

MINUTES OF MEETING  
WINDWARD  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, May 19, 2021 at 2:00 p.m. at 7813 Four Seasons Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

John Kassik	Chairperson
Jimmy Clark	Vice Chairman
Thomas Franklin	Assistant Secretary
Marvin Morris	Assistant Secretary

Also present were:

Jason Showe	District Manager
Kristen Trucco	District Counsel
David Kelly	District Engineer <i>by telephone</i>
William Viasalyers	Field Manager
Dave Lestage	Capital Land Management
Several Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Ms. Williams stated the streetlights along Four Seasons Boulevard are very bright and different than the shades we have on the streetlights in the community area. They are very high, very bright and it shines into my backyard as though it is daytime. I have had to do two different things to my bedroom window and I propose that you come up with a method to put something to block the light from coming into my backyard area and into my bedroom, or lowering it or putting different shades on them, but you would have to do all the lights so they all look the same. This is going to be an issue with the new homes where they have the fronts of their houses with those

big, tall lights. I prefer they be lowered to focus on the street and the sidewalk, which is what streetlights should do.

Mr. Showe stated make sure that Will gets your information and we can contact the light company and sometimes they install shields for us, but we have to specifically request those. I can't make any promises, but we will reach out to the power company and see what can be done.

Mr. Cricitt stated I'm looking at the debt service and it has a 6% interest rate and want to know if that will soon be refinanced.

Mr. Showe stated when those bonds were issued there is typically a 10-year call date so they can't be called until that point. At this point there is no opportunity to refinance.

Mr. Del Llano asked who owns the trees that are between the public street and the sidewalk? Is it the CDD or HOA that owns those trees?

Mr. Showe stated it is my understanding that the CDD owns the property, however, homeowners are required to maintain that area including all the turf and the trees. The CDD performs no maintenance in that area.

Mr. Del Llano stated unfortunately, the HOA removed 22 lollipop trees, are there any restrictions from the CDD that prohibit the homeowner from doing that?

Mr. Showe stated I don't know that the CDD would have any restrictions. That would fall to the maintenance responsibility of the homeowner and under the covenants, codes and restrictions of the HOA they would enforce any of their provisions on those areas.

Mr. Del Llano stated then trimming would fall under the guidelines of the HOA not the CDD?

Mr. Showe stated if it is in front of a home, yes.

Mr. Morris stated I'm curious as to why the HOA decided to remove 22 trees. I have not heard anything official about that.

Mr. Del Llano stated there was no letter, no prior consultation with any of the homeowners, they did it in the dead of night.

Mr. Kassik asked was that in one particular phase or throughout?

Mr. Del Llano stated it is sections 1 and 2. My understanding is that the only trees removed were ones that were lollipoped. The HOA could have held an emergency meeting to talk about the issue.

Mr. Morris stated the fact that the CDD does hold monthly meetings is great, but our by-laws specifically say that the HOA board can have a meeting only once a year at their choosing and so far that is all they do.

Mr. DiPaola stated now that we have purchased we are no longer on a development site and there is a section of our property that abuts the community property. It appears a lot of times that they don't cut their grass. The front of my house looks nice but towards the corner that is all torn up, yet across the street theirs is nicely done with sod and my side looks terrible.

Mr. Viasalyers stated I know the area and one is homeowner and one is CDD. The homeowner section is cut on a different mowing schedule and it is a different grass. You have Zoysia versus Bahia so they are not going to cut both grasses on the same day or mowing schedule. That section is technically the HOA.

Mr. DiPaola asked would I be allowed to replace that grass?

Mr. Showe stated not on CDD property.

Mr. Morris stated you need to get on the HOA website and there is a place to send an email to Capital Land Management.

Mr. DiPaola stated I will do that.

Ms. Williams asked for all fees that are collected is it just our community or neighboring communities as well?

Mr. Showe stated the CDD is specific to here at this community.

Ms. Williams asked all funds that are gathered in our District is used in our District or is it going to a big pot to be used somewhere else?

Mr. Showe stated no, it is all used here.

Mr. Morris stated the way it works is the HOA collects all the moneys and uses it towards expenses. If they run short then they go to KHov and KHov makes up the difference. That will be done until the HOA is turned over to the homeowners.

Ms. Conan stated some people need to be educated about the difference between the HOA and the CDD. I know because I have lived here for eight years, but there is a little confusion as to the separation.

Mr. Showe stated the simple chart we use is if it is on your personal home lot it is the HOA. This amenity center is HOA, everything else that is common area is CDD.

Ms. Conan stated the streets inside Four Seasons are Osceola County streets.



it sets the public hearing, it directs staff to transmit the approved budget to Osceola County at least 60 days in advance of the hearing as well as post the budget on the website.

We have prepared this budget with no assessment increase, however, since there is development to go we budgeted full expenses for the whole year for the whole project and it has been funded through deficit funding by the developer and they have agreed to that for this year. As a heads up, the following year when the development is fully built out we probably will not be able to continue that deficit funding and the assessments will likely increase.

On the administrative side the expenses are level, the one big change we are seeing in all of our Districts is insurance. We have the preliminary cost and have built that into your budget. On the field service side, the biggest expenses are the water and sewer costs for irrigation as well as the landscape maintenance and electric for the streetlights.

Starting on page 22 is the detail on each line item and where we have contracts we can tie it to we show you how we get to all of those costs.

A resident asked where in the budget are the streetlights?

Mr. Showe responded on page 2 under field operations and maintenance it is under electric. That includes all common area streetlights but does not include the footprint of this facility.

A resident stated in regard to irrigation we were notified that there was going to be a new valve or filter that was supposed to built somewhere on the property because the company providing irrigation was letting too much particulate matter come in and our sprinklers were constantly flubbed up. Is that the CDD issue?

Mr. Viasalyers stated currently we are working with KHov to get some pricing to install a self-cleaning filter on the main line that impacts the CDD and the residents. We don't have those numbers yet and hope to have them by the next meeting.

A resident asked there will be no action until you get the numbers, correct?

Mr. Viasalyers stated there is no short-term benefit. In an effort to try to reduce the amount of debris coming in, we have had filters installed in some meters and Capital Land is out here almost on a daily basis cleaning to minimize the debris building up.

A resident asked but there is a plan to put one on the main line?

Mr. Viasalyers stated as long as we can do it within the restrictions of the District, meaning, we can't install Phase 3. We don't have the ability to put that in on our system.

Mr. Showe stated it is a Toho Water supply and we are dealing with their regulations plus our regulations.

Mr. Morris asked does Capital Land change out the filters?

Mr. Viasalyers stated they don't change them out, they clean them, pretty much daily at this point.

Mr. Clark stated the water comes from across the street, TWA had a problem with their screening on the output of the reuse water. They supposedly replaced those screens. I talk to the manager of TWA quite often about it. It helped some, it didn't alleviate the problem. When we put in the irrigation system for the common areas, we installed filters and they are just cartridge filters and for the point of connection you were talking about, we have a second point of connection now down Sandhill Road at the back entrance so we not only have this in Phase 1, but we also have one and Phase 3B now. The water is cross connected from Sandhill Road to Formosa Gardens out here. That should alleviate a lot of the pressure problems.

Mr. Lestage stated I am the contract manager for Capital Land Management. As we are talking about the filter system, I printed out a couple pictures of what we have as far as the filter system. Coming from the clubhouse or from the guardhouse we have to clean this filter twice a day. If we don't clean it twice a day then we have low pressure, irrigation heads from the clubhouse down the boulevard do not pop up. This is the filter that is right here, which is the fourth filter in the chain and once it makes it through three filters this is still the debris that is coming through. These are the nozzles for the irrigation system so when you have your irrigation pop up in the residence or in any of the common grounds these are the plastic filters that pop up so your heads can irrigate. You have plastic and debris all through there. I am now getting sugar sand coming through the lines. This is the filter once it is clean and if you notice a difference between what the filter looks like and what this filter looks like, this is on a daily maintenance. Capital Land Management has devoted a man daily out here to stop the hotspots. We have water restrictions from Toho, they have asked us to cut down the irrigation from 4 days a week an hour per house, each house has four zones so you have 15 minutes per zone. They have asked us to cut the irrigation from four days a week to two days a week, they have asked us to irrigate during the day from 9 a.m. to 11 p.m. versus from 11 p.m. to 5 a.m. They asked us to do that because there are a number of communities in this area irrigating at the same time and they don't have enough water pressure to do this. These are the concerns I'm hearing from homeowners on a daily basis and we

are doing everything that we can. We are working with the CDD on a possible self-cleaning filter system that will cut down on my guy's time and he could be making repairs that need to be made rather than cleaning filters.

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor Resolution 2021-08 approving the proposed Fiscal Year 2022 budget and setting the public hearing for July 21, 2021 was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposal for Arbitrage Rebate Calculation Services (2)**

Mr. Showe stated because we issued the series 2020 bonds last year, we need to have an arbitrage rebate calculation agreement. We provided proposals from AMTEC and Grau & Associates.

On MOTION by Mr. Kassik seconded by Mr. Clark with all in favor the proposal from AMTEC to perform arbitrage rebate calculations for the series 2020A-1 and 2020 A2 Bond issues in the amount of \$450 per year was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Series 2020A Requisition #2**

On MOTION by Mr. Kassik seconded by Mr. Franklin with all in favor requisition no. 2 from the series 2020A bonds in the amount of \$534.20 was approved.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Golf Cart Signage**

Mr. Showe stated we included the email we received in the agenda package.

Mr. Morris asked what do you mean about golf cart signage?

Mr. Viasalyers stated the concern that I have based on conversations with one of the residents was that he wanted to see some warning, a yield or caution there are golf carts in the roadway.

Mr. Morris stated it seems like we have a number of homeowners who have golf carts.

A resident stated down by the 6<sup>th</sup> hole going into the 7<sup>th</sup> tee our signs are spinning around and we have to put them back together again. Can we cement them in so they don't turn? They

are very loose and one is behind a tree and no one can see that sign if they are coming down the street.

Mr. Viasalyers stated we can go around and check the hardware and put some locking nuts on them and any visibility issues we will get with the landscapers.

Ms. Trucco stated my only concern is that golf carts are not permitted on public roads unless they have been dedicated by a county or city for use of golf carts. We don't have police powers so we can't enforce that law. I would keep warning for putting some type of sign that says something other than no golf carts allowed.

Mr. Mansfield stated under 316.2125 says notwithstanding provisions about headlights and other things that safety equipment it has to have, within any self-contained retirement community is permitted.

Ms. Trucco stated there is the distinction they are making. I should have made a caveat to my earlier statement to say that if your golf cart qualifies as a slow speed vehicle that is qualified to be used on the road if it is licensed and registered. If this community has been designated as a retirement community I can take a look at that and report back to the Board at the next meeting. I'm concerned about putting a sign up.

Mr. Showe stated if the Board agrees to have the attorney look into all those issues we can bring a recommendation back to the next meeting.

The Board was in agreement to have the attorney research the item and bring back a recommendation to the next meeting.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Trucco stated our expansion petition was approved by the Osceola County staff and it is now up for its first hearing before the Board of County Commissioners on June 7<sup>th</sup>.

**B. Engineer**

Mr. Kelly stated the Phase 3B and 4A infrastructure is complete for the Four Seasons Boulevard Extension from the clubhouse down to Sand Hill Road and the two development parcels at that corner of Sand Hill and Old Lake Wilson. The only item not complete and was left off on purpose was the second lift of asphalt, which we put down after substantial home construction is



done. We are working with the surveyor on the as-builts and make sure those are in line so we can provide final certification to the agencies.

The next phase of construction Phase 4B we are having our final required preconstruction meeting next Tuesday with Toho and after that we will get under construction and it is my understanding there are already ordering pipes for that phase.

Mr. Morris asked have we determined the location of the dog park yet?

Mr. Kelly responded I don't know who makes that decision. Usually, we get direction from the developer, I don't want to put it in a place they don't want it.

Mr. Kassik stated we are going to start Phase 4B first, the extension of the duplexes going north. This next phase will be the first stub street along the new development that space 3C will be second. The next middle stub street by the second lift station is Phase 3D the dog park is going in Phase 3 so it likely will not go in until sometime early next year.

#### **D. Manager**

##### **i. Approval of Check Register**

On MOTION by Mr. Franklin seconded by Mr. Morris with all in favor the check register was approved.
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##### **ii. Balance Sheet and Income Statement**

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

##### **iii. Presentation of Arbitrage Rebate Calculation Report**

Mr. Showe stated when we issue bonds we are legally required to test how much interest we are earning because they are tax-exempt bond and we cannot earn more interest than we are paying on the bonds. Based on this report there is no rebate liability and we are in full compliance.

##### **iv. Presentation of Number of Registered Voters – 359**

A copy of the letter from the supervisor of elections indicating that there are 359 registered voters in the District was included in the agenda package.

Mr. Showe stated after six years and 250 registered voters the Board transitions to general election rather than landowner election. This District was created in 2017 and we have a

couple years left. As we get closer to the 2023 date we will want to move the elections to an even numbered year to coincide with the other general election seats.

**v. Designation of November 17, 2021 as Landowners’ Meeting Date**

On MOTION by Mr. Morris seconded by Mr. Kassik with all in favor November 17, 2021 was designated as the landowners meeting date.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor’s Requests**

Mr. Morris stated this may go back to Dave from Capital Land Management. There is a small park next to my home, Lot 86 and we have a number of large palm trees and pieces of the trees seem to fall quite often especially on a windy day. It seems like the branches don’t seem to get picked up very often.

Mr. Lestage stated our company is contracted. I had two companies come out, I had Elite Grounds come out, which is a tree company, to give us a price of trimming all the palm trees that belong to the CDD as well as the HOA, cleaning up all the dead palm fronds, all the material and seed pods. Yesterday I had an arborist come out and look at the HOA and CDD to give us a number I can get bids from both of them to trim those. The part that is by your side and over by the lift station the debris tends to drop fast and drops on a daily basis. I had the gentleman who is doing all your residential irrigation repairs as well as the monthly inspection and I had him doing the filters and trying to pick up the debris by the end of the day. As an individual for our company he has his hands full. I have my detail crews when they come through, pick that stuff up. It is a concern of ours because you have mentioned it and a gentleman on the side by the lift station mention it too. Within the next couple weeks all the palm material that we have here will be trimmed up back to the specs that it needs to be for this time of year. Our company is also looking to provide to the residents a schedule of our trimming, spraying, fertilization, mowing and irrigation techs so that the residents are aware of when we are on their property and where we are.

Mr. Morris stated there is a second area I’m also told about, on the road that goes to the gate to Mystic Dunes. Apparently there is a lot of debris by the back gate.

Mr. Lestage stated I have Robert going down there and he will get that this afternoon. That dead tree in the center of the pool has to be taken down by sections. We may have to have a crane over the building so when we cut the tree in sections, we aren't dropping it into the pool.

A resident stated the last page shows \$8 million and annual interest payments of \$352,000 and it takes 14 years to balance and continues to show \$8 million with \$5 million of interest paid. Nothing has been accomplished other than saddling us with an \$8 million bill.

Mr. Showe stated that is the series -2 bond and the developer is responsible for that so as they sell each house, the developer makes a contribution towards that principal. That is not the one that applies to your homes. Your homes are the -1 series, which has principal and interest every single year.

A resident asked is that \$8 million going to disappear as they sell homes or is it going to be waiting for us?

Mr. Showe stated you are looking at the series 2020 and that is a brand new series of bonds that were just issued. Those homes haven't been sold yet.

A resident asked why didn't they do a note instead of issuing bonds then when they transferred the note to us when we take over then we would continue to make the payments and potentially a good piece of it would be done in 15 years.

Mr. Showe stated that is not the process that CDDs use. The -2 series of bonds that you are looking at, that does not apply to your home, that is not a debt that you have to pay. The developer is responsible to pay the series -2 bonds and that is the one you are looking at.


A resident stated the wastewater treatment plant smells terrible. I was told that if it smells like that it is not working properly. Do you have the ability to talk to them and see what is going on and try to get that fixed?

Mr. Clark stated your best bet is to get together as a group of residents and approach them. I can talk to TWA all I want but I will get as much response as talking to these glasses. There is strength in numbers. If everybody in the community bombards TWA with emails and phone calls you are probably going to get a lot more done than I will.

A resident stated by the exit gate, trucks go in all the time and they have to turn around because they can't get out and the concrete is crushed.

Mr. Viasalyers stated we are working on getting proposals for that.

On MOTION by Mr. Kassik seconded by Mr. Morris with all in favor  
the meeting adjourned at 3:03 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman