

AGENDA

*Scenic Highway
Community Development District*

Agenda

May 16, 2019

Scenic Highway

Community Development District

135 W. Central Blvd., Suite 320, Orlando, Florida 32801
Phone: 407-841-5524 – Fax: 407-839-1526

May 9, 2019

**Board of Supervisors
Scenic Highway
Community Development District**

Dear Board Members:

The regular meeting of the Board of Supervisors of **Scenic Highway Community Development District** will be held **Thursday, May 16, 2019 at 10:30 AM at 346 E Central Ave., Winter Haven, Florida 33880**. Following is the advance agenda for the meeting:

1. Roll Call
2. Public Comment Period (¹Speakers will fill out a card and submit it to the District Manager prior to the beginning of the meeting)
3. Approval of Minutes of the April 18, 2019 Board of Supervisors Meeting and Acceptance of the Minutes of the April 18, 2019 Landowners' Meeting
4. Public Hearing
 - A. Public Hearing on the Adoption of the District's Fiscal Year 2018-2019 and 2019-2020 Budgets
 - i. Consideration of Resolution 2019-33 Adoption of the Fiscal Year 2018-2019 and 2019-2020 Budget and Appropriating Funds
5. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. District Manager's Report
 - i. Presentation of Number of Registered Voters - 0
6. Other Business
7. Supervisors Requests and Audience Comments
8. Adjournment

The second order of business is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items. Speakers must fill out a Request to Speak form and submit it to the District Manager prior to the beginning of the meeting.

¹ Comments will be limited to three (3) minutes

The third order of business is the approval of the minutes of the April 18, 2019 Board of Supervisors meeting and acceptance of the minutes of the April 18, 2019 landowners' meeting. The minutes are enclosed for your review.

The fourth order of business opens the Public Hearing. Section A is the public hearing on the adoption of the District's Fiscal Year 2018-2019 and 2019-2020 Budget. Sub-Section 1 is the consideration of Resolution 2019-33 adoption of the Fiscal Year 2018-2019 and 2019-020 budget and appropriating funds. A copy of the resolution and budgets are enclosed for your review.

The seventh order of business is staff reports. Any staff reports will be discussed at this time. Section C is the District Managers report. Sub-Section 1 is the presentation of number of registered voters within the boundaries of the District. A copy of the letter from the Polk County Supervisor of Elections is enclosed for your review.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Jill Burns
District Manager

CC: Roy Van Wyk, District Counsel

Enclosures

MINUTES

MINUTES OF MEETING
SCENIC HIGHWAY
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Scenic Highway Community Development District was held on Wednesday, April 18, 2019 at 10:40 a.m. at 346 E. Central Ave. Winter Haven, Florida 33880.

Present and constituting a quorum were:

Rennie Heath	Chairman
Lauren Schwenk	Vice Chairman
Andrew Rhinehart	Assistant Secretary
Patrick Marone	Assistant Secretary
Jack Berry	Assistant Secretary

Also, present were:

Jill Burns	District Manager
Michelle Rigoni	Distirct Counsel
Dennis Wood	District Engineer

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burns called the meeting to order.

SECOND ORDER OF BUSINESS

Public Comment Period (*Speakers will fill out a card and submit it to the District Manager prior to the beginning of the meeting*)

Ms. Burns noted there were no members of the public present at the meeting.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oaths of Office to Newly Elected Board Members

Ms. Burns swore in everyone who was previously elected at the Landowners' Election. Lauren Schwenk, Jack Berry, Patrick Marone, and Andrew Rhinehart were sworn in as Board Members. Ms. Burns noted Rennie Heath would be sworn in at a later date because he was not at the meeting.

B. Consideration of Resolution 2019-28 Canvassing and Certifying the Results of the Landowners' Election

Ms. Burns reviewed the outcome of the Landowners' Election. She noted Rennie Heath and Lauren Schwenk will serve 4-year terms. Jack, Andrew, and Patrick will serve 2-year terms.

On MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, Resolution 2019-28 Canvassing and Certifying the Results of the Landowners' Election, was approved.

C. Election of Officers

Ms. Burns noted the previous meeting designated Rennie Heath as Chairman, Lauren Schwenk as Vice Chairman, Jill Burns as Secretary. Jack, Andrew, and Patrick will be Assistant Secretary as well as George Flint with GMS. Ariel Lovera will be Treasurer and Jill Burns will be Assistant Treasurer.

D. Consideration of Resolution 2019-29 Electing Officers

Ms. Burns asked for any changes or questions on Resolution 2019-29. The Board had no changes.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, Resolution 2019-29 Electing Officers, was approved.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the March 13, 2019 Meeting

Ms. Burns noted that Andrew's name would be changed to reflect the correct spelling and asked for any other changes to the minutes. The Board had no changes or comments on the March 13, 2019 minutes.

On MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, the Minutes of the March 13, 2019 Meeting, were approved, as amended.

FIFTH ORDER OF BUSINESS

Public Hearings

A. Public Hearing on the Imposition of Special Assessments

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

i. Presentation of Engineer’s Report

Mr. Wood presented the Engineer’s Report dated March 13th, 2019 to the Board. It was prepared to show the costs associated with the project. There is a total lot count of 368 lots. The cost for Phase 1 is \$5,465,000, Phase 2 is \$1,150,000 and Phase 3 is \$3,950,000. That totals \$10,565,000.

Ms. Rigoni asked Mr. Wood if, based on his professional appearance, are the cost estimates in the Engineer’s Report reasonable. Mr. Wood answered yes. Ms. Rigoni asked Mr. Wood if he is aware of any reason that the project cannot be carried out by the District. Mr. Wood answered no.

ii. Presentation of Assessment Methodology

Ms. Burns noted this would allocate the costs in the Engineer’s Report to the benefited parcels within the community. Ms. Burns reviewed the tables in the Assessment Methodology for the Board. Ms. Burns stated the bond sizing par amount was \$14,000,000 to generate the \$10,565,000 in construction funds. She noted the improvement cost per unit of \$28,709 which brings the par debt per unit to \$38,043 per unit. Table 6 shows the net and gross debt assessment per unit of \$2,764 for the net and \$2,972 for the gross. Ms. Burns asked the Board for any questions on the assessment methodology.

Ms. Rigoni asked Ms. Burns, in her professional opinion, did the lands subject to the special assessments receive special benefit from the District’s Capital Improvement Plan. Ms. Burns answered yes. Ms. Rigoni asked Ms. Burns if it was her opinion that the special benefits that the lands will receive as set forth in the final assessment will be equal to or in excess of the special assessments allocated. Ms. Burns answered yes. Ms. Rigoni asked Ms. Burns if it was her opinion that the special assessments are reasonably apportioned among lands within the District and subject to the special assessments. Ms. Burns answered yes. Ms. Rigoni asked Ms. Burns if, in her professional opinion, is it reasonable, just, and proper to assess the cost of the

infrastructure improvements against the lands in accordance with the methodology as presented today. Ms. Burns answered yes, it is. Ms. Rigoni asked Ms. Burns if it was her opinion that it is in the best interest of the District that special assessments be paid and collected in accordance with the methodology and District's assessment resolution. Ms. Burns answered yes.

iii. Consideration of Resolution 2019-30 Levying Special Assessments

Ms. Rigoni noted that there are no members of the public present and she has received no public comments at their office. The Board had no questions or changes to the assessment.

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

Ms. Rigoni presented Resolution 2019-30 levying special assessments. Section 1 of the resolution sets forth the Board's authority to adopt a resolution. Section 2 makes certain findings based on the steps taken to date as well as the evidence presented at today's hearing including Dennis and Jill's testimonies. Section 3 authorizes the District's project for the construction and acquisition of the infrastructure improvements as set forth in the Engineer's Report. Section 4 sets forth the estimated costs of the total project. Section 5 equalizes, approves, confirms, and levies special assessments. Section 6 addresses the finalization of the special assessments once the project has been declared completed. Section 7 provides for the payment and collection of the special assessments. Section 8 provides for the application of true up payments in certain circumstances. Section 9 provides that a certain property owned by HOAs, POAs, and governments are exempt from the special assessments. Section 10 provides for the recording of an assessment notice in the records of Polk County. Ms. Rigoni asked for questions on the resolution.

On MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, Resolution 2019-30 Levying Special Assessments, was approved.

B. Public Hearing on Adoption of District Rules of Procedure

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

Ms. Burns noted that no members of the public were present at the meeting.

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

i. Consideration of Resolution 2019-31 Adopting Rules of Procedure

Ms. Burns noted that the rules have not changed since the Board saw them at the previous meeting. Ms. Burns asked for questions or changes to the resolution.

On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, Resolution 2019-31 Adopting Rules of Procedure, was approved.

C. Public Hearing on the District’s Use of the Uniform Method of Levying, Collection, & Enforcement of Non Ad-Valorem Assessments

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

Ms. Burns noted that no members of the public were present at the meeting.

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

i. Consideration of Resolution 2019-32 Expressing the District’s Intent to Utilize the Uniform Method of Collection

Ms. Burns noted that this resolution authorizes them to use the Polk County tax bill in order to collect the assessments, but it does not obligate them to do so until they are ready.

On MOTION by Mr. Rhinehart, seconded by Mr. Marone, with all in favor, Resolution 2019-32 Expressing the District’s Intent to Utilize the Uniform Method of Collection, was approved.

SIXTH ORDER OF BUSINESS

Ranking of Proposals for District Engineering Services and Selection of District Engineer

Ms. Burns presented the one proposal they received from Wood & Associates. She suggested the Board rank Wood & Associates #1 and authorize the Chairman to execute the contract subject to District Counsel preparing the agreement.

On MOTION by Mr. Rhinehart, seconded by Mr. Berry, with all in favor, Ranking the Proposal from Wood & Associations for District Engineering Services as #1 and Selection of District Engineer subject to Counsel Preparing the Agreement, was approved.

Mr. Heath joined the meeting at this time and was sworn into office by Ms. Burns.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Rigoni noted the bond validation hearing for Scenic Highway was set for June 5th at 1:30 p.m.

B. Engineer

Mr. Wood had nothing further for the Board.

C. District Manager's Report

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Ms. Burns asked for any supervisor's requests or comments. The Board had no additional comments.

TENTH ORDER OF BUSINESS

Adjournment

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

Secretary/Assistant Secretary

Chairman/Vice Chairman

MINUTES OF MEETING
SCENIC HIGHWAY
COMMUNITY DEVELOPMENT DISTRICT

The Landowners' Meeting of the Scenic Highway Community Development District was held on Wednesday, April 18, 2019 at 10:30 a.m. at 346 E. Central Ave. Winter Haven, Florida 33880.

Present were:

Rennie Heath
Lauren Schwenk
Andrew Rhinehart
Patrick Marone
Jack Berry
Jill Burns
Michelle Rigoni
Dennis Wood

FIRST ORDER OF BUSINESS

**Determination of Number of Voting Units
Represented**

Ms. Burns stated that Jack Berry was the representative for JMBI Real Estate and owns 42.36 acres within the community authorizing him to cast 43 votes on behalf of that entity.

SECOND ORDER OF BUSINESS

Call to Order

Ms. Burns called the meeting to order.

THIRD ORDER OF BUSINESS

**Election of Chairman for the Purpose of
Conducting the Landowners' Meeting**

Ms. Burns noted that she would run the meeting as Chairman for the Landowners' Election.

FOURTH ORDER OF BUSINESS

**Nominations for the Position of
Supervisor**

Ms. Burns asked Jack Berry for nominations for the five vacant seats. Mr. Berry nominated Rennie Heath, Lauren Schwenk, Jack Berry, Andrew Rhinehart, and Patrick Marone.

FIFTH ORDER OF BUSINESS

Casting of Ballots

Mr. Berry nominated Rennie Heath with 43 votes, Lauren Schwenk with 43 votes, Jack Berry with 40 votes, Andrew Rhinehart with 40 votes, and Patrick Marone with 40 votes.

SIXTH ORDER OF BUSINESS

Ballot Tabulation

Ms. Burns noted Rennie and Lauren will serve 4-year terms, and Jack, Andrew, and Patrick will serve 2 year terms.

SEVENTH ORDER OF BUSINESS

Landowners' Questions and Comments

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Adjournment

There being none, the Landowners' Meeting was adjourned.

SECTION IV

SECTION A

SECTION 1

RESOLUTION 2019-33

THE ANNUAL APPROPRIATION RESOLUTION OF THE SCENIC HIGHWAY COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEARS BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 AND BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; AUTHORIZING BUDGET AMENDMENTS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Scenic Highway Community Development District (“**District**”) was established by Ordinance No. 19-1634 of the City Commission of the City of Haines City, Florida on March 7, 2019; and

WHEREAS, the District held its organizational meeting on March 13, 2019, where the District submitted to the Board of Supervisors (“**Board**”) of the District proposed budgets (“**Proposed Budgets**”) for the fiscal year beginning October 1, 2018 and ending September 30, 2019 (“**Fiscal Year 2018/2019**”), and for the fiscal year beginning October 1, 2019 and ending September 30, 2020 (“**Fiscal Year 2019/2020**”), along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budgets, the District filed a copy of the Proposed Budgets with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

WHEREAS, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, the District Manager posted the Proposed Budgets on the District’s website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during Fiscal Year 2018/2019 and Fiscal Year 2019/2020; and

WHEREAS, the District Manager has prepared Proposed Budgets, whereby the Proposed Budgets shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during Fiscal Year 2018/2019 and Fiscal Year 2019/2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SCENIC HIGHWAY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET

- a. The Board has reviewed the Proposed Budgets, copies of which are on file with the office of the District Manager and at the District's Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The Proposed Budgets, attached hereto as **Composite Exhibit "A,"** as amended by the Board, are hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* ("**Adopted Budgets**"), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budgets may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budgets, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Scenic Highway Community Development District for the Fiscal Year Ending September 30, 2019" and "The Budget for the Scenic Highway Community Development District for the Fiscal Year Ending September 30, 2020."
- d. The Adopted Budgets shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2018/2019, the sum of \$ _____, and for Fiscal Year 2019/2020 the sum of \$ _____ to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND (FISCAL YEAR 2018/2019) \$ _____

TOTAL GENERAL FUND (FISCAL YEAR 2019/2020) \$ _____

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2018/2019 or Fiscal Year 2019/2020, or within 60 days following the end of Fiscal Year 2018/2019 or Fiscal Year 2019/2020, may amend its Adopted Budget for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraphs c. and d. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 16th DAY OF MAY, 2019.

ATTEST:

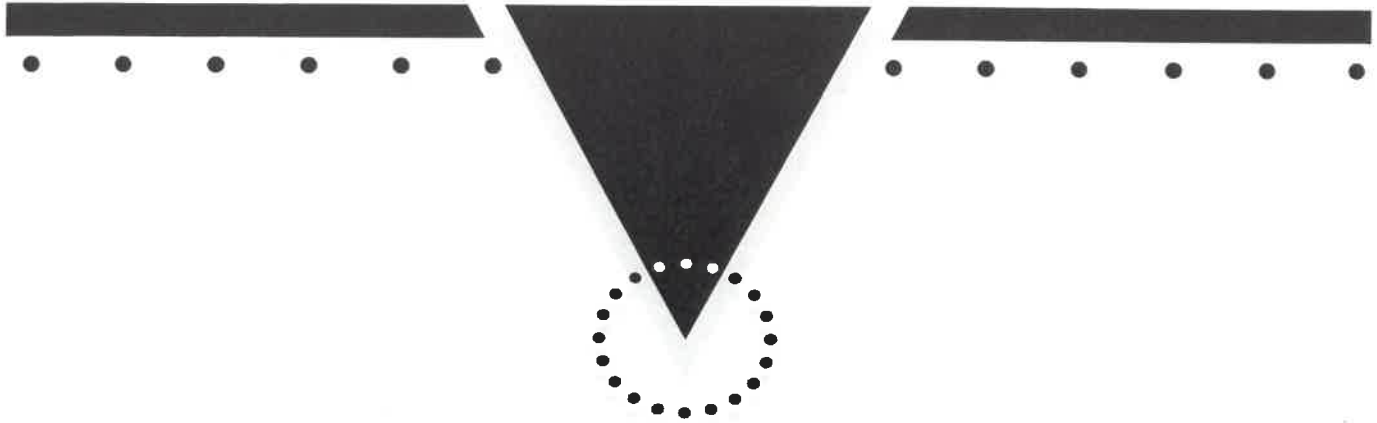
**SCENIC HIGHWAY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

Exhibit A



**Scenic Highway
Community Development District**

**Proposed Budget
FY 2019 & FY 2020**



Table of Contents

1 General Fund

2-3 General Fund Narrative

Scenic Highway

Community Development District

Proposed Budget General Fund

Description	Proposed Budget FY2019*	Proposed Budget FY2020
<u>Revenues</u>		
Developer Contributions	\$74,093	\$113,178
Total Revenues	\$74,093	\$113,178
<u>Expenditures</u>		
<i><u>Administrative</u></i>		
Supervisor Fees	\$7,000	\$12,000
FICA Expense	\$536	\$918
Engineering	\$8,750	\$15,000
Attorney	\$15,000	\$25,000
Management Fees	\$20,417	\$35,000
** Information Technology	\$3,125	\$1,500
Telephone	\$175	\$300
Postage	\$583	\$1,000
Insurance	\$5,000	\$5,000
Printing & Binding	\$583	\$1,000
Legal Advertising	\$10,000	\$10,000
Other Current Charges	\$2,000	\$5,000
Office Supplies	\$365	\$625
Travel Per Diem	\$385	\$660
Dues, Licenses & Subscriptions	\$175	\$175
Total Expenditures	\$74,093	\$113,178
Excess Revenues/(Expenditures)	\$0	\$0

* Budget is prorated from March 2019 to September 2019.

** Budget amount includes a one-time website creation fee.

**Scenic Highway
Community Development District**
GENERAL FUND BUDGET

REVENUES:

Developer Contributions

The District will enter into a Funding Agreement with the Developer to fund the General Fund expenditures for the Fiscal Year.

EXPENDITURES:

Administrative:

Supervisor Fees

Chapter 190, Florida Statutes, allows for each Board member to receive \$200 per meeting, not to exceed \$4,800 per year paid to each Supervisor for the time devoted to District business and meetings.

FICA Expense

Represents the Employer's share of Social Security and Medicare taxes withheld from Board of Supervisors checks.

Engineering

The District's engineer will be providing general engineering services to the District, e.g. attendance and preparation for monthly board meetings, review invoices and various projects as directed by the Board of Supervisors and the District Manager.

Attorney

The District's legal counsel will be providing general legal services to the District, e.g. attendance and preparation for meetings, preparation and review of agreements, resolutions, etc. as directed by the Board of Supervisors and the District Manager.

Management Fees

The District will incur costs for Management, Accounting and Administrative services during the Fiscal Year.

Information Technology

Represents costs related to the District's accounting and information systems, District's website creation and maintenance, electronic compliance with Florida Statutes and other electronic data requirements.

Telephone

Telephone and fax machine.

Scenic Highway
Community Development District
GENERAL FUND BUDGET

Postage

The District incurs charges for mailing of Board meeting agenda packages, overnight deliveries, correspondence, etc.

Insurance

The District's general liability, public official's liability insurance and property insurance coverages.

Printing & Binding

Printing and Binding agenda packages for board meetings, printing of computerized checks, stationary, envelopes etc.

Legal Advertising

The District is required to advertise various notices for monthly Board meetings, public hearings, etc. in a newspaper of general circulation.

Other Current Charges

Bank charges and any other miscellaneous expenses incurred during the year.

Office Supplies

Any supplies that may need to be purchased during the fiscal year, e.g., paper, minute books, file folders, labels, paper clips, etc.

Travel Per Diem

The Board of Supervisors can be reimbursed for travel expenditures related to the conducting of District business.

Dues, Licenses & Subscriptions

The District is required to pay an annual fee to the Florida Department of Economic Opportunity for \$175. This is the only expense under this category for the District.

SECTION V

SECTION C

SECTION 1



April 24, 2019

Jorgi Algard – Recording Secretary
Scenic Highway CDD Office
135 West Central Blvd. Suite 320
Orlando, Florida 32801-2435

RE: Scenic Highway Community Development District Registered Voters

Dear Ms. Algard,

In response to your request, there are currently no voters within the Scenic Highway Community Development District as of **April 15, 2019**.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Lori Edwards". The signature is written in a cursive style.

Lori Edwards
Supervisor of Elections
Polk County, Florida

RECEIVED

APR 29 2019

BY: _____

P.O. Box 1460, Bartow, FL 33831
PHONE: (863) 534-5888 Fax: (863) 845-2718

PolkElections.com