

**MINUTES OF MEETING
EDEN HILLS
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Eden Hills Community Development District was held Wednesday, **February 15, 2023** at 4:01 p.m. at the Lake Alfred Public Library, 245 N. Seminole Ave., Lake Alfred, Florida.

Present and constituting a quorum:

Rennie Heath	Chairman (<i>Resigned during meeting</i>)
Eric Lavoie	Appointed as Chairman (previously Assistant Secretary)
Jessica Kowalski	Appointed as Vice Chairperson (previously Assistant Secretary)

Also present were:

Jill Burns	District Manager, GMS
Lauren Gentry	District Counsel, KVV Law Group
Lisa Kelley	Dewberry, District Engineer
Marshall Tindall	Field Manager, GMS
Emily Cassidy	Appointed as Supervisor
Jessica Petrucci	Appointed as Supervisor
Bobbie Henley	Appointed as Supervisor

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burns called the meeting to order and called the roll. Three Supervisors were present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Burns opened the public comment period for anything that was on the agenda today. Hearing none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignations from Matthew Cassidy and Lauren Schwenk

Ms. Burns asked the Board to accept the letters of resignation from Matthew Cassidy and Lauren Schwenk.

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On MOTION by Mr. Heath, seconded by Ms. Kowalski, with all in favor, Accepting the Letters of Resignation from Matthew Cassidy and Lauren Schwenk, was approved.

B. Appointment to Fill the Vacant Board Seat

Ms. Burns asked for a nomination to fill seat #4. There was a nomination from Eric Lavoie for Emily Cassidy to fill that seat.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, Appointing Emily Cassidy to the Board of Supervisors, was approved.

Ms. Burns asked for a nomination to fill seat #2. There was a nomination from Eric Lavoie for Jessica Petrucci to fill seat #2.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, Appointing Jessica Petrucci to the Board of Supervisors, was approved.

C. Administration of Oaths to Newly Appointed Supervisors

Ms. Burns swore in Emily Cassidy and Jessica Petrucci. Ms. Gentry reviewed the Sunshine law, the Public Records law, and the Ethics law with the newly appointed Supervisors. She explained that the Sunshine law states that they could only talk to their fellow Supervisors about District business when they were in a noticed public meeting; otherwise, there is no discussions about CDD business allowed. She explained that the Public Records law states that with only limited exceptions, every document generated in connection with the District is going to be public record and subject to disclosure upon request, so they recommended that they use a separate email address and keep their District files in a separate folder so that it is easy to get if they ever get a publics records request. She explained the Ethics law stating that similar rules apply to CDD Supervisors as County Commissioners.

Rennie Heath stated that he would like to resign. Ms. Burns stated that Mr. Heath occupied seat #3.

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On MOTION by Ms. Kowalski, seconded by Mr. Lavoie, with all in favor, Accepting the Letter of Resignation from Rennie Heath, was approved.

**Rennie Heath left the meeting at this time.*

Ms. Burns asked for a nomination to fill seat #3. Mr. Lavoie nominated Bobbie Henley to fill seat #3.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, Appointing Bobbie Henley to the Board of Supervisors, was approved.

Ms. Burns swore Bobbie Henley in.

D. Consideration of Resolution 2023-01 Electing Officers

Ms. Burns presented the resolution to the Board. The Board decided to appointed Eric Lavoie as Chairman, Jessica Kowalski to serve as Vice Chairman, Bobbie Henley, Jessica Petrucci, and Emily Cassidy would serve as Assistant Secretaries. Jill Burns would serve as Secretary and George Flint would serve as an Assistant Secretary.

On MOTION by Ms. Kowalski, seconded by Ms. Henley, with all in favor, Resolution 2023-01 Electing Officers as slated above, was approved.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the August 10, 2022 Board of Supervisors Meeting

Ms. Burns presented the August 10, 2022 Board of Supervisors meeting minutes and asked for any comments, changes, or corrections. The Board had no changes to the minutes.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Minutes of the August 10, 2022 Board of Supervisors Meeting, were approved.

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FIFTH ORDER OF BUSINESS**Presentation and Consideration of Amended & Restated Supplemental Assessment Methodology for Phase 2**

Ms. Burns stated that this was the bond issuance that was completed last year after there was a contract the developer had with one of the builders that was at a lower amount than what was previously known. She further explained that was corrected and the only change to this report was that the developer contribution was increased to lower the assessment on that amount. She noted that the developer was basically making a little bit of a larger contribution to make up the difference. She stated that other than that change, there were no other changes, and these have already been issued. She also stated that they would repost this as a disclosure.

On MOTION by Ms. Kowalski, seconded by Ms. Petrucci, with all in favor, the Amended & Restated Supplemental Assessment Methodology for Phase 2, was approved.

SIXTH ORDER OF BUSINESS**Consideration of Resolution 2023-02 Setting a Public Hearing on the Adoption of Amenity Policies and Rates for the District**

Ms. Burns presented Resolution 2023-02 to the Board stating that the amenity facility should be opening in the upcoming months. She explained that they needed to set a public hearing to adopt rules and rates for the District. She noted that the only rates included that they would see would be a non-resident user fee. She further explained that as a unit of government, the CDD needed to offer a non-resident user fee that would allow for people outside of the community to pay to utilize the amenities. She stated that the proposed rate was \$2,500 annually. She explained for the residents in attendance, that was not something that gets taken advantage of, but was something that they needed to do. She noted that the only other fee that was listed was a replacement keycard fee. She explained that these rules contemplated that each household would be given two cards and if they lose those, there is a \$30 replacement fee.

Ms. Burns reviewed the rules and policies stating that they were standard in nature. She noted that they were not adopting these today. They were only setting a public hearing at which time the residents would have a chance to come back and make any comments they may have. She stated that the Board would then adopt those policies at that time. She reviewed that the date in the

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resolution that was proposed, April 12, 2023. She noted that they did have to publish notice for these and that requires at least 30 days.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, Resolution 2023-02 Setting a Public Hearing on the Adoption of Amenity Policies and Rates for the District, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Fiscal Year 2023 Budget Deficit Funding Agreement

Ms. Burns stated that this was something that was inadvertently left off the August meeting when they adopted the budget. She noted that in order to limit the number of O&M assessments on the platted lots, the developer would provide a contribution in the event that there is a deficit to the budget. This Deficit Funding Agreement is stating that they will fund the excess up to the budgeted amount.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the Fiscal Year 2023 Budget Deficit Funding Agreement, was approved.

EIGHTH ORDER OF BUSINESS

Ratification of Quote for Pool Furniture at Amenity

Ms. Burns stated that this had already been signed off on by Mr. Heath previously. She noted that the pool furniture had already been ordered and they were just looking for a motion to ratify.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Quote for Pool Furniture at Amenity, was ratified.

NINTH ORDER OF BUSINESS

Ratification of Equipment Lease/Purchase Agreement for Playground Equipment and Pool Furniture

Ms. Burns stated that this was discussed at a prior meeting when the Board approved the playground equipment quotes that an entity was going to be found to enter into the Lease/Purchase

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Agreement that the Board saw. She explained that entity name was finalized, and it was signed by the Chair.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Equipment Lease/Purchase Agreement for Playground Equipment and Pool Furniture, was ratified.

TENTH ORDER OF BUSINESS

Ratification of Engagement Letter for Fiscal Year 2022 Audit Services with Berger, Toombs, Elam, Gaines & Frank

Ms. Burns stated that this was part of a renewal. She explained that the Board, as required by Florida Statute, did an RFP process for three years of the audit. She further explained that this was the second-year renewal and was for the contracted price of \$2,975.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Engagement Letter for Fiscal Year 2022 Audit Services with Berger, Toombs, Elam, Gaines & Frank, was ratified.

ELEVENTH ORDER OF BUSINESS

Ratification of Contract Agreement with Polk County Property Appraiser

Ms. Burns stated that Polk County required an annual renewal for the Agreement, and this would allow them to send all the parcels within Eden Hills so that they could use that information to be able to certify their assessments and collect them on the tax bill each year. She noted that this was for the fiscal year that will be collected this upcoming November. She explained that it had already been signed.

TWELFTH ORDER OF BUSINESS

Ratification of 2023 Data Sharing & Usage Agreement

Ms. Burns stated that this was another agreement that the Polk County property appraiser required. She explained that this was more administrative for their office. She noted that there were certain professions who may have their information excluded from a public records request and it was for them to not disclose those.

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On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Contract Agreement and the 2023 Data Sharing & Usage Agreement with Polk County Property Appraiser, were ratified.

THIRTEENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Gentry stated that she had nothing to report.

B. Engineer

Ms. Kelley stated that she had nothing to report.

C. Field Manager's Report

Mr. Tindall reviewed the field manager's report with the Board stating that the site did fairly well during the hurricanes. He noted that the primary damage was to the perimeter fence and those repairs were completed by a vendor. He noted that the new amenity was in progress, and they were monitoring that as it comes along. He noted that they were working to get some proposals from vendors to do maintenance and take over as soon as the amenity is ready to be turned over to the CDD, which includes the pool, janitorial, pest control, etc. He noted that there was damage to the well in Phase 1 and the landscaper was working to get that repaired and back up and running this week. He noted that the landscaping in Phase 2 should be about ready for some areas to be turned over. He stated that they had reached out to the landscaper and got a proposal, which is on page 180 of the agenda package.

Mr. Tindall presented the pond contracts stating that the pond in the area that they were discussing did need a contract. He noted that he reached out to some vendors to provide proposals for next month. The board decided to hold off on the pond maintenance for now.

i. Consideration of Proposal for Mulch Refresh from Floralawn

Mr. Tindall stated that Floralawn provided a proposal for the mulch refresh along the exterior Phase 1 and at the entrances. He stated that it was their recommendation to proceed with that, which totaled \$2,403.99. He noted that it would be coming out of the landscape replacement budget, which was \$7,500.

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On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Proposal for Mulch Refresh from Floralawn, was approved.

ii. Consideration of Proposal for Solar Lighting at Mailboxes

Mr. Tindall stated that there was a quote from GMS to do a solar light at the mailbox for \$702.50. He recommended to proceed with the solar light for security reasons and overall resident comfort. After Board discussion, it was decided to look into the motion light NTE \$850.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the Proposal for Motion Lighting at Mailboxes amended NTE \$850, was approved.

iii. Consideration of Proposals for Hog Trapping

a) Commando Pest Control & Trappers

b) Swine Solutions

Mr. Tindall presented the proposals for the hog trapping. He explained that the hogs were in the back of Phase 1. The first proposal he presented was from Commando Pest Control & Trapping for \$3,200 per month. He explained that they could do month to month on these and see how they do. He also explained that Commando monitors the traps and once the hog was trapped, they execute the hog and remove the hog from the site. He stated that Swine Solutions proposal totaled \$1,650 per month and there was a \$385 set up charge. He stated that if they set a NTE number, he would be happy to continue looking into some other options. Ms. Burns stated that they did have a general repairs and maintenance of \$7,500 that they only used \$1,200 of. She also stated that they had a field contingency of \$7,500 that they haven't tapped as well, so it was within the budget. After Board discussion, it was decided to go with Swine Solutions proposal for one month NTE \$2,500.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Proposal from Swine Solutions for One Month Hog Trapping NTE \$2,500, was approved.

iv. Consideration of Proposal for Landscape Maintenance Addendum from Floralawn for Selected Areas of Phase 2

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Mr. Tindall stated that Floralawn was proposed to do selective sections of Phase 2 that were ready to go for \$3,730 per month and \$44,760 annually in addition to the existing contract. He explained that the budget should allow for that. He stated that their recommendation would be to proceed with a proposal for landscape maintenance as proposed by Floralawn. He noted that they were already taking care of Phase 1 and were doing a good job. Ms. Burns stated that they were just adding Phase 2 to the contract. Mr. Lavoie asked when they were planning on starting, if they accept it. Mr. Tindall responded that once it gets approved, they could probably start in March. He explained that the walls were still being worked on. He stated that there was a one-time service fee noted for \$450, which was some clean up on the street and he didn't think that was necessary at this stage unless the Board wanted to step in and do clean-up work before the fence was ready. Ms. Burns stated that this would be overbudget for a whole year, but they were bringing it on part way through the year. It would need to be increased next year, but it was within budget for the current year. Mr. Tindall noted that the current budget right now was \$70,000. If they start in March through September with this proposal, they should be at about \$50,000 for this area that was included. This would leave about \$20,000 to cover the landscape, the amenity, or some other areas as they come online.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Proposal for Landscape Maintenance Addendum from Floralawn for Selected Areas of Phase 2, was approved.

D. District Manager's Report

i. Approval of the Check Register

Ms. Burns stated that the check register from October 1st through December 31st was included in the Board's agenda package and totaled \$143,506.32. She offered to answer any questions the Board had.

On MOTION by Ms. Kowalski, seconded by Mr. Lavoie, with all in favor, the Check Register, was approved.

ii. Balance Sheet and Income Statement

- a) September 2022**
- b) November 2022**
- c) December 2022**

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Ms. Burns presented the balance sheet and income statements to the Board for September 2022, November 2022, and December 2022. She explained that there was no action necessary.

iii. Ratification of:

a) Summary of Series 2022A Requisitions #38 to #53

b) Series 2022B Requisitions #1 to #5

Ms. Burns presented this item stating that the summary of Series 2022A Requisitions #38 to #53 had already been approved and funded. She also noted that the Series 2022B Requisitions #1 to #5 was approved and paid as well.

On MOTION by Mr. Lavoie, seconded by Ms. Kowalski, with all in favor, the Series 2022A Requisitions #38 to #53 and the Series 2022B Requisitions #1 to #5, were ratified.

FOURTEENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

An audience member asked when the Board thought the pool would be open. Mr. Lavoie responded that it would probably be the end of March. She also asked how access to the pool going to be taken care of. Ms. Burns explained that it was a key card system and once they got the internet services, they would put up a sign at the amenity and the entrance that has information for all residents. This audience member also noted concern about the dry ponds in Phase 1, the one near the mailbox. She stated that it runs greats and drains, but then it goes behind all the homes along the lake side, and it gets more narrower and doesn't go anywhere from there. She further explained that it was swamped. She felt like it contributed to their mosquito issue. Mr. Tindall responded that was one of the ponds that he noted needed a pond contract. He noted that it holds water throughout the year. Mr. Lavoie is going to look into this concern. The audience member also stated that for the mosquitos, they had called Polk County about coming out to spray, but they responded that there wasn't enough to come and spray. Ms. Burns stated that the mosquito control was not generally a CDD function. The last concern this audience member noted was about the fence. She explained that Phase 1 had the PVC fence and when the hurricane came through and a

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lot of it was blew over, they noticed that there was no concrete holding any post in and there were no posts under the vinyl sleeve. She explained that the vinyl sleeves were what was in the ground and every time they have a strong windstorm, that fence is a constant issue of maintenance until it's installed correctly. Ms. Burns responded that most of the fence's posts were not concreted in. Mr. Lavoie responded that he would have to research it. The audience member also stated that residents in Phase 1 were not happy with the fact that it was a PVC fence, which is not like the other Phases. She further explained that they didn't look like a cohesive development, and it devalued their property. Mr. Lavoie stated that he would look into if her fence was installed correctly. He noted that for the Phase 2 fence, it was a requirement from the city. He explained that whether it was horizontal or vertical it was still PVC, and the only change would be the column.

SIXTEENTH ORDER OF BUSINESS**Adjournment**

Ms. Burns adjourned the meeting.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the meeting was adjourned at 4:52 p.m.
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Secretary/Assistant Secretary



Chairman/Vice Chairman