

**MINUTES OF MEETING
WINDWARD
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, **January 18, 2023** at 2:00 p.m. at 7813 Four Seasons Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

Jimmy Clark	Chairman
Susan Moss	Vice Chairperson
Marvin Morris	Assistant Secretary
Gretta Akellino	Assistant Secretary
Carmen Renaud	Assistant Secretary

Also Present were:

Jason Showe	District Manager
Kristen Trucco	District Counsel
David Kelly	District Engineer
Andy Hatton	Field Manager
Rey Owen	Juniper

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 I want to thank Andy for adjusting the lights at the front gate. What is happening with the dip at Flora Pass and Four Seasons?

Mr. Clark stated the engineer is looking at that.

areas within the CDD. The parkway areas, the strip of land between the public right of way and individual lots, there is usually a tree in that strip of land. It is our understanding that historically the HOA has been responsible for maintaining that parkway area. They put the CDD on notice that they are no longer willing to maintain that parkway area. We had to look through the legal documents to confirm that we do own the parkway area. It is definitely in our interests that we develop some type of rule and clarity with regard to who is responsible for maintaining our area. We spoke with the HOA counsel and it sounds like they are willing to be responsible for maintaining the landscaping in the parkway area except for the trees, which we will provide tree trimming services for as the CDD. This is not uncommon for CDDs to run into this issue with HOAs and declarations and plats and conflicting language in each of those. What has worked in the past for CDDs is adopting a rule like the one I provided for you today, which states that the CDD will be giving individual lot owners and/or the HOA the responsibility of maintaining the landscaping in the parkway areas but that the CDD will retain the right to maintain the landscaping if that parkway area ever becomes a threat to public safety. The CDD would retain the right to maintain the landscaping if we so choose, but we would be putting the responsibility onto the individual homeowners and/or the association. We would also have the ability to fine individuals \$1,000 for failing to comply with this rule. It seems the HOA counsel is agreeable with this arrangement they would be responsible for maintaining all landscaping except for the trees. We have also written in here that the CDD would not be responsible for replacing a tree. If there is an issue with a tree the CDD wouldn't necessarily be obligated to replace that but individual lot owners who would like a tree there they can approach the CDD and we can enter into some kind of agreement for them to replace it, etc.

This is a proposed solution to this issue which is that the HOA is no longer willing to maintain the parkway area. Our role is that we make sure that is a safe area and that will provide clarity for the residents with regard to who is responsible for maintaining now. My understanding is that in communities roadways that are owned by the city it is customary that the individual lot owners will maintain that parkway area.

I'm looking for direction for Jason to move forward with the rule hearing process and you would still have opportunities to make revisions and tweak this rule.

Mr. Morris asked who owns the sidewalks?

Mr. Showe stated the CDD maintains the sidewalks for safety and if there is a trip hazard that is for us to maintain. We typically won't do much for aesthetics especially in front of a home, that falls to the homeowner to pressure wash the sidewalks.

On MOTION by Mr. Morris seconded by Ms. Moss with all in favor authority was delegated to the chair to approve the date for the rulemaking hearing once the language is approved by the HOA counsel.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

Mr. Kelly stated we will monitor the asphalt that is lifting around the palm trees. The second lift of asphalt will be a finer grade and more flexible and that might take care of the problem.

D. 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. Hatton gave an overview of the proposal from All Terrain for curb repair and sod replacement due to damage caused by trucks.

On MOTION by Ms. Akellino seconded by Ms. Moss with all in favor the proposal from All Terrain Tractor Service, Inc. in the amount of \$6,506.50 for curb repair and sod replacement was approved.

TENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS Supervisor's Requests

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Morris seconded by Mr. Clark with all in favor
the meeting adjourned at 2:28 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman