

MINUTES OF MEETING

DAVENPORT ROAD SOUTH COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS'

Thursday, February 9, 2017 at 9:37 a.m.

Offices of Cassidy Homes

346 East Central Ave.,

Winter Haven, Florida 33880

Board Members present at roll call:

✓ Scott Shapiro	Board Member
✓ Lauren Schwenk	Board Member
✓ Andrew Rhinehart	Board Member
✓ Phillip Allende	Board Member
✓ Rennie Heath	Board Member

Also Present:

Roy Van Wyk	Hopping Green & Sams, P.A.
✓ Joe MacLaren	Fishkind & Associates, Inc.
Jane Gaarlandt	Fishkind & Associates, Inc.
Heather Wertz	Interim District Engineer (via phone)
Camille Evans	District Bond Counsel (via phone)
Sharon Garritt	Public

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 9:37 a.m. Those in attendance are outlined above.

SECOND ORDER OF BUSINESS

Public Comment Period

There were no comments from the public at this time.

THIRD ORDER OF BUSINESS

Oath of Office of Newly Elected Board Members

Ms. Schwenk, Mr. Shapiro, Mr. Heath, Mr. Rhinehart, and Mr. Allende were administered the Oath of Office by Ms. Gaarlandt.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes from
the January 10, 2017
Organizational Meeting**

The Board reviewed the minutes of the January 10, 2017 Organizational Meeting.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Minutes of the January 10, 2017 organizational Meeting.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2017-
24, Ratifying and Approving
Certain Board Actions**

Mr. Van Wyk explained that this resolution ratifies all the actions that the appointed Board took prior to the election.

On MOTION by Mr. Heath, seconded by Mr. Shapiro, with all in favor, the Board approved Resolution 2017-24, Ratifying Certain Board Actions.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2017-
25, Canvassing and Certifying the
Results of the Landowners'
Election**

Mr. MacLaren explained that the resolution noted that Mr. Shapiro and Mr. Heath each received 3 votes and Ms. Schwenk, Mr. Rhinehart, and Mr. Allende all received 2 votes. Mr. Shapiro and Mr. Heath will serve 4 year terms and Ms. Schwenk, Mr. Rhinehart, and Mr. Allende will serve 2 year terms. Mr. MacLaren recommended a motion to approve Resolution 2017-25.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the Board approved Resolution 2017-25, Canvassing and Certifying the Results of the Landowners' Election.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2017-26, Appointing District Officers.

Mr. MacLaren explained that the District had elected officers and the Board can keep the existing slate if they wanted to do that. Ms. Gaarlandt noted that the slate of officers are as follows: Mr. Heath as Chair, Mr. Shapiro as Vice-Chair, Dr. Fishkind as Treasurer, Ms. Glasgow as Assistant Treasurer, Mr. MacLaren as Secretary, Ms. Gaarlandt and the remaining Board Members as Assistant Secretaries. Mr. MacLaren recommended a motion to approve Resolution 2017-26.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the Board approved Resolution 2017-26, keeping the current slate of officers as noted.

EIGHTH ORDER OF BUSINESS

Public Hearing on the Imposition of Special Assessments

- a) **Public Comments**
- b) **Board Comments**
- c) **Consideration of Resolution 2017-27 Levying Special Assessments**

Mr. MacLaren recommended a motion to open the public hearing.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the Board opened the public hearing.

Ms. Garritt noted that in the Methodology it states that the costs are determined based on the infrastructure related improvements and asked if that also means the cost of the land. Mr. MacLaren answered that it is just the infrastructure improvements. Mr. MacLaren recommended a motion to close the public hearing.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board closed the Public Hearing.

Mr. Van Wyk requested that Mr. MacLaren confirm that advertising was completed as required by statute and that notice was published and mailed and that that the Methodology has not changed since last presented. MacLaren confirmed that advertising was completed as required by statute and there were no changes to the Assessments Methodology since the previous presentation. Mr. Van Wyk asked Mr. MacLaren to confirm that the benefit is equal to the amount of the assessment burden being placed on the property and that those assessments are fairly and reasonably apportioned across the property as set forth in the Methodology. Mr. MacLaren confirmed that the benefit is equal to the burden and that the assessments are reasonably apportioned.

Mr. Van Wyk asked Ms. Wertz if there were any changes to the Engineer's Report since the last presentation and asked if it is her opinion as a professional engineer that these improvements can be constructed as set forth in her report. Mr. Van Wyk asked if the costs are reasonable for the area in which the improvements will be constructed. Ms. Wertz confirmed that the Engineer's Report has not changed since the previous presentation, the improvements can be completed as set forth in her report, and the costs as outlined are reasonable for the area in which the improvements will be constructed.

Mr. Van Wyk explained to the Board that they will be making findings of benefit on the property as set forth in the Methodology Report, using the amounts determined by the Engineer, and the Board is sitting as a Board of equalization to take the assessments and impose those on the real property described in the exhibits attached to the resolution. The Board will be making findings of the need for the improvements that are a benefit to the District and that it is in the best interest of the District that the assessments be imposed as set forth in the resolution and the exhibits attached. Mr. Shapiro asked about exhibit B and Mr. Van Wyk noted that they can use the original overall property parcel ID, it will automatically reflect in the books that the parcel has been split in two separate parcel ID numbers. There were no other comments. Mr. Van Wyk requested a motion to approve Resolution 2017-27.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved Resolution 2017-27, Levying Special Assessments.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2017-28, Bond Resolution

Ms. Evans provided an overview of the Bond resolution for the Board. Mr. MacLaren stated that it should be sufficient to cover the District's CIP and it works out to a little over \$28,000.00 in debt per lot.

On MOTION by Ms. Schwenk seconded by Mr. Heath, with all in favor, the Board approved Resolution 2017-28, Bond Resolution.

TENTH ORDER OF BUSINESS

**Consideration of Statements for the
Qualifications for the Position of
District Engineer- Tabled**

ELEVENTH ORDER OF BUSINESS

**Consideration of Proposal for
Public Officers and General
Liability**

Mr. Heath asked if this company is giving the District a discount because of all of the Districts that they are insuring. Mr. MacLaren answered that their normal minimum is \$5,000.00 and the District is paying \$3,315.00. Mr. Heath also asked if in the event the District cleared the property and went too far into the adjacent property owners' property such as a row of trees it was covered under the policy. Mr. MacLaren noted that the District has an Errors and Omission coverage up to \$250,000.00 on any one occurrence, and the District also has lawns, plants, trees, and shrubs listed up to \$50,000.00.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved the proposal for Public Officers and General Liability.

TWELFTH ORDER OF BUSINESS

**Consideration of Establishment of
Auditor Selection Committee**

Mr. MacLaren recommended that the Board appoint themselves as the Auditor Selection Committee.

On MOTION by Mr. Allende, seconded by Ms. Schwenk, with all in favor, the Board approved the Establishment of an Auditor Selection Committee with the Board Members serving in that capacity.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel – Mr. Van Wyk noted that the Bond Validation will start as soon as the paperwork is completed.

District Engineer – No Report

District Manager – No Report

FOURTEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

There were no Supervisor requests or audience comments.


FIFTEENTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments. Mr. MacLaren requested a motion to adjourn.

ON MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Tuesday, February 9, 2017 Board of Supervisors' Meeting was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman