit. The Auditors noted that the District's financial statements were an accurate reflection of the District's financial position and the Auditors did not find any weaknesses in the District's internal controls over financial reporting. Mr. MacLaren requested a motion to accept the Audit.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Fiscal Year 2015-2016 Audited Financial Report.

ELEVENTH ORDER OF BUSINESS

Consideration of Field Management Agreement with Melissa Stocksick

The District Manager feels that it would be helpful to have an onsite Field Manager to help with District activities related to the pool. Ms. Stocksick is a resident and the District manager is proposing to pay her \$18.00 per hour up to 5 hours per week. Ms. Gaarlandt

said that she has been helping out with the Key Cards and she is a contact person onsite now for the residents. She is also on the HOA Board. Ms. Gaarlandt said that she is working out really well, she is great at communicating with everybody, and she is very organized. Ms. Gaarlandt said that she has also been updating the District Manager with the progress of the landscaping. She is very flexible with her hours and have met residents at night times and weekends.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Field Management Agreement with Melissa Stocksick.

TWELFTH ORDER OF BUSINESS

Ratification of Payment Authorization No. 117

The Board reviewed Payment Authorizations Nos. 117.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board ratified Payment Authorizations Nos. 117

THIRTEENTH ORDER OF BUSINESS

Review of Monthly Financials

The Board reviewed the monthly financials. The District is at \$242,000.00 in expenses vs a budget of \$235,000.00 running slightly over budget. Ms. Schwenk noted that the District got the situation with the water handled and Mr. Heath suggested that the District could use part of the irrigation budget to cover the landscaping. There was no action required.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel – Mr. Van Wyk mentioned Resolution 2017-17 for approval by the Board. Mr. MacLaren noted that it is a proposed Trespass Enforcement Resolution. Mr. Van Wyk explained that it is a resolution authorizing District staff to allow the Sheriff or the Police Department to enforce the No-Trespassing laws. It provides certain authorization to them along with the Property Manager to trespass anybody that they catch there and it is a standard authorization. Mr. MacLaren requested a motion to approve Resolution 2017-17.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved Resolution 2017-17, Authorizing Trespass Enforcement.

District Engineer – No Report

District Manager – No Report

FIFTEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

There were no Supervisor requests.

Ms. Garrett asked who she can call if debris end up on her property when Contractors are working on Phase 5. Mr. MacLaren said that she can call the District Manager's office and that he will give her his card.


SIXTEENTH ORDER OF BUSINESS

Adjournment

There was no further business to discuss.

ON MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, the Board of Supervisor's for Highland Meadows II Community Development District adjourned the June 8, 2017 Board of Supervisors' Meeting.


Secretary / Assistant Secretary


Chairman / Vice Chairman