

MINUTES OF MEETING  
WESTSIDE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Westside Community Development District was held Tuesday, July 19, 2022 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:

Tom Franklin	Chairman
Scott Stewart	Vice Chairman
Robert Bagwell	Assistant Secretary

Also present were:

Jason Showe	District Manager
Kristen Trucco <i>by phone</i>	District Counsel
Jay Lazarovich	LLEB
Pete Glasscock	District Engineer
Andy Hatton	Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Acceptance of Resignation of Connie Luong in Seat #2**

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Connie Luong's resignation was accepted.

**B. Letter of Interest to Fill Board Vacancy**

Mr. Showe stated we received a letter of interest from Jose Lagunilla, Jr. We have vacancies in seat 2, 3, and 5.

**C. Appointment of Individuals to Fill Seats 2, 3 & 5**

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor Jose Lagunilla, Jr. was appointed to serve the unexpired term of office of Seat no. 2.

**D. Oath of Office for Newly Appointed Supervisors**

This item tabled.

**E. Consideration of Resolution 2022-08 Electing Officers**

On MOTION by Mr. Stewart seconded by Mr. Franklin with all in favor Resolution 2022-08 was approved reflecting the following officers: Tom Franklin Chairman, Scott Stewart Vice Chairman, Jason Showe Treasurer, Katie Costa Assistant Treasurer, George Flint Secretary, Jose Lagunilla, Robert Bagwell, and Jason Showe Assistant Secretaries.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the April 5, 2022 Meeting**

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the minutes of the April 5, 2022 meeting were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-05 Redesignating the Date of the Public Hearing for the Proposed Fiscal Year 2023 Budget**

Mr. Showe stated we had to move the budget hearing to have quorum and Resolution 2022-05 would redesignate the date of the public hearing for today.

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor Resolution 2022-05 was approved.

**SIXTH ORDER OF BUSINESS**

**Public Hearing**

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the public hearing was opened.

**A. Consideration of Resolution 2022-06 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations**

Mr. Showe stated Resolution 2022-06 adopts the proposed budget and the adopted budget in final form will include any changes made by the Board today. There are no changes to the assessments.

*\*Ms. Trucco joined the meeting by telephone at this time.*

Mr. Showe stated the District has a good capital reserve for projects that may come up. He noted that there are no members of the public present to provide comments.

On MOTION by Mr. Bagwell seconded by Mr. Stewart with all in favor Resolution 2022-06 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations was approved.

**B. Consideration of Resolution 2022-07 Imposing Special Assessments and Certifying an Assessment Roll**

Mr. Showe stated next is Resolution 2022-07 imposing the special assessments and certifying the assessment roll. Attached to this resolution is the adopted budget and the assessment roll.

There being no members of the public to provide any comment, the Board took the following action.

On MOTION by Mr. Franklin seconded by Mr. Bagwell with all in favor Resolution 2022-07 Imposing Special Assessments and Certifying an Assessment Roll was approved.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the public hearing was closed.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposal from AMTEC to Provide Arbitrage Rebate Calculation Services for the Series 2019 Bonds**

Mr. Showe stated we need to contract for arbitrage services for the Series 2019 bonds, Windsor Parcel K. This proposal is from the firm that we normally use for these services. It will be \$900 for the first report which will cover two years then \$450 per year after that.

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor the proposal from AMTEC to provide a rebate calculation report for the Series 2019 bonds was approved.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Lazarovich stated we have been put on notice that the HOA is enforcing the road maintenance obligations and parking violations on CDD owned roads and parkways. We wanted to ask if you would like to propose and adopt rules that requires a formal public hearing. We need the Board to decide because we have to tell them that they shouldn't be enforcing those rules on CDD property.

Mr. Showe asked can we delegate authority to them to enforce their rules on our property?

Mr. Lazarovich stated we have reviewed this issue and there is nothing in there that mentions they have any rights or duties. We could do further research on that. I believe when it comes to maintenance, we can delegate to a third party but we believe that we would want to adopt the rules and then delegate it out.

Ms. Trucco stated this is being prompted because the CDD owns the roads. Because of that if we want to enforce any parking restriction or have a third party such as a security service or the association enforce those rules we first as the CDD have to formally adopt rules. If we adopt rules, we have to go through the formal public hearing process. We want direction from the Board, does the Board want parking restrictions on the roads right now or not. We will have to take next steps now that we have been put on notice that the association is enforcing parking rules.

Mr. Bagwell stated when the covenants and restrictions were created, no on street parking was put in there. The streets are narrow and if someone parks in the street everyone else has to go in the oncoming lane. Emergency vehicles have to be able to get through and they can't get through if someone parks on the street. We have an HOA rule that says no on street parking and they have been trying to enforce it. When there are too many cars for the driveway people park on the street and we send them a violation. We haven't gone any further than violations, no fines, we haven't sent them to the attorney, but we put them on notice that the rules say you are not supposed to park on the street. Technically, we haven't enforced it because we didn't go to formal enforcement with the attorney.

Ms. Trucco stated telling them what the problem is, they are violating some type of rule. Because they are CDD roads the CDD has to adopt rules and it could be no on street parking if that is what this Board would like we can bring back proposed rules that this Board can review

and tweak as much as you like before it goes to a public hearing then members of the community can come forward and provide comments at that public hearing. As far as enforcement rights, the CDD does not have these powers so we cannot fine individuals for violating the parking rules. We can adopt parking and towing rules, which is under a separate Florida Statute section and it requires certain signage before we are able to tow cars. We can bring back a set of proposed rules, I think GMS has done several sets of rules also. If the desire of the Board is to ask the association to enforce those by giving citations and calling a tow company or something like that, we can discuss that further.

Mr. Stewart stated there is no teeth in what he is trying to do right now. Can we make a set of rules then designate the authority to the HOA to enforce them or can the CDD enforce them?

Mr. Showe stated if we set the rules, we can designate them as the agent to enforce those rules.

Mr. Stewart asked can someone tow a car following that order?

Mr. Lazarovich stated once the rule is in place.

Mr. Bagwell stated we have lived with this for eight years and there are fewer short-term rentals now. This may be just a matter of waiting a couple more years and see if the problem slowly goes away. Let's give it another 12 to 24 months and see how this shakes out.

Mr. Showe stated let us know if it becomes more of a problem.

**B. Engineer**

There being none, the next item followed.

**C. Manager**

**i. Approval of Check Register**

Mr. Showe presented the check register from March 29, 2022 through June 30, 2022 in the amount of \$308,320.60.

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor the check register was approved.

**ii. Balance Sheet and Income Statement**

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

**iii. Discussion of Direct Bill Status**

A copy of the direct bill status was included in the agenda package.

**iv. Presentation of Number of Registered Voters – 1,296**

A copy of the letter from the Supervisor of Elections indicating there are 1,296 registered voters residing within the District was included in the agenda package.

**v. Approval of Fiscal Year 2023 Meeting Schedule**

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor the Fiscal Year 2023 meeting schedule reflecting meetings on the first Tuesday of the month was approved, as amended, moving the July 2023 meeting to July 11, 2023.

**NINTH ORDER OF BUSINESS**

**Supervisor’s Requests**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor the meeting adjourned at 11:30 a.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman