

MINUTES OF MEETING

HIGHLANDS COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS MEETING

Wednesday, October 20, 2015 at 8:00 a.m.

Ayersworth Glen Clubhouse

11102 Ayresworth Glen Blvd.

Wimauma, Florida 33598

Board Members present at roll call:

Scott Shapiro	Board Member
Evelyn Blue	Board Member
Justin Fuller	Board Member
Al Thomka	Board Member

Also Present:

Sarah Warren	Hopping Green & Sams, P.A.
Todd Amaden	Landmark Engineering
Jane Gaarlandt	Fishkind & Associates, Inc.
Joe MacLaren	Fishkind & Associates, Inc.
Sheila Carol	Fishkind & Associates, Inc.
Sue Presley	Clubhouse Manager
Trey McCullough	Stewart & Associates, Inc.
Danny Hutcheson	Stewart & Associates, Inc.
Rick Rehart	The Kearney Companies
Brian Seeger	The Kearney Companies
Joe Hennelly	Phillips & Jordan, Inc.
Larry Woody	QGS Site Development
Martin Mancini	South End Civil, Inc.
Mark Bouthot	Resident
Paulette Aguilar	Resident
Mary Jackson	Resident
Trang Chu	Resident
Richard Heisler	Resident
Genette Johnson	Resident
Natasha Webb	Resident
Mary Saxton	Resident
Eunice Luyegu	Resident

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

SECOND ORDER OF BUSINESS**Public Comment Period**

Ms. Gaarlandt explained that this public comment period is for any member of the public who wishes to speak on any agenda item and requested that everyone wishing to speak state their names and limit their time to three minutes. No members of the public came forward to speak at this time.

THIRD ORDER OF BUSINESS**Consideration of the Minutes of the
September 16, 2015 Board of
Supervisors Meeting**

The Board reviewed the minutes from the September 16, 2015 Board of Supervisors Meeting.

On MOTION by Mr. Thomka, seconded by Ms. Blue, with all in favor, the Board approved the minutes of the September 16, 2015 Board of Supervisors Meeting.

FOURTH ORDER OF BUSINESS**Opening of Bids for Construction
Services for Phase 3**

Ms. Warren asked Mr. Amaden to confirm that all of these bids were received in a timely manner. Mr. Amaden confirmed and stated that the District received 6 bids. Mr. Shapiro noted that this is for the development of the next phase, which the District is calling Phase 3A. It is adjacent to the Clubhouse and will consist of 227 lots. Mr. Amaden opened and read the bids: The first bid is from Kearney in the amount of \$3,834,834.00 to be completed in 214 days. The second bid is from Watson Civil in the amount of \$6,085,000.00 to be completed in 365 days. The third bid is from QGS in the amount of \$4,245,345.00 to be completed in 171 days. The fourth bid is from RIPA & Associates in the amount of \$4,137,751.00 to be completed in 210 days. The fifth bid is from Phillips & Jordan, Inc. in the amount of \$4,751,416.00 to be completed in 195 days. The sixth bid is from South End Civil in the amount of \$4,139,000.00 to be completed in 260 days.

Ms. Warren asked Mr. Amaden to explain the bid review process. Mr. Amaden explained that a year ago the law changed to require the bid packages to be opened at a public meeting. District staff will take a few days and prepare a bid comparison for the Board of Supervisors to discuss at the next meeting, and the Board will then rank the proposals per the instructions and determine which one is the most qualified bid.

On MOTION by Mr. Shapiro, seconded by Ms. Blue, with all in favor, the Board continued the meeting to Thursday at 11:00 a.m. at the current location.

FIFTH ORDER OF BUSINESS

Consideration of Revised Master Engineer's Report

Mr. Amaden explained that when the District was created 12 years ago before construction ever took place a Master Engineer's Report was prepared and adopted by the District. That report was revised 4-5 times and supplemental reports were issued. The original Master Engineer's Report became diluted over time and the District Engineer decided to re-establish the Master Engineer's Report, which is not specific to any phase but describes the overall community. Since the District was created in 2003 about 35-36 acres were added to the District through a boundary amendment. The District is now projected to consist of over 1800 units. The report describes the entire public infrastructure, which includes roads, water, sewer, ponds, landscape, irrigation, recreation facilities, walls, and entrance features and identifies those improvements that will be owned or operated by the District. Ms. Warren asked Mr. Amaden to confirm that the improvements that are outlined in the Master Engineer's Report are separate and distinct from the Phase 1 infrastructure improvements. Mr. Amaden confirmed that they are. Ms. Blue asked if there was a feature for reclaimed water. Mr. Amaden responded that he was 95% certain that the answer is no as it takes about ten homes producing waste water to produce one home using reclaimed water. TECO and [REDACTED] use the bulk of the reclaimed water to run their operations because it is cheaper to run reclaimed water than potable water and noted that there is no projected demand for reclaimed water.

On MOTION by Mr. Thomka, seconded by Mr. Shapiro, with all in favor, the Board approved the Revised Master Engineer's Report.

SIXTH ORDER OF BUSINESS

Consideration of HOA Requests
a) **Veterans Day (11/08/15)**
b) **Holiday Craft Sale (12/05/15)**

Mr. Shapiro stated that the Veteran's Day event was previously discussed by the Board. Mr. Warren noted that she would discuss with Ms. Webb what facilities would be contemplated under those agreements and put together license agreements similar to the ones that were put in place for the other two upcoming events for Halloween and the

signage as at this point they have a pretty standard form that can be used for these types of requests. Ms. Warren noted that the Board previously discussed the catering for the Veteran's event and requested that the Board approve and authorize District staff to finalize an agreement.

On MOTION by Mr. Thomka, seconded by Mr. Shapiro, with all in favor, the Board approved the Veteran's Day Event on November 8, 2015 and authorized District Staff to Finalize an Agreement.

Ms. Gaarlandt requested a motion to approve and authorize District staff to finalize an agreement for the Holiday Craft Sale.

On MOTION by Mr. Thomka, seconded by Mr. Fuller, with all in favor, the Board approved the Holiday Craft Sale on December 5, 2015 and authorized District Staff to Finalize an Agreement.

SEVENTH ORDER OF BUSINESS

Ratification of License Agreement between Highlands CDD and Ayersworth Glen HOA Regarding Installation of Signs on District Property

Ms. Gaarlandt explained that this agreement relates to the signs that the HOA is to install when they have events coming up. Ms. Warren stated that the actual agreement was not included in the agenda package at the last meeting and was therefore to this agenda package for the Board to ratify.

On MOTION by Ms. Blue, seconded by Mr. Fuller, with all in favor, the Board ratified the License Agreement between Highlands CDD and Ayersworth Glen HOA Regarding Installation of Signs on District Property.

EIGHTH ORDER OF BUSINESS

**Ratification of License Agreement
between Highlands CDD and
Ayersworth Glen HOA Regarding
the Use of the District Basketball
Court**

Ms. Gaarlandt explained that the use of the basketball court was for the Halloween event.

On MOTION by Ms. Blue, seconded by Mr. Thomka, with all in favor, the Board ratified the License Agreement between Highlands CDD and Ayersworth Glen HOA Regarding the Use of the District Basketball Court.

NINTH ORDER OF BUSINESS

**Ratification of Agreement with
Fishkind & Associates, LLC, for
Amenity Management**

Ms. Warren explained that at the last meeting the Board approved hiring Fishkind & Associates to provide full time operations management. Under the Agreement, Fishkind will designate a specific operations manager, and that person is currently designated as Ms. Presley. The Agreement is being brought before the Board to ratify.

On MOTION by Ms. Blue, seconded by Mr. Shapiro, with all in favor, the Board ratified the Agreement with Fishkind & Associates, LLC, for Amenity Management.

TENTH ORDER OF BUSINESS

**Review of Landscaping & Common
Area Maintenance
a) Stewart Proposal for Mulch &
Landscape Enhancement**

Ms. Gaarlandt noted that the weekly checklists are behind tab 8 in the agenda packet. Ms. Johnson stated that the Board has been talking among themselves and that the residents cannot hear anything that the Board is saying. Mr. Shapiro noted that all the Board has been doing is approving agreements that have been previously introduced to the Board. No new business was discussed as the agreements have already been executed by the Board. He explained that the current agenda item is about landscaping maintenance. Ms. Presley maintains a checklist with the vendor that she goes through on a weekly basis, fills out, and takes into account any comments from residents regarding landscaping and addresses it

with the District's vendor. The checklist is brought up at every meeting for residents' information and comments. Ms. Johnson thanked Mr. Shapiro for the explanation. There were no comments on the checklist. Ms. Gaarlandt noted that a proposal for mulching was included as well. Mr. Shapiro stated that at a previous meeting it was mentioned that more mulching was needed to be done in the community on a regular basis, and at least annually. The District had asked the landscape contractor to provide a proposal to mulch the entire boulevard, which is about 1½ miles long. It had also been brought up that some replacement landscaping was needed at the Highland Court and Highland Chase entrances. The Board had asked Stewart to provide a bid in order to complete that. Mr. Shapiro noted that the District has money allotted in the budget for items like this that are outside the normal scope of work, which is the regular maintenance contract for Stewart. It would be up to the Board if they wanted to move forward with the mulching. Ms. Blue stated that they want to make sure not to do it in a rainy season where it would be washed out, but with now entering a dryer season the timing seems good. Mr. Thomka noted that this is the first time that the District will be mulching the entire boulevard. The proposal includes the entire boulevard and along 672. Mr. Amaden recommended not including the 672 frontage because the District has to modify it in 60 days to install a westbound left turn lane and an eastbound right turn lane. The current plan is in review at the County. The whole entry including the sidewalk, the ditch, and all of the landscaping will have to be modified. The mulching of the area would be associated with the re-landscaping of Phase 3A. Ms. Presley noted she had discussed with Stewart that any remaining or extra mulch can be used around the clubhouse. Ms. Warren asked if the Board wanted a revised proposal based on the change in area that the Board discussed. Mr. Shapiro suggested approving the proposal for an amount not to exceed the proposal. Ms. Blue inquired if the mulching could be completed by the Veterans Day event. Mr. McCullough responded that it was a tight schedule but they would do their utmost to have it completed in time.

On MOTION by Mr. Shapiro, seconded by Ms. Blue, with all in favor, the Board approved the Proposal for an amount not-to-exceed the estimated \$17,628.75 and to revise the Proposal to include some areas around the Clubhouse and removing the 672 Section.

ELEVENTH ORDER OF BUSINESS

Ratification of Payment Authorizations Numbers 322-324

Ms. Gaarlandt noted that these payment authorizations had already been approved and funded.

On MOTION by Mr. Thomka, seconded by Mr. Fuller, with all in favor, the Board ratified Payment Authorizations Numbers 322-324.

TWELFTH ORDER OF BUSINESS

Review of Monthly Financials

The Board reviewed the District's monthly financials. There was no action required by the Board. The District has \$106,900.17 in the checking account, with about \$39,000.00 in payables. The District is going into the property tax collection period, when residents pay their property taxes. There are two components to the CDD billing, one is the debt service, which is for the bonds that were floated to put the infrastructure in, the other is for the O&M. Mr. Shapiro explained that as new residents come in assessments could come down over time. Mr. Shapiro noted that though the CDD is now in good shape and has been able to establish budgets to include new things, the District has to be diligent in how money is being spent until all the money is collected off the tax rolls in February.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel – Ms. Warren reminded everyone that the opening of the bids and the information with the bid comparison which Mr. Amaden will probably send out is not to be discussed among the Board Members until they are back at the meeting and the meeting has been publically opened and not to “reply all” to emails with any information about the bids. If the Board Members have questions they need to be directed to Mr. Amaden or other staff members individually. Ms. Warren noted that the District website is up and running and all of the requirements of the statute have been met. Mr. Shapiro suggested using the website to promote events that are going on and suggested photos be posted on the website. Ms. Gaarlandt noted that in order to meet the deadline they had concentrated on the statutory requirements, however, the website allows the District to use an additional seven pages at their discretion, and maintenance schedules, information pages, etc. will be added and updated on a regular basis. Ms. Presley mentioned that notice was sent out to the residents about the website being live.

District Engineer – Mr. Amaden will send the bids out in PDF form so everyone will have the information and comparison sheet for ranking purposes.

District Manager – No Report

FOURTEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Shapiro asked if any residents submitted any requests to bring up to the Board for discussion. Ms. Blue noted that the District is in the process of utilizing a form on the website by which residents can submit requests for items to be added to the agenda for discussion. The deadline is 4 p.m. 10 days before the scheduled meeting. Ms. Blue noted that once the request has been submitted on the website they would keep a historical log to see what has already been discussed or addressed.

Mr. Shapiro noted that it had been brought to the Board's attention that there was an area in Phase 2B and along the landfill that needed attention. It is not part of the landscape maintenance; however, Stewart cleaned it all up and sprayed at no cost to the District. Mr. Shapiro provided an update on the drainage problem on the lots that backed up to the landfill. The District is working with the landfill in terms of solving the problem with excess water building up behind the lots. The landfill has been cooperative in obtaining approval from a couple of different agencies and a solution is very close.

Ms. Blue asked if the District had any updates on the lighting from TECO. Mr. Shapiro responded that TECO will not install the additional lighting at the clubhouse as they cannot access the area with their equipment. Ms. Blue explained that the District wanted to add more lighting to the back of the pool area and because the lighting was going to be extremely expensive, the District asked if TECO would install the lights and the District would pay a maintenance fee. However, TECO cannot do it, so they have contacted a TECO subcontractor for a quote to install three lights at the back of the clubhouse. Mr. Amaden provided additional information related to the lights.

Ms. Webb asked if there was a public comment period at the beginning of the meeting. Mr. Shapiro said that there was. Ms. Webb said that the public did have comments about items on the agenda but could not hear when the Board asked if there were any public comments and suggested that they project at the next meeting so that the public can hear.

Ms. Webb stated that she understands the District puts out a notice about the CDD meetings in a newsletter, however, not everyone receives a newsletter and that it is on the Board to put notices out, but there were no notices put out in the last week about the CDD meeting anywhere. She stated that it is not the residents' responsibility to do the CDD's bidding. The CDD needs to put out to other people that the meetings are being conducted and recommended that the CDD meeting be noticed more efficiently. Ms. Webb stated that she has not received any mailings from the CDD and there are many residents that do not have internet access.

Ms. Webb spoke on contract enforcement and stated that the contractors such as Stewart and Aquatic Systems are only as good as the company that is enforcing the contracts, i.e. Fishkind and if something is not being done then it also needs to reflect on Fishkind because Fishkind is also a vendor to the Board. She challenged the Board to look at the District Manager if something is not being done and mentioned the lack of trimming along the median as an example stating that it took from February to the end of this month to get done after a resident sent in pictures of the same complaints and Fishkind is not enforcing the contract.

Ms. Webb stated that power washing needs to be done along the boulevard and requested that it be added to the next agenda. She will send pictures to Ms. Gaarlandt prior to the meeting. She said that the Boulevard has not been power washed since the development started.

Ms. Webb brought up the topic of signage and stated that she wanted to talk about this in the public comments prior to items being voted on but she said she was not given the opportunity even though the Board said that she was. The location that was designated through an easement agreement is still not completely right and asked for this to be re-added back on the next agenda with the same packet that she already provided. She said that she wants the area in the median between the two towers in the front to be the designated location. The HOA did surveys of the residents and a lot of residents and buyers have not always been able to see the sign because of the location of the sign. Ms. Webb said that they originally had that area approved but then it was sold off. Ms. Webb asked the board to please read the packet and add it to the agenda, because the sign location is still insufficient. The boundaries should be very clear to residents.

Ms. Webb noted that Mr. Jackson was inquiring about the status of the flags for the Veterans' event and if the CDD Board had sent in a check for that. Ms. Presley responded that it is approved and they just need to confirm and place the order.

Ms. Gaarlandt reminded Ms. Webb that the time limit is three minutes. Ms. Webb stated the public had three minutes before to discuss things on the agenda plus what the residents have to discuss on what is not on the agenda. Mr. Shapiro asked her how many more things she had to go through. Ms. Webb responded that she had two more items.

Ms. Webb stated that the Phase 1 HOA would like to request from the CDD a listing of all of the residents within the community regardless of Phase. She said that the HOA needs to be able to validate that these residents actually live in the community before allowing them to participate in events that are sponsored by the HOA. Mr. Thomka noted that he does not think it is the responsibility of the CDD to verify residents for an HOA function. Mr. Shapiro noted that two new HOA's are managed by the same company and she can contact

them to coordinate. Ms. Gaarlandt noted that the District does not have that information. Ms. Warren stated that they utilize the public records when needed.

Ms. Webb asked if Stewart self-validates their work or if someone follows up to make sure the work has been completed. Ms. Presley responded that she communicates with Stewart on the checklist and makes sure that the dates listed for completion are correct and Mr. McCullough is quick to respond. Ms. Webb asked if the District, for example, lets Stewart check off that they cut an area or if someone else checks that the work is being. Mr. Shapiro responded that to check out every area every time Stewart cuts it is not realistic and not standard in the industry, but that they do check on a regular basis and that Ms. Presley meets with them on a regular basis and makes sure the areas that are supposed to be cut are being done. There are going to be times when a vendor misses something. Mr. Shapiro noted that he has gone out and inspected some of the ponds. Ms. Webb asked if she brought up a topic for six months would he not physically go and check to or is that her issue as a resident for bringing it up because he doesn't appreciate the comment. Mr. Shapiro said that is not true. Ms. Warren stated that the Board already discussed putting that landscape contract out for bid and collecting bids so that the Board can re-evaluate and make another decision and noted that at this point that is probably the best course of action if the residents are unhappy with the service. It is something that the Board can decide to do and evaluate the proposals based on the resident concerns that have been voiced. Ms. Webb stated that Fishkind does not physically go out and check it but lets a vendor that has been under scrutiny self-validate. Mr. Shapiro said that they have Ms. Presley on staff who meets with them and goes out to inspect. Ms. Webb stated that the landscaping of the median has not been done and it is also on the last notes of every single meeting before and Fishkind is not validating this properly. Mr. MacLaren noted that he is on staff with Fishkind and stated that he has gone out several times recently touring the whole property and said it looks good and better than some of the surrounding communities. He noted that the landscaping maintenance looks good; they that do need to make sure that Stewart is completing their work as they have been and which is why the checklist was created. Mr. Shapiro told Ms. Presley to make sure she is checking on a regular basis. Mr. MacLaren stated that the District has representatives from Stewart come to the meeting to hear the residents' concerns and address them. The contract is up in February and that is when it will go out for bids to make sure the District will get the lowest priced and most responsive contractor for the community.

Ms. Johnson noted that she had sent pictures to Ms. Carroll and that it was appreciated that Stewart is taking care of things that are not on the list but they need to focus on things that are on the list that they are being paid for. She said that there are several areas in need of improvement and Ms. Webb is not the one who sees them. Mr. MacLaren stated that he agrees, however, landscape replacement is not part of Stewart's regular contract, but trimming is.

Ms. Johnson asked what improvements were planned for the amenities in order to accommodate the additional homes. Mr. Shapiro responded that the Clubhouse was sized for the entire community at full build-out. Mr. Shapiro said that the current Developer did not do the original development and this is how it was permitted and approved by the County. Mr. Shapiro noted there are future plans for a secondary pool but not for a future clubhouse. Ms. Blue stated that she was the first homeowner in Ayersworth and noted that the community was taken over by another Developer when the original Developer sold off the land and most of it went into foreclosure as did the commercial parcel out front which was sold off to clean up the District's financials, so they inherited the mess. The original Developer was in over his head and abandoned the project so another Developer came in and saw the beautiful opportunities. Ms. Blue noted that for a while there was no money coming into the CDD and no maintenance was being done, so now the CDD has to come back and catch up. Most of the things that the CDD and the new Developer are fixing were not up to code originally by being residential grade when they should have been commercial grade, for instance, the CDD has had to put out thousands of dollars to replace the entryway pavers with commercial grade pavers as well as replacing the pool fence. Ms. Webb noted that she is concerned that the community is limiting the number of residents that can participate in events to 50 people out of 1,800 residents and asked if there was space to build another clubhouse or replace the current clubhouse. Ms. Blue responded that the District can always consider it, but certain things are out of their control. Ms. Warren clarified that the infrastructure in the community is paid for with tax exempt bonds and there are restrictions on what infrastructure the bonds can pay for and the manner in which assessments are levied on property to repay the bonds in particular for existing infrastructure. Ms. Warren also explained that the commercial parcel out front that was subject to foreclosure was not actually owned and held by the District when it was sold. It was owned and held by a special purpose entity which was done at the direction of the Trustee when the land was foreclosed upon in order to protect the Bondholders. The District ratified the decision to sell that parcel, but it was not District owned land. Ms. Webb commented further, however, Mr. MacLaren noted that her time was up and that she was given about ten minutes to speak. Ms. Webb responded that she thought that was supposed to be the President of the Board's decision. Mr. Shapiro noted that they needed to wrap this up now and that the comments that were made will be followed up on, some of the items the Board will have continued discussion on and others have been listened to.

Ms. Chu asked for an update for fixing the sign by the Highland Court entrance. Mr. Shapiro responded that it was being fixed today. She also asked about replacement of some plants that had died. Mr. Shapiro noted that some enhancements to those entrances were included in the proposal for mulching that was approved earlier by the Board.

Mr. Bouthot asked if there was an update about the smell coming from the landfill. Mr. Shapiro responded that he had been in contact with the landfill, which is in the process of getting permitted a new system to reduce any odor that is being generated by the landfill. It is a blower system like a vacuum system and it is being shipped this week. It has been

approve by the EPC & the DEP, which are the regulatory agencies for the landfill. Mr. Shapiro explained that with the amount of rain they have had that has saturated the landfill and because it is a construction debris landfill when that gets wet it creates a gas that smells. The landfill has also been approved for a new misting fence system to neutralize the smell and is confident that the new system will resolve the problem.

Ms. Jackson stated that she could not hear a lot of the meeting from the start and asked the Board at the next meeting have a microphone or speak up. Mr. Fuller responded that this is the first time that the District has held the meeting here and he will project his voice better at the next meeting, the Board is used to a small space and apologized. He said that the Board is made up of residents of the community and they want the public to hear them and to be heard. Ms. Blue asked that at the next meeting the chairs be put closer to the front so that the public is not sitting so far back and noted that a lot of the items in this agenda was already approved and discussed and only needed to be ratified. Ms. Jackson noted that it was her first time and she had no clue what was going on. Mr. Shapiro reminded the residents to raise their hands and let them know if they cannot hear them as that is not the Board's intention, but it is a bigger room and the acoustics are different, and most of the items that were being voted on were procedural. Ms. Jackson thanked the District for the improvements that she has seen within the community in the last several years.

Ms. Johnson said that she appreciated the District holding the meeting at the clubhouse.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments.

ON MOTION by Mr. Shapiro, seconded by Mr. Thomka, with all in favor, the Board continued the meeting to Thursday at 11:00 a.m. to award the bids and approve the rankings as presented by the District Engineer.


Secretary / Assistant Secretary


Chairman / Vice Chairman