

**MINUTES OF MEETING  
HOLLY HILL ROAD EAST  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Holly Hill Road East Community Development District was held on Tuesday, **May 14, 2024**, at 11:00 a.m. at the Lake Alfred Public Library, 245 N. Seminole Ave, Lake Alfred, Florida and via Zoom.

Present and constituting a quorum were:

Adam Morgan	Chairman
Brent Kewley	Vice Chairman
Rob Bonin	Assistant Secretary
Barry Bichard	Assistant Secretary
Kayla Word	Assistant Secretary

Also, present were:

Tricia Adams	District Manager, GMS
Grace Kobitter	District Counsel, Kilinski Van Wyk
Chace Arrington <i>by Zoom</i>	District Engineer, Dewberry
Marshall Tindall	Field Services Manager, GMS

*The following is a summary of the discussions and actions taken at the May 14, 2024 Holly Hill Road East 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 five Board members present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Ms. Adams opened the public comment period.

Resident Courtney Taylor (204 Citrus Isle Loop) commented on giving the City of Davenport police department authorization to come in and patrol their area. He stated that they say

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by Florida Statutes, they cannot come in and write tickets. Ms. Adams noted this item would be addressed as an agenda item.

Mr. Taylor commented that Saturday night he contacted a tow company in regards to a vehicle hooked up to a trailer. He noted it was there Friday night, Saturday night, Sunday night and was moved Monday. He sent the tow company pictures of the vehicle. Ms. Adams asked Mr. Taylor to provide those photographs to her, the District Manager.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the March 12, 2024 Board of Supervisors Meeting**

Ms. Adams presented the minutes of the March 12, 2024 Board of Supervisors meeting. She asked for any comments or corrections from the Board members. The Board had no changes to the minutes.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, the Minutes of the March 12, 2024, Board of Supervisors Meeting, were approved.

**FOURTH ORDER OF BUSINESS**

**Public Hearing**

Ms. Adams asked to open the public hearing.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, Opening the Public Hearing, was approved.

**A. Consideration of Resolution 2024-07 Adopting Easement Variance Policies and Fees**

Ms. Adams noted the Board approved setting public hearings today in order to adopt easement variance policies. She explained that throughout the private lots, there are easements that are in favor of the District. She further explained that when there is an easement, that gives the District a legal right to determine that nothing should be installed on that easement. This variance policy allows for consideration of some type of improvement such as a fence or landscaping to be installed in the easement variance. She stated if the Board approves this resolution, this approves the variance policy as outlined in the agenda packet. She explained that if the HOA management team got an application for a lot improvement that would impact an easement in favor of the District, then they would review that and determine if a variance should be granted. She further

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explained that if a variance should be granted, then this agreement would be recorded, and it stays with the lot.

**B. Consideration of Resolution 2024-08 Revising Suspension and Termination of Access Rule**

Ms. Adams noted District Counsel has prepared Resolution 2024-08, which outlines the suspension and termination of amenity privileges in accordance with Florida Statutes. She explained that the District owns and maintains certain amenities such as pools, playgrounds, dog parks, etc. throughout the District. She further explained that there are certain behaviors of actions that could result in the suspension or termination of amenity access privileges.

Ms. Kobitter noted the District currently has suspension and termination of access rules; however, this amends those. She explained that this was a bit more robust and clearly articulates the process for what will happen if a patron violates one of the District's amenity policies. It lays forth the process as well as who has the authority to provide that suspension being the District Manager. She added also if that patron decides to appeal the suspension, what that process looks like. She stated that also included is an administrative reimbursement up to \$500 for the fees that are incurred in review of that suspension as well as a property damage reimbursement. Additionally included is if either or both of those reimbursements are not paid then the patron's privileges can continue to be suspended until the District has reimbursed those fees from that patron. She was happy to answer any questions the District might have regarding this rule. Mr. Morgan asked if they were having an uptake in problems. Ms. Adams responded they have not had issues at this particular District, but this is considered best practices. She also responded that it was a recommendation from District Counsel to outline these very specific appeal procedures and the ability to get reimbursed for any fees related to this. She noted they have not had any particular issues, but they do experience issues at some Districts from time-to-time.

Ms. Adams asked for any public comments from members of the public regarding the easement variance policies that the Board is considering or the policies regarding the suspension and termination of amenity access.

Resident Courtney Taylor (204 Citrus Isle Loop) commented on the easement policy stating that he read the notes about one particular address on Citrus Isle Loop where a resident already installed a fence, and they were asking them to take it down. He asked if they were going to say that they already had it there so they can leave it or does she still have to take it down. Ms.

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Adams responded that the easement variance policies do not grandfather in any existing encroachments, nor do they limit the District's abilities to require the removal of something that is encroaching on an existing District easement. Resident Taylor commented on the pool too stating he agreed 100% that if they have somebody acting a fool, they should have their privileges revoked, suspended, fined, etc. He also commented that he was at the pool the other day and there was no signage of the hours of operation. He knew that the hours may be in the electronic mail messaging that is routinely sent, but a lot of people don't read it or don't have email. He asked if it was possible to post the hours of the pool. Ms. Adams noted a couple of issues stating the pool sign that is required by the Florida Department of Health either authorizes dusk to dawn pool operation or nighttime swimming. She explained this pool was authorized for dusk to dawn operation. They have adopted hours in accordance with the amenity policies that are longer when daylight savings time starts so that the pool is open until 8:00 p.m. during the summer months whereas starting in November, the pool closes at 7:00 p.m. She stated those hours are provided to patrons' when they request their amenity access card before it is mailed to them. They are provided with those, and they sign that they have read and reviewed and understand the District's amenity policies including the pool hours. She pointed out that they send out email messages about twice a month bringing pool rules to top of mind awareness including the pool hours.

Ms. Adams asked to close the public hearing.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, Closing the Public Hearing, was approved.

Ms. Adams noted Resolution 2024-07 adopts their easement variance policies and fees as presented in the agenda packet. There have been no changes to the proposed policies.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, Resolution 2024-07 Adopting Variance Policies and Fees, was approved.

Ms. Adams noted the next item was 2024-08 revising suspension and termination of access rule.

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On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, Resolution 2024-08 Revising Suspension and Termination of Access Rule, was approved.

**FIFTH ORDER OF BUSINESS****Consideration of Traffic Enforcement Agreement with Davenport Police Department**

Ms. Adams noted this item was included in the agenda packet on page 24. She explained in cases where the CDD owns and maintains the roadway, the CDD is a special purpose government created pursuant to Chapter 190 Florida Statutes. As a special purpose government, the roads that are owned and maintained by the CDD are public roadways. The District is prohibited from engaging in any traffic enforcement or law enforcement. They are not granted law enforcement or traffic enforcement powers. As a special District, they have limited powers. The law enforcement and traffic powers are the special privilege of the general-purpose government. They rely on the city police departments or in cases of unincorporated areas for the sheriff's office to enforce traffic laws and enforce all laws in the State of Florida. She noted the general purpose government has the privilege and ability to enforce all laws, but from time-to-time they will have a city attorney who advises that based on a statutory reference that allows special Districts to have a traffic enforcement agreement with the city that they do request such traffic enforcement agreement.

Ms. Adams explained that in the City of Davenport they do have a situation where the police chief and city attorney have requested and provided a form of agreement for traffic enforcement within the District. She further explained that this agreement has been reviewed and all of the requests on behalf of District Counsel have been provided back to the city attorney for review and input. It's also been reviewed by their insurance provider as well as by District management staff. Before the Board took action on this item, she asked for any comments or anything from District Counsel that she would like to put on the record. Ms. Kobitter responded that Ms. Adams said it very well. Ms. Adams stated this just memorializes and formalizes the police powers and the traffic enforcement powers with Davenport Police Department. She also noted the Davenport Police Department has been very cooperative. The police chief is very communicative and responsive. She noted her appreciation for the Davenport Police Department's attention to this District.

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On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, the Traffic Enforcement Agreement with Davenport Police Department, was approved.

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

Ms. Kobitter provided a brief reminder of the ethics training but had nothing further to report.

**B. Engineer****i. Presentation of Work Orders and Schedule of Charges**

Mr. Arrington stated they have their scope for their annual engineer's report. They are estimating a budget of \$3,000 plus other direct costs. He was happy to answer any questions. Ms. Adams stated this annuals engineer's inspection of all the District assets and the District property is required as part of their trust indenture, so they recommend approval.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, the Work Orders and Schedule of Charges, was approved.

**C. Field Manager's Report**

Mr. Tindall presented the field manager's report to the Board which can be found in the agenda package. He stated the pool area looks ok. They found some loose coping and it was promptly scheduled for repairs. The pool furniture came in and has already been set out. On the playgrounds, the garbage can, and bench will likely be installed beginning the first of next week. He stated the seasonal dry weather patterns have stressed landscaping in unirrigated areas. The Bahia grass is expected to bounce back as normal.

**i. Consideration of Estimate for Wall Repair**

Ms. Adams stated they handed out an estimate for wall repair under a separate cover. Their field services team provided photographs of exterior wall damage. There was a traffic accident and they have been unsuccessful in gathering a police report that identifies the driver of the vehicle as well as their insurance provider. She noted they made numerous contacts with the police department; however, they have not yet determined to what extent there is a report available. Usually when there is damage to District property, there is a police report, and they would pursue

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the vehicle driver's insurance to pay for the damages. She stated they did put their own insurance company on notice of the situation. She added that they heard there was a police officer on the scene. She noted the worst-case scenario if their insurance pays for it, it would be an insurance claim and they would have a deductible of \$2,500. In saying that, they are making every effort to identify the driver and if possible, they would pursue reimbursement. Ms. Adams stated they would make this top priority in order to secure a police report to whatever extent is available. Mr. Bonin wants to find out who the person is and pursue him/her legally. Mr. Tindall clarified for the Board in this incident based on investigation, the driver left the edge of the road on a corner and did not stop and drove down the slope of the dry pond through the dry pond and into the wall on the other side. Discussion ensued on this accident. Mr. Tindall said as soon as more information becomes available, he will update the Board and staff. Staff is further investigating this accident that occurred. Ms. Adams stated in the meantime, they believed repairing the exterior wall is top priority for the District for the appearance of the District. Mr. Tindall secured a turnkey proposal from start to finish from Signature Privacy Walls for \$22,400. Ms. Adams noted Signature Privacy Walls work is high quality. Ms. Adams stated the first choice is to pursue driver and their insurance. If that fails, worst-case scenario, they have a deductible of \$2,500 and it would be an insurance claim.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, Proposal from Signature Privacy Walls Totaling \$22,400, was approved.
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#### **D. District Manager's Report**

Ms. Adams reminded the Board that the Memorial Day holiday is coming up. She stated the District funded additional security to have a security officer at the pool, which has been schedule for the Memorial Day holiday. She noted that last year they had some unfortunate issues on the last day of school, so they have also scheduled a security officer to be at the pool on the last day of school.

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**i. Presentation of Registered Voters**

Ms. Adams stated as of April 15, 2024, there are 783 registered voters within the Holly Hill Road East CDD boundaries.

**ii. Approval of Check Register**

Ms. Adams presented the check register for review from March 1, 2024 to March 31, 2024 totaling \$34,025. She noted that there is a detailed register included in the agenda packet.

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, Check Register, was approved.

**iii. Balance Sheet & Income Statement**

Ms. Adams reviewed the balance sheet and income statement. She asked for any questions and noted that there is no action necessary from the Board. She brought to the Board's attention a budgeting matter. She explained that there is four playgrounds within the Holly Hill Road East CDD boundaries and one of the playgrounds has a shade structure and three of the playgrounds do not have a shade structure. She further explained that they have had a formal request from one of the HOA's regarding the ability to install a shade structure. She noted the rough estimates for the shade structure are right around \$30,000 per shade structure. She added that this is not a funded item, they don't have any monies available in their operations and maintenance budget and it would really deplete the reserves to consider this type of enhancement project. She pointed out that they do have lease agreements for the current playground equipment as well as the shade structures. Those lease agreements expire in December 2025. She explained the amount allocated each budget cycle is right around \$50,000. In saying that, she stated that they may want to consider keeping that as a placeholder in the budget to fund and install shade structures as the budget permits. She added that this would be down the road unless Board members would like to consider some other type of budgeting strategy. She asked for Board members feedback on this matter. Mr. Morgan responded that sounded good to him. Ms. Adams stated she would get back to the HOA and let them know some tentative plans and what will be expected down the road. Mr. Morgan responded whatever staff thinks is best. Ms. Adams responded that they could do one a year for three years in future budgets.



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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**

Ms. Adams opened the audience comments for audience members.

Resident Courtney Taylor (204 Citrus Isle Loop) asked when and if the City of Davenport Police Department goes through the motion to enforce in their community, who would be responsible for putting up signs at their entrance and exit for no parking. Ms. Adams responded they have sought assistance from the Davenport Police Department to help control traffic in those areas during the key times. She also pointed out that she got word that they have gone out and patrolled and moved some people to allow for free flow of traffic. Ms. Adams suggested that maybe their field manager can confer with the District engineer to see if he has any other recommendations for the appropriate type of signage that can be installed in the community entrances. She explained that they could restrict public parking on the roadway in accordance with the rules that they have adopted for the District. She also explained that they could direct staff to investigate further and come up with some kind of appropriate signage. The Board was comfortable with that recommendation and directed staff to investigate this matter further.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Morgan, seconded by Mr. Bichard, with all in favor, the meeting was adjourned.

DocuSigned by:

*Tricia Adams*

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Secretary/Assistant Secretary

DocuSigned by:

*Adam Morgan*

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Chairman/Vice Chairman