

**MINUTES OF MEETING
WINDWARD
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, **March 19, 2025** at 1:00 p.m. at 7813 Four Seasons Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

Tim Peltier
Greg Bobonik
Ernest Hofer

Chairman
Vice Chairman
Assistant Secretary

Also Present were:

Jason Showe
Kristen Trucco
Jarett Wright
Stephen Saha

District Manager
District Counsel
Field Manager
District Engineer by telephone

FIRST ORDER OF BUSINESS

Call to Order

Mr. Showe called the meeting to order.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Showe called the roll.

THIRD ORDER OF BUSINESS

Pledge of Allegiance

Mr. Showe led the pledge of allegiance.

FOURTH ORDER OF BUSINESS

Public Comment

Ms. Cambria stated I'm requesting a map or information that indicates that there is a golfcart path between lots 12 and 11. I cannot find anything filed with the county that says that is a golf cart path. KHov can't produce any paperwork after four weeks. They told me that Mystic Dunes was going to take care of it. I spoke to Doug yesterday and he told me the only thing they

were going to take care of was the actual concrete. I told them someone has to take care of the irrigation and plantings because it is within the easement and he said he would ask corporate. The original plat showed two golf cart paths on the map and neither one was ones that run through the properties. The property lines just says open space it does not say golf cart path.

Ms. Trucco stated the chairman reached out to me about this question. I looked into it because the CDD is also subject to those easements. I understand there is the 2015 easement and 2018 easement between KHov and Mystic Dunes wherein Khov granted an easement to Mystic Dunes to have these golf cart paths on property that KHov owns and owned at that time. That is an easement so the obligations runs with the land to the successor owners and are subject to those easements. I think those were recorded in the public records on those particular dates. I looked on the property appraiser's website quickly and saw the path on at least one of those lots. This would not involve the CDD because the CDD does not own that tract. KHov currently owns the tract. There are some rights to modify or relocate the easement areas and one of the conditions says that the grantor is responsible for relocating the cart path.

Ms. Cambria asked do you have the paperwork that changes the 2018 amended agreement?

Ms. Trucco stated not off the top of my head but I could take a look. I think the issue is this particular tract is a residential lot, it is not owned by the CDD. If that was transferred to the CDD then the CDD could impose hose obligations of the easement but right now the tract is not owned by the CDD.

Ms. Kerr stated I did a little research on this for another reason. When Phase 1 was platted tract K was created on the cart path. The instrument number 2017086785 page 7 of 7. It was platted correctly but for some reason the plat never got recorded into the county assessor's page correctly and that tract is owned by KHov. It is a tract that should have been conveyed to the CDD along with the other tracts.

Ms. Trucco stated the CDD has nothing to do with the private lots. We can look to see at some point did the plat say that those tracts are to be conveyed to the CDD. It sounds like that might be a question. The declarant on plats has the ability to decide who is going to be conveying property. We can look at it if the board directs us to.

FIFTH ORDER OR BUSINESS**Organizational Matters – Consideration of Resolution 2025-04 Electing Officers**

Mr. Showe stated we had a request to review the officers of the district and currently Mr. Peltier is chair, Mr. Hofer is vice chair, George Flint is Secretary, Ms. Moss, Ms. Akellino, Mr. Bobonik and I are assistant secretaries and I serve as treasurer and Katie Costa in our office serves as assistant treasurer.

On MOTION by Mr. Bobonik seconded by Mr. Peltier with all in favor Resolution 2025-04 was approved reflecting the following: Mr. Peltier chairman, Mr. Bobonik vice chairman, George Flint secretary, Ms. Moss, Ms. Akellino, Mr. Hofer and Jason Showe assistant secretaries, Jason Showe treasurer, Katie Costa assistant treasurer.

SIXTH ORDER OF BUSINESS**Approval of the Minutes of the February 19, 2025 Meeting**

On MOTION by Mr. Peltier seconded by Mr. Hofer with all in favor the minutes of the February 19, 2025 meeting were approved as amended.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Trucco stated I'm continuing to work on items as previously directed by the board that includes a demand letter we are working on, as well as we sent out a form of contract for the sod replacement, the bubbler irrigation capping project and the tree straightening and they are out for signature. I received notice that there have been some shrubs and flowers, landscaping, etc. that appear to have been planted by the homeowners in the residential verge area, which is technically part of CDD's property. From a legal perspective there are some concerns if people plant landscaping without the CDD's permission if they cause damage to the CDD's infrastructure such as the irrigation lines or the grass, anything there, that the CDD could incur costs to have to repair that as the property owner. If we permit this and don't put those individuals on notice that that is the CDD's property, they have to come to the CDD for permission before they plant anything on the CDD's property in the verge area that there could be some precedential affect that happens as a result of that.

The CDD has entered into a license agreement with the HOA for maintenance on the residential verge area and both parties have agreed to work cooperatively with one another to enforce each of their roles as it relates to the verge area. One of the options the board has is you can direct me to reach out to the HOA's counsel and ask that a notice go out to those residents where the CDD would be copied on that correspondence, advising those residents that the CDD currently owns that property so they would have to come back to the HOA and CDD for permission before they install any landscape in there.

Mr. Bobonik stated in the workshop discussion we proposed that you move ahead with that.

Ms. Trucco stated I will do that. We did get a response from the resident who has alleged that he installed sod on the residential verge area so his attorney has followed up with responses with regard to, did you get permission from the CDD, what statute section or contract provision are you relying on that gave you that permission or created an obligation of the CDD to reimburse you for that. We talked before that we have concerns about setting precedent and allowing people to go out and replace different landscaping or anything else on the CDD's property that could cause damage to other infrastructure and also setting a precedent for someone to be able to make a repair on the CDD's property then ask for reimbursement. I circulated the response that came in yesterday to the supervisors. I'm looking for feedback on how you would like me to handle that. If you have decided that you would like to deny this for reasons we have already spoken about setting the precedent, concern for damage to the CDD's property if that persists in the future I can reiterate that to this person's lawyer and try to express some of the concerns that the CDD has, which is really a protection for all the residents.

On MOTION by Mr. Hofer seconded by Mr. Bobonik with all in district counsel was authorized to contact the HOA on the plantings on the verge area and to respond to the attorney for the resident who allegedly planted sod on CDD property.

B. Engineer

There being no comments, the next item followed.

C. Manager**i. Approval of Check Register**

Mr. Showe stated we have checks that we have already been paid and as part of the workshop we did review these and the direction of the board was to withhold all the Prince and Sons invoices for now.

ii. Paid/Unpaid Invoices for Approval

On MOTION by Mr. Bobonik seconded by Mr. Peltier with all in favor the paid/unpaid invoices were approved with the exception of the invoice from Prince and Sons.

iii. Balance Sheet and Income Statement

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

iv. Approval of 2020A Requisitions no. 11 & 12

On MOTION by Mr. Peltier seconded by Mr. Bobonik with all in favor requisitions 11 & 12 from the 2020A bonds were approved.

D. Field Manager

Mr. Showe stated the first thing we had on here is the agreement with United for the bubblers the board has already approved that so we can proceed past that.

Mr. Wright stated a lot of these items were left over from the transition with Thomas and things that the developer had on their list that needed to be checked off. The plan is to spend the next month to get through these to get an idea of the status, where we are, how we are going to proceed. The developer has said that some of these items have already been completed. Going forward the plan is to get the big-ticket items, the irrigation issue is a big cost to the community so the tree bubbler capping, we have done the review with the front property lines at the fence along Four Seasons boulevard. Starting with those and getting the irrigation filters changed and if that is not going to be enough, we will make sure that the HOA is taking care of that properly. The biggest item for us right now is the golf course repairs and that will start hopefully in the next two weeks, but my expectation is within the next 30 days.

Attached to this is the irrigation assessments scope that was sent out to vendors. We already met with one of the vendors and some of the board members to go over what they can do the services they can provide. We know that we want the system to be completely inspected and assessed for any deficiencies, any areas we can improve on and ways to cut costs. This was sent out and it is not set in stone we want feedback from the vendors who can look at this and maybe give us a better idea for how to approach this type of intensive assessment of the program. Once we get those back, we will bring those to you at the next meeting. We have some of the initial costs so we know a little bit of what we are looking at.

Also attached is the landscape report that we have been going through and we are about 90% completed on that for GMS responsibility items, we do have proposals from Prince and Sons for doing some adjustments in the plants and cart paths and we are waiting on them to finalize their clearing of the bushes for some of these lights so we can have a better affect.

i. Consideration of Proposal to Remove Shrubs Near Cart Path

Mr. Wright stated we have already gone over this, we will have Prince and Sons get a better idea of locations of what they are looking for, the item number they are referencing and the price breakdown for each instead of one generalized scope, this is too vague. If you want to appoint a board member to be the point of contact for this, we can proceed with this work once we have a more clarified scope in place.

On MOTION by Mr. Bobonik seconded by Mr. Hofer with all in favor the removal of shrubs near the cart path was approved in an amount not to exceed \$9,650 subject to review and approval of Mr. Peltier.

ii. Consideration of Proposal to Reroute Broken Line

Mr. Wright stated I have a proposal to reroute the broken line around the tree and once I have a better idea of the location, I will send that. If it is something that needs to be done immediately, we will get it repaired and bring it back to the next board meeting. I want a more specific quote.

iii. Capping Bubblers

Mr. Wright stated next is a proposal from Prince and Sons to cap off 1,157 tree bubblers in the amount of \$3,471 and this would be all the areas that are in their area of responsibility,

Mr. Bobonik stated I will approve that with one caveat that they have to put all the bubbler caps into a box and bring it back to us so we can do a manual count.

On MOTION by Mr. Bobonik seconded by Mr. Peltier with all in favor the proposal from Prince and Sons to cap the bubblers in the amount of \$3,471 was approved with the caveat that the contractor put all the caps in a box for a manual count.

Mr. Bobonik stated after the report of the lights in the bushes you have section 1 and John Borland did sign the actual bubbler agreement.

Mr. Showe stated that was the original and I think there were some adjustments made after. We will verify that. We have board authority to execute it, I'm checking with John to make sure that is the correct proposal.

EIGHTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

NINTH ORDER OF BUSINESS

Supervisor's Requests

There being no comments, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Peltier seconded by Mr. Hofer with all in favor the meeting adjourned at 1:30 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman