

MINUTES OF MEETING

HIGHLAND MEADOWS II COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING

Thursday, February 9, 2017 at 9:04 a.m.

Offices of Cassidy Homes

346 East Central Ave.

Winter Haven, FL 33880.

Board Members present at roll call:

Lauren Schwenk	Board Member	
Rennie Heath	Board Member	
Andrew Rhinehart	Board Member	
Scott Shapiro	Board Member	(Joined 9:20 a.m.)

Also Present:

Jane Gaarlandt	Fishkind & Associates, Inc.
Joe MacLaren	Fishkind & Associates, Inc.
Roy Van Wyk	Hopping Green & Sams, P.A.
Sharon Garrett	Resident

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 are no comments from the public at this time.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the January 19, 2017 Board of Supervisors' Meeting

The Board reviewed the minutes of the January 19, 2017 Board of Supervisors' Meeting.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Minutes of the January 19, 2017 Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Public Hearing on the District's Use of the Uniform method of Levying, Collecting, and Enforcing Non Ad-Valorem Assessments

- a) **Public Comments and Testimony**
- b) **Board Comments**
- c) **Consideration of resolution 2017-12, Adopting the Uniform Method**

Mr. MacLaren requested a motion to open the public hearing.

On MOTION by Ms. Schwenk seconded by Mr. Heath, with all in favor, the Board opened the Public Hearing.

Mr. MacLaren asked for public comments on the District's use of the Uniform Method. There were no public comments. Mr. Van Wyk explained that the District added some lands and this would extend the coverage of the use of the Uniform Method to collect assessments on the Tax Roll for those new lands. Ms. Garrett asked where the lands are located that were added to the District. Mr. Van Wyk explained that the District did a Boundary Amendment 3-4 weeks ago and the description of the lands are in the package under Resolution 2017-12. Ms. Garrett asked to see that map, which Ms. Gaarlandt indicated was in the Engineer's Report. Ms. Garrett stated that sometimes this does not serve the citizens and it increases the taxes on them. Mr. Van Wyk explained that this is the hearing to decide whether the District is going to use the Uniform Method of Collecting and it is public comment for those parcel owners who are subject to the new collection method and her parcel is not included. Ms. Garrett thinks that it will impact her in the long run. Mr. MacLaren recommended a motion to close the public hearing.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board closed the Public Hearing.

Mr. Van Wyk requested approval of Resolution 2017-12.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved Resolution 2017-12, Adopting the Uniform Method of Levying, Collecting, and Enforcing Non Ad-Valorem Assessments.

FIFTH ORDER OF BUSINESS

**Consideration of Acceptance of
Conveyance to the District
Amenities.**

Ms. Schwenk requested that this item be continued until Monday's meeting.

SIXTH ORDER OF BUSINESS

**Consideration of Acquisition
Agreement, Phase 5**

Mr. Van Wyk explained that this agreement sets forth the terms and conditions by which the District will acquire the infrastructure improvements made prior to funding by the Developer and the Landowner. Mr. MacLaren noted that agenda items 4, 5, 6, 7, and 8 are all related. Mr. Van Wyk continued that this agreement also sets forth the requirements for the transfer of real property.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Acquisition Agreement, Phase 5.

SEVENTH ORDER OF BUSINESS

**Consideration of Construction
Funding Agreement, Phase 5**

Mr. Van Wyk stated that this is an Advance Funding Agreement to pay those costs associated with any of the improvements for the area of Phase 5 and allows the District to receive funding from the Landowner in order to fund engineering, construction, etc. prior to the issuance of Bonds. It sets forth the terms and conditions for which repayment will be made and acquisition will be done within this standard form agreement.

On MOTION by Mr. Heath seconded by Mr. Rhinehart, with all in favor, the Board approved the Construction Funding Agreement, Phase 5.

EIGHTH ORDER OF BUSINESS

Consideration of Developer's Affidavit and Agreement Regarding Assignment of Contract, Phase 5

- a) **Acknowledgment and Acceptance of Assignment and Release**
- b) **Addendum to Contract**

Mr. Van Wyk explained that there is already in place a construction contract for Phase 5 and this is a provision under the Acquisition Agreement that allows the District to assume that construction contract. The District has a Construction Funding Agreement in place that provides funds for that construction until the District issues the Bonds. The existing construction contracts have been publicly bid and Mr. Van Wyk noted that District staff would like to assign that Construction Contract to the District to carry out the remainder of the construction work. The requirements set forth in the Assignment of Contract is the Affidavit, Assignment and Acceptance of Assignment and Release, and the Addendum to Contract. The District is augmenting the Construction Contract that was issued by the Landowner to make sure it complies with all public construction requirements. All these documents will be provided and executed and the Contract will be assigned to the District for Construction of Phase 5 of the project. There were no questions.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the Board approved the Developer's Affidavit and Agreement Regarding Assignment of Contract, Phase 5.

NINTH ORDER OF BUSINESS

Consideration of Acquisition Agreement, Phase 6

Mr. Van Wyk explained that the Phase 6 landowner is different than the Phase 5 Landowner which is why the District has two different agreements for the acquisition of the improvements. This is exactly what the District went through for the acquisition of Phase 5 and that this agreement sets forth the terms and conditions by which the District will acquire work product and contract assignments.

On MOTION by Mr. Rhinehart, seconded by Mr. Heath with all in favor, the Board approved the Acquisition Agreement, Phase 6.

TENTH ORDER OF BUSINESS

**Consideration of Construction
Funding Agreement, Phase 6**

Mr. Van Wyk stated that the District is required to have in place a funding mechanism for the improvements going forward prior to the issuance of Bonds.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved the Construction Funding Agreement, Phase 6.

ELEVENTH ORDER OF BUSINESS

**Consideration of Developer's
Affidavit and Agreement
Regarding Assignment of
Contract, Phase 6**
a) **Acknowledgment and
Acceptance of Assignment and
Release**
b) **Addendum to Contract**

Mr. Van Wyk explained that there is an existing Construction Agreement in place with the Landowner that provides funds for that construction until the District issues the Bonds. It sets forth all the items required in order for the District to accept assignment of that Construction Contract that is already in place. Following the assignment all of the items will be filled out. All these documents will be provided and executed and the Contract will be assigned to the District for Construction of Phase 6 of the project. There were no questions.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the Board approved the Developer's Affidavit and Agreement Regarding Assignment of Contract, Phase 6.

TWELFTH ORDER OF BUSINESS

**Consideration of Resident Request
for Fence Installation on District
Easement**

Ms. Gaarlandt explained that there is an entire row of neighbors, approximately 8, that want to extend the fencing that is in between their homes all the way down to the wall. It will go past the easement and Ms. Gaarlandt noted that Mr. Amaden confirmed that there

District Engineer – No Report

District Manager – No Report

SIXTEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Ms. Garritt referred to the addition to the property to the CDD on 10th street and indicated that she felt the survey was a little off on the south end of that property. She said that she had a surveyor go out and pin it and it is different than what the District's survey indicates. She said that the District's surveyor went too far her way. Mr. Heath asked which Surveyor she used and she answered she used Todd Dilman who is the City Surveyor for Haines City. Mr. MacLaren requested that Ms. Garritt forward him the legal description. She said that the surveyor just did one corner. Ms. Garritt noted that she has 35 acres and 10 acres that face on 10th Street and it is the north end of her 10 acres that goes up to the south end of McKnight's property. Mr. Shapiro searched for her property information. Mr. MacLaren asked her if she had any other comments; she did not.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There was no further business to discuss. Mr. MacLaren requested a motion from the Board to adjourn the meeting.

ON MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board of Supervisor's for Highland Meadows II Community Development District adjourned the February 9, 2017 meeting.


Secretary / Assistant Secretary


Chairman / Vice Chairman