

MINUTES OF MEETING  
WESTSIDE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Westside Community Development District was held Tuesday, March 7, 2017 at 11:00 a.m. at the offices of Hanson Walter & Associates, 8 Broadway Avenue, Suite 104, Kissimmee, Florida.

Present and constituting a quorum were:

Drew Abel	Chairman
Keith Trace	Vice Chairman
Steven Kalberer	Assistant Secretary by telephone
Mike Dady	Assistant Secretary
Scott Stewart	Assistant Secretary

Also present were:

Jason Showe	District Manager
Jan Carpenter	District Counsel
Andrew d'Adesky	Latham Shuker
Santiago Machado	District Engineer
Alan Scheerer	Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the January 10, 2017 Meeting**

On MOTION by Mr. Dady seconded by Mr. Trace with all in favor the minutes of the January 10, 2017 meeting were approved as presented.
---

**FOURTH ORDER OF BUSINESS**

**Discussion of Parcel H Issues**

Ms. Carpenter stated there was one remaining pond that is part of the stormwater permit and this would be the two parcels that Mayfield owned at one time and Jeff Fuquay's company and the CDD filed a foreclosure lawsuit as part of the settlement Jeff Fuquay and Mayfield retained Parcel H and the SPE formed by the bond trustee for the CDD acquired Parcel L. Parcel H has since been sold to JTB Land at Westside, LLC, which is a Jr. Davis entity and they are doing the development. One of the pieces of the settlement agreement was that they would agree to give an easement to the county and the CDD for Pond 7. The time has come when we need to get that easement done. We have drafted it in a form that the county accepted the other ponds 9 and 10. Counsel for Mayfield at the time of the settlement came up with some different forms so we are hoping we can get them to agree to this as quick as possible for them to accept. We would look to the Board to authorize execution of drainage, maintenance and access easements in favor of Osceola County and the CDD for Parcel H. On Parcel L, which is next door that the SPE owns the Engineer noted that there is a drainage pipe that crosses a portion of Parcel L to get the stormwater to the pond so we also need similar easements to Osceola County and the CDD so the County has the ability to drain into the ponds and the CDD has the ability to maintain the entire pond. We would look for authorization for the CDD to sign and complete those Parcel H and L drainage easements.

Mr. Dady stated to clarify the easements are required by the County but cross noted in the settlement agreement that they will be worked between the parties in favor of the CDD and the county.

Ms. Carpenter stated yes, as part of the stormwater permit and the Phase 2 roadway construction the county requires stormwater drain off capacity in the CDD ponds. The CDD as a part of the completion process of the roadways has given the county easements for the runoff for the pond by the school parcel and ponds 9 and 10. This is the one remaining pond under the permit that the CDD needs to maintain under the stormwater permit that the county has a portion of for Westside Boulevard and Florence Villa Grove Road to drain off the road into the pond, which is why one easement has to be in favor of the County.

Mr. Dady asked Santiago have you looked at the location of the easement pipe? Does it fit within the current development plans for the parcel without any loss of density?

Mr. Machado stated that is correct. The plans that I have seen are the ones that were prepared by McIntosh. There is no conflict with any lots.

Ms. Carpenter stated the easements do allow for the owner to move it somewhere else as long as they don't affect the drainage capacity and the permit so if a future owner changes the development plan they could move the location as long as they worked with the CDD.

Mr. Dady stated that is an important provision.

Mr. Trace asked the road got constructed but the pond never got constructed?

Mr. Machado stated no, the pond is constructed but in a different location right now. They have come in with their development and they want to relocate the pond further away from Florence Villa Grove Road.

Mr. Trace stated I never saw a truly constructed pond with sodded side slopes.

Mr. Machado stated it never got sodded it is a dry pond the issue with the sod was because it is very dry out there they had a hard time getting sod to stick but it was constructed.

Mr. Trace asked if it is not sodded it is not built to Water Management District standards yet? I just don't want the CDD to take over something that is not done per the permit. Usually there is a clean handoff.

Ms. Carpenter stated this is an easement for access and drainage. We are not taking title to it.

Mr. Dady stated they have to petition us to say we are done.

Ms. Carpenter stated this is not exclusive drainage to operate and maintain after written acceptance that it has been completed in accordance with the permit.

Mr. Dady stated speaking for the SPE we want it to comply with this easement to Florence Villa Grove Road so we are okay. As to the lake our position would be if CDD Counsel is okay with the form of easement it accommodates their new location and it seems to satisfy the settlement agreement.

Ms. Carpenter stated it would be nice to get it done for the County too because they have been pushing for years to get the final pieces of this roadway and it would be nice to get that done so the CDD has no obligations. Santiago will you have legal descriptions for the pond and the pipe I can attach, that is the one thing I don't have yet?

Mr. Machado stated yes McIntosh prepared the legal descriptions.

Ms. Carpenter stated I will put it together for you to double check before I submit to the County and I will do it with black line against the pond.

Mr. Dady stated the pipe easement given that it is in the middle of two ongoing development parcels that are underway if it has to be massaged left or right we can work with staff to do that.

Ms. Carpenter stated we would use the same form that allows the owner to move it so long as they comply with the permit requirements: modify, alter, realign or otherwise relocate as long as they pay for the cost and they get the permitting.

On MOTION by Mr. Dady seconded by Mr. Abel with all in favor execution of the drainage, maintenance and access easements for Parcels H and L in favor of Osceola County and the CDD was approved.

**FIFTH ORDER OF BUSINESS**

**Discussion of Zoning Changes to Town Center Parcel**

Mr. Dady stated as part of the abandonment to the DRI that we teamed up with Mattamy to accomplish we noticed that one of the parcels that they were not acquiring was labeled as the Town Center and it had an abundance of entitlements and as Town Center there is a requirement that you must build it. They could compel you to build a ton of retail and commercial that the market doesn't recognize. We sought a comprehensive land use change outside of the DRI process to make it more flexible towards commercial and this rezoning would bring the parcel into conformance with the new comp plan. It is non-controversial in that it simply relies upon the underlying land use and will go forward and find an end user and come back to the District if there is any new master plans or plats to submit. We believe it is a neutral change and there is neither harm nor foul to the District.

Ms. Carpenter stated County staff has contacted our office twice on this issue, which we are usually never contacted for a zoning issue and I told them we have no zoning authority as a CDD. The only thing that would impact the CDD would be if the number of units of commercial is less dense than the O&M and debt obligation.

Mr. Showe stated the debt assessments would not be affected the O&M fluctuates based on actual use so there could be some impact.

Mr. Dady stated we will be coming back to the District with a new plan and a new lesser intensity of use. The assessment methodology will be applied to that parcel based on the approved site plan and plat. We will keep the Board posted on the progress of the rezoning.

Mr. Showe stated as an update on the Sabal Trails construction they have reported that the Goodman Road bore is complete, they are clearing and grading and expect trenching and piping installation in March and April and expect to be done in May and June with cleanup and restoration.

Mr. Trace stated just an FYI that same directional drill or bore went across Dyer Road on the east side of Shingle Creek and the road caved in afterwards. I don't know if it was water table issues or something else.

Ms. Carpenter stated if there are issues alert us ASAP because there was additional funding for that cave in issue.

Mr. Dady stated they fill this giant pipe with water for 100 miles then they flush it immediately at Westside and it will follow the natural drainage course and they have dewatering permits and all that but I supposed that would be an event we should look for. In my inspection of the property I did notice a lot of trash on Sabal Trails, broken pipe and debris. We have had our share of dumping and so forth and if you see stuff like that give them a shout and say clean up the trash.

Mr. Scheerer stated we will get that information to Jason and he can distribute it to the Board if there are any concerns going forward.

## **SIXTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Ms. Carpenter stated when we had our mediation with the County they brought up Westside Boulevard trying to get this completed, the Phase 2 and Phase 2 runs from Funie Steed Road down to the beginning of the south portion of Parcel L. The County has maintenance responsibility after July of last year so we are sort of off the hook but we are still trying to finish everything as if there had been a formal dedication. That is why the drainage ponds, the two parcels we had the settlement, the Jr. Davis parcels, are now in the County's control to own. The CDD still owns one little parcel that we took through eminent domain years ago but the County wouldn't accept it due to the fact that we weren't giving them the entire road. We think this is timely to get this piece from the CDD to the County so they have ownership of all of Westside Boulevard. I would like the Board to have us draft that and turn that over to the County so we

can send them the email saying these are the parcels that are left you have control of these two and we are getting the deed signed.

The other parcels that we identified that the SPE owns, the SPE has said that they would dedicate it to the County but since they are in a planning and zoning process they prefer to have that dedication made as part of the planning and permitting process. We also discovered one other little tidbit on Funie Steed Road, a piece still owned by Maesbury with hundreds of judgment liens against Maesbury, which has been the problem all along with these properties. We also discovered there are tax certificates still owned by the County so I would propose that we say to the County we don't believe we have any responsibility whatsoever but for \$500 you can own it and say this is now in your hands take it over to get them to do that. If they don't the CDD could pay the tax certificates and apply for the deed then dedicate it but I would much rather say to the County this is your problem just deal with it. I would like to be able to send an email and say this is it we are done after this.

Mr. Stewart asked do you have consensus on the other side that they will take it that way?

Ms. Carpenter stated the tax certificate process wipes out the judgment liens so that is why it is the way to go.

On MOTION by Mr. Abel seconded by Mr. Dady with all in favor conveyance of the deed for a portion of Westside Boulevard to the County for ownership, operation and maintenance was approved.

Mr. Dady asked is there an update dedication of the 25 feet of Sand Mine Road?

Ms. Carpenter stated yes, we submitted the title work and environmental from the Mayfield litigation to the County. The County said it looked in order and they just needed a deed so we wrote to Florio and maybe Corrada saying could you get the deed over. McIntosh was holding up that process until the drainage easements were done. As soon as I get that I'm going to say we have these signed off by the county we are going to give them to you but we need to exchange the deed.

**B. Engineer**

**i. Status of Conveyance of Utilities to TWA**

There being none, the next item followed.

**C. Manager**

**i. Approval of Check Register**

On MOTION by Mr. Abel seconded by Mr. Stewart with all in favor the check registers were approved.

**ii. Balance Sheet and Income Statement**

A copy of the balance sheet and income statement were included as part of the agenda package.

**iii. Discussion of Direct Bill Status**

Mr. Showe stated everyone has paid on the direct bills except for the Green Gate Lagoon for which Counsel has drafted a letter demanding payment.

**SEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

There being none,

On MOTION by Mr. Abel seconded by Mr. Trace with all in favor the meeting adjourned at 11:25 a.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman