

**MINUTES OF MEETING
DAVENPORT ROAD SOUTH
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Davenport Road South Community Development District was held Wednesday, **August 4, 2021**, at 11:00 a.m. at the Holiday Inn – Winter Haven, 200 Cypress Gardens Blvd., Winter Haven, Florida.

Present and constituting a quorum:

Lauren Schwenk
Andrew Rhinehart

Vice Chairperson
Assistant Secretary

Also present were:

Jill Burns
Roy Van Wyk *by Zoom*
Rey Malave
Clayton Smith
Marshall Tindall
Justin Frye
Adam Rhinehart

District Manager, GMS
KE Law
Dewberry
GMS
GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burns called the meeting to order and called the roll. There were two supervisors present. Three Supervisors resigned from the Board prior to the meeting, leaving them without a quorum. This allowed the two supervisors remaining the ability to appoint interested parties to those empty seats to establish a quorum. Mr. Rhinehart nominated Justine Frye for Seat #1 which has a term through November of 2021.

On MOTION by Mr. Andrew Rhinehart, seconded by Ms. Schwenk, with all in favor, the Appointment of Justine Frye to Seat #1, was approved.
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Ms. Burns led Mr. Frye into his oath of office before asking for a nomination to fill Seat #4. Mr. Rhinehart nominated Adam Rhinehart.

On MOTION by Mr. Andrew Rhinehart, seconded by Ms. Schwenk, with all in favor, the Appointment of Adam Rhinehart to Seat #4, was approved.

Ms. Burns led Mr. Adam Rhinehart into his oath of office and constituted a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Burns opened the floor to public comment on agenda items. There being none, the next item followed.

THIRD ORDER OF BUSINESS

Ratification of Joint Letter from Hopping, Green & Sams and KE Law Group Regarding District Counsel Representation

Ms. Burns stated that this was approved by the Chair outside of the meeting to transfer all the District’s documentation to the new firm, KE Law Group.

On MOTION by Mr. Andrew Rhinehart, seconded by Ms. Schwenk, with all in favor, the Joint Letter from Hopping, Green & Sams and KE Law Group Regarding District Counsel Representation, was ratified.

FOURTH ORDER OF BUSINESS

Consideration of Fee Agreement with KE Law Group

Ms. Burns noted that the fee agreement can be found in the agenda package and reported that it was the same rate as the prior counsel agreement.

On MOTION by Mr. Andrew Rhinehart, seconded by Ms. Schwenk, with all in favor, the Fee Agreement with KE Law Group, was approved.

FIFTH ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation from Scott Shapiro, Rennie Heath, and Patrick Marone

This matter was addressed in the first order of business to constitute a quorum.

B. Appointment of Individuals to Fulfill Board Vacancies with Terms Ending November 2021 and November 2023

This matter was addressed in the first order of business. The Board nominated Christine Aviles to fill Seat #5. Ms. Aviles was not present at the meeting and will be sworn in at a later date.

On MOTION by Ms. Schwenk, seconded by Mr. Frye, with all in favor, the Appointment of Christine Aviles to Seat #5, was approved.

C. Administration of Oaths to Newly Appointed Supervisors

All new Board members were sworn in during the first order of business to constitute a quorum with the exception of Ms. Aviles who will be sworn into office prior to the next Board of Supervisor's meeting.

D. Consideration of Resolution 2021-07 Electing Officers

Ms. Burns noted since there had been a changeover in the Board, there is a need to reelect officers. She asked to be named Secretary and asked that George Flint from the GMS team be named Assistant Secretary. The Board decided to appoint Justin Frye as the Chair and Adam Rhinehart as the Vice Chair. The remaining Supervisors were appointed Assistant Secretaries.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, Resolution 2021-07 Electing Officers as slated above, was approved.

SIXTH ORDER OF BUSINESS

**Approval of Minutes of the May 5, 2021
Board of Supervisors Meeting**

Ms. Burns asked for any question, comments, or corrections to the May 5, 2021, Board of Supervisors meeting minutes. There being none, there was a motion of approval.

On MOTION by Mr. Andrew Rhinehart, seconded by Mr. Frye, with all in favor, the Minutes of the May 5, 2021 Board of Supervisors Meeting, were approved.

SEVENTH ORDER OF BUSINESS

Public Hearings

A. Public Hearing on the Adoption of the Fiscal Year 2022 Budget

On MOTION by Mr. Frye, seconded by Mr. Andrew Rhinehart, with all in favor, the Public Hearing was Opened.

i. Consideration of Resolution 2021-08 Adoption of the District’s Fiscal Year 2022 Budget and Appropriating Funds

Ms. Burns gave a brief overview of the budget and gave the public an opportunity for questions and comments. This is a proposed budget for Fiscal Year 2022 which starts October 1st, 2021 and run through September 30th, 2022. There is a proposed increase for platted lots within the community and totals \$1,036.93, \$60 less than what was noticed to the community. It is an overall increase of \$269.46 which is mostly attributed to budget line items that were underfunded the previous year. Increases include landscape replacement throughout the community, pool security, and amenity repair and maintenance. Another reason for the increase was the District did not have a capital reserve fund and staff needed to allocate reserves. There being no comments from the public or Board, there was a motion of approval.

On MOTION by Mr. Frye, seconded by Ms. Schwenk, with all in favor, Resolution 2021-08 Adoption of the District’s Fiscal Year 2022 Budget and Appropriating Funds, was approved.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, the Public Hearing was Closed.

B. Public Hearing on the Imposition of Operations and Maintenance Special Assessments

On MOTION by Ms. Schwenk, seconded by Mr. Frye, with all in favor, the Public Hearing was Opened.

ii. Consideration of Resolution 2021-09 Imposing Special Assessments and Certifying an Assessment Roll

Ms. Burns noted that this resolution imposes the Operations & Maintenance assessments that the Board just adopted based on the budget that the Board adopted. It certifies an assessment roll that includes both the Debt assessment and the Operations & Maintenance assessment for the upcoming year. There being no public comments or Board input, Ms. Burns asked for a motion of approval.

On MOTION by Mr. Frye, seconded by Ms. Schwenk, with all in favor, Resolution 2021-09 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

On MOTION by Mr. Frye, seconded by Mr. Andrew Rhinehart, with all in favor, the Public Hearing was Closed.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-10 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022

Ms. Burns stated that the schedule in the agenda package reflects the same meeting time to continue through the next fiscal year. The Board will continue to meet on the first Wednesday of the month at 11:00 a.m.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, Resolution 2021-10 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022, was approved.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2021-11 Re-Designating the Registered Agent for the District

Ms. Burns noted that this resolution would name her as the registered agent and her office's address in Orlando as the location for any correspondence from the State to be sent.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, Resolution 2021-11 Re-Designating the Registered Agent for the District, was approved.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2021-12 Designating a Date, Time, and Location for a Landowners Meeting and Election

Ms. Burns noted that the Landowner's Election is scheduled for November and suggested the regularly scheduled November meeting date on November 3rd at 11:00 a.m.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, Resolution 2021-12 Designating a Date, Time, and Location for Landowners Meeting and Election, was approved.

ELEVENTH ORDER OF BUSINESS

Acceptance of Fiscal Year 2020 Audit Report

Ms. Burns presented the summary of the audit report to the Board and stated there were no findings and that it was considered a clean audit.

On MOTION by Mr. Andrew Rhinehart, seconded by Ms. Schwenk, with all in favor, the Fiscal Year 2020 Audit Report, was accepted.

TWELTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Wyk reminded the Board that ballots and proxies are available from Ms. Burns office for the Landowners Election. He had nothing further for the Board.

B. Engineer

There being none, the next item followed.

C. Field Manager

Mr. Tindell presented the field manager's report to the Board that can be found in the agenda package. Included in the report were two proposals for mulch and handrail installation.

i. Consideration of Mulch Proposals

a) Prince & Sons

b) American Mulch & Ground Cover, LLC

Two proposals were presented from Prince & Sons and American Mulch & Ground Cover, LLC. Prince & Sons quoted the District for \$7,650 while American Mulch came in at \$7,830. This would be for annual mulching.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, the Proposal from Prince & Sons for Mulch Installation, was approved.

ii. Consideration of Proposals for Handrail Installation

a) Traffic Control Products of Florida, Inc.

b) GMS

Mr. Smith and Mr. Tindell presented the quotes to replace the handrails. Of the two vendors, the Board decided to go with GMS \$1,195.16

On MOTION by Mr. Andrew Rhinehart, seconded by Ms. Schwenk, with all in favor, the GMS Proposal for Handrail Installation, was approved.

iii. Consideration of Proposal of Chairlift Repair

Staff offered two options of repair or replacement for the broken chairlift and their recommendation is to try to repair the lift.

On MOTION by Ms. Schwenk, seconded by Mr. Andrew Rhinehart, with all in favor, the Proposal for Chairlift Repair, was approved.

D. District Manager's Report

i. Approval of Check Register

Ms. Burns presented the check run summary to the Board and asked for any comments or concerns. There being none, there was a motion of approval.

On MOTION by Mr. Frye, seconded by Mr. Andrew Rhinehart, with all in favor, the Check Register, was approved.

ii. Balance Sheet and Income Statement

Ms. Burns noted that the financials through July 29th were in the package. No action was necessary at this time.

iii. Ratification of Fiscal Year 2021 Funding Request #1

On MOTION by Mr. Frye, seconded by Mr. Andrew Rhinehart, with all in favor, the Fiscal Year 2021 Funding Request #1, was ratified.

THIRTEENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Supervisors Requests and Audience comments

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Adjournment

Ms. Burns adjourned the meeting.

On MOTION by Ms. Andrew Rhinehart, seconded by Mr. Frye, with all in favor, the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman