

## MINUTES OF MEETING

### ***HIGHLAND MEADOWS II COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING***

*Wednesday, March 21, 2018 at 10:07 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:

Roy Van Wyk	Hopping Green & Sams, P.A.	
Jane Gaarlandt	Fishkind & Associates, Inc.	
William Viasalyers	Fishkind & Associates, Inc.	
Todd Amaden	District Engineer	(via phone)
Larry Ross	HOA President – Phase 2B	
Jill Burns	GMS	
Darrin Mossing	GMS	

### **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**

Ms. Gaarlandt announced the public comment period. Mr. Van Wyk explained that there are two public comment periods, one at the beginning of the meeting for anything on the agenda and one at the end for anything else. Mr. Ross said that he has had homeowners approach him regarding to the common areas and pool area asking if there was a fundraising process by which the homeowners could add things like play equipment for the dog park that would be maintained by the homeowners and asked if the homeowners wanted to add features to the dog park would it have to be approved through the CDD or if it something that the residents could do. Ms. Schwenk responded that the CDD would have to approve that because insurance would have to be added. Mr. Van Wyk stated that

the homeowners can donate play equipment to the District and install it but the maintenance is where there would be a problem. The District does not want homeowners to be maintaining the property because of the liability. Mr. Van Wyk stated it would be up to the Board as to how to install it and whether or not the Board want to pay for the installation cost. Mr. Van Wyk stated that the residents should present to the Board what they would like installed, the materials they are providing, and the location. The Board would then look at it and make a decision. Mr. Shapiro asked Mr. Ross to get a proposal or a cost estimate for installation of the features and then present that to the Board for consideration.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the  
February 8, 2018 Board of  
Supervisors' Meeting**

The Board reviewed the minutes of the February 8, 2018 Board of Supervisors' Meeting.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved the Minutes of the February 8, 2018 Board of Supervisors' Meeting.

**FOURTH ORDER OF BUSINESS**

**Consideration of Interlocal  
Agreement between the District  
and North Boulevard CDD**

Mr. Van Wyk explained that this interlocal agreement is for the temporary usage for the North Boulevard CDD and the splitting of costs between the two Districts for Amenity Facility maintenance and operations for the use. The Districts get to share each other's Recreational Amenities and pay the proportional costs based on the number of units.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved the Interlocal Agreement between the District and North Boulevard CDD.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-  
07, adopting an Amended Rule  
Relating to Overnight Parking and  
Traffic Enforcement**

Mr. Van Wyk explained that at the last Board meeting there was a discussion about towing policies and the District had a policy in place that prohibited parking between 12:00 a.m. and 6:00 a.m. The district discussed the possibility of bringing back a change to prohibit all on-street parking and then limit overnight parking in the Amenity Facility to just those who have permits. He noted that in extenuating circumstances the District could allow a permit to allow overnight parking in the Amenity Facility. He stated that these rules have been amended to provide that type of restriction and attached to the resolution is an exhibit A & B, one is for the roadways and the other is for the Amenity Facility. The parking permit for the Amenity Facility is for 7 days. Mr. Ross asked if the parking permit could be extended and Mr. Heath responded that would have to be on a case by case basis because it can otherwise get abused. Ms. Gaarlandt noted that a frequent use of these particular overnight passes are for moving vans. Mr. Heath asked if the District has contracted with local towing company. Mr. Van Wyk responded that the Board would first approve the amended policy and then approve a form of an agreement with the towing company, then the signs will be ordered and installed or the towing company will have the signs ordered and put up, and then seek an agreement with the towing company. Mr. Van Wyk noted that there are requirements that the location to which the cars are towed is relatively local so that people do not have to go too far to get their car if it does get towed, and the District must put up the name and number of the towing company so people know where to go if their vehicle is towed. Mr. Ross asked if this will require an amendment to Declaration of Covenant Conditions for that particular phase. Mr. Heath responded that this is covering everything in the whole CDD. Ms. Schwenk explained that the HOA does not own the roads so it should not be covered under HOA documents. Mr. Van Wyk stated that the policies cover the entire District with the exception of Phase 1, which is a separate District and they have adopted no overnight parking from 12:00 a.m. to 6:00 a.m.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with a in favor, the Board approved Resolution 2018-07, adopting an Amended Rule Relating to Overnight Parking and Traffic Enforcement.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Agreement for Towing Services**

Mr. Van Wyk explained that this is the agreement for towing services and the name of the company is not in the agreement yet and he will fill that in. He requested that the Board approve the Agreement for Towing Services in substantial form.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with a in favor, the Board approved the Agreement for Towing Services in Substantial form.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Creative Association Services Proposals for Landscaping Maintenance, Phase 5 & 6**

Ms. Schwenk noted that as an owner of CAS she must recuse herself from the vote. Mr. Ross asked if the Landscaping include the entire Highland Meadows Community. Ms. Gaarlandt responded that it is only for Phases 5 & 6. Ms. Schwenk explained that for Phase 6A they went back and took a look at all of the District's landscaping services and got some competitive numbers to make sure that their pricing was in line with other services. Ms. Schwenk noted that CAS is almost half the price of other companies that she met with and stated that the other companies were charging upwards of \$11,500.00 or more for these same services for Phase 5, Phase 6, and Phase 6A. She reviewed her numbers for Creative Association Services and noted that the only thing she had changed is that Phase 6A is broken out from Phase 6 so that for Phase 6 CAS would charge the same amount of \$1,400.00 per month and then for 6A the charge would be \$600.00 per month. Mr. Heath asked what Ms. Schwenk was proposing to charge for Phase 6. Ms. Schwenk responded that Phase 6 would be \$1,400.00 per month and it initially included Phase 6A. The amount for Phase 5 landscape maintenance will remain \$4,000.00 per month. Mr. Van Wyk asked if there were sufficient monies in the budget for this and Ms. Gaarlandt responded that the District is getting really close to the budgeted amount and the amount for landscape maintenance will most likely have to be increased for the upcoming fiscal year. Mr. Heath asked what the total was for landscape maintenance for the entire District. Ms. Gaarlandt responded that the total budgeted amount is \$175,000.00 and the additional amounts proposed by Ms. Schwenk will bring the amount to just under \$160,000.00 annually, however, phases 4B and 4C still need to be added.

On MOTION by Mr. Rhinehart, seconded by Mr. Heath with 4 in favor and 1 abstained, the Board approved the Creative Association Services Proposals for Landscape Maintenance, Phase 5 & 6 & 6A.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Proposal for Concrete Parking Pad at Mailboxes**

Ms. Gaarlandt explained that the proposal for a concrete parking pad at the mailboxes is for Phase 2B. Mr. Ross contacted the District a while back regarding the issue with the grassy area and District staff contacted Mr. Amaden to find out how these areas are typically fixed and solicited a proposal accordingly. She noted that the proposal is for installing a couple of concrete slabs, which are approximately the size of two parking pads. Mr. Heath noted that he went out to take a look after Mr. Ross brought this to the District's attention and stated that the mailboxes need to stay where they are but there is an area in

front of the whole common area that can be concreted and he thinks that would help a lot for people to pull off of the roadway to get their mail. A discussion took place about the type of curbing in the area and the need to remove the existing curb and create a Miami curb. Mr. Adams noted that the suggested fix is not part of the proposal and it will be substantially more expensive to remove the existing curb. Ms. Schwenk said that the District has people parking on the street corner on a curve causing people to have trouble getting around those cars and successfully walking across the street to retrieve their mail. Mr. Adams said that the District will be increasing the cost as he mentioned a sloped curb from the street to the concrete slab and he thinks that this should be tabled and the proposal should be revised or the Board could approve and authorize a not-to-exceed amount. Mr. Heath asked Mr. Adams how much additional cost it would be and Mr. Adams responded that it could be another \$3,000.00 or more and suggested a not-to-exceed amount of \$10,000.00. Mr. Ross asked if the Board is suggesting the concrete to go just in front of the mailboxes or into the curb which encompasses the catch pond. Ms. Gaarlandt indicated that the map is behind Tab 6 in the agenda package. Mr. Ross asked if there is any way the District can encompass preceding the mailbox pad in front of the catch pond. Mr. Heath responded that they were going to try and do something in front of the whole common area but they need to take a look and see what the cost is going to be to do the concrete in front of the whole common area. Mr. Ross thinks that Mr. Heath's suggestion would suffice so there are no more than 3-4 cars parked on the mailbox side. Mr. Adams suggested that the Board approve the proposal for a not-to-exceed amount. Mr. Heath said that the only problem he sees is that when you go around the curb there is a storm inlet there. Mr. Adams suggested that they would need to stop short of that inlet because there would still be a lot of usability there.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved a Southern Ground Construction Inc. proposal for a not-to-exceed amount of \$15,000.00 so that the District can go back to the Contractor to renegotiate adding additional concrete to the proposal.

Mr. Van Wyk asked how this is to be funded and Mr. Heath responded that it has to come from the Construction Funding Agreement. The District will have to stop short of the lot.

## **NINTH ORDER OF BUSINESS**

### **Consideration of Proposal for landscape Improvement at Entrance, Phase 2B**

Ms. Gaarlandt noted that part of the issue with the missing landscaping seems to be that there is a school bus stop in front of the area. Mr. Ross confirmed and said that it is a morning and afternoon issue when the parents are dropping the kids off and parking on both sides on the street. Mr. Ross said the irrigation tubing is exposed and the mulch is displaced and missing in some areas as a result of the kids standing there and in the landscaped area. He asked the Board and District staff what they might propose to

discourage the kids from entering the landscaped area. He added that it is going to cost more money to replace the landscaping than to maintain it. Mr. Heath said he thinks that this needs to be a common maintenance thing and he doesn't understand why it needs to be brought up. The District Management company might need to go out there to figure out what can be done. Mr. Ross said that he thinks that the irrigation tubing will need to be replaced. Ms. Schwenk said that they will look into the maintenance of this. Ms. Gaarlandt asked if it would be an option for the school bus stop to be moved to a different location noting that it has been done at other Districts where the stops were close to entrance signs; this damage is typically what happens and over time it can get very expensive. Ms. Gaarlandt noted that the change of the bus stop location usually go through the School Board and Mr. Van Wyk stated that the residents would have to petition the School Board. Mr. Ross asked if it would be something that would need to come from the HOA and the Board members confirmed. Mr. Heath suggested that Mr. Ross start with calling the School Board and Mr. Ross said he can do that. Mr. Van Wyk asked if Mr. Ross was requesting that the District solicit proposals. Ms. Gaarlandt noted that the District Manager had requested proposals from the landscape company but has not received a proposal yet. Ms. Gaarlandt mentioned that planting a prickly growth like bougainvillea grown cover might deter the kids from going in there. There was no Board action required.

**TENTH ORDER OF BUSINESS**

**Consideration of Tucker Paving  
Change Order #001, Phase 4B &  
4C**

The Board reviewed Change Order #001 from Tucker Paving.

On MOTION by Mr. Heath, seconded Ms. Rhinehart, with all in favor, the Board approved Tucker Paving Change Order #001, Phases 4B & 4C.

**ELEVENTH ORDER OF BUSINESS**

**Ratification of Payment  
Authorization No. 151 - 153**

The Board reviewed Payment Authorizations Nos. 151 - 153.

On MOTION by Mr. Rhinehart, seconded by Mr. Heath, with a in favor, the Board ratified Payment Authorizations Nos. 151 – 153.

**TWELFTH ORDER OF BUSINESS**

**Review of Monthly Financials**

The Board reviewed the monthly financials. There was no action necessary by the Board. Mr. Ross asked about the Duke Energy streetlights and stated that the streetlights are not supposed to be on all day. Mr. Heath stated that it needs to be addressed by the District Manager. Ms. Gaarlandt asked if it is a specific area or if it is all the streetlights. Mr. Ross said that it is sporadic throughout the community on Woodlock Drive and Swallow Tail Drive. Ms. Gaarlandt will contact Duke Energy and see what can be done about the streetlights.

## **THIRTEENTH ORDER OF BUSINESS**

### **Staff Reports**

**District Counsel –** Mr. Van Wyk explained that the District was asked to have Mr. Mossing and Ms. Burns come in and discuss with the Board a proposal for District Management Services. Mr. Van Wyk noted that there has been discussion among the Board Members about changing over to new management.

Ms. Burns presented a proposal and a draft Management Agreement as well as a resolution, if the Board decides to make a switch, and asked Mr. Mossing to give the Board a brief overview of the field management that they offer. Mr. Mossing introduced himself to the Board as the President and Founder of Governmental Management Services. GMS currently manages over 130 Community Development Districts and other Special Districts and Homeowners Associations across the State. GMS has over 90 employees and offices in Orlando, Tampa, Jacksonville, and South Florida. Mr. Mossing stated that he operates the corporate office out of Knoxville Tennessee. Mr. Mossing noted that in the proposal GMS provides all management, accounting, administrative services, and also offers field operations services. The proposal also lists clients and locations and services provided to those entities and there is a proposed Management Agreement and Exhibit A is the list of fees that GMS is proposing in the amount of \$35,000.00 for the management Fees and \$15,000.00 per year for the Field Operations Services, and \$5,000.00 to Certify the Annual Assessments. Mr. Mossing said he feels that GMS has two of the best Field Managers in the State and they both have over 20 years of experience in managing field operations for Community Development Districts and Master Planned Communities across the State. Mr. Heath asked about the Dissemination Agent fee. The proposed Dissemination Agent fee is \$3,500.00 per bond issuance and there are a lot of Bond issuances out here. Mr. Shapiro noted that the District is currently paying \$5,500.00 for all Dissemination Services to Lerner and noted that the District cannot pay more than that. Mr. Mossing said that the District could stay with Lerner if they wished but GMS would

match that cost if the Board wanted to utilize GMS's services. Mr. Shapiro said that he would be comfortable switching to the District Manager because he believes that it is more efficient to have the District Manager be the Dissemination Agent because of the availability of information if they are willing to price match. Mr. Heath asked about the timing for a switch over. Ms. Gaarlandt responded that the Dissemination Agent was already paid for the full year. If the District switched over then the new management company would pick it up at the end of Lerner's term. Mr. Ross asked about the criteria for their increase of costs and over what period of time and if GMS matched the price would it increase later. Mr. Mossing responded that GMS would maintain the current matched price assuming there are no further Bond issuances. Mr. Heath noted that all the Bonds have been issued for all the phases in Highland Meadows II. Mr. Mossing said that GMS would keep the fee as is and there would be no future escalation. Mr. Van Wyk stated that if the Board wants to make a change the motion would be to accept the proposal for Management Services from GMS.

On MOTION by Mr. Heath seconded by Ms. Schwenk, with all in favor, the Board accepted the Proposal from GMS for Management Services.

Mr. Van Wyk stated that GMS will not charge the District a fee while Fishkind is charging a fee, but they will need some authority in order to start the transition of accounts from Fishkind to GMS and the Secretary and the Treasurer etc. Ms. Burns passed out the resolution, which is attached to the fee agreement. Mr. Van Wyk stated that this would allow for dual roles until the transition of District Manager is made and then there would be the new Treasurer and new Secretary. Mr. Van Wyk stated that at the end of May, Ms. Gaarlandt as the Secretary and Dr. Fishkind as the Treasurer would be removed and replaced with the new officers. Ms. Burns indicated that there is a 60-day termination clause in the current contract. Mr. Van Wyk requested a motion to approve Resolution 2018-08.

On MOTION by Mr. Heath seconded by Ms. Schwenk, with all in favor, the Board approved Resolution 2018-08.

**District Engineer – No Report**

**District Manager** – Ms. Gaarlandt presented a request for installation of a notice board in the bathroom cabana for meeting schedules and for the pool permits to be displayed. Ms. Gaarlandt stated that it is a closed in double board a cost including installation of \$695.00.

On MOTION by Mr. Heath seconded by Mr. Rhinehart, with all in favor, the Board approved the Notice Board in the amount of \$695.00.

Ms. Gaarlandt presented a request for installation of bicycle racks. She noted that on either side of the gate to the soccer field there is a nice area where a rack could fit on either side.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved the Installation of two Bicycle Racks.

Ms. Gaarlandt stated that there was an agreement back in November that was approved for the installation of the perimeter and which had some changes, one was the contract date and the term of the warranty which was changed from three years to one year and Old Castle asked that the District ratify those changes and send them back a copy. Mr. Heath said that is not the way that works. Ms. Gaarlandt responded that she wanted to bring Old Castle's request to the Board's attention but will let Old Castle know that the contract will stay as it is.

Ms. Gaarlandt stated that the other item is a maintenance item that has come back several times. The District has an easement that runs from the street in between two homes. The easement is needed in order to get to the ponds in the back for maintenance. There is no irrigation for the grassy area and the district Manager receives many complaints from the residents saying that they are maintaining it and even asking if they can take over the area from the District and make it part of their property. Ms. Gaarlandt noted that the residents have been told many times that they are not supposed to maintain it as it is being maintained by the District, however, it looks really bad most of the year and Ms. Gaarlandt asked the Board if there are any options that they want to look into. Mr. Heath stated that since it

belongs to the District the District needs to irrigate and maintain it. He asked District staff to solicit a proposal for irrigation.

Ms. Gaarlandt noted that Spring Break is coming up and suggested reducing Field Management services with 5 hours per week and adding 5 hours to Security services per week on a regular basis due to most issues being security issues at the pool. Ms. Gaarlandt also suggested increasing Security during Spring Break and noted that the Districts usually implement a Summer schedule with increased security as of Memorial Weekend through Labor Day Weekend.

Mr. Ross noted that there are a couple of palm trees tilting by the pool house. Mr. Viasalyers responded that they were adjusted a few weeks back. Ms. Schwenk said that she has a meeting with Landscaping today and she will make sure that the items are addressed. Mr. Viasalyers noted that it was Stewart who did the initial install and that they were the ones who came out and braced the trees. Mr. Viasalyers will talk to Stewart. Ms. Gaarlandt asked if a motion from the Board is need to approved the increased security hours, on a permanent basis 5 hours will be switched from District Field Management to Security Services and adding an additional 10 hours for the week of Spring Break. Ms. Gaarlandt will ask the Security Company for a Summer Schedule proposal.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved increasing the Security hours permanently by 5 hours per week and additional 10 hours for the week of Spring Break.

Ms. Gaarlandt noted that the side gates by the pool area has a big enough gap where someone can reach in and open the pool gate from the outside. The District Manager has asked for proposals to install a push bar so it is an exit only gate, which would still be up to code, and make the pool area inaccessible from the soccer field. Ms. Gaarlandt stated that there are also ongoing issues with the entrance gate, the aluminum material does not hold the screws well enough and any kind of forceful entry will loosen the screws which is almost a daily issue. Mr. Viasalyers is soliciting a proposal heavy duty gate or lock system. Ms. Gaarlandt also noted that a knock box will be installed at the gate, the costs is about \$300.00 and is required in order for emergency crews to gain access. Ms. Gaarlandt noted that there have been a lot of instances recently with individuals being in the pool after hours because they can easily gain access.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

There were no audience comments or Supervisor requests.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

There was no further business to discuss. Ms. Gaarlandt requested a motion to adjourn the meeting.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the March 21, 2018 Board of Supervisors Meeting for the Highland Meadows II Community Development District was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman