

**MINUTES OF MEETING  
WINDWARD  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, **September 18, 2024** at 1:00 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
Thomas Santos	Field Manager
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

Mr. Showe led the pledge of allegiance.

**THIRD ORDER OF BUSINESS**

**Public Comment**

Mr. Peltier stated with regard to the areas between the homeowners' sidewalk and the streets. I think that is an ongoing issue that has not been put to rest. We had asked if there were soil samples throughout the community and water samples. Can we get copies of that? Do we have issues?

Mr. Clark stated I spoke with Tom Baily the landscape architect that did the specs for the community and we did not do any soil testing that I'm aware of from the developer's standpoint. He said the way the yards were installed was fine and per standard. I think the failure is more on the maintenance side and care of the grass is where we are seeing the decline. All sod takes a lot of work and in my opinion, it hasn't been taken care of very well.

Mr. Peltier stated I would like to have soil and water tests done to see if there is an issue causing the root problems.

Mr. Clark stated we could do that but it will be an expense. One of the things that impressed me with Prince & Sons is their expertise in sod. Maybe we get him involved in the conversation and get some suggestions from them.

Ms. William stated I want to add more about the area between the sidewalk and the street in the area from Four Seasons Boulevard and Estuary, which is being watered on a regular basis but is dying. There is a manhole cover and someone drove over it and it has broken the concrete and it is dangerous and has not been fixed. I talked to code enforcement and told them about this and they said that particular area is not compliant with the rule that every 100 feet you have to have three trees. Even though it is a Khov issue that they did not install those trees you are responsible. Before they are gone, we need to get them to put in trees that are similar to the rest of the community.

Ms. Trucco stated that landscape plan would have been approved by the county then installed.

Ms. Williams stated as part of my side yard there is a small strip of property that is owned by the CDD. In some cases that area has been planted to differentiate the different ownership. It is difficult exiting Sabal Point Loop; you cannot see the cars coming around the corner.

Mr. Hofer stated I understand that KHov will have one vote per lot and tracts. I would like to get a count by the next meeting. I don't know what it would take to provide that to us but that is very important to us. I believe the proxy form is on the CDD website but I couldn't find it.

Mr. Showe stated we pulled the roll over the summer and KHov had 60 votes and the remaining is homeowner lots. We are working to get the documents on the website and I will make that a priority.

Mr. Creitz stated I see that we are splitting irrigation costs 50/50 and changed from 60/40.

Mr. Showe stated there is an agreement between the CDD and the HOA and we split those costs on an equitable basis. The 60/40 was based on Phase 1 and did not include the new meter. The engineer did a calculation based on the amount of turf that each party had to maintain and that was about 50/50. The agreement allows us to make that change and we talked to the HOA and there was no indication at that point that they opposed that change.

A resident asked if I chose as a non-resident to come in and not sign in at the gate, can I do that?

Ms. Trucco stated the roadways within the CDD are owned by the CDD and if not they are in the process of being turned over from the original developer. They were financed with CDD tax exempt bond funds and one of the requirements is that they must be open to the public. We have to allow use of the roadways to the public. The gate is a soft gate with an attendant who requests IDs, but technically, we can't restrict members of the public from entering.

Mr. Showe stated procedurally what happens is that if you refuse to give your information, he will write down the information on your car, there is video footage and they will open the gate and let you in.

Mr. Belles stated you have repaired most the concrete around the area and one area across the street from 2007 Limestone between the road and an open area that is broken up. On Limestone there is a strip between the sidewalk and the street with dead grass. Is that going to be taken care of in the future?

Mr. Morris stated the back gate on Four Seasons, there are no gates for that and that needs to be corrected.

Mr. Showe stated every community is different. The more that opens and closes the more it will wear and tear on that motor.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the August 21 2024 Meeting**

On MOTION by Ms. Moss seconded by Mr. Clark with all in favor the minutes of the August 21, 2024 meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2024 Audit Services Engagement Letter**

On MOTION by Mr. Morris seconded by Mr. Clark with all in favor the engagement letter with Grau & Associates to perform the Fiscal Year 2024 audit was approved.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

**i. Discussion of Interlocal Agreement with Osceola County for Maintenance of Drainage Structure**

Ms. Trucco stated the first item is the interlocal agreement with the county for maintenance of the drainage structure. I included the images of the tract that is adjacent to Sandy Creek Trail. Mystic Dunes owns that tract adjacent to Sandy Creek Trail that has a dry pond and they contacted the CDD regarding abatement of that dry pond and it is clear that the dry pond is outside the boundary of the CDD so there is a law that requires the CDD to get an interlocal agreement to allow the CDD to undergo maintenance outside the boundary. Since then I have requested documents from GMS as well as the district engineer and I have reviewed those and there are some provisions in there that we feel confident are sufficient to allow the CDD to maintain the portion that is required under the recorded documents. There is still a question about the level of maintenance that is required. We would like to iron out the parties understanding in writing about the expectation for maintenance of the drainage structure that is located on this pond owned by Mystic Dunes. Today I would like a motion to ratify the actions of reviewing the documents so far and also authorize us to engage in discussion with Mystic Dunes in an effort to try to iron out the expectation for maintenance by the CDD. As part of this I also recommend the district engineer go to that site where the drainage structure is located and evaluate it to see if there are any deficiencies, does he think there was a repair that is affecting the structure to try to understand if he has any recommendations for the CDD. He should be able to look at the construction plans and determine if anything is wrong with it that he is observing today that requires other action and if that is the case we will bring a proposal back to you to review.

Mr. Showe stated the reason we were looking at a cost share agreement is that our obligation is to maintain the function of that drainage easement, not necessarily the aesthetics. The golf course may want something that is a little higher level than we would normally provide.

On MOTION by Mr. Clark seconded by Ms. Moss with all in favor actions taken by district counsel in reviewing the documents associated with the dry pond was ratified and district counsel was authorized to engage with Mystic Dunes to determine their expectations of maintenance of the structure(s) and the engineer was authorized to review the construction drawings and do a site visit to determine the condition of the structure(s).

Ms. Trucco stated after the last meeting we did reach out to the new HOA counsel regarding the parkway maintenance that several residents have brought up. The CDD has been consistent in the position that the agreement between the landscape provider and the CDD has not ever included that parkway area maintenance. We have had discussions with the HOA's prior counsel and there was a statement made that they would potentially be interested in doing that but there would need to be a license agreement from the CDD allowing them permission to go over that parkway area and do that maintenance. It is our understanding that they were always doing that. I asked the new counsel to confirm that parkway maintenance is part of the HOA agreement because if it is not then we need to adjust the CDD so that is taken care of. I understand in this community all of the people in the HOA are also the people in the CDD. I sent her the license agreement that would allow the HOA permission to go onto the parkway area and continue that maintenance. I'm waiting for a response. If the board wants to take a different direction today, we will follow your direction. I think the HOA is going through an RFP process for the landscaping service. It would be helpful to know if that is part of their proposal or what the contract is going to look like for the next year.

I'm continuing to work with Khov to get the final platted tracts conveyed to the CDD by deed. There have been some areas that we let Khov know that need some repairs.

**B. Engineer**

Mr. Showe stated the engineer couldn't be here today but Kristen has been working with them on several projects.

**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.

**D. Field Manager**

**i. Review of Action Items**

Mr. Santos reviewed the status of the items on the action items list.

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There being no comments, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Supervisor's Requests**

A resident asked is the landowners election based on one vote per homeowner or one per resident?

Mr. Showe stated that election is just like when you vote for the president, it is every registered voter who lives in the District is able to vote on that particular item.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Clark seconded by Ms. Moss with all in favor the meeting adjourned at 1:39 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman