

WINDWARD  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, May 15, 2019 at 2:00 p.m. in the Hart Memorial Central Library, 211 E. Dakin Avenue, Kissimmee, Florida.

Present and constituting a quorum were:

John Kassik	Chairperson
Jimmy Clark	Vice Chairman
Thomas Franklin	Assistant Secretary
Ellis Roe	Assistant Secretary

Also present were:

Jill Burns	District Manager
Andrew d'Adesky	District Counsel
Jan Carpenter	District Counsel
David Kelly	District Engineer
William Viasalyers	Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order at 2:00 p.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Acceptance of Resignation of Walter D. Beeman, Jr.**

On MOTION by Mr. Franklin seconded by Mr. Kassik with all in favor Walter Beeman's resignation was accepted.

**B. Appointment of Individual to Fill Board Vacancy with a Term Ending November 2019**

**C. Administration of Oath of Office to Newly Appointed Board Member**

**D. Resolution 2019-04 Electing Officers**

Items B, C, and D deferred to the next meeting.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the November 14, 2018 Board of Supervisors Meeting and Acceptance of the Minutes of the August 15, 2018 Audit Committee Meeting**

On MOTION by Mr. Roe seconded by Mr. Franklin with all in favor the minutes of the November 14, 2018 Board Meeting were approved as presented and the August 15, 2018 Audit Committee meeting minutes were accepted.

**FIFTH ORDER OF BUSINESS**

**Consideration of Landscape Maintenance Addendum to Contract with Down to Earth**

Mr. Viasalyers stated this item is to pick up the new boulevard in front of the amenity center. It is considered Phase 3A and we would like to get them on board for that maintenance work.

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor the addendum to the Landscape Maintenance contract with Down to Earth for Maintenance of the Clubhouse Roadway Frontage in the amount of \$13,057.47 annually was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposals**

**A. Arbitrage Rebate Calculation Services with AMTEC**

Ms. Burns stated next is the proposal for arbitrage rebate calculation services with AMTEC. This is a report required by the trust indenture and the cost is \$450 per year.

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor the agreement with AMTEC for Arbitrage Rebate Calculations for the Series 2018A Bonds for \$450 per year was approved.

**B. ADA Website Compliance with VGlobalTech**

Ms. Burns stated there have been some lawsuits brought against units of government, including CDDs saying that website are not ADA compliant. We have been working with this

vendor on all GMS Districts in order to get a bulk rate and they will convert the current website to make them ADA compliant. There are a couple of options, a one-time fee of \$2,375 to convert all documents on the current website so they work with the assisted devices. There is a fee of \$1,350 for annual maintenance and we are not suggesting you go with that option; once the website is compliant GMS can keep it compliant going forward. We suggest the one-time \$2,375 cost to bring the website into compliance. The insurance company will no longer offer coverage if the District is not taking steps to become ADA compliant.

On MOTION by Mr. Kassik seconded by Mr. Roe with all in favor the proposal from VGlobalTech for a one-time fee of \$2,375 was approved.

**C. Landscape Enhancements with Down to Earth (4)**

Mr. Viasalyers described in detail each proposal and the area covered and the Board took the following action.

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor the Down to Earth proposal 1 in the amount of \$728 and proposal 2 in the amount of \$4,625 were approved.

On MOTION by Mr. Kassik seconded by Mr. Roe with all in favor Down to Earth proposal 3 in the amount of \$2,185 was approved.

On MOTION by Mr. Kassik seconded by Mr. Roe with all in favor Down to Earth proposal 4 in the amount of \$3,185 was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-05  
Approving the Proposed Fiscal Year 2020  
Budget and Setting a Public Hearing**

Ms. Burns stated next is consideration of Resolution 2019-05 approving the proposed budget and setting the public hearing for August 21, 2019 at your regular meeting location. The budget is attached to the resolution and I went over this with Jason before he left and right now it shows the assessment amount is the same \$312,827 in order to keep assessments level. We do have a developer contribution of \$28,500 and if you approve this we will direct bill the developer that \$28,500 at the beginning of the fiscal year. Alternatively, if you wanted to reduce some of

the line items so that the overall budget is \$312,827, we can do that. It looks like we can reduce lake maintenance by half. We could reduce the landscape contingency and reduce the first quarter operating reserve a little bit, keep the \$312,827 the same and remove the developer contribution then enter into a deficit funding agreement so if there is a deficit the developer will fund it rather than contributing upfront. We will change lake maintenance to \$3,000.

Ms. Carpenter stated you either have to cut \$25,000 or increase assessments. The carry forward funds the first three months of operations before the assessments are received.

Ms. Burns stated we can reduce the carry forward. Generally, we budget that at three months operating expenses and we generally get assessments the end of November, beginning of December so we could cut that to two months if we needed to. We could cut the landscape contingency now with the understanding that if we cut it down to \$15,000 and you do the \$14,000 project the deficit funding agreement would kick in. We will take \$10,000 off the landscape contingency, \$10,000 off the reserve and cut the lake maintenance in half. Any landscape improvements will have to be done through a deficit funding agreement with the developer.

On MOTION by Mr. Kassik seconded by Mr. Roe with all in favor Resolution 2019-05 approving the proposed budget amended as outlined above, taking out the developer contribution and entering into a Deficit Funding Agreement with the developer and setting the public hearing for August 21, 2019 at West Osceola Branch Library, 305 Campus Street, Kissimmee, FL, was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Series 2018 Disclosure of Public Financing**

Ms. Burns stated this will be recorded in the public records and it outlines the 2018 project and shows the assessment and if anyone is looking to purchase within the community there is a document recorded that outlines that bond issuance and shows the lien against those properties.

On MOTION by Mr. Kassik seconded by Mr. Roe with all in favor the Disclosure of Public Financing for the Series 2018 bonds was approved.

**NINTH ORDER OF BUSINESS**

**Ratification of 2018A Acquisition and Construction Requisition #1**

Ms. Burns stated this has already been approved and is the first requisition that is the reimbursement to the developer for construction costs in the amount of \$6,606,497.83.

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor requisition no. 1 for the 2018A bonds in the amount of \$6,606,497.83 was ratified.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. d’Adesky asked where are we in terms of completion of the initial project? Once we have fully drawn down the construction fund and built out the project before we convey those improvements to the District we need to certify the project as complete. At this point I’m trying to gauge where we are in that process.

Mr. Kelly stated looking at the plans and the status of where we are, we are at least halfway or a little more for the total bond project. Construction-wise we are at least halfway, permit-wise we are probably a little further than that.

Ms. Carpenter stated when you get closer we want to make sure it is turned over and get us certification when the project is complete.

**B. Engineer**

Mr. Kelly stated Phase 1 is complete, 2A we are under vertical construction now.

Mr. Kassik stated it is in permitting we haven’t gone vertical yet.

Mr. Kelly stated the stormwater is in and we are down to curb, base, asphalt type work to finish up. Phase 3 we have the Southwest Florida certification. We are still in preliminary plan stage for the final phase, what we call 3B and C and D. We have to process a PD in order to remove an oak hammock area and we can get a proposal. We have a few entitlements up there.

**D. Manager**

**i. Approval of Check Register**

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor the check registers were approved.

**ii. Balance Sheet and Income Statement**

A copy of the balance sheet and income statement were included in the agenda package.

**iii. Presentation of Number of Registered Voters - 85**

A copy of the letter from the Supervisor of Elections indicating there are 85 registered voters residing within the District was included in the agenda package.

**iv. Designation of November 5, 2019 as Landowners' Meeting Date**

Ms. Burns stated we need to announce the Landowners' election at least 90 days prior to the election and it needs to be held November 5, 2019 at 2:00 p.m. We do not need the Board there we just need a representative of the Landowner to cast the votes. The Landowner can sign the proxy to a Board Member or anyone and the proxy holder shows up at the meeting to cast the votes on behalf of the Landowner. I can send all that information to the Landowner. If anyone wants ballots or proxies ahead of time they can request them from our office.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**


There being none, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**Supervisor's Requests**

There being none,

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor the meeting adjourned at 2:33 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman