

**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, **September 21, 2023** at 9:32 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
Eric Lavoie	Assistant Secretary
Jessica Kowalski	Assistant Secretary

Also, present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, Kilinski Van Wyk
Marshall Tindall	GMS Field Services
Joel Blanco	GMS Field Services

The following is a summary of the discussions and actions taken at the September 21, 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 four Board members attending, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

There are no members of the public present nor are there any members of the public attending on Zoom.

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THIRD ORDER OF BUSINESS**Approval of Minutes of the July 20, 2023
Board of Supervisors Meeting**

Ms. Adams presented the minutes of the July 20, 2023 Board of Supervisors meeting minutes included on page 5 of the agenda packet. The meeting minutes were reviewed by District Counsel as well as by District Management staff. The Board had no changes to the minutes.

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

FOURTH ORDER OF BUSINESS**Public Hearing****A. Rules Related to Parking and Parking Enforcement****i. Public Comment Related to Proposed Parking Rules**

Ms. Adams stated in order to adopt rules related to parking on the public roadway, we are required to have a public hearing. The Board members previously met and approved a public hearing for today's date. We do have an affidavit of publication of the public hearing in accordance with Florida Statutes. We are required to take public comment during the hearing. We do need a motion to open the public hearing.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, Opening the Public Hearing, was approved.

Ms. Adams stated no members of the public were present nor were there any members of the public attending via Zoom. She asked for a motion to close the public hearing.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, Closing the Public Hearing, was approved.

ii. Consideration of Resolution 2023-10 Adopting Rules related to Parking Enforcement

Ms. Adams stated approval of this resolution will adopt the parking rules. She noted the parking rules are attached as an exhibit as well as the parking map. The parking map had been previously reviewed by Board members. I will note that the parking map is subject to final revision. She noted there are some corners and some entrance roadway where we want to prohibit parking

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for the safe flow of traffic. She stated in the parking rules on page 17, they are recommending sequestering parking to one side of the public roadway. Now that they have residents at Scenic Highway, they have had residents of the District reach out and have concerns that they are not able to navigate through the roadway when there is parking on both sides of the streets. She noted there are concerns about emergency vehicle access when vehicles are parked on both sides of the street. By sequestering the parking to one side of the roadway, it allows for the free flow of traffic and allows for emergency vehicle access but also for the understanding that from time-to-time property owners will have visitors and may need on street parking. She stated this parking model has previously been reviewed by Board members. The final form of the map is subject to adding the restricted parking zones in the entrances and on the corners.

Ms. Adams asked for any comments from Board members or any items to discuss regarding the parking rules or parking map. The Board asked if there are any issues with the sides of the streets where there is double parking. Mr. Lavoie stated the sides of odd lots, for example lot 115 and 177 and just South of the main entrance, 139 and 182. He asked would they formally be in an agreement that the odd side of the road would be the side facing in front of the homes and not the side of the homes and could that be clarified on signs and make that stick. Ms. Adams stated the odd side is defined by property address in the parking rules. She noted when they do communication with residents, they always emphasize to review the parking map because the cul-de-sac and entrance ways may be no parking zones and vehicles found there are subject to immediate towing. The goal is to allow for parking on the odd side but there are areas because of the free flow of traffic that they need to restrict, they can certainly do that.

Ms. Adams stated corners are typically no parking zones in order to be able to safely navigate into the intersection. She noted the corners of lot 208, 225, 156, and 172 will be no parking zones. Ms. Adams asked for any comments from District Counsel before the Board takes action on Resolution 2023-10. Ms. Hammock stated not unless there are any questions from the Board.

Ms. Adams stated approval of this resolution also implicitly directs staff to start to communicate the parking rules to the residents. She noted they typically direct mail the parking rules along with a cover letter and a copy of the map to everyone as well as several email blasts prior to engaging in enforcement of the parking rules. The District will also need to enter into an agreement with a towing service provider. She noted they do have a towing service provider who

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is in a region a distance from the community that complies with Florida Statute as they have to be in a certain proximity from the property that they are towing from which is S&S Towing.

The Board asked if there is an estimated date for this to go into place. Ms. Adams stated the rules will be effective immediately, but they will not be able to enforce the rules until there are a few things in place, for example they are required to have the towing enforcement agreement and they are also required to install signage at the community entrance and part of that signage comes from the towing service provider and part of that signage is facilitated by field staff, Marshall. She noted it is usually a 30–60-day process depending on how quickly they move everything along.

On MOTION by Ms. Kowalski, seconded by Ms. Roden, with all in favor, Resolution 2023-10 Adopting Rules Related to Parking Enforcement and Directing Staff to Fully Implement, was approved.

iii. Consideration of Proposal for Series 2020 Arbitrage Rebate Computation Services

Ms. Adams stated the bonds that were issued are regulated by the IRS. The IRS requires reporting at regular intervals regarding arbitrage and the key on that is that they want to know if there is an arbitrage situation sooner rather than later. She noted that they cannot be earning more interest on the bonds than what they are paying. She stated if they are earning more interest, there is a penalty that goes back to the IRS in a five-year interval. She noted each year they run the arbitrage rebate computation services through a service provider. The proposal in the agenda packet is from AMTEC and they are the most cost-effective service provider. She stated on page 24 it articulates the annual fee for this.

On MOTION by Ms. Roden, seconded by Ms. Kowalski, with all in favor, the Proposal for Series 2020 Arbitrage Rebate Computation Services, was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hammock stated she did not have any specific report for the Board but would be happy to answer any questions.

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B. Engineer**i. Presentation of Annual Engineers Inspection**

Ms. Adams stated she does not see anyone on the line but included in the agenda packet is a report provided by John Wood and Associates. She noted each year as part of the Trust Indenture, we are required to provide a report to the Bond Trustee indicating that the Districts assets are being maintained and there is adequate funding and adequate insurance so this is a report covering those areas. She stated any maintenance matters that were noted as part of the stormwater system have been added to our field managers' report for maintenance work.

On MOTION by Ms. Roden, seconded by Ms. Henley, with all in favor, the Annual Engineer's Inspection, was approved.

C. Field Manager's Report

Mr. Tindall stated the field report is on page 66 of the agenda. He noted nothing significant occurred due to the storm either to the stormwater tracts or to the facility. The only thing they felt was needed during this time was for the facility to be closed on Wednesday as a caution. He noted a couple of fence panels were blown out but that occurs during normal thunderstorm activity as well. He noted overall the amenity facility is doing well with no major issues. The vendors are keeping the facility up. He stated they are working to get the chairlift back up and running. The motor needs to be replaced, which is not unusual for these battery powered lifts. Long term, if the Board would like, we could look into a water powered lift but based on the build outs, the battery powered lifts continue to maintain it for now. He stated a section in landscaping opposite the dog park that was overlooked because it was incorrectly assumed to be a house. The houses are up, and the landscaper and I both realize that section was not being mowed like it should be so they have gone out and cleaned it up and it will be maintained as part of their contract scope going forward as was intended. No issues there.

He noted a couple of residents did report some pocket gopher activity. He noted they have looked into pocket gopher solution at other communities and tested some products including some deterrents. Based on the area, pocket gophers are native to the area and thrive in the sandy ridge and travel extensively from one location to another. He stated treating the mounds individually is their recommendation to homeowner lots as a deterrent. It is the most cost-effective way and there were only a few mounds noted. On page 69 of the agenda is the primary pond in question which

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is the area with complaints and only a few mounds were located in that pond on the right-hand side. He noted the left side of that fence is non CDD owned and owned by private or another party. It is fairly large and very sandy. It is very likely pocket gophers can be in that traveling across the fence. Treating them is difficult and there is no guarantee that treatments are going to be effective but very cost intensive. Our recommendation is to take no action at this time and continue to monitor and revisit at another time. Mr. Tindall stated engineer items that are of concern is the biggest issue a busted collar where the drain cover itself in one of the ponds had moved over and that has been fixed. All of the fences have been double checked and repaired. The street signs as a whole, a couple have been remounted and a couple replaced. There was a speed limit sign replaced. Signs were straightened. We need a skid steer, some riprap and some sod so that we can make sure the repair sticks.

Mr. Tindall stated he is in contact with the city and code compliance and adjusting the date as needed and keeping in contact with them. The HOA should be sending out letters to notice residents. I have done a review of the trees and will be in touch with the HOA seeking progress and continuing to monitor with code compliance to avoid any legal issues going forward. Ms. Hammock stated they have been working with several Districts on this issue. She noted there have been some conversations with the city about a variance here allowing the variance, but code enforcement does not seem to be amenable to that and we would need their support to make that work with the city. She noted at this point, our recommendation would be to convey the small partials to the HOA so that they are no longer owned by the CDD. The issue here from a legal perspective is that while the District owns the real property, maintenance is an obligation of the residents through the HOA covenants that the HOA is supposed to be enforcing. To clean that up for the District, it would be best to convey just those small portions to the HOA but we would obviously need the HOA to accept that. Ms. Adams asked if there are any legal impediments to convey related to the bond documents. Ms. Hammock answered no. Ms. Adams asked what the Board would need to do to authorize that as this may be a time sensitive issue. Ms. Hammock stated at this point she would need direction to work with District management staff to get in touch with the HOA to even initiate those conversations to see if they are amenable to that solution. Ms. Adams stated the HOA is fully controlled by the developer. We have not yet had a magistrate hearing at Scenic Highway so have not yet reached a defining line with the city so we may be able to reach out to them and ask them to forego any further enforcement actions until the legal matter

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is settled internally which would buy us more time. District management supports any legal remedy to relieve the District of this burden. Ms. Hammock stated perfect, we will work to prep those documents and present those to the Board for review and approval ideally at your next Board meeting. Mr. Tindall noted there are some items in the Engineer's Report that are tied to the Southwest corner construction of the District, some missing sod for example that is causing some runoff of sediment around a retaining wall. He noted that those areas are currently part of the lots for the homeowners that have not been developed yet. Once those lots are developed, the sod should go down. If there is anything major in the meantime, we will keep an eye on it and address if needed.

D. District Manager's Report

i. Approval of Check Register

Ms. Adams presented the check register on page 75. This is a summary check register from July 7, 2023 through July 28, 2023 totaling \$16,326.89. It does include your general fund as well as capital project funds. She noted a detailed summary following the register.

On MOTION by Ms. Henley, seconded by Ms. Roden, with all in favor, the Check Register, was approved.
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ii. Balance Sheet and Income Statement

Ms. Adams stated on page 87 is the combined balance sheet showing the balance in your general fund and construction fund. With the bond, there is a very small amount there. We may reach out and see if there are any pending requisitions or if we can declare this project complete. There is also the debt service fund managed by the Trustee. We keep an eye on the unassigned balance in the general fund. We keep an eye on your actual spending relative to your prorated budget. She noted there is nothing to bring to the Board members' attention other than you are fully collected for your fiscal year, all of your assessment revenue has been received.

iii. Next Meeting Date: October 17, 2023, 10:00 AM at the Holiday Inn -Winter Haven

Ms. Adams stated the next meeting is October 17, 2023 at 10:00 a.m. at Holiday Inn – Winter Haven.

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SEVENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being no comments, the next item followed.

NINTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Tricia Adams
Secretary/Assistant Secretary

DocuSigned by:
Bobbie Henley
Chairman/Vice Chairman