

**MINUTES OF MEETING  
WINDWARD  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, **July 19, 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
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 asked are you going to replace the trees at the main entrance? What are you going to do about the paint?

Mr. Hatton stated the board has approved a new enhancement project for the front and rear entrance. The company that maintains the gates had a cyber-attack on their software, which affected all the Emerge equipment, which is what we use. Right now it is not going to work. They are working on a software work around, which the board has approved and when that is done the gates will go back up.

Ms. Williams asked is it possible to have the same entrance software that works at Sandhill?

Mr. Hatton stated it is the same. The software wasn't affected back there because it is a different piece of equipment.

Mr. Showe stated this is happening at multiple properties and we are working to restore it as quickly as we can.

A resident asked what is the status of the new back gate?

Mr. Hatton stated there is no meter back there yet.

A resident asked there should be a camera on the entrance gate to allow us to capture damage done to the gate.

A resident stated driving around the circle you cannot see who is coming from the other side. The same thing coming from the gate turning left you cannot see a car coming. They need to trim them very low. In front of my house you put X's on healthy grass and killed it, but the unhealthy grass has no X.

A resident stated the Sandhill gate is there a camera when drivers come in the out side? I almost got hit by an Amazon driver.

Mr. Hatton stated those cameras are tied into a DVR system at the clubhouse and if we know when it happened, we can review that.

Ms. Trucco stated Florida Statute states that security camera footage is exempt from public records disclosure. If you want footage reach out to GMS and we will see if there is an exception.

Mr. McClarin asked do we need to let someone know about the dead grass or is that taken care of automatically?

Mr. Hatton stated the process in replacing sod is they go through with a sod crew and pick it up, smooth the ground then lay the sod. They mark it, spray it and they are well aware of the locations.

A resident stated behind us is a green space that is full of weeds. Are they ever going to cut that and who owns it, KHov or the CDD?

Mr. Hatton stated they should have been working on that this week. They should be mowing to the wall. We don't own behind the wall. I will look at it.

A resident stated I want to thank Jason for getting back to me and Kristin for the phone call. GMS is the contractor that takes care of all the common areas.

Ms. Trucco stated the CDD owned areas.

A resident stated the silt fence can be removed and the weeds can be trimmed. By retaining wall, you pulled out some of the fence but the fence going towards the new development is still there. Was that retaining wall put in correctly? It seems like it is 2-feet low and you put in a handicap sidewalk to go across the road.

Mr. Hatton stated that has not yet been turned over to the CDD.

A resident stated you removed the grass, destroyed the mulch, there are steps to do these things but you seem to be working backward. You start with the trees, take the trees out, replace the dead trees, straighten the trees that haven't been straightened up. You are lacking on your performance. Then you straighten the lights and street signs you basically remove the dead plants and put in new dead plants and fix your irrigation. Then you come back and mulch.

A resident stated I'm excited to see you are getting things done. If our HOA made Juniper work as hard as you are working, a lot of people wouldn't be complaining. Juniper needs updated maps.

A resident stated Juniper leaves debris on the sidewalk in front of my house that I have to clean. If the CDD owns the sidewalk, why don't you clean it?

Mr. Showe stated it is in your HOA documents that the residents are supposed to clean the sidewalk in front of their house. If you want to the CDD to do that, then assessments will have to go up to cover that cost.

Mr. Morris stated if the CDD owns the sidewalk.

Ms. Trucco stated that is the reason we repair them. If there is a public safety issue the CDD pays to repair the sidewalk.

Mr. Morris stated then you should also be willing to clean them.

Mr. Showe stated of all the CDDs we manage, we do not pressure wash any of those sidewalks in front of homes. We do common areas but not in front of homes.

Ms. Trucco stated if the HOA wants to take over that task this board can tell me to write an access easement for the HOA to do that work.

Mr. Showe stated we have the budget adoption at your next meeting and none of that cost is included in the budget and that is going to be a significant cost if the board wants to undertake pressure washing all sidewalks throughout the community.

A resident stated the issues is the dirt and mud left on our sidewalks from Juniper riding over our sidewalks.

Ms. Trucco stated we can also send a notice letter to the HOA because the HOA has a contract with Juniper to do that front lawn portion so we can let them know that they are getting dirt and debris on the sidewalk they need to make sure they are cleaning up after they complete their work. We will put them on notice and also put Juniper on notice.

A resident stated a lot of oak trees overhang the sidewalks and need to be trimmed.

Mr. Hatton stated they are on the agenda to be done, I talked to Juniper yesterday.

A resident stated Juniper blows grass clippings and mulch down the storm drains and they need to know they cannot blow debris in the storm drains.

A resident stated cars speed all the time and we need more speed limit signs.

Mr. Showe stated we can get a quote for additional speed limit signs.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the May 17, 2023 Meeting**

On MOTION by Mr. Morris seconded by Ms. Akellino with all in favor the minutes of the May 17, 2023 meeting were approved as presented.

**FOURTH ORDER OF BUSINESS**

**Presentation of Fiscal Year 2022 Audit Report**

Mr. Showe stated the report to management outlines the key things they are required to review as part of their audit and there are no current year or prior year findings or recommendations. It is a clean audit.

On MOTION by Ms. Akellino seconded by Ms. Renaud with all in favor the fiscal year 2022 audit was accepted.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Trucco stated I passed out some revisions to a bill of sale that the board has seen as part of a resolution at the May 17<sup>th</sup> meeting. On page 6 of the agenda it states that the reclaimed water distribution system was going to be HOA and that is for the Phase 3E and 4B, and Phase 3C and 3B Plat. That is what was originally thought to be the case, but I contacted the district engineer to confirm, and it turns out that only a portion of the reclaimed water distribution is being

transferred to TWA, it is not going to the HOA. The remainder of the reclaimed water system is going to the CDD from the developer. I made that revision to the bills of sale. There is a bill of sale to the CDD from KHov and there is a bill of sale from the CDD to TWA and I just made that correction. The district engineer's team also provided a diagram. To show which portion of that reclaimed water system is going to TWA. I bring this to your attention that was a revision made to the original resolution.

I also passed out a memorandum regarding the legislative updates to make you aware after the last legislative session there has been certain laws and revisions to current laws that affect you as a CDD board member. The first and most important is that effective July 1<sup>st</sup> and starting January 1, 2024 all board supervisors are required to complete four hours of ethics training each year, it has to cover certain things like Florida constitution, sunshine law, ethics, public records and it is four hours. The Florida Commission on Ethics website has provided videos already, there are going to probably be more videos as we get closer to the deadline. This is a self-certification requirement so on your Form 1 you are going to have to self-certify that you have completed these four hours of additional ethics training. We recommend you complete it by July 1<sup>st</sup>. I will remind you again, but I wanted to make you aware of that change in law.

Other legislative updates are on page 2. There was a change in Florida Law regarding the concealed carry of firearms. You no longer need to take the instructional course nor need a permit to carry firearms. We want to bring to your attention any weapons, firearms, etc. are still prohibited from going to governmental meetings like this CDD meeting. There are revisions to section 112 that prohibits any board member from communicating with a social media platform to request removal of content from social media platforms as well as initiating or retaining any agreements or work relationships with a social media platform for the purpose of content moderation.

## **B. Engineer**

### **i. Review of District Engineer Annual Report**

Mr. Kelly gave an update on the progress of construction.

Mr. Showe stated the engineer's report is in the agenda and Andy has taken that report and coordinated all the repairs. As part of your bonds the district is required annually to have the engineer inspect all the infrastructure, make a report and then we make those repairs.

**C. Manager**

**i. Approval of Check Register**

On MOTION by Ms. Akellino 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.

Mr. Showe stated we also have requisition no. 5 for the work the engineer did on the new phases.

On MOTON by Ms. Renaud seconded by Mr. Clark with all in favor requisition no. 5 was ratified.

**iii. Field Operations**

Mr. Hatton stated I believe we have covered most of the field operations report.

**SIXTH ORDER OF BUSINESS**

**Other Business**

There being no comments, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Morris stated on Four Seasons Boulevard we have a bicycle path on both sides. However, if anyone tries to ride a bicycle on that you will find cars and trucks blocking that path. Why did we put in a bicycle path if it can't be used?

Ms. Trucco stated the board has the ability if you want to take the bicycle path out, you can. You could adopt parking and towing rules so if someone is parking in the bicycle lane you can call a tow company and have them towed, but you have to go through the public hearing process to adopt rules like that.

Mr. Morris asked should we ban parking on the Four Seasons Boulevard?

Mr. Showe stated that is an option. In order for that to be effective you need to have someone who will patrol and enforce and you need to be willing to start towing vehicles.

Ms. Trucco stated we would need a motion from the board to initiate parking and towing rules.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Clark seconded by Ms. Renaud with all in favor the meeting adjourned at 2:50 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman