

**MINUTES OF MEETING
SCENIC HIGHWAY
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Scenic Highway Community Development District was held on Thursday, **June 15, 2023** at 9:30 a.m. at the Holiday Inn – Winter Haven, 200 Cypress Gardens Blvd., Winter Haven, Florida and by Zoom Webinar.

Present and constituting a quorum were:

Bobbie Henley	Chairman
Lindsey Roden	Vice Chairman
Jessica Kowalski	Assistant Secretary
Kristin Cassidy	Assistant Secretary (appointed during the meeting)

Also, present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, Kilinski Van Wyk
Maddie Flint	Kilinski Van Wyk
Marshall Tindall	GMS

The following is a summary of the discussions and actions taken at the June 15, 2023, Scenic Highway Community Development District's Regular Board of Supervisor's Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order. There were three members attending, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams stated there were no members of the public present nor were there any members of the public attending on Zoom.

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THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of the Resignation of Lauren Schwenk

Ms. Adams stated Supervisor Lauren Schwenk sent in a letter of resignation.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, Acceptance of the Resignation of Lauren Schwenk, was approved.

B. Appointment of Individual to Fulfill Vacancy of Seat No. 2 with Term Ending November 2023

Ms. Adams asked if there is an appointment of an individual to fulfill the vacancy on the Board for seat number 2 with a term that ends November 2023. Ms. Henley nominated Kristin Cassidy.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the Appointment of Kristin Cassidy to Fulfill Vacancy of Seat No.2 with Term Ending November 2023, was approved.

C. Administration of Oath to Newly Appointed Supervisor

Ms. Adams administered the oath to Kristin Cassidy. Ms. Hammock stated that Supervisor Cassidy does serve on other Boards and reminded Ms. Cassidy that, as a Supervisor of the CDD, she is a governmental official and Florida ethics laws, Florida Sunshine Law and public records laws apply to her when acting in her capacity as a supervisor. Ms. Hammock reviewed the Florida ethics laws, Florida Sunshine Law, and Florida public records laws with the Board.

D. Consideration of Resolution 2023-02 Electing Officers

Ms. Adams noted that when there is a new appointment to the Board, or after an election, the District is required to redesignate its officers. She stated the Board officers are the Chair, Vice Chair, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer. She noted formerly, Lauren Schwenk had been serving as Chairperson and Eric Lavoie, who is still seated on the Board, served as Vice Chairperson. The remaining Board members served as Assistant Secretaries. She noted there are some members of the District Management team who serve in the capacity of Secretary, Assistant Secretary, Treasure and Assistant Treasurer for the purpose of attesting the signature of the Chairman, processing District records and processing financial records and

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requested that any way that the Board wants to elect the officers that they keep the District Management staff in place. Following this, there was a motion for Bobbie Henley to be Chairperson, Lindsey Roden to be Vice Chairperson and the remaining Board members to serve as Assistant Secretaries and Jill Burns as Secretary, Tricia Adams as Assistant Secretary, George Flint as Treasurer, and Katie Costa as Assistant Treasurer.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, Resolution 2023-02 Electing Officers as slated above, was approved.

FOURTH ORDER OF BUSINESS**Approval of Minutes of the April 20, 2023
Board of Supervisors Meeting**

Ms. Adams presented the minutes of the April 20, 2023 Board of Supervisors meeting minutes and asked for any comments or corrections, noting that the minutes have been previously reviewed by staff.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, the Minutes of the April 20, 2023 Board of Supervisors Meeting, were approved.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2023-03
Extending Seat Terms to Reflect the
General Election Schedule**

Ms. Adams stated by approving Resolution 2023-03 would extend terms of the seats to coincide with general elections in November 2024 and 2026 with seats number 1, 2, and 4 having terms expiring in November of 2024 and seats number 3 and 5 having terms expiring in November 2026. She asked for any comments from District Counsel. Ms. Hammock asked if the Board would approve with the addition of Supervisor Cassidy's name to seat 2, as it was blank.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, Resolution 2023-03 Extending Seat Terms to Reflect the General Election Schedule, was approved.

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SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2023-04
Updating Local Bank Signatories**

Ms. Adams stated this is an administrative matter and appoints the Districts Treasurer, Assistant Treasurer and Secretary as signers on the District's local bank account.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, Resolution 2023-04 Updating Local Bank Signatories, was ratified.

SEVENTH ORDER OF BUSINESS

**Ratification of Recorded Release of
Construction Easement**

Ms. Hammock stated this is the construction easement that was over the property and now that the construction is done can be released.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, the Recorded Release of Construction Easement, was ratified.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hammock stated, in conjunction with Marshall, they will provide an update regarding the violation notice from Haines City regarding trees, dead landscaping, and the right of way. She noted District staff has already been actively and promptly working on removing and replacing the dead vegetation in the right-of-way noted in the notice from the City. Ms. Adams stated the Board will be hearing more about this matter under the Field Manager's Report. Board members who serve on other Boards are aware that City of Haines City has been performing inspections on properties that are not in compliance with the Haines City landscape codes and, as the property owner of the right-of-way, the District is the entity being cited by City code enforcement officials. She noted there are HOA governing documents that assign maintenance responsibility to the abutting property owner so District staff and counsel have been in regular communication with Haines City regarding these matters. The City's code enforcement officials provided a list of about 15 properties that were not in compliance and all of the owners of the abutting residential properties received a letter. She also noted the Field Services Manager has been working with some of the builders. District staff noted that DR Horton recently replaced 13 trees, that were still under warranty, in the right of way. District staff and counsel are trying to address the items identified

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by the City officials in several different ways. Ms. Hammock noted that later in this meeting the Board would be asked to consider a proposal of a per tree cost for replacing the dead trees because if the City does not extend the inspection time, the District could be subject to fines. In coordination with District Management staff, District Counsel prepares letters of collection that then are mailed to the property owners. Ms. Adams noted the property owners who have called District staff have been told to check with their builder to determine if the trees are still under warranty and if the builder will replace. She noted some property owners have replaced the trees but others are not as cooperative.

B. Engineer

There being no comments, the next item followed.

C. Field Manager's Report

Mr. Tindall noted that overall facilities have been well maintained with no significant issues right now. He stated playground review was done and there was one post gap that is missing that was discussed with Pro Playgrounds to replace without cost and it has already been shipped. He noted on landscaping review, there are no issues currently other than some irrigation staining. He noted that previously the irrigation company had adjusted the sprinkler heads and for the next report, District staff anticipates having a proposal as a reference from the well vendor for a potential iron removal system to reduce staining in the future. He noted District staff will work on getting someone out to clean the walls in the meantime but monitor the irrigation company's work so far to determine if the adjustments will reduce that staining over the next month.

i. Consideration of Tree Replanting Proposals

Mr. Tindall stated that the field services team has inspected the areas noted in the Haines City violation notice and worked with the HOAs as closely as possible to try to get this resolved. He noted there are proposals for price per tree from a couple of landscaping companies. He stated Stewart and Associates has been the cheapest so far as their cost per tree to replace a tree on the row is \$400 per tree. He noted they have included the gator bag here for watering, which is optional. However, the issue and concern here is that if the trees die again, the District may continue receiving violation notices from the City and if the residents abutting the right-of-way are not maintaining their irrigation resulting in the trees dying, it is not likely if the tree was

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replaced that irrigation is going to continue without some measured effort from District staff, so the gator bags would be there for anyone who is not taking action at that point. He stated even with the rainy season after discussion with the landscaper, there is no warranty on the tree. He noted, in order to give those trees the best chance to survive, approving a per watering cost as needed is recommended. He stated they would monitor and if it is dry, they would manually irrigate by filling gator bags with water. The Board asked if the water would cost anything. Mr. Tindall stated the water is \$25 per tree per fill. Ms. Adams stated that is where the cost does add up, but this is included in the cost that the District could collect from the abutting property owner. The Board asked how can this be prevented in the future with the residents. Ms. Adams stated this is not a CDD responsibility but because of these situations, Marshall has started to go through and inspect the areas that the HOA has responsibility for that lie within the City of Haines City boundaries and notify the HOA when these issues are in violation or the trees are dying so that notifying the HOA manager about which letters need to go out. The Board asked if we do not recoup the funds from the homeowners, could this money come back on the HOA. Ms. Adams stated in speaking with the HOAs in the past, they have complex fine committees and statutory compliance issues. Ms. Adams stated they are asking the Board to authorize a per tree cost for planting and watering on an as needed basis. The tree would be \$400, the gator bag to water it would be \$45 and per fill it would be \$25 and that would be directed by the Field Services staff based on rainfall.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the Consideration of Tree Replanting Proposals – Approved Stewart Proposal (per tree cost, gator bag, and watering), was approved.

ii. Consideration of Added Annual Mows Proposal with Prince & Sons

Mr. Tindall stated they have been working on some street signs that have been leaning down. The signs were ordered and field staff are installing. He noted residents had concerns over stop signs that were leaning a little bit. He noted he would prioritize other things as long as the sign was standing. He noted the tree issue was delaying other things being addressed, but field staff are working diligently on known issues and should be resolved by the next meeting. He noted there is some work going on along the road. The sidewalk is closed as there is some damage to that sidewalk. He noted this is something that the city should take care of in conjunction with the

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contractor who damaged the sidewalk from their work. He noted he would continue to monitor. He noted that last year there were some concerns about grass and vegetation around the ponds were getting a little bit high but the landscaper was mowing the areas per contract. The contract requires 19 mows per year. He noted during the summer it does get a little bit worse and in order to alleviate that, the scope of work would need to be revised to increase the number of mows but doing so would exceed the current budgeted line item. He asked if the Board is interested in pursuing increased pond mowing schedule. He noted there is an RFP out for landscaping services and the only proposer that has responded is the current landscaper. He noted one that District staff reached out to other vendors, but other vendors stated they were not interested because the community was too small. He stated by the next meeting if there are no further bids, this will be presented at that time. He noted with the trees that may be something that the Board does not wish to pursue while we address the trees in the row and we will just look at it as we budget for the next year. The Board asked if the pond would become an issue if we do not do additional mowing. He stated it is not so much that the ponds are an issue, they are mowed 19 times per year and get additional mowing in the summer but the ponds do get a little bit high in between some residents and we do get a fair number of calls to our office about this matter. Ms. Adams stated this all unirrigated Bahia, grows significantly in the summer and lies dormant in the winter when it is not getting water. She stated the Board could authorize staff, with Board direction, to direct the landscaper to mow more frequently if there is a mow needed here or there. The Board agreed with this approach. Mr. Tindall noted to clarify, they will do additional pond mowing if needed during the summer on an as needed basis and for now will stick with the existing mowing schedule and next time hopefully will have a resolution for the proposals. Ms. Adams stated that was a request from Supervisor Lavoie to make sure during budget discussion that the District is getting the best possible pricing for landscape service.

D. District Manager's Report

i. Approval of Check Register

Ms. Adams presented the check register in the amount of \$52,472.02 for approval. She stated these include the summary of the checks written as well as details for the vendors and the

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account that it was processed under and the amounts for each check. Ms. Adams noted she would be happy to answer any questions.

On MOTION by Ms. Kowalski, seconded by Ms. Roden, with all in favor, the Check Register as a slate through April 2023, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams stated that the unaudited financials are included in the agenda package. These are presented for informational purposes only.

iii. Presentation of Registered Voters – 190

Ms. Adams stated the letter from the election’s office notes that within the District’s boundaries there were 190 registered voters as of April 15, 2023 at Scenic Highway CDD and Board members understand this is relevant because there are two benchmarks to transition to general election, 250 registered voters and being established for six years.

iv. Reminder of Form 1 Filing Deadline of July 1, 2023

Ms. Adams stated this is a courtesy reminder to file Form 1 that is due by July 1st each year. She noted if anyone needs a form or filing instructions to let her know and that can be sent electronically.

NINTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

TENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Kowalski, seconded by Ms. Roden, with all in favor, the meeting was adjourned.

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Tricia L. Adams
Secretary/Assistant Secretary

Bollie Healy
Chairman/Vice Chairman