

**MINUTES OF MEETING
HIGHLAND MEADOWS II
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Highland Meadows II Community Development District was held on Tuesday, **September 13, 2022** at 2:30 p.m. at the Holiday Inn, 200 Cypress Gardens Blvd., Winter Haven, FL and by Zoom.

Present and constituting a quorum:

Christopher Lopez
Kristen Anderson
Brian Walsh

Vice Chairman
Assistant Secretary
Assistant Secretary

Also, present were:

Tricia Adams
Meredith Hammock
Alan Rayl
Clayton Smith
Marshall Tindall

District Manager, GMS
District Counsel, KE Law Group
Rayl Engineering
Field Services Manager, GMS
Field Services, GMS

The following is a summary of the discussions and actions taken at the September 13, 2022 Highland Meadows II Community Development District's Regular Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and stated that there are three Supervisors present in person, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams opened the floor to the public comment period, specific to items on the agenda and reminded the public of the District's policy limiting public comments to three minutes per speaker.

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Resident Julio Delgado expressed his concern about street parking and people parking in front of his house instead of in their driveway.

Resident Charles King asked what was being done about the fencing situation.

Ms. Adams commented that some of the concerns from the residents would be addressed in the meeting, and concerns that were not addressed would be followed-up with after the meeting.

THIRD ORDER OF BUSINESS

New Business

A. Approval of Second Amendment for Pool Maintenance and Janitorial Services with Resort Pool Services

Ms. Adams presented the amendment and stated that the agreement with Resort Pool Services was included in the agenda. She added that the agreement had not yet been executed and asked for a motion to approve the second amendment.

On MOTION by Ms. Anderson, seconded by Mr. Lopez, with all in favor, the Second Amendment for Pool Maintenance and Janitorial Services with Resort Pool Services, was approved.

B. Ratification of First Amendment for Towing Services with S&S Towing and Recovery, LLC

Ms. Adams stated that at the July meeting, Board members had discussed an administrative update of only the parking rules, identifying the corners around Summer View Crossing. She added that S&S Towing was provided with a new copy of the rules and asked for a motion to ratify.

On MOTION by Mr. Lopez, seconded by Ms. Anderson, with all in favor, the First Amendment for Towing Services with S&S Towing and Recovery, LLC, was ratified.

C. Discussion of Encroachments on District Maintenance Easements

Ms. Adams stated that District staff had become aware of several instances of residents installing private property improvements, most often fences, on their lots; however, the fence installations resulted in an encroachment on the District's maintenance easements. She added that, because of this, the District's staff and vendors are having issues accessing the easements to perform required maintenance of District property accessible only via these now-blocked easements. She also noted that the HOA management companies were aware of the matter, and

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that the District was seeking agreement that the HOA will not approve any private property improvements that would result in an encroachment into a District easement. Ms. Adams added that there had been confusion among the city staff as well pertaining to the issue, but that District staff and counsel spoke with city permitting and building representatives regarding the issue. She also stated that residents with private property improvements blocking access to easements in favor of the District received a letter from District Management that gave them notice of the situation, as well as a legal letter to all residents sent via electronic mail informing them of the ongoing encroachment issue.

Mr. Rayl presented a document regarding the matter, including all of the plats of property within the District's boundaries identifying, in a color-coded display, all of the existing encroachments throughout the District. He explained the different color meanings, each representing the type of easement blocked by the encroachments. He then added that District engineering staff reviewed the construction plans to identify the infrastructure that was blocked by the improvements, along with what the physical conflicts would be if District staff ever had to go in to do any work in or on the District-owned property to which access is currently blocked. Mr. Rayl explained that the stormwater system was permitted and he described the types of inspections that are required by various permits, including water management and environmental compliance permits, that are being impeded due to the encroachments. He noted that there are approximately 71 lots that have already installed private property improvements encroaching into the District's access and maintenance easements.

Ms. Anderson asked if there was a way that the District could notify the HOA Management which lots have encroachments on the maintenance easements, and Ms. Adams responded that District staff could provide the engineer's document.

Ms. Hammock recommended that any of the lots that had been identified as having some sort of encumbrance should have notice letters sent out to the homeowners, formally putting them on notice that they are encroaching on the District's easement. She recommend that, for those residents blocking the easements where there is District owned and maintained subsurface infrastructure installed, District staff and counsel provide the residents with license agreements so that the homeowners are aware that the District has the authority to remove any fencing or other personal property that blocks the District from accessing that infrastructure, as well as notifying

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the homeowners that the obligation to reinstall and the cost to remove would be the responsibility of the resident.

Discussion also ensued regarding air conditioning units in the area, with 26 AC units that appeared to be within easement boundaries having been installed by the builder. Different remediation options were discussed, including but not limited to requiring residents with fences installed on maintenance and access easement to install a gate on some existing fences, but the solution would need to be determined on a case-by-case basis. Ms. Hammock also added that there was the possibility of litigation if the residents failed to remediate their respective encroachments. Ms. Adams asked for a motion to approve District Counsel to send encroachment notification letters to residents.

On MOTION by Mr. Lopez, seconded by Ms. Anderson, with all in favor, Authorizing District Counsel to Send Encroachment Notification Letters, was approved.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the July 12, 2022 Board of Supervisors Meeting

Ms. Adams presented the minutes of the July 12, 2022, Board of Supervisors meeting and asked for any questions, comments, or corrections to the minutes. Hearing none, she asked for a motion of approval.

On MOTION by Mr. Walsh, seconded by Mr. Lopez, with all in favor, the Minutes of the July 12, 2022, Board of Supervisors Meeting, were approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hammock stated she had nothing further to report.

B. Engineer

Mr. Rayl reported he had nothing further to report. Mr. Lopez asked about the permitting for the shade, and Mr. Rayl responded that it was still in the process of being completed.

C. Field Manager's Report

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Mr. Tindall presented the field manager's report for the Board. He noted that landscaping issues were being fixed and would be under control by the end of the week. He added that the pool contracts had been increased over the busy season, the playground equipment was checked for loose bolts, a new chair lift was put in, pool lights were addressed, and sod was being replaced.

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i. Update of Status of Phase 3 Park – ADDED

Mr. Lopez asked if any cement slabs were being installed or if the park would be all grass, and Mr. Smith responded that they could do either. It was also discussed that it would be a Board decision on what would happen with the construction of the park as well. Ms. Anderson stated that based on the document provided by Mr. Lopez regarding the shade structure, that it would be better to have four benches under the structure instead of the two. The Board decided that they prefer green benches to match the current aesthetic. Mr. Lopez added that the cost would be \$9,000 or under.

Ms. Hammock recommended that, in order to take ownership and maintenance of these items, a bill of sale to the District should be presented for the Board's consideration. She also indicated that she would provide more information regarding donation of the benches and shade structure at a future meeting.

The Board decided that they would prefer one shade structure with four benches, totaling \$8,500, upon clarification from Ms. Hammock. They also requested more information or proposals for an additional shade structure, to be paid for by the District for the outside perimeter of the park area, and would report back at the next meeting. Mr. Lopez also noted that he had put in another request to donate another \$9,000 for the upcoming year in January, adding that that could be used for installation or the second structure.

D. District Manager's Report**i. Approval of Check Register**

Ms. Adams presented the check register from July 1st to July 31st to the Board. The total was \$65,679.58. There being no questions, she asked for a motion of approval.

On MOTION by Ms. Anderson, seconded by Mr. Lopez, with all in favor, the Check Register, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams reviewed the unaudited financials, adding that they were in the agenda packet for the Board's review and no action is required from the Board.

SIXTH ORDER OF BUSINESS**Supervisors Requests**

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Ms. Anderson stated that she wanted to make sure that the security issues were addressed, and Ms. Adams explained that the security contractor may not be promoting full compliance with the amenity policies. Ms. Adams added that she reached out to the site supervisor for that area regarding the training of security staff, and that she would follow up on the matter to ensure that it was taken care of.

Ms. Adams also stated that she sent out an email to residents that they should bring their amenity access card with them when wanting to use the pool.

Ms. Anderson asked if there was any way to address the stains on the walls from the irrigation system, and Mr. Smith responded that field staff could do adjustments to irrigation to make sure that it doesn't spray onto the walls.

Ms. Anderson also asked if District staff could reach out again to the city and county regarding the crosswalk at 10th and Patterson, and Ms. Adams responded staff would look into it.

SEVENTH ORDER OF BUSINESS

Public Comments

Ms. Adams opened the floor to audience comments and asked that the comments be kept to the three-minute time limit.

Resident John Krakowski suggested that no fence permits are issued to residents until the issue was resolved, and Ms. Adams responded that they could still be installed as long as there was not an easement in jeopardy.

EIGHTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned.

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

Tricia Adams
Secretary/Assistant Secretary

Christopher Lopez
Chairman/Vice Chairman