

# North Powerline Road Community Development District

12051 Corporate Boulevard, Orlando, FL 32817; 407-382-3256

---

The following is the proposed agenda for the Landowners Meeting and Board of Supervisors meeting for the North Powerline Road Community Development District, scheduled to be held **Wednesday, August 15, 2018 at 10:00 a.m. at the Offices of Cassidy Homes, 346 East Central Ave., Winter Haven, FL 33880.** Questions or comments on the Board Meeting or proposed agenda may be addressed to Jane Gaarlandt at [janeg@fishkind.com](mailto:janeg@fishkind.com) or (407) 382-3256. A quorum (consisting of at least three of the five Board Members) will be confirmed prior to the start of the Board Meeting.

If you would like to attend the Board Meeting by phone, you may do so by dialing:

Phone: 1-877-864-6450

Participant Code: 454943

## **PROPOSED LANDOWNERS' MEETING AGENDA**

- Call to Order
- Appointment of Chairperson for the Purpose of Conducting the Landowners' Meeting
- Determination of Number of Voting Units Represented or Assigned by Proxy
- Acceptance of Nominations for the Board of Supervisors
- Casting of Ballots
- Ballot Tabulations and Announcement of Election Results
- Adjournment

## **PROPOSED BOARD OF SUPERVISORS' MEETING AGENDA**

### **Administrative Matters**

- Roll Call to Confirm Quorum
- Administration of the Oath of Office to Newly Elected Board Members
- Public Comment Period
- 1. **Consideration of the Minutes of the July 18, 2018 Board of Supervisors Meeting**
- 2. **Consideration of Resolution 2018-26, Ratifying and Approving Certain Board Actions**
- 3. **Consideration of Resolution 2018-27, Canvassing and Certifying the Results of the Landowners' Election**
- 4. **Consideration of Resolution 2018-28, Appointing District Officers**

### **Other Business**

Staff Reports  
District Counsel  
Interim Engineer  
District Manager  
Supervisor Requests and Audience Comments  
Adjournment

**North Powerline Road  
Community Development District**

**Landowners' Meeting**

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF  
NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT  
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **August 15, 2018**

TIME: **10:00 a.m.**

LOCATION: **Office of Cassidy Homes  
346 East Central Avenue  
Winter Haven, Florida 33880**

Pursuant to Chapter 190, *Florida Statutes*, within 90 days of establishment of the North Powerline Road Community Development District ("**District**") there must be held a meeting of the landowners for the purpose of electing members of the Board of Supervisors ("**Board**") and the District will continue to do so every two years until the District qualifies to have its Board elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), *Florida Statutes*.

A landowner may vote in person at the landowners' meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term (for this initial election five seats are open, as specified below). A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

Five (5) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The three candidates receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.



**North Powerline Road  
Community Development District**

**Minutes**

**MINUTES OF MEETING**

***NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS MEETING***

*Wednesday, July 18, 2018 at 10:05 a.m.*

*Offices of Cassidy Homes*

*346 East Central Ave.,*

*Winter Haven, Florida 33880*

Board Members present at roll call:

Rennie Heath	Board Member
Lauren Schwenk	Board Member
Andrew Rhinehart	Board Member
Kevin Chinoy	Board Member
Phillip Allende	Board Member

Also, Present:

Sarah Sandy	Hopping Green & Sams, P.A
Jane Gaarlandt	Fishkind & Associates, Inc.
Kevin Plenzler	Fishkind & Associates, Inc. (via phone)
Monica Sutera	Fishkind & Associates, Inc. (via phone)
Dennis Wood	Dennis Wood Engineering
Bob Gang	Greenburg Traurig (via phone)
Camille Evans	Greenburg Traurig (via phone)
Jill Cupps	GMS

**FIRST ORDER OF BUSINESS**

**Call to Order and Roll Call**

The meeting was called to order at 10:05 a.m. Those in attendance are outlined above.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There were no members of the public present.

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes of the  
June 20, 2018 Organizational  
Board of Supervisors Meeting**

The Board reviewed the Minutes of the June 20, 2018 Organizational Board of Supervisors Meeting

On MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, the Board Approved the Minutes of the June 20, 2018 Organizational Board of Supervisors Meeting

**FOURTH ORDER OF BUSINESS**

**Reconsideration of Resolution  
2018-13, Designating Local District  
Office**

Ms. Sandy explained that at the last meeting staff discussed whether or not there was a requirement that the Local District Office be located in the County of the District. She noted that it is required to be in the County in which the District is located so she would like to have the Board reconsider Resolution 2018-13, and designate the local District office as the Offices of Cassidy Homes.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board Approved Resolution 2018-13, Designating Local District Office as the Office of Cassidy Homes.

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposal for  
General Liability and Public  
Officers Insurance**

Ms. Gaarlandt explained that it is prorated through the end of the year but the full year costs \$5,000.00 and is in line with what Districts typically pay.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board Approved General Liability and Public Officers Insurance.

**SIXTH ORDER OF BUSINESS**

**Consideration of Bond Financing  
Team Funding Agreement**

Ms. Sandy explained that this is the typical form of agreement that has been used at other Districts and it provides that Polk Urban Management project, LLC would provide the money to the District for the expenses necessary for the issuance of the Bonds. The funds will be provided within 15 days of a request and the District must provide the Developer copies of any of the invoices and expenses it is requesting reimbursement for and the expenses will be reimbursed at the time that the Bonds are issued.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board Approved the Bond Financing Team Funding Agreement.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Underwriter Agreement with FMS Bonds**

Ms. Sandy presented the Underwriter Agreement with FMS Bonds to the Board.

On MOTION by Mr. Rhinehart, seconded by Ms. Schwenk, with all in favor, the Board Approved the Underwriter Agreement with FMS Bonds.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Bond Counsel Agreement with Greenberg Traurig**

Mr. Gang presented the Bond Counsel Agreement to the Board. He noted that it is in line with engagement letters that Greenberg Traurig has with other Districts in the County.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board Approved the Bond Counsel Agreement with Greenberg Traurig.

**NINTH ORDER OF BUSINESS**

**Consideration of Trustee Agreement with US Bank**

Ms. Sandy presented the Trustee Agreement.



On MOTION by Ms. Schwenk, seconded by Mr. Rhinehart, with all in favor, the Board Approved the Trustee Agreement with US Bank.

**TENTH ORDER OF BUSINESS**

**Consideration of Engineer's Report**

Ms. Sandy stated that this report was prepared by Mr. Wood and identifies the proposed Capital Improvement Plan for the project at a Master level and will be used for the issuance of the Bonds and the levying of the assessments.

Mr. Wood provided a review of the Engineer's Report for the Board. He stated that he will be adjusting the site plan based on the survey received yesterday. Ms. Sandy asked if he anticipates any increase in the overall cost. Mr. Wood responded that he thinks that the lot count will go down vs up and it may adjust the layout. Ms. Sandy stated that it might affect the Assessment Report. Mr. Wood stated that there appears to be an increase in the depth of lots without losing lot count and he thinks the lot count will be the same. Ms. Sandy stated that the total anticipated is \$15,320,500.00 for the entire Capital Improvement Plan and it includes improvements for off-site stormwater utilities, roadway, entry features, parks and amenities, and contingency. Mr. Wood replied that is correct. Ms. Sandy asked is the costs provided here are reasonable and proper. Mr. Wood responded yes. Ms. Sandy asked if he had any reason to believe that the project cannot be carried out by the District. Mr. Wood responded that he did not.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Assessment Methodology**

Ms. Sandy stated that this is a report that was prepared by Fishkind & Associates for the Master Assessment Report and allocates the Assessments to the anticipated lots within the District by Phase. The Amount of the assessments corresponds to the improvements that were discussed in the Engineer's Report and it allocates the maximum assessment amount that may be levied on the lands within the District.

Mr. Plenzler provided an overview of the Assessment Methodology to the Board, noting a max bond principal amount of \$20,630,000. Ms. Sandy asked Mr. Plenzler if in his professional opinion the lands that are subject to the assessments receive a special benefit from the project. Mr. Plenzler responded yes. Ms. Sandy asked if in his professional opinion the special assessments are reasonably apportioned. Mr. Plenzler replied yes. Ms. Sandy asked if in his professional opinion the special benefits to the

lands are equal to or in excess of the special assessments on the land. Mr. Plenzler responded yes.

Ms. Sandy noted that both the Engineer's Report and Master Assessment Report are preliminary at this time and may be updated prior to the adoption of the final version at the assessment hearing.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-23, Declaring Special Assessments**

Ms. Sandy presented Resolution 2018-23 to the Board explaining it provides the District determines that the benefits identified in the Engineer's Report will accrue to the property, the amount of those benefits, and the amount of assessments in proportion to the benefits received as identified in the Master Assessment Report. Specifically, it provides for a max principal assessment amount of \$20,630,000 and an improvement cost of \$15,320,500.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board Approved Resolution 2018-13, Declaring Special Assessments, subject to date of the Master Assessment Methodology Report change to July 11, 2018.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-24, Setting a Public Hearing Date for Imposing Special Assessments**

Ms. Gaarlandt recommended Wednesday September 19, 2018 for the date of the public Hearing.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board Approved Resolution 2018-24, Setting September 19, 2018 at 10:00 a.m. at the current location as the Public Hearing Date for Imposing Special Assessments.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-25, Bond Resolution**

Ms. Evans presented the Bond Resolution to the Board noting among other things it authorizes the issuance of bonds at a not to exceed amount of \$22 million in one or more series in order to finance the capital improvements description in the Engineer's Report and approves the form of the Master Trust Indenture.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved Resolution 2018-25, Bond Resolution.

#### **FOURTEENTH ORDER OF BUSINESS**

#### **Staff Reports**

**District Counsel –** Ms. Sandy stated that the Chair has asked District staff to look into the termination of the current District Management and Financial Advisor and asked staff to bring forward proposals from GMS. Ms. Cupps is here from GMS. Ms. Sandy presented the proposal to the Board.

Ms. Cupps explained that the proposal is substantially the same as the agreement seen on District such as Highland Meadows II and the fees outlined are the same with the exception of the Dissemination Agent and the website services there is pending litigation regarding ADA services to make District websites compliant. She explained that the District website price might change depending on ADA requirements. Ms. Sandy noted that there is a page on the back of the proposal that shows the comparison of the fees. Ms. Sandy stated that if the Board would like to make that change she recommended that the District keeps Fishkind through the end of the fiscal year.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved the Termination of the District Management Services and Financial Advisory Agreements with Fishkind & Associates effective September 30, 2018 and directed Direction District Staff to send notices regarding the same and approve in substantial form the Proposal from GMS effective October 1, 2018.

**District Engineer –** No Report

**District Manager –** Mr. Plenzler stated that the Financial Advisory Consultant Services get paid out of Bond proceeds and Fishkind will work down the

road to put the District in a position to put Bonds in place and market them. He asked the Board to take that into consideration for a partial payment to Fishkind for the work done up until September. Ms. Cupps stated that she thinks that staff can work on splitting the financial advisory fee to make sure that the Board is not paying any more than the current amount and to make sure that Fishkind gets paid for the work provided.

Ms. Gaarlandt reminded the Board about submitting the Form 1 to the Supervisor of Elections.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

There were no Supervisor requests or audience comments.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

There were no other questions or comments. Ms. Gaarlandt requested a motion to adjourn.

ON MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Wednesday, July 18, 2018 Board of Supervisors Meeting for North Powerline Road was adjourned.

\_\_\_\_\_  
Secretary / Assistant Secretary

\_\_\_\_\_  
Chairman / Vice Chairman



**North Powerline Road  
Community Development District**

**Resolution 2018-26**

**RESOLUTION 2018-26**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT RATIFYING AND APPROVING CERTAIN BOARD ACTIONS EVIDENCED BY RESOLUTIONS 2018-1 THROUGH 2018-25 ADOPTED AT DULY ADVERTISED MEETINGS OF THE BOARD OF SUPERVISORS HELD JUNE 20, 2018 AND JULY 18, 2018 AND ALL OTHER ACTIONS TAKEN BY THE BOARD.**

**WHEREAS**, the North Powerline Road Community Development District (the "District"), in accordance with provisions of Chapter 190, *Florida Statutes*, did hold its organizational meeting and did proceed to organize, appoint certain District staff members and hold a meeting on June 20, 2018; and

**WHEREAS**, the District, in accordance with provisions of Chapter 190, *Florida Statutes*, did hold a meeting of the Board of Supervisors (the "Board") on July 18, 2018, and did proceed to adopt certain agreements and resolutions related to financing matters of the District;

**WHEREAS**, on August 15, 2018, the Landowners' Meeting was held; and

**WHEREAS**, having conducted said Landowners' Meeting at which time five Board Members were elected; and

**WHEREAS**, the newly elected Board did hold a meeting on August 15, 2018; and

**WHEREAS**, it is the desire of the newly elected Board to ratify the appointed Board action as represented in Resolutions 2018-01 through 2018-25, copies of which are a part of the official District minutes.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT;**

1. Resolutions 2018-01 through 2018-25, and all other actions taken by the Board are hereby ratified and approved and shall remain in full force and effect until modified by appropriate Board action.

**PASSED AND ADOPTED THIS 15TH DAY OF AUGUST, 2018.**

**ATTEST:**

**NORTH POWERLINE ROAD  
COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson





**North Powerline Road  
Community Development District**

**Resolution 2018-27**

**RESOLUTION 2018-27**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the North Powerline Road Community Development District (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated within the City of Davenport, Florida and unincorporated Polk County, Florida; and

**WHEREAS**, pursuant to Section 190.006(2), *Florida Statutes*, a landowners meeting is required to be held within 90 days of the District's creation and every two years following the creation of the District for the purpose of electing supervisors of the District; and

**WHEREAS**, such landowners meeting was held on August 15, 2018, the Minutes of which are attached hereto as Exhibit A, and at which the below recited persons were duly elected by virtue of the votes cast in his/her favor; and

**WHEREAS**, the Board of Supervisors of the District, by means of this Resolution, desire to canvas the votes and declare and certify the results of said election.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT:**

Section 1. The following persons are found, certified, and declared to have been duly elected as Supervisor of and for the District, having been elected by the votes cast in their favor as shown:

_____	Seat 1	Votes _____
_____	Seat 2	Votes _____
_____	Seat 3	Votes _____
_____	Seat 4	Votes _____
_____	Seat 5	Votes _____

Section 2. In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisor, the above-named person is declared to have been elected for the following term of office:

_____	4 Year Term
_____	4 Year Term

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2 Year Term  
2 Year Term  
2 Year Term

Section 3. This resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED THIS 15TH DAY OF AUGUST, 2018.**

**NORTH POWERLINE ROAD  
COMMUNITY DEVELOPMENT  
DISTRICT**

Attest:

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairperson



**North Powerline Road  
Community Development District**

**Resolution 2018-28**

**RESOLUTION 2018-28**

**A RESOLUTION ELECTING THE OFFICERS OF THE NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT, POLK COUNTY, FLORIDA**

WHEREAS, the North Powerline Road Community Development District (the "District") is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the Board of Supervisors of the District ("Board") desires to elect the Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**Section 1.** The following persons are elected to the offices shown:

Chair	_____
Vice Chair	_____
Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____

**PASSED AND ADOPTED** this 15th day of August, 2018.

**ATTEST:**

**NORTH POWERLINE ROAD  
COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairperson, Board of Supervisors