

MINUTES OF MEETING
WINDWARD
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, October 20, 2021 at 2:00 p.m. at 7813 Four Seasons Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

Marvin Morris	Chairman
Scott Johnston	Vice Chairman
Jimmy Clark	Assistant Secretary

Also Present were:

Jason Showe	District Manager
Kristen Trucco	District Counsel
David Kelly	District Engineer
William Viasalyers	Field Manager

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comment

Ms. King stated there is nothing on the agenda about an election, which I understood to be in November now.

Mr. Showe stated there is going to be a landowner's election in November.

Ms. King asked will you explain the process?

Mr. Showe stated if you own one lot you get one vote and the same applies to every landowner within the District. There will be three seats on the Board to be determined at that meeting.

Ms. King stated tell me what that means for KHov.

Mr. Showe stated they get one vote per acre or if they own a lot, they get one vote.

Ms. King stated if they own a lot that hasn't transferred ownership yet, is that their vote?

Mr. Showe responded yes, they get one vote for each lot they own or if they own a 100-acre parcel, they get 100 votes for that piece. We will pull the roll from Osceola County so that we have it as up to date as possible.

Ms. King stated at the last meeting I attended you transferred some land to Toho, is that considered a lot, is Toho now able to vote?

Mr. Showe stated if they owned property, they would get a vote but typically they do not show up at any of these meetings to exercise their vote.

Ms. King asked how is the voting done? Is it done by mail, online, how?

Mr. Showe stated it is done in here, in person and there are proxies available for anyone who can't attend you can give our proxy to someone to vote for you.

Ms. King asked when do the nomination forms go out?

Mr. Showe stated we take nominations at that meeting. There will be ballots at the meeting that you will fill out with your vote for each seat. The proxies will be on the website prior to the election, windwardcdd.com website.

Ms. King stated a KHov person could show up with 800 votes and he could vote those votes for three positions.

Mr. Showe responded yes.

A resident asked the front gates belong to the CDD, correct?

Mr. Showe responded yes.

A resident stated we seem to consistently have a problem with the front gate. I know the HOA is getting it fixed but it gets fixed and a few says later it is not working. When I moved in it worked fine and now you have to stop before it opens and about 80% of the time it works and sometimes it does not. I understand there is a problem and KHov has more clout to go to whoever installed it and say this isn't working, replace it or fix it now. Has anyone thought of that? I go into other communities and their gates go up seamlessly.

Mr. Viasalyers stated the HOA is not the one that takes care of the gates, GMS, the CDD management company is the one. We address issues and concerns and get them corrected. Recently we have been dealing with lightning strikes, vendors and residents hitting the gate and things of that nature. As far as it not working versus someone else, it may be a matter of when you are using your clicker. That is an issue we have dealt with in the past.

A resident stated it used to work anywhere within 150 feet but now you have to stop by the pole and hold the clicker down it won't open. How do we fix this?

Mr. Viasalyers stated I will put a sign at the location where the transmitter works. That is the easiest way to address it. We used to be able to do it as soon as you got to the gate and residents were continually hitting it so we changed that over a year ago and you have to be further back from it.

Mr. Morris stated I have found that once we enter the complex, we push the button down and hold it down and as we approach the beam then the gates will open.

Mr. Viasalyers stated it is by the callbox and we can put a sign there.

Mr. Morris stated if there is a line of visitors that extends past the pole where the beam is it won't register.

A resident stated there is an easement between me and the villas and they talked about putting a gate there to access that easement area between the golf course and our houses. I want to know what's going on with that because in reality it is only a 16" easement.

Mr. Viasalyers stated as we explained that day, we were looking at options on where we could possibly have access. We didn't say there was a gate going in. We are not putting a gate there. We were looking for access for the landscape company to be able to go back there and maintain it.

Mr. Herns stated the gate at the end of Four Seasons Boulevard I understand has been left open and then closed, it is not operating. It defeats the purpose of the HOA paying for 24-hours security guard at the main gate if the back gate is just going to be left there.

Mr. Viasalyers stated they left the equipment open, it got rained on we currently have it open now in case there is an emergency with fire trucks and things of that nature. The gate vendor has been out today to assess it and we will be getting the gate repaired and we will lock it out so that no one can tamper with it anymore.

A resident stated at Sandhill and Formosa there is a gap that people can walk in and someone needs to look at that. A vehicle was left on the street for weeks. Do I call the police because they are parked on both sides of the streets for weeks? Who handles that, the CDD?

Mr. Showe stated if there is an issue where an emergency vehicle cannot get through, we recommend you call the sheriff's non-emergency number. That is a safety issue and is not something the CDD can address.

Ms. Trucco stated these roads are public roads, we can have gates, but we cannot restrict anyone from coming into the community. With respect to the roads, we don't have police powers so we can't write a ticket, we can develop parking and towing rules. In the future you can call the sheriff's office and explain there is an issue.

Mr. Morris asked is there a law in Osceola that says you cannot park on the street?

Ms. Trucco stated there may be.

Mr. Clark stated it is community by community, it is not one size fits all.

Mr. Morris stated within this CDD there is nothing that says no parking on the street.

Mr. Showe stated correct.

A resident asked the trees that are in front of every house, when the roots begin to break the sidewalk, who is responsible for that?

Mr. Showe stated the CDD.

A resident stated if it is public streets, why are we paying the CDD?

Mr. Showe stated the CDD owns and maintains the roads even though they are public.

A resident stated then there is not that much security to have the gate.

Ms. Trucco stated many developments finds that it deters people from coming in.

A resident stated Formosa Garden from our street to the neighbors we don't have streetlights and we don't have a sidewalk.

Mr. Viasalyers stated I will look into the streetlights, but they may not be finished developing yet so the sidewalk would not be in.

A resident asked who do we report a streetlight that is out?

Mr. Showe stated Duke Energy and if you take a picture of the number on the pole they will know exactly where it is.

A resident stated we need a crosswalk at Four Seasons; it is a major place where people cross from one side of the community to the other.

Mr. Showe stated if there is none there now, the engineer would have to look at it and see what it would take.

A resident stated cars are blocking the sidewalk.

Mr. Showe stated those are typically handled by the county code enforcement because that is an ADA violation. We don't have police powers and can't write them tickets. You can call the sheriff's non-emergency number.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 21, 2021 Meeting

On MOTION by Mr. Clark seconded by Mr. Morris with all in favor the minutes of the July 21, 2021 meeting were approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2022-01 Budget Amendment

Mr. Showe stated this is required prior to our auditing process for the end of the year and we are recognizing the deficit funding that was provided so there is more revenue than what was adopted in the budget.

On MOTION by Mr. Clark seconded by Mr. Johnston with all in favor Resolution 2022-01 was approved.

FIFTH ORDER OF BUSINESS

Consideration of Proposal from Aquatic Weed Management, Inc. for Pond Treatment

Mr. Viasalyers stated these are for the ponds in the new phase that were recently conveyed to the CDD. We went with this company based on experience and they also provide trash removal if necessary.

On MOTION by Mr. Morris seconded by Mr. Clark with all in favor the proposal from Aquatic Weed Management, Inc. for Fiscal Year 2022 pond maintenance in the amount of \$3,600 was approved.

SIXTH ORDER OF BUSINESS

Consideration of Agreement with Grau & Associates to Provide Auditing services for Fiscal Year 2021

Mr. Showe stated next is the audit agreement with Grau & Associates to perform the Fiscal Year 2021 audit and is in line with prior audits, there is an increase due to the new bonds that were issued last year.

On MOTION by Mr. Clark seconded by Mr. Morris with all in favor the engagement letter with Grau & Associates to perform the Fiscal Year 2021 audit was approved.

SEVENTH ORDER OF BUSINESS

Discussion of Phase 3 Gates

Mr. Morris stated some people have come to me and said there are no pedestrian gates. But I am told there are pedestrian gates, however, there is a problem with the code to get in.

Mr. Viasalyers stated prior to the meeting Sandra told me she met with ACT and they got the gates working. She can send the code out to the residents.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Trucco stated I passed out to the Board a memorandum that our firm has put together regarding the new law and became effective July 1, 2021. It requires all counties, cities and special Districts to prepare a 20-year projected needs analysis report of its stormwater systems and its wastewater systems. It is not due to the county before June 30, 2022. We have spoken to some District engineers who have indicated that they have some of these items already and we recommend that the Board direct Dave Kelly and his team to review the requirements for the report, prepare a proposal indicating the cost to prepare the report and work in conjunction with GMS.

Mr. Morris stated the cost of this is not in the budget.

Mr. Showe stated not specifically, most likely it will be covered under your engineering costs.

Ms. Trucco stated the Board also asked us to take a closer look at the declarations regarding whether this community qualifies as a self-contained retirement community to permit the use of golf carts on District roads. There is a law in Florida that says golf carts on public road are prohibited unless the development qualifies as a self-contained retirement community. There is in fact language to specify that this is an age restricted community, that you have to be above a certain age in order to reside here. Based on our review of the declaration it does appear that this is a self-contained retirement community so golf carts on the road are not disallowed. We are working in conjunction with the developer to see if they would reach out to the law firm that prepared the declaration to confirm that the declaration carries forward to the expanded area and it was their intent for this to be an age-restricted community.

B. Engineer

Mr. Kelly stated Phases 3B and 4A are substantially complete and we are very close to closing those out. We have one construction related item on Sandhill Road offsite stuff we are working on and that should be done shortly. 4B has been started and they are more than 50% done, we have staff going out today. Phases 3C and 3D are the clubhouse and down the boulevard are under construction.

Mr. Morris asked do you think you can have a discussion with the KHov builders regarding the streets in the area for construction. My wife and I drove in that area once before and got a nail in our tire, to see if they can do diligence about keeping the actual roads clear of items such as that.

Mr. Johnson stated we can talk to the contractors.

Mr. Morris asked do we know yet where the dog park is going to be?

Ms. Trucco stated I believe it is in the expanded area.

C. Manager

i. Approval of Check Register

On MOTION by Mr. Morris seconded by Mr. Clark with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

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

iii. Field Operations

Mr. Viasalyers stated I would like to thank Sandra and her team from the HOA they did a great job getting the information to us because we are not here every day. We are currently working with the landscapers on Four Seasons Boulevard going into the new phase. We have turned the irrigation off due to the impact of the heavy construction vehicles continuously breaking those lines. We are working on getting the areas mulched for the holiday season and we are working with the HOA to install Christmas lights as well at the front entrance.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.


ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Clark seconded by Mr. Morris with all in favor
the meeting adjourned at 2:43 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman