

MINUTES OF MEETING

***HIGHLANDS COMMUNITY DEVELOPMENT DISTRICT
CONTINUED BOARD OF SUPERVISORS MEETING***

Wednesday, August 15, 2017 at 8:00 a.m.

Ayersworth Glen Clubhouse

11102 Ayersworth Glen Blvd.

Wimauma, Florida 33598

Board Members present at roll call:

Al Thomka	Board Member	
Justin Fuller	Board Member	
Evelyn Blue	Board Member	
Elizabeth Brown	Board Member	(via phone)

Also Present:

Jane Gaarlandt	Fishkind & Associates, Inc.	
Joe MacLaren	Fishkind & Associates, Inc.	
William Viasalyers	Fishkind & Associates, Inc.	
Ted Swanson	Swanson & Son	
Laura Muckefuse	Amenities Manager	
Sarah Warren	Hopping Green and Sams, P.A.	(via phone)

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 8:00 a.m. Those in attendance are outlined above.

SECOND ORDER OF BUSINESS

Public Comment Period

The public comment period is for public comments on any items on the agenda. Ms. Gaarlandt asked that any members of the public that wish to speak to step up to the podium, state their name, and limit their time to three minutes. There will be another comment period at the end of the agenda for any comments that do not appear of the agenda. There were no comments at this time.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
July 12, 2017 Board of Supervisors'
Meeting**

Ms. Gaarlandt asked if there were any comments of edits.

On Motion by Ms. Blue, seconded by Mr. Thomka, with all in favor, the Board approved the Minutes of the July 12, 2017 Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Consideration of Revised Amenity Facility Policies

Ms. Gaarlandt explained that the main reason for updating these policies is that District Staff ran into a number of issues during the key card process. There are also some tighter rules regarding the rental policies. Ms. Blue asked Ms. Warren to discuss the changes that are being made. Ms. Warren noted that the original Amenity Policies that were in place were adopted before the District had a substantial number of homeowners. As the District began to roll out the key cards some issue arose that were not fully addressed in the Amenity Policies. The policies have now been clarified to tailor them to the current District situation. Ms. Warren drew the Board's attention to the definition of the household that has been revised to address the issue with residents adding people to their household who do not live in the District. The Access Usage Requirement has been broken down to residents, non-residents, and guests. Non-residents would have to pay the user fee and complete all the access forms that residents are required to complete. Each patron household or non-resident user household is entitled to bring no more than 4 guests to the Amenities at one time. Guests must be accompanied by a patron that is 18 years old or older, minor patrons are not allowed to have guests with them. Ms. Warren explained the updated rules for the process for obtaining an access card and the information that must be provided. Each patron household is authorized up to 6 access cards for household members and each additional card is \$10.00. There is no smoking, drugs, or alcohol permitted on District property. The Service Animal policy remains the same. Ms. Warren noted that there are some additions to the General Amenity Policies, adding the prohibition of use of bounce houses or similar types of apparatus on District property for liability reasons. The policy regarding lost or stolen property has been updated. If any patrons are found to be improperly attempting to access the Amenity Facilities outside of regular operating hours or trying to access facilities without a valid access card they will be responsible for reimbursing the District should the alarm sound and the District incur a false alarm fee. The policies for the pool, fitness center, basketball court and playground remain the same. The next change relates to the facility rental policies. The facility rental is for the Clubhouse area only by patrons for organized events. Patrons are not to rent the Clubhouse on behalf of non-patrons and all rentals are subject to availability. The pool and pool deck areas are not available for rent. If the Clubhouse is rented, the pool and pool deck remain open to all other patrons and their guest during normal operating hours. Ms. Warren clarified the process for rentals. The policy outlines what is required to receive a full refund of the deposit. It reemphasizes that there is a 5-hour rental period which includes setup and cleanup times. It specifies that should

the District determine that additional liability insurance would be required for a specific event then the District must be named as an additional insured on the insurance policy for that requirement to be met. The next section relates to suspension and termination of privileges which outlines that types of behavior that are violations of the Amenity Policies and sets forth a process for the Board to suspend or terminate a Patrons' access and use privileges. The last section of the policies relates to indemnification of the District. The Exhibits to the revised policies are the Amenity rates. The Amenity Access Registration Form and the Amenity Rental Application Form are also included as Exhibits and Ms. Warren explained changes to them. Ms. Warren noted that the Board can adopt the General Policies. The Board will adopt the Suspension and Termination Policies on an interim basis and hold a public hearing in a month to take public comment on those at which point the Board will formally adopt the Suspension and Termination Policies.

On Motion by Mr. Thomka, seconded by Mr. Fuller, with all in favor, the Board approved the Revised Amenity Facility Policies as Outlined.

FIFTH ORDER OF BUSINESS

Staff Reports

District Counsel – Ms. Warren had no report. Ms. Blue asked the date of the public hearing for the final adoption of the Amenity Policies. Ms. Warren noted that the District can hold the public hearing at the October meeting and continue to operate on an interim basis or push back the September meeting.

On Motion by Mr. Fuller, seconded by Mr. Thomka, with all in favor, the Board approved Setting the Public Hearing on the Adoption of Amenity Center Policies for September 27, 2017 at 7:00 p.m.

District Engineer – Not Present

District Manager – Mr. MacLaren noted that the District has not had stable Clubhouse management since Ms. Plantikow passed away. The District Manager has made a full-time employment offer to someone who they expect to hear from this week and hope to have some permanent stability at that position within the next couple of weeks. The pool is currently not operational. The previous pool maintenance contactor informed the District Manager that the pump was not

working and needs to be replaced. The District believed them and went to get a couple of quotes and received 2-3 quotes on replacing the pool pump. One of the Contractors was very experienced and informed Mr. MacLaren that he did not think the pump needed to be replaced and in fact some of the filters under the ground were clogged and so the pump was not operational. The District Manager got quotes from other companies to get the pool operational again. Mr. MacLaren recommended to the Board to approve Pinch a Penny, who was confident they could fix the problem. Mr. Viasalyers noted that Resort Pools serviced the pools and said that the DE Filters were so clogged that it was not allowing the correct pressure for the pump and that was the real issue. Mr. Viasalyers noted that 4-5 other companies came out and gave their same opinion that there was no issue with the motor and felt it was lack of service on the grids that was causing them to clog up and not filtrate correctly. Ms. Blue asked if the District is going to go after money paid to the previous pool company not servicing the pool correctly. Mr. MacLaren noted that they sent their latest invoice to Mr. Viasalyers and Mr. MacLaren will send them a letter saying that the District is not going to pay due to their lack of performance but does not know about going back and getting payment in the past and he will talk to Ms. Warren about that. Ms. Warren will look into it but the District must do a cost benefit analysis if it gets to the point of litigation. Ms. Warren will send a demand letter. It will take 10 days for Pinch a Penny to fix the issues. Ms. Blue asked what can be done to make sure this doesn't happen again and Mr. MacLaren said that the District has a pool Maintenance Log and Pinch a Penny has a good reputation in the community. The Board members requested that District staff make sure that the Pool Maintenance Company is doing their job and requested that it be brought to the Board as well. Some of the residents wished to speak and Board members indicated that the public comment period is at the end of the agenda. They explained the set up for a CDD meeting and mentioned that it is different than an HOA meeting and needs a certain structure. Mr. Thomka asked about the termination clause. Ms. Warren noted that it has a 30-day termination clause.

On Motion by Mr. Thomka, seconded by Mr. Fuller, with all in favor, the Board approved Pinch a Penny as the new Pool Contractor.

Mr. Thomka asked if the District was voting on the Aquatic Pool Company. Ms. Gaarlandt noted that the District is adding an

additional 4 ponds to the regular service schedule. She noted that Aquatic Systems maintains the ponds and the District will be adding the maintenance of an additional 4 ponds. Ms. Brown asked if there was any way to change the termination clause on the pool maintenance contract to 60 days because they might not see a difference in 30 days. Mr. Thomka explained that it has to do with cancelling the contract not a probationary period. The District can keep it longer than that. Ms. Gaarlandt noted that with cause the District can terminate immediately.

District Manager – No Report

SIXTH ORDER OF BUSINESS

Supervisor Requests & Audience Comments

Mr. Thomka stated that he was informed that the public signs at both entrances are for CDD information only. He said that he disagrees with that because each of the separate HOAs are part of the CDD and asked that if they have a meeting why can't it be posted on the Boards. Ms. Gaarlandt indicated that they can use the signs for that purpose but Ms. Muckefuse cannot put up the lettering because she is working for the CDD and cannot spend her time doing HOA work for any of the HOAs. The District cannot allow a CDD employee to do work for the HOA. Mr. Fuller said that someone from the HOA would designate someone to use the Board. Ms. Blue said that it is a violation to use a CDD employee for work outside of their position. The District has a signed agreement with the HOA. Mr. Fuller indicated that if things need to be notified the District will help the HOA if they need to use the sign and it will work out.

Ms. Blue noted that on one side of the Ayersworth sign in Highland Chase there is a block that is cracked. Mr. Viasalyers responded that the person who gave the quote for the fountain head included that and he is waiting for the insurance to come through and they will take care of that as well.

Mr. Fuller noted that when the District has meetings outside of the regular monthly meetings it is because something needs to be addressed that is very important. There were a few residents that questioned why the District was holding this meeting. He said that the meeting today was important because residents were lying on their access card forms saying they had a family of 8 when they had a family of 2 which effected all of the residents because it is taking money from the District's budget and are bringing people that are not residents to the pool and the Board is trying to prevent that. The Board Members are residents and would also like to use the pool. The Board wants to do the best for all the residents of the community.

Ms. Blue indicated that if the residents go over their 3-minute time Ms. Gaarlandt will ask them to end at three minutes but they can also contact the District Manager directly to continue the conversation with the residents.

Ms. Gaarlandt asked the residents to use the podium and state their name for the record. Ms. Gaarlandt opened the floor for public comments.

Mr. Paige put the rules and procedure on the Facebook page last week. He brought up Mr. Thomka's request about the HOA Board and requested that at the beginning of the fiscal year an email go out to the residents indicating the HOA meetings and CDD meetings. He indicated that there is a perception among residents that the CDD is scheduling more meetings in order to make more money. He asked for reasons why a special meeting is being held. He said that last year Ms. Warren said there was a cap on what a CDD Board Member can make annually and asked what that was and how can it be changed to \$1,000.00 per Board Member. Mr. Thomka said that the cap is \$2,400 for a total of 12 meetings and if there are any more Board Meetings the Board Members do not get paid at all which is part of the law now. Mr. Fuller agrees with being transparent with the residents and the more communication the better. Ms. Blue asked Ms. Gaarlandt to work on getting the schedules for the HOA meetings and posting them all. Ms. Blue said that the District has their annual meeting schedule on their website and sends out an email blast with the HOA and CDD meetings. Mr. Thomka volunteered to place the HOA meetings on the CDD Board.

Ms. Ewing asked about the Clubhouse rental if the booking takes place within less than the 13-day cancellation policy. Ms. Ewing believes the CDD is doing a disservice to the residents by not allowing them to have their guests utilize the pool. She believes that if her 13-year-old daughter wants to have a guest come over that does not live in the District that they should be able to use the pool with her as a guest and suggested that the Board look into those age restrictions. Ms. Ewing asked where the references are that shows the ability of a contractor to be able to do a job and suggested a cost benefit analysis and documented references for anyone that the District is going to have servicing the pool. She mentioned the pool service log and asked who has the expertise to know if the Pool Service Company serviced the pool correctly. Mr. MacLaren indicated that Mr. Viasalyers with Fishkind & Associates will be doing that because he has a lot of experience with property management. Ms. Gaarlandt indicated that her 3 minutes were up.

Ms. Estabrook mentioned that Mr. Viasalyers has been here for 8 months and the pool is now in this state and asked where was the application from the resident, who wanted to be a part of the handling of the pool. Mr. Viasalyers stated that the resident never submitted his application. Ms. Estabrook said that there are CDD Members that are on call and they stated that they are supposed to be keeping logs of every time that they are called. Mr. Fuller said that the CDD will help to put together something to see the timeline. Ms. Estabrook said that there are also issues with landscaping. Mr. Fuller will have District staff work with Mr. Swanson to put something together to get her more information.

Ms. Chu asked about Mr. Viasalyers qualifications and his position. The District Manager will get that information for her. She asked about the expenses for renting a car and the District is being charged for his mileage on top of that. Mr. MacLaren indicated that the Contract with the District calls for expenses to be reimbursed and Ms. Gaarlandt and Mr. MacLaren do not bill the District for any of their expenses and the accountant was billing the District for some of Mr. Viasalyers' travel expenses and is not going to do that anymore. Ms. Gaarlandt clarified that it is either a fixed fee for a rental car or mileage if he is using his own vehicle.

Ms. Gondelman brought up the issue with the rats and noted that Ms. Muckefuse called the company to set up an appointment and Ms. Gondelman changed her schedule to be available and the company said it was too far. She thinks that the District should use a local business. She is concerned with Swanson and feels like they are failing the community and gave examples. She is concerned that the District has money to improve the community and are not doing so. Mr. Fuller said that there was a lot of water restrictions the District had to deal with and Mr. Swanson was transparent with the District about that. The District lost a Well this summer and the District is at the age where things will start to breakdown. He thinks Mr. Swanson is doing a fantastic job. The District has a Well up and running now. District staff will put together something so that Mr. Swanson can give the residents a more detailed answer on things going on within the District. Ms. Blue said that there was a comment on the grass being painted due to the sod being completely dead. Mr. Swanson came to a previous meeting and gave a full explanation to make sure that all residents knew before he started. The Board did not have the funds to replace the grass. Ms. Gondelman noted that behind her home there is no irrigation. Ms. Blue asked Ms. Gaarlandt and District staff to work with Ms. Gondelman to get all of her concerns answered.

Ms. Baxter asked the District policy for vendors allowing their employees to provide landscaping services for personal homeowners during the hours they are here providing services for the District. Mr. MacLaren does not think it is addressed in the contract. Mr. MacLaren asked if the District Landscaper is prohibited from providing services to residents. Ms. Warren said that if there is something from District property that has fallen onto a homeowner's property they might work to help remove it but the District Landscape Contractor should not be providing services specifically for the residents. Ms. Gaarlandt noted that the Contractor is not paid for the time they are here, they are paid for the services that they are providing. Ms. Blue asked Ms. Gaarlandt to work with Ms. Baxter to figure out the issue. Ms. Baxter asked for information about what is happening with the former pool company. Ms. Blue said that it is public record and that information can be provided to her.

Mr. Swanson stated that he believes in being upfront with everything. He noted that he gets paid a fixed amount for the work that he does and does not get paid by the hour. Mr. Swanson noted that there was a resident that approached one of his employees to mow their yard which he did without clearing it with Mr. Swanson first, that has been taken care of and he apologized to the community for it and noted that it will not happen again. He said that it was unethical and it was an employee that stepped out of bounds. Mr. Swanson said

that the way to correct almost anything is communication and he will make sure that the residents have his email and he has no issue with residents emailing him as long as they know it will take him 1-2 days to respond but it will speed up the response time in between meetings. He requested that if the residents have a punch list of concerns he wants to see it so that he can correct it. Mr. Swanson explained the issue with the dried Saint Augustine grass. He would be willing to communicate with residents and wants their input. Ms. Blue asked District staff to work with Mr. Swanson in order to follow all government rules that need to be in place for communication and any residents that had issues or concerns but it needs to go through the District Manager. She asked for management to work with him as soon as possible to get the residents' concerns taken care of as fast as possible.

Mr. Anderson is concerned about the disconnect between the Board Members and the residents. He asked the Board Members to consider the residents comments prior to voting. He doesn't want to see weeds, or street lights out. He asked them to be more engaged with the residents. He asked when the District Manager's Contract is up and how the residents can go about getting a new contract with someone else. Mr. MacLaren said it is an annual renewal and it is automatically renewed and Mr. MacLaren will get him a copy of the contract. Ms. Blue appreciates him commenting and noted that she is the first resident in the community. It was also her first home like him and wants the best for the community. The Board is working their hardest to get everything rectified. Ms. Blue said that if he has any concerns he can call the District Manager and they can put it on the next agenda so it is talked about and he can speak at those time. Ms. Gaarlandt noted that the three minutes are up. Mr. Anderson wants the residents to be able to have a say before the Board votes on a topic. Ms. Blue explained that at the beginning of every meeting residents can make comments on everything that is going to be covered in the agenda and the Board will take that into consideration when they make decisions. Mr. Fuller reminded the residents that if they have concerns and they want it on the agenda they need to contact the District Manager so that it can be discussed and the Board can get the feedback before the decision is made. Ms. Gaarlandt noted that it is possible to email the District Manager from the District's website. Mr. Thomka said that he likes the idea of having programs for kids that a resident mentioned, but the CDD does not go out and find programs. The HOA sets up things and all the District can handle is if someone comes up and wants to rent the Clubhouse. If it has to do with the Amenities the District can help.

Ms. Baxter asked for clarification on the two public comment periods and Ms. Blue explained both.

A resident calling in asked for clarification on how to rent the Clubhouse. Ms. Blue noted that the process is on the website and if anyone wants to do an activity they can work with District Management to get the required paperwork and the resident can present the idea to the Board with all the details and the Board can work on blocking off a time frame. Ms. Blue said that if a resident wants to organize to have someone come in and teach e.g. Zumba classes the District can make that happen by getting an agreement in place with the instructor but those are not services that the District pays for. The residents would have to

pay for that out of pocket. The District can make the facilities available with the correct paperwork but the District does not pay for programming.

Ms. Gondelman asked if a resident wanted to do an activity that would benefit the entire community they would have to pay the \$50.00 rental fee out of their own pocket. Ms. Blue responded that the District has usually waived it for people wanting to do activities. Ms. Gondelman does not feel like the residents here are afforded the opportunity to use their own Clubhouse. Ms. Warren noted that the District can do those things but it depends if funding is available. Ms. Blue said that once the District has a full staff, residents are always welcome to come inside the Clubhouse. Ms. Gondelman said Security is turning residents away and the residents do not feel welcome in their own community. The residents are paying \$3,000.00 for cable and should be able to come enjoy the Clubhouse. Mr. Fuller is glad she shared that and District staff will talk to Security because if they are turning residents away when it is not being rented that is a problem.

Mr. Paige brought an issue to one of the Board Members about landscaping and noted that it has been answered. He noted that he has seen employees mowing the backyards of residents. If there is an employee mowing ten lawns per day at 10 minutes each that is 1 hour and 40 minutes of not mowing around residents' ponds or adding to the cost of what the District is paying for the maintenance. He said that it does not sound like it will happen again so he is not concerned.

Ms. Ewing mentioned that Mr. Fuller said that after 10 years things in the District will start to break. She said that if the District is doing regular maintenance then they should be able to so foresee that these things are going to happen down the line and it should not be a situation where something is broken and then having to figure out how to fix it. She asked what proactive measures the District is going to do to make sure that maintenance is taken care of so that things do not break. She said that Mr. Swanson mentioned that the mowing of lawns will not happen again and said that if someone is a salaried employee they are paid to do a job and if they want to come back after they have completed their job then they can do so.

SEVENTH ORDER OF BUSINESS

Adjournment

There was no other business to discuss.

On Motion by Ms. Blue, seconded by Mr. Thomka with all in favor, the Wednesday August 15, 2017 Board of Supervisors Meeting was Adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman