

**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 17, 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

Also Present were:

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

Following is a summary of the public comments: no differentiation between outside or community sponsored events, who approves the events, block parties, special events policy, liability issues.

Mr. Morris moved to approve blocking Flora Pass cul-de-sac for a block party but there being no seconded the motion die for lack of a second.

Additional comments: doggie stations, a number of unreasonable restrictions in the proposed event policy, streets are public, proposed policy was an example only, unable to have a party in driveways because of the slant, resident committee, is it possible to draft hold harmless

agreement for residents who attend block parties, residents feel restricted in social events, CDD insurance, third party claims, reach out to insurer for recommendations, better background information on future proposals, intent and services of the board, streets owned by CDD, CDD owns, streets, stormwater structures and CDD properties can be found on property appraisers website, put map on website, cracks in sidewalks and bike paths, several places on Four Seasons Boulevard with no graduated access to sidewalks, estimate of retaining wall completion, roads will be owned in perpetuity, makeup of the board, district manager to set meeting to go over basics of the CDD, resident safety, sidewalks need repair, first two intersections past the clubhouse need stop signs, sidewalks were not continued, camera at front entrance, safety issues, streetlights are leased, maintenance on fountain, waterfall, landscaping and irrigation, vandalism and leaks at fountains, more communication with residents, consider cul-de-sac for parties, maintenance needed on sidewalks, agreement with the HOA, maintenance of parkway areas and boulevards, CDD maintains the trees, issues with sod, lack of reclaimed water, issues with trees, extremely unhappy with landscape maintenance, possibly draft an events policy for residents to comment, golf cart tour for board to see the area, construction of dog park.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the March 15, 2023 Meeting

<p>On MOTION by Mr. Morris seconded by Mr. Clark with all in favor the minutes of the March 15, 2023 meeting were approved as presented.</p>
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FOURTH ORDER OF BUSINESS

Public Hearing

A. Consideration of Resolution 2023-03 Rules Governing Parkway Areas

<p>On MOTION by Mr. Clark seconded by Mr. Morris with all in favor the public hearing was opened.</p>

Ms. Trucco stated I have gone over the majority of the information about the maintenance of parkway area that is located in front of the residential lots. At the last board meeting you saw this same rule governing parkway areas and the board adopted a resolution setting a public hearing for today. There has been published notice of this rule and today is the hearing to potentially adopt

or modify this rule. You have a few options: you can modify the rule and adopt it, continue the public hearing to a date, place and time certain, and revisit this rule. The language in this rule proposes that the CDD would delegate the responsibility for the parkway maintenance to the resident and/or the HOA to maintain the landscaping including the sod in the parkway area. We are talking about the grass in front of the individual homes including the tree that is in the parkway area between the sidewalk area and the road. This rule also delegates responsibility to the CDD to maintain the tree, which this board has already directed GMS staff to go out there with a landscaper and maintain and restore those trees. We are in the process of doing that based on resident feedback. The HOA has historically taken care of that area and we were put on notice that they are no longer going to do that. We have had multiple conversations with the developer team and HOA's counsel and we are trying to iron out an agreement for how that parkway area is going to be maintained moving forward. This is potentially a compromise; we don't have the HOA's counsel's approval yet but they are aware that this rule is currently being reviewed by the CDD. As it is written today it would put the responsibility on the resident or the HOA to maintain the parkway area with the exception of the tree. The CDD would be maintaining that tree, we would not have the obligation to replace the tree and we would reserve the right to step in and maintain the landscaping in the parkway area if there was a safety/welfare threat to the public.

I spoke with a few of you before the meeting and it sounds like there is some desire to table this until we have a more firm answer from the HOA that they are in agreement with these terms.

A resident asked if the tree is knocked over by a hurricane who is responsible for the tree?

Ms. Trucco stated under this rule the CDD would not have the obligation to replace the tree, the CDD could remove it and the resident could approach the CDD and say we want to put a tree in.

A resident asked would you replace the tree today?

Mr. Showe stated the CDD has been operating under this rule. There was some confusion after the last hurricane based on conversations we have had with the HOA. It was our understanding that the HOA was maintaining that area including the tree when we found out they weren't this board and our staff said we would fix the trees.

A resident asked would the HOA make us replace the tree.

Ms. Trucco stated I don't think they have the ability to require you to replace the tree. The HOA's lawyer has this rule and they are reviewing it and I just have not gotten their final okay.

A resident asked will you sod and mulch the area?

Ms. Trucco stated that is part of the conversation now, who will be restoring the parkway area.

On MOTION by Mr. Morris seconded by Ms. Akellino with all in favor the public hearing was continued to August 16, 2023 at 2:00 p.m. in the same location.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2023-04
Approving the Fiscal Year 2024 Proposed
Budget and Setting a Public Hearing**

Mr. Showe stated Resolution 2023-04 approves the fiscal year 2024 budget and sets the public hearing for August 16, 2023. The approved budget will be provided to the City of Kissimmee, Osceola County and will be posted to the district’s website.

Last year the developer deficit funded about 40% of your budget, which brought all the assessments down a little bit from the original proposal. This budget has a proposed O&M assessment of \$2,262, which is a \$1,000 increase per home over what you are currently paying. It would have gone up last year to about this amount had the developer not deficit funded the budget. We are working with the developer and it is my understanding that they intend to deficit fund at some level, but I do not have that number now. Today the board is setting a ceiling and whatever level KHov might choose to deficit fund will bring that number down. We will work with them between now and your budget hearing and hopefully, bring back a lower assessment but this is likely the budget you will see when this community is fully built out.

Mr. Morris stated that does not include the bonds.

Mr. Showe stated correct, the debt of \$960 is not included, the total would be \$3,222. The budget is not much different from the proposed budget last year, there are not a lot of increase on the expense side. The difference is the deficit funding that is not recognized in this proposed budget.

Ms. Trucco stated today you are setting the ceiling. You are required to pass a resolution approving a proposed budget that will set the ceiling and at the actual hearing to adopt the budget you will set the final numbers. You can’t go up in August you can bring this number down. If assessments go up, we are required to send mailed notice to every homeowner within the

community. Everyone will get notice of the increase and they are encouraged to come to the public hearing.

Ms. Akellino asked at what point will we know the level of contribution of deficit funding from the developer?

Mr. Showe stated I'm not sure, I anticipate it within the next 30-days. When I have that information, I will distribute that to the board. The purpose of today is to set the ceiling. We are working with only six months of actuals and over the next month or two we will continue to refine this budget. You are not locked into anything today except this is the maximum amount of assessment.

A resident asked if we are going to continue on with the budgets that are increasing significantly every year, I suggest we have a separation between what Juniper does and what the HOA does because we have grown over the years and if they are not doing their job why are you paying them.

A resident stated for the purpose of selling houses it appears that KHov significantly understated the cost of running this community. There should be more outrage about that. The CDD should be standing up to them. I don't accept a \$1,000 increase if KHov is not paying their share.

Mr. Showe stated the original budget we proposed last year when we started the process was a proposed assessment of \$2,159 and we are close in range to that. There are some inflationary increases that basically drove it to the point you are at. We will continue to work with KHov and hopefully bring something back to your August meeting that is less.

On MOTION by Mr. Clark seconded by Ms. Moss with three in favor and Mr. Morris opposed Resolution 2023-04 Approving the Fiscal Year 2024 Proposed Budget and Setting a Public Hearing for August 16, 2023 was approved 3-1.

A resident asked are you responsible now for all the roads that KHov has put in without the ones that don't have development around them yet? Have you accepted those?

Mr. Showe stated not all the roads.

A resident stated if we get all the houses sold that will be more people contributing to this budget.

Mr. Showe stated KHov owns vacant property and they are assessed just like you are for that vacant property. If they own a lot, they are assessed just like you are. We have already considered the full development plan and the full development is assessed from day one. The CDD is taking on more areas that need to be maintained and the pool of people paying is the same.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2023-05
Approving the Conveyance Documents
Related to Series 2020A-1 and 2020A-2
Requisition No. 4**

Ms. Trucco stated this is related to one of the comments we just received about do we own all the roads. The answer is no, it has to go through a formal conveyance process before the CDD is the rightful owner of the roadway. We have something like that on the agenda today. Resolution 2023-05 contemplates and approves the conveyance of some real property tracts, specifically three right of way tracts in two different plats from KHov to the CDD and from the CDD to the HOA and from the CDD to Toho Water Authority. Those conveyances are consistent with the original development plan for the CDD including the recorded plats and development plans approved by Osceola County. We were notified by the developer and the district engineer that these improvements and real property tracts are ready for conveyance to the CDD so I prepared this resolution for your consideration. I have also run a title report with Fidelity Insurance and there are no encumbrances on these properties. There are two notices of commencement, the developer responded right away and they are working on clearing those from title. Once we have those cleared and notice of termination is accounted for providing those notices of commencement then these will be ready for conveyance to the CDD. Attached to the resolution are the actual conveyance documents. The first is a special warranty deed from KHov to the CDD, a bill of sale and those two documents actually convey the real property from the developer to the CDD. The bill of sale conveys the infrastructure improvements. You will see those listed in the attachment to the bill of sale. There is some infrastructure being conveyed to the HOA as well. The reclaimed water distribution system is going to the HOA in accordance with development plans and the potable water system and sanitary sewer system are going to Toho Water Authority in accordance with the development plans. We also have an owner's affidavit and agreement regarding taxes. Those are assurances from the developer to the CDD that there are no outstanding taxes or encumbrances on the real property or infrastructure that would hinder the ability of the district to

own and maintain those. There is a certificate of the district engineer as required under the initial bond documents.

Mr. Morris left the meeting at this time.

On MOTION by Mr. Clark seconded by Ms. Akellino with three in favor Resolution 2023-05 Approving the Conveyance Documents Related to Series 2020A-1 and 2020A-2 Requisition No. 4 was approved subject to district counsel and district engineer signoff.

SEVENTH ORDER OF BUSINESS

Discussion of Engineer’s Report of Infrastructure Issues

Mr. Kelly stated we went out and tested the condition at the intersection of Flora Pass Place and that is settling and we made a recommendation to the board and will coordinate with a vendor to rip out that section about halfway across the intersection, recompact the base, put the material back on and repave it.

The other item is there is early stress on the asphalt on Four Seasons Boulevard and we will continue to monitor it.

EIGHTH ORDER OF BUSINESS

Discussion of Special Event Policy

Mr. Showe stated we have had some discussion on this and it seems to be the board wants to put a hold on that for now and get input from the residents. If I receive any input or direction from residents, I will compile the comments and use that to formalize a policy in the future.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none the next item followed.

B. Engineer

Mr. Kelly stated we are waiting on three areas for wastewater clearance. There was a condition with a utility pole, we finally engineered that and we have a solution now for that.

C. Manager

i. Approval of Check Register

On MOTION by Ms. Akellino seconded by Mr. Clark with three 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. Presentation of Registered Voters - 625

Mr. Showe stated there is a copy of the letter from the supervisor of elections indicating there are 625 registered voters residing within the district. We tripped the threshold of 250 registered voters last year and in 2024 two of the board seats will be filled by registered voters, which means you have to live here and be registered to vote and qualify to be on the ballot with the supervisor of elections.

D. Field Manager's Report

There being no additional update, the next item followed.

TENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

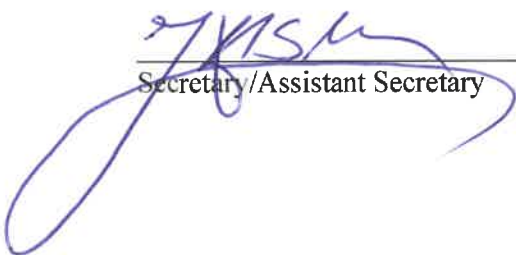
Supervisor's Requests

There being no comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Akellino seconded by Mr. Clark with three in favor the meeting adjourned at 4:12 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman